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Senate

The Senate met at 9:32 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:

Our loving, heavenly Father, as we approach the Memorial Day recess, we pause gratefully to remember those who gave their lives for our Nation. "Greater love has no one than this, than to lay down one's life for his friends."—John 15:13. Help us never to forget their sacrifice in defense of our Nation and democracy. May we be a nation worthy of their dedication to the cause of freedom which cost them their lives.

Along with the heroes of the past we also remember our loved ones and friends who have graduated to heaven. Thank You for overcoming our fear of death with the sure conviction that this life is but a small part of the whole of eternity and death is a transition and not an ending. Help us to know You and love You in this life so that worry over death will be past. Thank You for the gift of eternal hope. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

ORDER FOR MORNING BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that there be a period of morning business until 10:15 this morning with Senators to speak for up to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. ALLARD. This morning, at 10:15, the Senate will resume consideration

of the Department of Defense authorization bill and begin debate on amendments to the bill. Senator BROWBACK is expected to offer an amendment regarding Pakistan, which will be followed by an amendment by Senator KERREY of Nebraska regarding strategic nuclear development systems. Under a previous consent, at 11:45 the Senate will resume consideration of the BRAC amendment. At least one vote will occur in relation to the BRAC amendment at 1:45 p.m. Therefore, Senators can expect the first vote for today to occur at approximately 1:45 p.m. Senators who have amendments to S. 1059 should contact the bill managers so action on this bill can be completed prior to the scheduled Memorial Day recess.

MEASURE PLACED ON CALENDAR

Mr. ALLARD. I understand there is a joint resolution at the desk due for its second reading.

The PRESIDENT pro tempore. The clerk will read the measure for the second time.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 26) expressing the sense of the Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

Mr. ALLARD. I object to further proceedings on this matter at this time.

The PRESIDENT pro tempore. The measure will be placed on the calendar.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period of morning business until 10:15. The Senator from Kansas is recognized.

LIFTING OF ECONOMIC SANCTIONS ON INDIA AND PAKISTAN

Mr. BROWBACK. Mr. President, today we had this time reserved to discuss an amendment that I was planning to offer dealing with the lifting of economic sanctions on India and Pakistan. I did so in the belief, actually in the hope, that the bilateral relationship between India and Pakistan had improved in the wake of the Lahore summit. The summit seemed to imply that. Unfortunately, I was wrong.

According to Indian news agencies Indian helicopter gun ships, backed by MiG-17 fighter aircraft from India's air force bombed the troubled state of Kashmir, marking the most serious escalation of tensions on the Indo-Pakistani border in the last several years. As a result, I have reconsidered the wisdom of offering my amendment on India and Pakistan at this time.

It is important that I note here today that I strongly believe in the long term importance of easing economic sanctions on both of these nations. I also believe that the United States ignores at its peril these two vital countries. That reality is highlighted all the more by yesterday's release of the Cox report on China which, if nothing else, has clearly shown that China is a serious threat in South Asia—not to speak of a threat to our fundamental values around the world—and that we need to broaden our relationship with India in the South Asian subcontinent.

I hope to revisit this issue in the near future. Let me emphasize that I will not feel comfortable doing so until there is a serious de-escalation of tension on the subcontinent.

I just wanted to point this out and to enter into the RECORD an Associated

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



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Press story about India launching airstrikes into Kashmir against infiltrators. I think we have a lot to learn yet about what specifically took place. Those details are sketchy and not coming in at the present time.

I ask unanimous consent that this article be printed in the RECORD.

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

INDIA LAUNCHES AIR STRIKES IN KASHMIR
AGAINST INFILTRATORS

(By Arthur Max)

DRAS, INDIA (AP).—Indian air force jets and helicopters fired on suspected guerrillas in the disputed Kashmir province today, marking the most serious escalation of fighting in the region since India and Pakistan tested nuclear weapons last year. Pakistan charged that Indian aircraft bombed its territory in the raids today and an army spokesman said the country is ready for "all eventualities."

"We think it is a very grave escalation and Pakistan armed forces reserves the right to respond," said Brigadier Rashid Quereshi, a military spokesman told The Associated Press. India said the attacks occurred solely on its own territory and that they were aimed at what it called Afghan mercenaries supported by Pakistani forces. The forces had moved into the Indian-controlled Himalayan region earlier this month and posed a threat to Indian supply lines in the Himalayan state, Indian officials said.

"This is the start of operations and they will continue until our defense forces occupy our territories. Any escalation of this conflict will be entirely the responsibility of Pakistan," the Defense Ministry said in a statement in New Delhi.

Pakistani Foreign Minister Sartaj Aziz said that Pakistan knew nothing about the infiltrators. "No one knows where they come from and who they are," he said.

Quereshi said the army rejected Indian claims. He said the Pakistan army suspects India wants to occupy Pakistan territory in that area.

India and Pakistan have fought two of their three wars over Kashmir, which is divided between them by a U.N.-monitored cease-fire line. More than 15,000 people have been killed in fighting between rebels and security forces in Indian-held Kashmir in the last 10 years.

Pakistan and India, which were partitioned when they gained independence from Britain in 1947, tested nuclear weapons in May 1998, prompting fears of a nuclear arms race in the subcontinent. Both countries claim all of Kashmir. India accuses Pakistan of sending militants across the border.

A Pakistani army spokesman said the Indian allegations that elite troops were aiding militants was "complete rubbish."

Indian Maj. Gen Joginder Jaswant Singh told reporters in New Delhi that the infiltrators have taken up positions four miles inside India in the Dras, Batalik, Kaksar and Mashkok mountains of northern Kashmir.

Intelligence reports, backed by photos taken by Indian satellites, showed at least 600 infiltrators, Singh said. The reports also said they have anti-aircraft missiles, radar, snowmobiles and sophisticated communications equipment.

The air force joined the operation because the infiltrators had occupied positions at altitudes of up to 16,000 feet, said Air Commodore Subash Bhojwani, director of offensive operations.

In Dras, 100 miles from the state capital of Srinagar, Indian army officers said the target of today's attack was some 70 infiltrators who had entrenched themselves on the slopes

of the snowcapped hills, looking down at Indian army convoys, 2,700 feet below.

Their command of the heights handicapped Indian soldiers trying to evict them, officers told The Associated Press.

Army officers in the area said the infiltrators must have taken months to occupy the posts. They said Indian forces could take three to six months to clear them.

The attacks were carried out within Indian-occupied regions, Indian Brig. Mohan Bhandari said. Troops were expected to take over the intruders' positions once they retreat, officials said.

The exchange of mortar and heavy artillery fire in the Kargil and Dras regions has left at least 160 people dead, Bhandari said. Thousands of residents of the region have fled to safe villages along the Suru River.

The attack came a day after Prime Minister Atal Bihari Vajpayee said all steps including airstrikes would be taken to push back the infiltrators. Vajpayee said he warned his Pakistani counterpart, Nawaz Sharif, to withdraw the intruders in a telephone conversation Monday.

Mr. BROWNBACK. Mr. President, I want to simply note again that we held a hearing yesterday on what is taking place in India and on military and political issues. The United States needs to broaden its relationship with India. We have a broad-based relationship with China which has been strained and stressed. China is an authoritarian country. India is a democracy. There are a number of places that we are sanctioning India where we don't sanction China at all. Yet these are comparable-sized countries. One has a democratic tradition, the other an authoritarian. There are a number of problems in China that we aren't experiencing with India.

We need to broaden this relationship with India and with Pakistan. It is just that at the present time, given what has just taken place in the escalating of tension in this subcontinent by Indian military forces, I don't feel comfortable offering this amendment.

I look forward to working in good faith with all of my colleagues to address the United States-South Asian relationship. I note to Members of the Senate that we will be holding hearings in the Foreign Relations Committee to look further into what we need to do in building this stronger relationship.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that I have 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

HUMAN TRAFFICKING FOR
FORCED LABOR IN AN AMERICAN
COMMONWEALTH

Mr. AKAKA. Mr. President, I rise today to call your attention to a scandal in an American commonwealth. It is a scandal that involves forced labor and sex trade workers. It's not a pretty picture. It is a picture of a tropical paradise destroyed by greed and corruption.

In the Commonwealth of the Northern Mariana Islands, foreign workers have been imported in mass to assemble goods for export to the United States. Taking advantage of loopholes in our immigration and labor laws, foreign businessmen use the Mariana Islands as a base to export garments to the United States. These foreign businessmen pay no export taxes, and their goods are not subject to textile quotas. Their workers are paid below minimum wage levels, if paid at all, and often live in deplorable conditions.

Women from Asia and Russia are imported with the promise of high paying jobs in the United States only to find themselves marooned with no means of escape, forced to work as prostitutes in the booming Mariana sex trade.

This long-running scandal has been exposed once again by the Global Survival Network. This American-based nongovernmental organization which uncovers human rights violations sent an undercover team to the CNMI to gather evidence on the continued use of forced labor in the commonwealth. They have just issued their report which was the subject of an ABC News segment on "20/20." If you did not see the television broadcast, please read the report which I am sending to every Senator.

Entitled "Trapped: Human Trafficking for Forced Labor in The Commonwealth of The Northern Mariana Islands (a U.S. Territory)," the report demonstrates in disturbing detail the continued trafficking of humans for indentured labor in factories and sex trade emporiums in the Marianas. Implicating organized crime groups from the People's Republic of China, South Asia, and Japan, the report estimates that there are about 40,000 indentured workers in the CNMI, earning about \$160 million in profits for criminal syndicates.

Indentured workers are being used to manufacture ostensibly as "Made in the USA" garments for export to the United States. None of these goods are required to be shipped to the U.S. on U.S.-flag ships in accordance with the Jones Act. This duty-free, quota-free zone in which foreign workers produce high value goods at below minimum wage is an entirely legal scheme for Chinese and other foreign manufacturers to bypass American textile quotas.

The report also graphically details the increasing use of CNMI's loose immigration standards to make this former tropical paradise a major center for the booming Asian sex trade. Women from Asia and Russia are being lured to the Northern Marianas with promises of work opportunities in the United States only to find themselves imprisoned on islands from which there is no escape unless they agree to their employer's demands that they become prostitutes and sex hostesses. This sick trade in prostitution must be stopped.

Loopholes in the Immigration and Nationality Act and the Fair Labor Standards Act of 1938 need to be

plugged as soon as possible. I hope you will join me in ending this deplorable situation in which men and women are being used virtually as slaves on an American commonwealth.

Their report makes many important recommendations. Let me call your attention to four key issues which the Congress could and should act upon this year:

Extend the Immigration and Nationality Act to the CNMI;

Extend the Fair Labor Standards Act of 1938 to the CNMI;

Revoke the CNMI's ability to use the "Made in the USA label" unless more than 75 percent of the labor that goes into the manufacture of the garment comes from U.S. citizens and/or aliens lawfully admitted to the U.S. for permanent residence, and other appropriately legal individuals; and

Revoke the CNMI's ability to transport textile goods to the United States free of duties and quotas unless the garments meet the above criteria.

This week's report prepared by the Global Survival Network is not the first analysis raising concerns about conditions in the CNMI. In recent years, a chorus of criticism has surfaced about the Commonwealth.

For example, the Immigration and Naturalization Service reports that the CNMI has no reliable records of aliens who have entered the Commonwealth, how long they remain, and when, if ever, they depart. A CNMI official testified that they have "no effective control" over immigration in their island.

The bipartisan Commission on Immigration studied immigration and indentured labor in the CNMI. The Commission called it "antithetical to American values," and announced that no democratic society has an immigration policy like the CNMI. "The closest equivalent is Kuwait," the Commission found.

The Department of Commerce found that the territory has become "a Chinese province" for garment production.

The CNMI garment industry employs 15,000 Chinese workers, some of whom sign contracts that forbid participation in religious or political activities while on U.S. soil. China is exporting its workers, and its human rights policies, to the CNMI. Charges of espionage by China and security lapses in U.S. nuclear weapons labs have justifiably raised serious concerns in Congress. Every Member of Congress should be equally concerned with the imposition of Chinese human rights standards on American soil.

The CNMI is becoming an international embarrassment to the United States. We have received complaints from the Philippines, Nepal, Sri Lanka, and Bangladesh about immigration abuses and the treatment of workers.

Despite efforts by the Reagan, Bush and Clinton administrations to persuade the CNMI to correct these problems, the situation has only deteriorated.

After years of waiting for the CNMI to achieve reform, the time for pa-

tience has ended. Conditions in the CNMI are a looming political embarrassment to our country.

I urge the Senate to respond by enacting S. 1052, bipartisan reform legislation introduced by my colleagues on the Senate Energy and Natural Resources Committee, Chairman MURKOWSKI and Senator BINGAMAN.

I urge the Senate to move on this measure as quickly as we can.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1124 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, are we in morning business, and are there time limits?

The PRESIDING OFFICER. The Senate is in morning business until 10:15. The Senator is authorized to speak for up to 10 minutes.

Mr. GORTON. I thank the Chair.

MICROSOFT VERSUS DOJ

Mr. GORTON. Mr. President, what a difference a year makes. One year ago last week, the United States Government filed a Sherman Antitrust lawsuit against the Microsoft Corporation. This anniversary is a good time to review that lawsuit and to see how radically the universe of competition has changed in just twelve months.

I am not at all unbiased. I believe that the Government was dead wrong in bringing this lawsuit. I believe that the lawsuit is bad for consumers, bad for technological innovation, and bad for a marvelous company that is headquartered in my State.

But even an independent analysis would conclude that the case that the Clinton administration brought twelve months ago bears little resemblance to the case it now argues. Since then the Government's case hasn't been tried in the courthouse as much as on the courthouse steps, bypassing the law and aimed directly at public opinion through a national media that delights in highlighting any Microsoft misstep even though it has no relation to any harm to consumers.

The administration pursues this case for ideological reasons. This administration is filled with people who are offended by anyone or any company that is too successful. They believe that it is fundamentally unfair that Microsoft does so well. Much of the national media seems to share this view.

The administration has, however, miscalculated the views of a majority of Americans. Despite the Government's attempts to turn the public against Microsoft, it continues to be one of the most respected companies in America, and a majority of Americans believe Microsoft is right and the Gov-

ernment is wrong in this current lawsuit.

In a recent poll conducted by Citizens for a Sound Economy, 82% of those polled responded that Microsoft is good for American consumers. This survey also found that seven-out-of-ten American consumers feel that technology companies, not the Federal Government, should determine what features and applications are included in the software that consumers use with their computers.

Most Americans understand the value that Microsoft has brought. Microsoft products make nearly every business in America more competitive. The technology revolution fueled by Microsoft has made Americans secure in their jobs and made more families secure in their future.

Microsoft has also helped usher in the most important change occurring on earth: today the power of information has been taken from a few large centralized institutions and put directly into the hands of people in every town and village across our globe via the Internet.

The explosive growth of the Internet will eventually have a fundamental impact on every aspect of American life. A recent Newsweek article describes what it calls the "New Digital Galaxy" which allows consumers to operate devices from coffee-makers to dishwashers via Internet access. This will introduce a vastly different landscape in high-technology than exists today. Users will not necessarily use stationary Personal Computers to access information, but instead rely on Web phones, palmtop computers and similar technology that is advancing at an exponential rate.

The Internet has had the fastest adoption rate of any new medium in history. Over 50 million users were connected in the first five years. To reach the 50 million user milestone, it took 38 years for radio, 13 years for television, and 10 years for cable. On top of this initial growth, the number of users continues to increase by an astounding 37% per year. It is projected that 200 million people worldwide will be connected to the web in 1999, and half a billion by 2003. To handle the volume, the backbone of the Internet now doubles in capacity every 100 days.

Not only is the number of users increasing exponentially, but the amount of information available to them is also growing at an unprecedented level. The International Data Corporation estimates the number of web pages on the World Wide Web at 829 million at the end of 1998, and projects that the number grow by 75 percent to 1.45 billion by the end of 1999. By 2002, according to IDC, there will be 7.7 billion web pages.

What does this mean to the future of global commerce? Considering that 18 million consumers made purchases on the Internet in 1997, and that number is projected to increase to 128 million by 2002, the possibilities are limitless. In

real dollars, this translates into \$200 billion in Net-based commerce by 2000, and \$1 trillion by 2003.

We can't begin today fully to understand the scope of freedom for people that this information revolution will bring. And all the while Microsoft and its competitors continue to bring better products at lower prices to all consumers.

While this case has been in the court, we have heard almost no discussion about whether the dramatic changes of the last year have rendered this case moot. I believe they do, and here's why.

In the presence of a company exerting real monopoly power, competitors would be stifled, prices would rise, choices would be curtailed, consumers would be harmed. In fact, in the last twelve months the real world for consumers has improved by all of these measures. Competition in the technology industry is alive and well and nipping at the heels of Microsoft—all great news for consumers. Prices are down, choices are up, innovation is rampant.

The U.S. software industry is growing at a rate more than double that of the rest of the economy. The number of U.S. software companies has grown from 24,000 in 1990 to an estimated 57,000 in 1999. The number of U.S. software industry employees has grown from 290,000 in 1990 to an estimated 860,000 in 1999, with an average rate of growth of 80,000 per year from 1996 to 1999. Do these growth figures sound like they come from an industry that is dominated by a Monopoly player?

Mr. President, the bottom line is that the industry is thriving. It shows that we do not need the government picking winners and losers. While the nature of the government's case has been forced to change in the last year, the administration seems determined to punish this successful company and to use the power of the government to reward Microsoft's competitors. These are the very competitors whose alliances have radically changed the competitive landscape of the Information Technology industry in just the last few months.

When the case began, AOL and Netscape were two large successful companies. Today they're gigantic, teamed with Sun and ready to compete in the next frontier of the Information Technology industry—the Internet.

When the case began, MCI Communications and WorldCom were two separate companies, as were Excite and @Home. Yahoo hadn't yet bought GeoCities and Broadcast.com.

When the case began AT&T was a long distance company. Today, AT&T could influence more than 60% of cable systems in the United States.

Microsoft has continued to excel, in spite of simultaneously fighting off the government and its competitors. But, far from being stifled, Microsoft's competitors and potential competitors also have increased their market value by dizzying percentages over the last year:

AOL—up 555 percent;
Amazon—up 838 percent;
Sun Microsystems—up 209 percent;
IBM—up 91 percent; and
Yahoo—up 455 percent.
Microsoft is up 83 percent.

To me that's good news, and I hope it happens again this year. But that success leads me to wonder: if these competitors are so injured by Microsoft, why is the Dow Jones Industrial Average up 20% and the more technologically driven NASDAQ up a more startling 40% since the trial began?

A May 7 article in the Washington Post outlines the previously undisclosed lobbying activity on the part of a multi-billion dollar coalition of Microsoft competitors, consisting of Netscape and AOL, as well as ProComp, Sun and Oracle, who collectively have outspent the Redmond-based software firm by almost \$4 million. The Post story made clear that Microsoft has been scrambling just to catch-up.

Economist Milton Friedman recently warned about the possible impacts of the suit on the high-technology industry as a whole. He pointed out the obvious flaw in the competitors' strategy, which is involving government regulators. Mr. Friedman states, "Silicon Valley is suicidal in calling government in to mediate in disputes among some of the big companies in the area and Microsoft . . . once you get the government involved, it's difficult to get it out." I couldn't agree more.

Mr. President, with the Sherman antitrust action by the government against Microsoft entering its second year, the only question that remains is why this lawsuit continues. I urge my colleagues to join me in seeking an answer to that question.

CONCLUSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I believe the morning hour has expired. I move for the regular order.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senate will resume consideration of S. 1059, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McCain/Levin amendment No. 393, to provide authority to carry out base closure round commencing in 2001.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I see no other Senator here at this moment. I believe there is another Senator who will be here at about 10:30 to offer another amendment, but I would like to submit an amendment for consideration at this point.

AMENDMENT NO. 394

(Purpose: To improve the monitoring of the export of advanced satellite technology, to require annual reports with respect to Taiwan, and to improve the provisions relating to safeguards, security, and counterintelligence at Department of Energy facilities)

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

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 394.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

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

Mr. LOTT. Mr. President, I am pleased to offer this amendment on behalf of myself, and Senators WARNER, SHELBY, MURKOWSKI, DOMENICI, SPECTER, THOMAS, KYL, and HUTCHINSON.

This package is the product of the serious investigative and oversight work performed by the relevant committees and other Senators who have devoted considerable attention to the issues of satellite exports, Chinese espionage, lax security at DOE facilities, foreign counterintelligence wiretaps, and more. I commend my cosponsors and others for their helpful efforts in this regard.

I have stated that the damage to U.S. national security as a result of China's nuclear espionage is probably the greatest I have seen in my entire career. And, unfortunately, the administration's inattention to—or even hostility towards—counterintelligence and security has magnified this breach.

It is simply incredible that China has acquired sensitive, classified information about every nuclear warhead in the U.S. arsenal. But this apparently is precisely what happened.

It is simply incredible that American companies illegally provided information to the Chinese that will allow them to improve their long-range missiles aimed at American cities. But this apparently is exactly what happened.

It is simply incredible that American exports were delivered to certain Chinese facilities that will assist their weapons of mass destruction program. But this apparently is exactly what happened.

It is simply incredible that it took this administration 2 years from the date the National Security Adviser was

first briefed by DOE officials on the problem of Chinese espionage at the nuclear weapons laboratories, to sign a new Presidential directive to strengthen counterintelligence at the labs and elsewhere. But this apparently is exactly what happened.

And, after all this, it is simply incredible that the President would claim that all this damage was a result of actions of previous administrations and that he had not been told of any espionage that had occurred on his watch. But this is exactly what the President said in a mid-March press conference.

As I have stated previously, the Congress must take several steps to better understand what happened and how it happened, and to lessen the likelihood of a recurrence of such events in the future.

First, we must aggressively probe the administration to determine the facts. We know much of what happened. But we don't have all the facts, and we certainly don't know why certain events unfolded the way they did. We need to get to the bottom of that.

Several committees are exploring aspects of this scandal, and it is multifaceted: DOE security; whistleblower protections; counterintelligence at the FBI; CIA operations; export controls; illegal campaign contributions; the Justice Department; the Foreign Intelligence Surveillance Act, FISA; DOD monitoring of satellite launches in China; waivers of laws for companies under investigation for illegal activities; and much, much more.

Second, we must take all reasonable steps now to remedy problems we have identified to date. Does this mean that the actions recommended in this bill, or in this amendment, will solve the problem of lab security for all time? Of course not. But they do represent important first steps in addressing the myriad problems that have emerged during the various on-going investigations.

For example, we know that security and counter-intelligence at the labs was—and is—woefully inadequate. We can take steps to begin to fix that problem.

We know that the Clinton Commerce Department failed miserably to adequately control and protect national security information as it relates to commercial communications satellites and rocket launchers. We took steps last year in the Defense authorization bill to help protect national security by transferring from Commerce to State the responsibility for reviewing license applications for such satellites.

Third, we must hold appropriate executive branch officials accountable for their actions. This means we need to understand why certain Clinton administration officials acted the way they did. Why, for example, were DOE intelligence officials told they could not brief the Congress on aspects of this espionage investigation and its implications? Why did the Reno Justice De-

partment refuse to approve a wiretap request? Why was a certain suspect's computer not searched much, much earlier when, in fact, the suspect had agreed several years earlier to such a search? And why was a waiver granted for the export of a satellite built by an American company that was under investigation by the Department of Justice and whose head was the single largest individual contributor to the Democratic National Committee?

In posing these and other questions, does this mean the Senate is on some partisan witch-hunt? Absolutely not. I recognize that a full understanding of this issue requires going back decades.

For example, the reports recently issued by the Senate Intelligence Committee and the Cox Committee in the House reviewed documents from prior administrations.

But simply saying that errors were made in previous administrations cannot and does not absolve this President and this administration from responsibility. In fact, this administration's record in the area of security and counter-intelligence, in its relations with China, and in several other areas, leaves much to be desired.

As I said before, there are some steps we can and should take now. For example, the Defense authorization bill before us now proposes several important measures regarding Department of Energy security and counterintelligence. Likewise, the intelligence authorization bill includes several legislative proposals on this topic as well.

My amendment is entirely consistent with, and indeed builds upon, those two vital legislative measures. Allow me to describe what this amendment proposes to do.

First, it seeks to address the Loral episode, wherein the President approved a waiver for the export of a Loral satellite for launch on a Chinese rocket at the same time Loral was under investigation by the Justice Department for possible criminal wrongdoing.

This amendment requires the President to notify the Congress whenever an investigation is undertaken of an alleged violation of U.S. export control laws in connection with the export of a commercial satellite of U.S. origin.

It also requires the President to notify the Congress whenever an export license or waiver is granted on behalf of any U.S. person or firm that is the subject of a criminal investigation.

I am absolutely convinced that had these "sunshine" provisions been in effect at the time of the Loral waiver decision, I doubt very seriously that the President would have issued his decision in favor of Loral.

Second, the amendment requires the Secretary of Defense to undertake certain actions that would significantly enhance the performance and effectiveness of the DOD program for monitoring so-called "satellite launch campaigns" in China and elsewhere.

For instance, under this amendment, the DOD monitoring officials will be

given authority to halt a launch campaign if they felt U.S. national security was being compromised. In addition, the Secretary will be obligated to establish appropriate professional and technical qualifications, as well as training programs, for such personnel, and increase the number of such monitors.

Furthermore, to remove any ambiguity as to what technical information may be shared by U.S. contractors during a launch campaign, the amendment requires the Secretary of Defense to review and improve guidelines for such discussions. Finally, it requires the Secretary to establish a counter intelligence program within the organization responsible for performing such monitoring functions.

Third, my amendment enhances the intelligence community's role in the export license review process. This responds to a clear need for greater insight by the State Department and other license-reviewing agencies into the Chinese and other entities involved in space launch and ballistic missile programs. In this regard, it is worth noting that the intelligence community played a very modest role in reviewing the license applications for exports that subsequently were deemed to have harmed national security.

This section also requires a report by the Director of Central Intelligence on the efforts of foreign governments to acquire sensitive U.S. technology and technical information.

Fourth, based on concerns that China continues to proliferate missile and missile technology to Pakistan and Iran, this amendment expresses the sense of Congress that the People's Republic of China should not be permitted to join the Missile Technology Control Regime, MTCR, as a member until Beijing has demonstrated a sustained commitment to missile nonproliferation and adopted an effective export control system. Any honest appraisal would lead one to the conclusion, I believe, that China has not demonstrated such a commitment and does not have in place effective export controls.

Now we know, from documents released by the White House as part of the Senate's investigation, that the Clinton administration wanted to bring the PRC into the MTCR as a means of shielding Beijing from missile proliferation sanctions laws now on the books. This section sends a strong signal that such an approach should not be undertaken.

Fifth, the amendment expresses strong support for stimulating the expansion of the commercial space launch industry here in America. As we have seen recently with a number of failed U.S. rocket launches, there is a crying need to improve the performance of U.S.-built and launched rockets. This amendment strongly encourages efforts to promote the domestic commercial space launch industry, including through the elimination of legal or regulatory barriers to long-term competitiveness.

The amendment also urges a review of the current policy of permitting the export of commercial satellites of U.S. origin to the PRC for launch and suggests that, if a decision is made to phase-out the policy, then launches of such satellites in the PRC should occur only if they are licensed as of the commencement of the phase-out of the policy and additional actions are taken to minimize the transfer of technology to the PRC during the course of such launches.

Sixth, the amendment requires the Secretary of State to provide information to U.S. satellite manufacturers when a license application is denied. This addresses a legitimate concern expressed by U.S. industry about the current export control process.

I note that each of these recommendations was included in the Senate Intelligence Committee's "Report on Impacts to U.S. National Security of Advanced Satellite Technology Exports to the PRC and the PRC's Efforts to Influence U.S. Policy." That report was approved by an overwhelmingly bipartisan vote, so there is nothing partisan whatsoever in these recommendations.

My amendment also requires the Secretary of Defense to submit an annual report on the military balance in the Taiwan Straits, similar to the report delivered to the Congress earlier this year. That report, my colleagues may recall, was both informative and deeply troubling in its assessment that the PRC has underway a massive buildup of missile forces opposite our friend, Taiwan.

Annual submission of this report will assist the Congress in working with the administration in assessing future lists of defense articles and services requested by Taiwan as part of the annual arms sales talks between the U.S. and Taiwan.

Eighth, the amendment proposes a mechanism for determining the extent to which then-Secretary of Energy Hazel O'Leary's "Openness Initiative" resulted in the release of highly-classified nuclear secrets. We already know, for example, that some material has been publicly-released that contained highly-sensitive "restricted data" or "Formerly Restricted Data."

While we are rightly concerned about what nuclear weapons design or other sensitive information has been stolen through espionage, at the same time we must be vigilant in ensuring that Mrs. O'Leary's initiative was not used, and any future declassification measures will not be used, to provide nuclear know-how to would-be proliferators in Iran, North Korea, and elsewhere.

Ninth, the amendment proposes putting the FBI in charge of conducting security background investigations of DOE laboratory employees, versus the Office of Personnel Management as is currently the case. I applaud the Armed Services Committee for including additional funds in their bill for addressing the current backlog of security investigations.

Tenth, and lastly, the amendment proposes increased counterintelligence training and other measures to ensure classified information is protected during DOE laboratory-to-laboratory exchanges, should such exchanges occur in the future. For example, having trained counter-intelligence experts go along on any and all visits of lab employees to sensitive countries, is a small but useful step in the direction of enhanced security.

Mr. President, I readily concede that this package of amendments will not solve all security problems at the Nation's nuclear weapons laboratories. Nor will it solve the myriad problems identified to date in the Senate's ongoing investigation of the damage to U.S. national security from the export of satellites to the PRC or from Chinese nuclear espionage.

These are, as I mentioned before, small but useful steps to address known deficiencies. Most of these recommendations stem from the bipartisan report issued by the Intelligence Committee.

I strongly urge my colleagues to support this important amendment.

In summary, good work has been done by the Cox committee in the House of Representatives. They should be commended for the work they have done in this critical area. They should be commended for the fact that it has been bipartisan. It would have been easy for them to veer into areas or procedures that would have made it very partisan. They did not do that.

The same thing is true in the Senate. The Senate has chosen so far not to have a select committee or a joint committee. The Senate has continued to try to do this in the normal way.

We have had hearings by the Intelligence Committee. They have done very good work. Chairman SHELBY has been thoughtful and relentless, and he continues in that way. The Armed Services Committee, under Senator WARNER, the Energy Committee, under Senator MURKOWSKI, Foreign Relations, Governmental Affairs—all the committees with jurisdiction in this area have been having hearings, they have had witnesses, and they have been coming up with recommendations.

As a matter of fact, some of the recommendations that have been developed are included in this Department of Defense authorization bill. I understand other proposed changes to deal with these security lapses and with counterintelligence will be included in the intelligence authorization bill that will come up in early June.

I do not believe we should rush to judgment. We should make sure we understand the full ramifications of what has happened. We should not say it has been just this administration or that administration or the other administration. This is about the security of our country. I agree with Congressman DICKS when he quoted former Senator Henry Jackson about how, when it comes to national security, we should all just pursue it as Americans.

This amendment I have just sent to the desk is a further outgrowth of some of the information we have found through some of the hearings that have occurred. There were some provisions in it that I am sure would have evoked some criticism, and we have taken those out, so that we can take our time and deal more thoughtfully with it over a period of time.

We are going to have to deal with the Export Administration and the fact that law was allowed to lapse back in 1995. But there are some things we can do now. To reiterate, this is what this amendment will do:

First, it requires the President to notify the Congress whenever an investigation is undertaken of an alleged violation of U.S. export control laws in connection with the export of a commercial satellite of U.S. origin.

It will also require the President to notify the Congress whenever an export license or waiver is granted on behalf of any U.S. person or firm that is the subject of a criminal investigation.

Second, the amendment requires the Secretary of Defense to undertake certain actions that would significantly enhance the performance and effectiveness of the DOD program for monitoring so-called satellite launch campaigns in China and elsewhere.

Third, the amendment will enhance the intelligence community's role in the export license review process and requires a report by the DCI on the efforts of foreign governments to acquire sensitive U.S. technology and technical information.

Fourth, the amendment expresses the sense of Congress that the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member until Beijing has demonstrated a sustained commitment to missile nonproliferation and adopted an effective export control system.

The amendment expresses strong support for stimulating the expansion of the commercial space launch industry in America. This amendment strongly encourages efforts to promote the domestic commercial space launch industry. That is why we have seen more of this activity occur in other countries, particularly China and even Russia, because we do not have that domestic commercial space launch capability here. We should eliminate legal or regulatory barriers to long-term competitiveness.

The amendment also urges a review of the current policy of permitting the export of commercial satellites of U.S. origin to the PRC for launch.

The amendment requires the Secretary of State to provide information to U.S. satellite manufacturers when a license application is denied.

The amendment also requires the Secretary of Defense to submit an annual report on the military balance in the Taiwan Straits, similar to the report developed earlier this year and was delivered to the Congress.

The amendment proposes a mechanism for determining the extent to

which classified nuclear weapons information has been released by the Department of Energy. It proposes putting the FBI in charge of conducting security background investigations of DOE Laboratory employees versus OPM. It seems to me that really is beyond the capabilities of the Office of Personnel Management. Surely, the FBI would be better conducting the security background investigations. This does not call for putting the FBI totally in charge of security at our Labs, for instance. That is something we need to think about more. I had thought the FBI should be in charge, and there are some limitations in that area. That is an area we should think about a lot more. We should work through the committee process. We should think together in a bipartisan way about how to do it.

Clearly, the security at our Laboratories has to be revised. We have to have a much better counterintelligence process, and our committees are working on that.

Last, the committee proposes increased counterintelligence training and other measures to ensure classified information is protected during DOE Laboratory-to-Laboratory exchanges.

These are pieces that I think Senators can agree on across the board. They are targeted at dealing with the problem, not trying to fix blame, not claiming that this is going to solve all the problems. But these are some things we can do now that will help secure these Laboratories in the future and get information we need and give enhanced capabilities to the intelligence communities.

I urge my colleagues to review it. It has been, of course, considered by the committees that have jurisdiction. We have provided copies of it to the minority, and we invite their participation. I believe this is something that can be bipartisan and can be accepted, after reasonable debate, overwhelmingly. I certainly hope so. I appreciate the opportunity to offer this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the distinguished majority leader for this initiative. We have had in his office a series of meetings with the chairmen, as he enumerated, and this piece of legislation has been very carefully crafted drawing from each of the committees the work they have done thus far.

The Senate Armed Services Committee, as the majority leader has said, has taken an active role in addressing the issues. I refer colleagues to page 462 of our report, which is on each desk. In there, we have a subtitle (D) related to this subject. We are bringing this together.

I thought it was important—and I consulted with the majority leader this morning—to lay this down so all Senators have the opportunity to view it. Our distinguished colleague, the rank-

ing member, has sent it out to the various Departments and agencies of the Federal Government for comment. In the course of the day, as I am sure my colleague from Michigan will agree, we will basically try to allow Senators at any time to address this particular amendment by Senator LOTT and, indeed, the provisions that we have in our bill.

This is an important subject. It is a timely subject. All Senators hopefully will strive to achieve bipartisanship because we recognize that this problem goes back several administrations, although I have my own personal views that this administration must account for some actions which I find very disturbing—in other words, why corrective measures were not brought about more expeditiously. But time will tell.

Also, I believe it is important to recognize that the United States of America in the next millennium will be faced with an ever-growing and ever-important nation, China. We as a nation must remain engaged with China, whether it is on economic, political, human rights, or security issues. China and the United States are the two dominant leaders, together with Japan and, indeed, I think South Korea, in that region to bring about the security which is desperately needed.

So let us hope that in due course we can, on this bill, put together a bipartisan package. We already have one amendment in there, and it passed our committee with bipartisan support.

Mr. LEVIN. Would the Senator yield while the majority leader is on the floor so I could give a 30-second comment?

Mr. WARNER. Absolutely.

Mr. LEVIN. We welcome the proposal of the majority leader. We have worked very closely, on a bipartisan basis, on the committee on what is in the bill already and to which the majority leader has made reference. We will continue and look forward to working with the majority leader, on a bipartisan basis, on his proposal. The committees of jurisdiction and I are reviewing that. We got it last night. We welcome very much these kinds of suggestions and will address them in the same kind of bipartisan approach that the good Senator from Virginia, our good chairman, has just made reference to.

Mr. LOTT. Mr. President, if the Senator would yield?

Mr. WARNER. Of course.

Mr. LOTT. I just say, I appreciate your comments and your attitude. If we have problems, we can address those problems in a bipartisan way to deal with the future. And that is my intent. I will be glad to work with you. Thank you for your comments.

Mr. LEVIN. I thank the chairman for yielding.

Mr. WARNER. I thank my distinguished colleague.

If I may note, with a sense of humility, Senator LEVIN and I are now entering the third day on this bill. To the best of my recollection—which is 21

years that we have been working together on authorizations bills—we may have set a record thus far. That record is not necessarily owing to the efforts of the ranking member and myself but all Senators in cooperating in moving this bill along; the record being we only had one quorum call, this being the third day.

We started on a Monday, when ordinarily things do not move as quickly; but we had one single quorum call, I think, for about 3 or 4 minutes on Monday. Yesterday, throughout, we stayed here until close to 9 o'clock last night working on amendments. So I thank the Senator, my colleague, my friend from Michigan. I thank all Senators.

We just had another Senator come on the floor in a timely way. He is right on the split second of when he is due to bring up his amendment.

So with the cooperation of other Senators, I am hopeful we can finish this bill tonight. I have discussed that with the majority leader, and he is going to give us total support. We will just drive this engine, hopefully into the early hours of the evening, and complete it.

But I do bring to the attention of Senators that I will place on the majority leader's desk here, as I manage the bill, three pages of amendments. There they are. We have to work our way through these today. My colleague, Mr. LEVIN, and I will be here throughout the day to assist Senators in accommodating them with their desire regarding these amendments.

Mr. LEVIN. If the chairman would just yield for a comment?

Mr. WARNER. Yes.

Mr. LEVIN. I commend him for his leadership, which made our good progress possible. When he points out how few quorum calls we have had on this bill, the only suggestion I have in addition to the ones he has made is that there is a lot of wood around here to knock on, and we need to knock on wood that this will continue along the lines it has with very few quorum calls and significant progress.

I do see the Senator from Nebraska on the floor. We look forward to his offering that amendment. Then I believe at 11:45, under the current unanimous consent agreement, we are going to return to the BRAC amendment and then have a vote on that. That would be the first vote, as I understand the UC.

Mr. WARNER. Mr. President, the Senator is correct.

Mr. LEVIN. That would be at 1:45.

Mr. WARNER. Mr. President, on the subject of BRAC, again, the distinguished Senator from Michigan, the distinguished Senator from Arizona, Mr. MCCAIN, the distinguished Senator from Rhode Island, Mr. REED, the distinguished Senator from Maine—my recollection is there was one other Senator who spoke last night in the debate on the BRAC process, so we have had a considerable amount of debate. There are 2 hours allocated. I am not certain that all 2 hours will be needed. But I urge Senators to come over as quickly

as possible when that amendment comes up on the schedule, and we can hopefully move through that debate and on to other matters.

I yield the floor.

Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 395

(Purpose: To strike section 1041, relating to a limitation on retirement or dismantlement of strategic nuclear delivery systems)

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

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Nebraska.

The legislative assistant read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 395.

Mr. KERREY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 357, strike line 13 and all that follows through page 358, line 4.

Mr. KERREY. Mr. President, first of all, let me say that this piece of legislation being considered right now, in my view, of all the laws we write and all the laws we consider, is the one that is most vital. If we do not have a defense that is able to defend not just the United States of America but our interests, all the rest of it is secondary, in my view.

I am very impressed—I came to this Senate in 1989, and I came to the Senate without the experience of having gone to law school. I was trained in other matters. The longer I am here, the more impressed I am both with the law itself and the power of this law. I cannot help but, as I begin to describe my own amendment, take a little bit of time to describe the connection between the law and things people see in their lives that they may not see as having been caused by the law itself.

We do not have an Army, Air Force, Navy, Marine Corps without this piece of legislation, which is, I think—I don't know—500-and-some pages long, with a report with it as well. This law creates our military. It authorizes appropriations to be made. It authorizes us to go out and recruit people to serve in our Armed Forces.

We are going into the Memorial Day weekend during which I guess many, if not most, of us are going to be called upon to comment upon the meaning of Memorial Day—what does this day mean to us in our lives.

For me, it is a time to reflect and say that these 1,360,000 men and women who are currently serving our Nation,

and the half million Reserve and Guard men and women who are out there as well, are part of a long tradition of American men and women who have given up their freedom, because in the military they have a different code than we have in the private sector. The standards of justice are different. The expectations are different.

In the military, the command structure is such that if I have command—which I did many, many years ago—if I have command and do well, I get a medal. But if I do poorly, my fitness report will be so bad I will be looking for a private sector opportunity. We have a responsibility we cannot delegate. That imposes upon an individual who is in the military real burdens that are different from what we have in the private sector—real responsibilities that are completely different.

A man or woman who serves us today, who serves the cause of freedom today in our Armed Forces, does something that is much different from most private sector citizens. I begin my comments on this amendment by saluting them, by thanking them for taking what, unfortunately, today is almost a nonmainstream action, and that is based upon their love of country and their love of freedom, saying: We're willing to sacrifice our freedom; we're willing to give up rights that most private sector citizens have.

Furthermore, nobody should doubt that in normal training operations it is possible to be injured or to even lose your life. A lot of these training operations are dangerous. So they are risking their lives on a day-to-day basis. Obviously, they are involved today in Kosovo; they are involved in the Balkans; they are involved with containing Saddam Hussein; they are involved on the Korean peninsula; they are forward deployed in areas around the world where we have interests, not just interests that are only of the United States, but interests in values that we hope will spread worldwide.

All of us had the opportunity—I did; I took advantage of the opportunity—to sit and listen to Presidents Kim Dae-jung of South Korea and Vaclav Havel of the Czech Republic and Nelson Mandela of South Africa when each spoke at a joint session of Congress across the way in the House of Representatives, and looked down to every representative of the people and said: Thank you, American people. You put your lives on the line, and we are free in South Korea today as a consequence. You put your lives and resources on the line, and we are free in the Czech Republic because of it. You have put your lives and resources on the line in South Africa, and we are free there as well. Your efforts enabled us to be free, these three individuals said. Many others have said the same thing.

It is not a cliché that freedom is not free. This piece of legislation, this important piece of legislation, has us supporting 1,360,000 men and women in the military, and half a million Reserve

and Guard people who are actively involved in the cause of defending freedom in the United States of America and throughout the world. This is an extremely important piece of legislation. I argue if we don't get this one right, all the rest of it is secondary. If this piece of legislation, if this law is not written correctly, all the rest of it doesn't matter.

I begin my comments this morning praising Chairman WARNER and the ranking member, Senator LEVIN, who have led the Armed Services Committee to give us this piece of legislation. They understand this piece of legislation keeps America safe. This is about security. We can't cut corners. We can't scrimp. We can't say we will just go partially there. We have to answer the question: What do we need to do to keep the people of the United States safe? How do we keep them secure and try to write laws that accomplish that objective?

With great respect to the committee, there is one provision in subtitle D called "Other Matters" on page 357 that I am proposing to strike. That language provides a 1-year extension of a requirement that I think causes the United States of America to be less safe than it would without this provision. Let me get to it specifically.

What this provision does is say that the United States of America must maintain a nuclear deterrent that is at the START I levels, that we have to have warheads deployed, land, sea, air, that are at START I levels; that the President of the United States cannot go below those START I levels. In the cold war, perhaps even a few years after the cold war was ended, when we were trying to err on the side of safety, this made sense because the No. 1 threat then was a bolt out of the blue, an attack by the Soviet Union that might occur when we least expected it. We had to maintain an active deterrence and prevent that. The capacity to survive that bolt-out-of-the-blue attack and counterattack was an essential part of our strategy.

Today, the No. 1 threat is not a bolt-out-of-the-blue attack. The No. 1 threat today is an accidental launch, a rogue nation launch, or a sabotage launch of a nuclear weapon. One of the things that causes me a great deal of concern in this new era of ours is that I think we in Congress and the American people as well have forgotten the danger of these nuclear weapons. We have been talking about new threats to America. We have a threat in the form of chemical weapons, a threat in the form of biological weapons, a threat in the form of cyber warfare, lots of others things like that, terrorism, that cause people to be very much concerned.

My belief is that the only threat out there that can kill every single American, and thus the threat that ought to be top on our list of concerns is nuclear weapons. The nation that possesses the

greatest threat of all in terms of an accidental launch, a rogue nation launch, or a sabotage launch is Russia.

I appreciate the fine work that Congressman COX and Congressman DICKS did. They presented a report yesterday. I think they have laid out a roadmap that will enable us to change our laws and increase security at the Labs, increase the security of the satellite launches and increase the security, in general, with the transfer of technology through export licenses. I think they gave us a good roadmap, but one of the concerns I have with the report—I think it is unintentional—strike “I think.” It is unintentional—it has left the impression that China is a bigger threat to the United States in terms of nuclear weapons than Russia is. Nothing can be further from the truth.

In China, they prevent the possibility of an accidental launch by saying we are not going to put our warheads on the missile. According to published reports, it would take at least 24 hours and probably a minimum of 48 hours, from the moment an order was given to launch, to put the warheads on the missiles. In China they have no more, according to published reports, than 13 weapons headed in our direction. They are categorized as city busters. They are not as accurate as the Russians are. They are not as deadly as the Russians are. They are not as likely, as a consequence of organized systems, to be launched in an accidental fashion. Even though they can reach us, even though China is a serious threat as a consequence of their behavior in the proliferation area—and we should not have trimmed in areas of export licenses or satellite launches on Long March or the operations of our Laboratories or other areas that would put America at risk—the threat assessment today says that the No. 1 threat to us is the threat that is posed by Russia as a consequence of their having strategic weapons that could reach the United States in a matter of hours and could reach the United States in a devastating fashion not through intentional launch but accidental launch, rogue nation launch or sabotage launch.

I think that part of the problem in all of this is, again, that we have been lulled into a false sense of security that, well, maybe these nuclear weapons aren't that big of a problem. Let me say that in the former Soviet Union, that may have been the case, because their economy was much stronger than it is today. They had a much greater capacity to control those weapons systems that they have.

One of the reasons, the biggest reason that I want to change this is that I believe we are forcing Russia today to maintain a level of nuclear weapons beyond what their financial system will allow them to maintain. They are currently required at START I levels to have 6,000 strategic warheads. Again, according to published accounts from

their own military people, they would prefer to be at a level of 1,000 or lower, because they simply don't have the resources. I can go into some rather startling problems that are created as a consequence of that inability, but they simply don't have the ability, the resources to allocate to maintain those 6,000 warheads as we do. Ours are safe. Ours are secure. We have redundant switching systems and all kinds of other protections to make certain that we don't have an accidental launch, to make certain that there is no rogue transfer, to make certain that there is no terrorism that could take over one of these sites and be used either against the United States itself or against some other country.

One of the baseline problems that we have as Americans is that we are the most open society on earth. We are the most successful society measured by our economy, measured by our military, measured by even our democracy, which can be a bit frustrating from time to time. We take sides on issues worldwide, which I think we have to do if we want to continue to fight for the freedom of people throughout this world. But as a consequence of all those things, there are lots of people on this Earth who hate Americans, who have in their hearts a desire to do significant damage to us. It is a problem created from our own success. So as we try to decide how we are going to keep our country safe, one of the things that I believe we need to think about when it comes to Russia is, is it possible for somebody who hates America, who is willing to do damage to America and willing to die in the act of doing it—what kind of risk is there as a consequence of a policy under law that requires Russia to maintain a nuclear force that is higher than either they can afford or they want to maintain?

Well, I will describe a couple of scenarios in length here, but many years ago, sort of a Stone Age time for me, I was trained in the U.S. Navy SEAL team. I do not argue that I was an exemplary special operations person. I had a relatively short experience in the war before I was injured, so I didn't have enough time on task to become really good at it. But you always have these sort of imaginary fantasies that you are still 25 years of age, and there are times when you sort of think that way.

I believe it is possible for somebody who is well trained and well organized to raid a silo site of a Russian missile in the Russian wilderness and take that site over. You will have a scenario on the opposite side that says that it can't be done. I believe it can be done.

One of the things that you have to do when you are planning, writing a law to defend the people of the United States of America, is you have to think about that small possibility and you have to plan for it. We didn't expect that the Russians were high probability going to come through the Fulda Gap during the 40-plus years of

the cold war, but we defended against it, and it was an expensive defense because it was possible that it could happen.

Mr. President, I believe it is possible for a small band of discontents or terrorists to raid a silo site of a Russian missile in the Russian wilderness. I believe that there are soldiers today in Russia who are poorly trained, who are sparsely equipped, and who are irate at not having been paid in well over a year in some cases. I think they are vulnerable and easily overtaken, and as a consequence, willing to cooperate in things that would put the United States of America at risk.

What you have to do is sort of then say to yourself: What would happen? Imagine what would happen if that were to occur.

Well, I again have to underscore with a story why I think we are lulled to sleep by nuclear weapons. In the Senate Select Committee on Intelligence, on which I have the honor of serving as a result of Senator DASCHLE appointing me to that and serving on behalf of the Senate, I once asked some analysts of the CIA to tell me what the impact would be of a single missile being launched and hitting a U.S. city. The answer was we are really not sure. We haven't thought it through lately. We don't put it up on our radar screen as being the sort of thing to worry about.

I find that not only alarming but illustrative of the general problem. We are not thinking about this threat.

We are not imagining what could happen in a worse case scenario and, as a consequence, we are sort of allowing ourselves to be dragged along with yesterday's policy, not thinking about how we can do this differently to substantially reduce the threat to the people of the United States of America, and I believe, by the way, in the process, freeing up resources that could be used on the conventional side where there is much more likely scenarios where American men and women are going to be called on to defend the cause of freedom and fight for the cause of freedom.

A single Russian rocket could be launched over the top of the world from the north, and it would go across the Arctic pole, and in less than an hour it could be in over Chicago. On a bad day, it might come within 100 yards of its target. On a good day, it would probably come within 10 to 15 yards of its target. I am talking about something about which, again, people will say this is alarmist.

It is not an alarmist scenario. This is what nuclear weapons do. We have sort of forgotten that, in my view. Back in the 80s, during the cold war, all of us understood the danger of nuclear weapons, but today I don't think we do. I think we have forgotten what kind of damage they can do.

A single nuclear weapon would vaporize everything. The surrounding air is instantaneously heated to a temperature of 10 million degrees Celsius. It

looks brighter than the sun and shoots outward at a few hundred kilometers per second. It would be sufficient to set fire to anything in Chicago that is combustible at a distance of 14 kilometers. Anybody within 80 kilometers would be blinded as a consequence of the blast.

After the fireball, the blast effect force follows, traveling out from ground zero. Those within 3 kilometers, who had not already been killed, will die from the percussive force. At 8 kilometers, 50 percent of the people will be killed, and every building within 2 kilometers will be completely destroyed. Major destruction of homes, factories, and office buildings would extend out to 14 kilometers.

In the farthest reaches of the immediate blast zone—encompassing everything in Chicago—structures would be severely damaged, and 15 percent of the people in Chicago would be dead, 50 percent would be injured, and most survivors would suffer second- and third-degree burns.

This is the damage that would be done from a single Russian nuclear weapon exploded above an American city. This is just one city.

Again, I point this out not to be alarmist but to say that this is a real threat. This is not an imaginary threat. This weapons system exists. There are 6,000 of these in Russia today that were needed in the cold war; they were needed in a deterrent strategy that the Russians had developed. We have drawn down, and they have drawn down to the 6,000 level—a bit higher than that still today. They are drawing down to that 6,000 level.

But, again, if you ask either our intelligence or the Russians directly, they will tell you they don't have the resources to maintain even 1,000. They don't have the resources to maintain 1,000, let alone 6,000-plus, and in the kind of secure environment the people of the United States of America will need in order for themselves to be safe and secure as a consequence.

I tell the story out of what I think is a loss of focus on the danger of nuclear weapons. I am very concerned that the American people have been lulled into a false sense of security as a consequence of our elected leaders repeatedly telling them the threat no longer exists. In the Presidential campaign of 1996, the President correctly kept saying that for the first time in the history of the Nation we are not targeting the Russians and they are not targeting us.

Well, you can retarget in a couple of minutes, max. This retargeting task is a fairly simple task. Critics of the President pointed that out, and I think correctly. It caused people to be sort of lulled into a sense that, gee, this wasn't a problem. If we are not targeting them and they are not targeting us, this is great news, so we don't have to worry about this threat any longer; thus, we can sort of stop worrying about nuclear weapons. We can worry

about other threats that we have to the United States.

Again, I am calling my colleagues' attention to this problem not because I believe there is going to be a deliberate nuclear attack from Russia, because I don't think that is likely, or even plausible. Indeed, Russia has made extraordinary progress in their effort to transform their economy and political system. Though they have a long way to go to complete the transition, they need to be applauded for it. But this transition is going to take decades—back, forward, stop, go. It is going to take a fair amount of time to transition from an old command economy to a market economy. In the meantime, they are finding it increasingly difficult to maintain the military infrastructure they inherited from the collapse of the Soviet Union, including, dare I say, their stockpile of thousands of nuclear weapons—estimated to be close to 7,000 on the strategic side and a comparable amount on the tactical side. There are 14 storage facilities, according to published reports, where they store fissile material. We don't know what is going on inside those buildings. It is a serious problem that our former colleague, Sam Nunn, has said is a threat not coming from Russia's might but from its military weakness.

If a single one doesn't bother you, there was an incident that occurred recently on September 11, 1998. I appreciate that some will say that KERREY is dreaming, this isn't a real danger. I don't think there is a greater danger than an accidental launch of a nuclear weapon at the United States of America. I think it is the most dangerous problem we face, and it is a scenario that could happen. If it happens, I believe we are going to regret not having developed a different strategy than the old arms control strategy that we have had in the past. I am not going to describe an alternative strategy. I think one is needed, and I think one is more likely to occur if we strike this language from the defense authorization bill and allow the President to go below 6,000, similar to what President Bush did in the early 1990s, getting a reciprocal response from Russia as a consequence.

Let me describe a real time scenario, a situation that happened on the 11th of September—does the Senator want to say something?

Mr. WARNER. I didn't mean to interrupt the Senator, but I am hopeful that we can listen to the important debate. I would like to have the opportunity to respond to the Senator so that Senators following this debate can have framed in their minds where we have a difference of views, and I would like to complete this by 11:45 so we can keep on our schedule. I hope our colleague will try to accommodate as best he can.

This is a very important subject. I share some of the views that he has made. I think what he said is a very

important reminder to Senators on this subject. It has somewhat drifted from the minds of the Senators given that, regrettably, this stalemate thus far in Russia could move to ratification. Let us proceed, hopefully, in a timely way.

Mr. KERREY. Mr. President, let me describe an event that occurred on September 11, 1998. Maybe colleagues didn't notice it; it was written up with a fairly small amount of attention. There was an 18-year-old Russian sailor who seized control of a Russian nuclear submarine near Murmansk. He killed seven fellow crewmembers and held control of the submarine for 20 hours. Russian authorities say that there were no nuclear weapons aboard the submarine. But it would not be difficult to imagine a scenario in which a similarly distraught member of the Russian navy might choose to express his frustration by seizing control of a submarine loaded with long-range, nuclear-tipped missiles. It is widely recognized that command and control of weapons on Russian submarines is much more problematic than even with their ground-based forces.

There was a recent article in the *New England Journal of Medicine*, which conducted an analysis of the effects of an unauthorized launch against the United States from a—and I emphasize just one—Russian Delta IV submarine. This submarine is capable of carrying 16 SS-N-23 missiles. Each of these missiles is equipped with four 100-kiloton warheads. The study examined the consequences of 48 warheads being detonated over eight major U.S. cities. It is likely that this scenario may not be right. It is likely that they would say we have 64 warheads and will put one in each State in the United States of America—that leaves me 14 more—and they will put a couple in New York, a couple in Florida, a couple in other States. Imagine 64,000 kiloton weapons being detonated within a couple of hours in the United States. That is a scenario that could be very real.

Is such a scenario likely to happen? It is less likely to happen than the sun coming up tomorrow, but it could happen. It is a scenario that we need to think about as we think about the danger of these nuclear weapons. And because we don't think about them, it is not likely that we will consider an amendment like this terribly important. We will sort of drift along, as I think we are doing now, saying we are going to wait for the Duma to ratify START II. They are threatening not to ratify for every possible reason. I don't know what the next anger point is going to be. I personally don't believe that the ratification of START II by the Duma is necessarily terribly important.

That we need to look for an alternative way to reduce these threats, to me, is painfully obvious if you examine the danger that this threat poses to us.

When you think about the danger of an accidental or a rogue nation or a

sabotage launch, I think you come immediately to the conclusion that, my gosh, we have far more than we need to keep America safe, and the Russians clearly have far more than they need not only to keep their country safe but to reduce this risk of accidental launch. They do not control their weapons in the same way that we do. They don't have the capacity to control them in the same way that we do, as well.

Imagine, I ask my colleagues; put it on your radar screen. You have a Delta IV submarine with 64 100-kiloton weapons that could be in the United States in 2 hours. They are not like the Chinese nuclear weapons. The Chinese nuclear weapons take several days to get together. Again, part of the published reports is that they have 13 or so aimed at the United States—aimed at our cities. They are nowhere near as accurate as the Russians, or as deadly as the Russians, and nowhere near as likely to be launched either through an accidental launch or through an organized effort to come through sabotage and take over a single facility, or to take over one of these submarines that are much more at risk as a consequence of their lax security.

If you do not think the scenario is possible, I would like to quote the words of former a Russian Navy captain following this particular incident with the Russian sailor that I described earlier on the 11th of September 1998. He said, "It is really scary that one day the use of nuclear arms may depend on the sentiments of someone who is feeling blue, who has gotten out of bed on the wrong side and who does not feel like living." The probability of this today is higher than ever before.

The news has been filled recently with stories regarding nuclear weapons. Unfortunately, the stories have been causing us to be concerned about our security relative to the Nation of China. The findings that China, over the past 20 years, has methodically stolen U.S. nuclear secrets from our National Laboratories are very disturbing, to put it mildly. We were very lax in our security in our Laboratories. We are very lax in our security with our export control licenses. We are very lax in our security in monitoring satellites that are being launched on the Long March system of the Chinese, and as a consequence, the United States of America suffers. There is no question that is true. But U.S. security has suffered against a nation with considerably less capability than Russia and considerably less risk of an accidental launch as a result of the way the two nations organize their weapon systems.

In the uproar surrounding this story, I fear that we may be losing touch with reality concerning the size of the threat we face in China relative to the far greater Russian nuclear threat. Press accounts indicate that China may have no more than 20 land-based nuclear missiles capable of reaching the United States.

Also, again, according to the media, as I said, Chinese nuclear weapons aren't kept on continual alert. Their nuclear warheads and liquid fuel tanks are stored separate from their missiles. Again, it would take them a considerable amount of time to fuel, to arm, and to launch these weapons. That just one of these weapons would cause immense pain and devastation to the United States of America ought to be obvious. But, again, it is a much smaller threat than the threat of an accidental rogue nation, or a sabotage takeover of a Russian site that could be launched with a devastating impact against the United States of America and would put our people at considerable risk.

As of January 1999, my colleagues, with reference to this issue—I remember campaigning for the Senate in 1988. In 1988, you had to know all of this stuff. You had to know all of these numbers, because arms control advocates were asking you, and opponents of arms control were asking. The freeze was going on. The MX missile was being debated. It was a hot issue in 1988.

In 1999, it is not a hot issue. It is not on the radar screen. You have to hunt around to find someone who cares about it and asks you about it and express a concern about what I, again, consider to be the most dangerous threat to the people of the United States of America.

I repeat that this is the only threat that could kill every single American. Just a single Delta IV submarine that I talked about earlier—you put 64 100-kiloton weapons on top of 64 sites in the United States of America, and you are no longer the strongest economy on Earth.

We would have considerably more, to put it mildly, than 4.2 percent unemployment. We would not be screaming along with an economic recovery. The stock market would react, I would hazard a guess, rather adversely to that piece of news. There would be devastation and destruction and considerable loss of life, and the United States of America would be set back a considerable amount of time. We would not be as safe and as secure as we once were, and the world, as consequence, would suffer the loss of our leadership.

A single Delta IV submarine owned by the Russians in a very insecure environment, in my judgment, would set the U.S. back considerably.

I keep citing it only because I believe that we have taken nuclear weapons, unfortunately, off our radar screen, and we don't think about this much. I say to the distinguished chairman and to the ranking member, Senator LEVIN, and Senator SMITH, who is the chairman of the Strategic Subcommittee, that I know each of you are very concerned about this. I am talking about the general population. I would hazard a guess that if one of these news media outlets that does polls all the time did a poll and asked the question about

whether the Chinese nuclear threat is a greater threat to the United States of America than the Russian nuclear threat, it is likely to be that a large number of the people would say yes, given what they have heard recently in the news.

China may evolve into a serious military threat to the United States in the future. They are unquestionably a proliferator of weapons, and all of us should be dismayed and angry at the lax security that we have discovered through the Cox report and other reports over the last 20 years, and should move with legislation and action to tighten up and make sure that we reduce that threat. But the Chinese threat is nowhere near the danger that the Russian nuclear threat poses to the people of the United States of America.

What I am attempting to do with this amendment by striking the floor that we have imposed for 3 years in a row in the defense authorization bill—this provision that prohibits the United States from going below START I force levels until START II enters into force—is that I am suggesting that this floor increases the threat to the United States of America because we are waiting for the Russian Duma to ratify START II. We are still, in my view, in the old way of thinking about how to deal with nuclear weapons and how to reduce the threat of nuclear weapons and keep the people of the United States of America safe.

Let me provide a little bit of history of arms control.

Again, the chairman of the committee asked for some time to respond. Earlier, I was asked if I was going to wrap this thing up at 11:45. I say to my friend from Virginia that I had much more to say on this matter, and it may be that I am not able to agree to a time agreement and have the vote at 11:45. I would like to be able to do that. Maybe what I should try to do is abbreviate my comments and give the chairman a chance to respond briefly, if he chooses to do so.

I see the chairman of the subcommittee is here. He may have some opposing points of view that he would like to offer. I want to give him a chance to do that. I think it is highly unlikely that I will be able to agree to a vote immediately after the BRAC vote at 11:45.

Mr. WARNER. Mr. President, we are under a time agreement, are we not?

The PRESIDING OFFICER. There is no time agreement.

Mr. WARNER. That is correct. We want to give the Senator as much latitude as we can. We will find such time as I believe the Senator desires. I am just anxious to frame this issue, because the Senator has given a brilliant speech, as he always does. I do not say that facetiously. I enjoy listening to my good friend and colleague and fellow naval person. But I was listening, and he is making a good speech for ballistic missile defense, which is splendid. I hope that we are going to draw

on this RECORD for future debates on ballistic missile defense systems. I take note of Senator COCHRAN's bill now that has become law.

But the point I wish to make is that this provision, which the Senator wishes to strike, has been in five successive defensive bills. It is in there in accordance with the administration's wishes to try to show to Russia that we mean business about getting START II ratified. Were we to strike it, it is this Senator's opinion—I think it is shared by the Secretary of Defense, and others—it would weaken the efforts to get START II ratified.

We have here the distinguished chairman of the Subcommittee on Strategic Forces. All I would ask is, if we could just have a few minutes to frame the debate into a focus of Senators following it, I think they can come to some sort of closure in their own minds on this issue.

Mr. KERREY. Mr. President, I appreciate that. Why don't I take another 5 or 10 minutes here.

Mr. WARNER. We interrupted the Senator. Would he yield for an additional question on procedure?

Mr. KERREY. Yes.

Mr. LEVIN. I believe this debate will take longer than 35 minutes, and there is no time agreement on this debate. There are others who want to speak on both sides.

I address this to the chairman, because this seems to me likely to take more than 35 additional minutes. Since the debate is scheduled to restart on BRAC at 11:45, I wonder whether the chairman might want to delay that for perhaps 15 minutes or half an hour.

Mr. WARNER. Fifteen minutes. We had such great cooperation from all. We have a string of Senators ready to be here at 11:45. Let's say we will conclude at 12 noon; is that agreeable?

Mr. LEVIN. I am not suggesting we have a time limit of 12 noon. I am suggesting if we delay the beginning of the BRAC debate until noon, there is at least a chance that this debate could conclude by then. If it does, we could vote on this amendment immediately after BRAC.

I don't think the Senator from Nebraska is willing or should be willing to agree to a time agreement yet because he has not heard the debate on the other side.

I suggest the debate on BRAC begin at noon—we change the unanimous consent—instead of 11:45, and hope that at least there is a chance that this debate could in 35 minutes be completed but not “bake” that into the unanimous consent.

Mr. WARNER. I want to accommodate our distinguished colleague. If we don't proceed, I say to my copartner, in getting time agreements, we are likely to get this whole bill slowed down.

I wonder if we could just enter into a time agreement to debate on this amendment, that it would conclude at 12 noon.

Mr. KERREY. I would very much like to accommodate and do that, but my problem is—

Mr. WARNER. Let me help. The distinguished chairman of the subcommittee says 10 minutes; I may take 2 minutes. That is 12 minutes. The Senator would have a full half hour left.

Mr. LEVIN. Before the Senator from Nebraska answers, if he yields, I will speak for perhaps 5 or 10 minutes on the subject. I know the Democratic leader wants to speak on this amendment, I believe, if possible, around 11:30. There may be others, too. We ought to find out if there are others before any such agreement is propounded.

Mr. KERREY. Again, I appreciate very much what the chairman is trying to do. I certainly have no intent to sit out here forever talking. Eventually I will agree to a time agreement. I am not willing to do that at the moment. I am beginning to lay out a case that has not been laid out before.

Mr. WARNER. We will continue with the debate and hope we can begin to bring this thing to some proportion of closure. We will take a relatively short time on our side, because it is a bill provision; the Senator is on a motion to strike. It is very clear what we are trying to do on this side, to help this administration get ratification, help America get ratification of START II.

That is the sole purpose for this provision. It has been in there 5 years for that purpose.

I yield the floor.

Mr. KERREY. Mr. President, again I am not trying to make an argument here for or against strategic defense. I will work with Senator COCHRAN to try to fashion some assistance to bring additional Democrats. I supported what Senator COCHRAN was trying to do.

The problem is, missile defense is not prepared today. The problem is, we don't have missile defense today. We are not sure when we will have it. I don't want to get into necessarily arguing that. I am saying that within a matter of hours it is possible for the United States of America to suffer an attack the likes of which I think very few people are imagining.

It is a real threat. It is not an imaginary threat. It is a real threat, and it is a threat that is getting larger, not a threat that is getting smaller. It is not the old threat. The old threat—and I appreciate what I think the administration's stated policy says. They prefer repealing the bill's general provisions that maintain this prohibition first enacted in 1998, but maybe the administration supports this amendment and maybe they don't support the amendment.

I believe this floor makes it less likely that we will consider an alternative to arms control as a method to reduce this threat. I am willing to look at alternatives such as star wars for which I voted. The strategic defense system is not in place today. I don't know when it will be in place.

In the meantime, the capacity to control Russia's nuclear system is declining and putting more and more Americans at risk as a consequence.

This is the third year, as I understand it, that this provision has been here.

Let me talk about strategic arms reduction. It has been the leading edge of our effort to try to reduce the threat. Back in the cold war, it was considered to be the only way that we will do it. I am not going to go through all the details of the history, but the Strategic Arms Reduction Treaty was signed between the United States and the Soviet Union, START I, in 1991 and entered into force in 1994. It commits both sides to reducing their overall force level to 6,000 deployable warheads by December of 2001. Both sides are well on the way to meeting this deadline. The START II treaty signed in January 1993 and requires both the United States and Russia to deploy no more than 3,500 warheads by no later than December of 2007. The Senate ratified START II in 1996, but the Russian Duma has yet to take up the treaty.

Section 1041 of this authorization bill extends for another year the limitation on retirement or dismantlement of strategic nuclear weapon systems until the START II treaty enters into effect. Let me put this another way: The bill we are debating allows a foreign legislative body the final say on U.S. nuclear force levels. I do not believe this is how we should set our defense policies. Our military decisions should be based solely on what we need to protect and maintain our national security interests.

While I understand this provision was originally intended to encourage Russian ratification of START II, I think it is time to begin to rethink our strategy. For the foreseeable future, START II is dead. We can all make the case that the Duma should have acted, that ratification was more in their interests than in ours, or that the reason it failed was domestic Russian politics. All that is true. But we now need to begin to ask ourselves if the current policy of waiting for Russian action on START II is the best way to confront the dangers presented by the Russian nuclear arsenal.

I believe the answer is emphatically no. The provision in this bill I am trying to strike is forcing the United States to maintain an unnecessarily large nuclear arsenal. By keeping more weapons than we need to defend ourselves, we are encouraging the Russians to keep more weapons than they can control. That is the heart of the argument that I am making.

We are keeping more in our arsenal than we need, and as a consequence, forcing the Russians to keep more in their arsenal than they can control, increasing the risk of an accidental launch, a rogue nation launch, or a launch that comes as a consequence of an act of sabotage.

The determinant of adequate U.S. force levels should be left up to the men and women who are in charge of protecting the United States. While Pentagon officials have said they have

no plans to go below START I levels during fiscal year 2000, they have clearly stated their preference for lifting these artificial restrictions. In the recent testimony before the Senate Armed Services Committee, the current commander in chief of the Strategic Command, Adm. Richard Mies, said:

We believe that we ought to report to you on an annual basis on exactly what we plan to do, but we would prefer not to have the specific mandating of the force levels by delivery systems.

Our Armed Forces are more than capable of protecting U.S. national security with significantly fewer strategic nuclear weapons. In fact, Gen. Eugene Habiger, former commander of STRATCOM, said: "There is no reason to stay at the START I level from a military perspective." Our nuclear policy has become completely detached from the military requirements of defending America, and is now being used simply as a bargaining chip with Russian politicians.

Ironically, this is occurring at a time in which the Russian military is having problems maintaining its current force levels. The Russians foresee a time, in the near future, when drastic cuts will have to be made. In fact, Russian Defense Minister Igor Sergeyev has said publicly he sees the future Russian strategic nuclear arsenal in terms of hundreds, not thousands, of warheads. There are even some U.S. analysts who have calculated within 10 to 15 years Russia will be able to maintain a force no longer than 200 warheads.

I believe it is clearly in the Russian interest to work with the United States to achieve reciprocal reductions in forces, and I am disappointed the Russian Duma has chosen domestic politics over its best interests. However, it is just as clear that it remains in our interests to work with Russia to find new ways to reduce the number of nuclear weapons in a parallel, reciprocal, and verifiable manner.

We have a historical precedent to show that an adjustment in our nuclear forces, based solely on an evaluation of our defense needs, can help achieve the goal of reducing nuclear dangers. There is a precedent for this. On September 27, 1991, then President George Bush announced a series of sweeping changes to our nuclear force posture. After assessing our national security needs, Bush ordered all strategic bombers to stand down from their alert status, he de-alerted all ICBMs scheduled for deactivation under START I, and he canceled several strategic weapons development programs.

On October 5—just one week later—President Gorbachev responded with reciprocal reductions in the Soviet arsenal.

President Bush acted, not out of altruism, but because it increased U.S. national security. In his announcement, he said:

If we and the Soviet leaders take the right steps—some on our own, some on their own,

some together—we can dramatically shrink the arsenal of the world's nuclear weapons. We can more effectively discourage the spread of nuclear weapons. We can rely more on defensive measures in our strategic relationship. We can enhance stability, and actually reduce the risk of nuclear war. How is the time to seize this opportunity.

I believe the same is true today in 1999. The longer we wait to act—the more years in which we extend this legislative restriction—the more likely it is one of these weapons will fall into the hands of a person willing to use it to kill American citizens.

In addition to endangering the safety of the American people, our continued insistence on staying at START I levels is costing the American taxpayer. They are paying more to be less safe.

Estimates on the annual cost of maintaining our nuclear arsenal vary widely. The Pentagon contends the total cost is in the neighborhood of \$15 billion a year. A more inclusive figure would put the cost in the area of \$20 to \$25 billion. This represents a significant portion of our yearly national security spending. For now, it continues to be necessary to maintain an effective, reliable nuclear force—a force capable of deterring a wide array of potential adversaries.

But if, as our military leaders have indicated, we can maintain that deterrent capability at much lower force levels, I am concerned we are wasting precious budgetary resources. The Congressional Budget Office recently conducted a study in which it found we could have between \$12.7 billion and \$20.9 billion over the next ten years by reducing U.S. nuclear delivery systems within the overall limits of START II. Both the Pentagon and the Armed Services Committee have already recognized that potential savings exist in this area. The bill before us allows the Defense Department to decrease the number of Trident Submarines from 18 to 14—producing a significant cost savings in our deterrent.

I am sure further savings could be realized with further cuts. I am certain our military has the ability to determine the proper formula in which we can reduce our nuclear arsenal, save money, and still maintain a healthy triad of delivery systems that will maintain our deterrent capabilities. I am confident much of this planning has already occurred.

I am also confident the distinguished members of the Armed Services Committee would be able to find ways in which to redirect these savings into other defense priorities such as preventing the proliferation of weapons of mass destruction, combating terrorism and narco-trafficking, or improving the readiness of our conventional forces to confront the challenges of the 21st century.

My amendment does not mandate any reductions in the U.S. strategic nuclear arsenal. Rather, it simply eliminates the provision in this bill requiring us to maintain our forces at START I levels—a level that is unnecessarily high.

The greatest danger facing the American people today is Russian nuclear weapons. We have been given a moment in history to reduce this threat. Rather than acting on this opportunity, we are preparing once again to tie our own hands. The rapid pace of change in Russia and around the world will not wait for us in the United States Senate to debate for another year whether or not to seize this opportunity. We know what our relationship with Russia is today. We can predict, but we cannot know what it will be like in a year, or two, or ten. Circumstances may never again be this favorable for reducing the threat posed by nuclear weapons. We must act. If we do not, history may judge us harshly for our failure.

I see the distinguished Senator from New Hampshire is here, the chairman of the subcommittee. I think what I will do is yield the floor and allow my friend to speak for a while, and listen to what is likely to be his considered and well-spoken words.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank my colleague. I indicated I am more than happy to have the Senator from Nebraska finish his remarks, but if he chooses to have me proceed now, I will be happy to do that.

Section 1041 of this bill, which is in question here in the amendment of Senator KERREY, does prohibit the retirement of certain strategic delivery systems unless START II enters into force. The amendment by the Senator from Nebraska just strikes that entire section, section 1041.

For the last several years, the Defense Authorization Act has included a provision limiting the retirement of strategic delivery systems. Recently, it has specifically prohibited reductions below 18 Trident submarines, 500 Minuteman III ICBMs, 50 Peacekeeper ICBMs, and 71 B-52s. This year the provision has been modified to allow the Navy to reduce the number of Trident submarines from 18 to 14. This change was made after close consultation with U.S. Strategic Command, the Navy, and the Office of the Secretary of Defense. On April 14, 1999, the Strategic Subcommittee conducted a hearing on this matter. We did agree to reduce the number of Tridents from 18 to 14, with my support.

The overall intent of the provision is to send a signal to Russia, that if they want the benefits of START II, then they ought to ratify the treaty. I think this is where I part ways, respectfully, with my colleague. This really is a unilateral implementation of START II—or to make even deeper reductions that would fundamentally undermine the arms control process and our national security.

I believe I am correct, the Senator supported START II. If he is going to make unilateral reductions as part of our policy, I do not think it leaves much incentive for the Russian side to do what they have to do to get to START II.

But section 1041 is a very flexible provision. Since it must be renewed each year, there is ample opportunity to take into consideration proposals by the administration and to make our force structure adjustments as necessary.

This was demonstrated this year in the way the Armed Services Committee responded to the Navy's proposal, which was to retire four of the oldest Trident submarines.

With all due respect, the adoption of the Senator's amendment I believe could be interpreted as a sign that Congress no longer supports the policy of remaining at START I levels until START II enters into force. It seems to me the Senator is advocating that explicitly, but I could be wrong. I note that the administration does not support such a change in policy and, indeed, the administration's budget request fully funds the forces at the levels specified in the section in question that the Senator wishes to strike, section 1041.

The provision does not preclude the administration from making any changes in U.S. force structure that it is currently planning to make. Section 1041 does not require the administration to retain any strategic delivery system that it otherwise would retire. It is clear that the principal objective of this amendment is to encourage unilateral arms reductions outside the framework of existing arms control agreements.

My concern is this is a very dramatic departure from existing U.S. policy. Essentially, this approach would amount to an abandonment of, or certainly a significant deviation from, the formal arms control process.

I may support a change in U.S. policy that would base our strategic force posture on a unilateral definition of U.S. military requirements rather than on the arms control framework, but I believe that as long as formal arms control agreements govern our force posture, we ought to adhere to a policy of not unilaterally implementing such agreements.

Also, just as a bit of a side discussion here, the issue of what has happened now with China may also sound an alarm bell that these agreements with the Russians—were the Soviets, now the Russians—may not be the major issue before us if things keep going.

One has to remember that an agreement, START I, START II agreements with the then Soviets, now Russians, for arms control reductions between two countries in a bilateral world, could very well now expand to something beyond just the bilateral agreements with the Russians to the Chinese and perhaps to Syria and Libya and even Iran, or some other nice countries out there that are now, thanks to the Chinese, going to be receiving a lot of our secrets, if you will, nuclear weapons. That furthers the case for not unilaterally reducing these systems without the Russians agreeing first.

I therefore urge my colleagues to oppose the Kerrey amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I just spoke with Senator KERREY. I know he will want to say something in response to Senator SMITH and what I will have to say. I will take my 5 minutes right now, with his indulgence.

I appreciate the spirit of his amendment. In fact, I just advised Senator KERREY I regretted very much having to speak in opposition to his amendment because I admire him as vice chairman of the Intelligence Committee on which I sit. We agree on a great many things. In fact, we are introducing legislation as cosponsors today on another matter.

But on this matter, I do differ with his approach because it to me reflects the approach to defense preparedness, to national security, that has been characterized, as Charles Krauthammer has said, as "peace through paper" rather than peace through strength, which Ronald Reagan made popular and which we think helped to win the cold war—the notion, in other words, that treaties should define what the United States of America does to provide for its defense rather than the United States deciding what it must do to provide for its defense and then seek through treaties to limit what other countries might do and what we might do in the future as a part of that but following what our initial determination is with respect to necessities for our national security.

This is true with respect to the START I and START II levels of nuclear weaponry, our strategic deterrents. The START I levels are where we are right now, and historically the administration and the Congress have taken the view that we need to maintain our START I levels as long as that is the prevailing status of treaties, and that is precisely where we are today.

START II has not been ratified by the Russian Duma, and until it is and until Russia begins to comply with its obligations under START II to bring the number of warheads permitted under START I down to levels authorized by START II, we have viewed it important not to unilaterally bring our levels from START I down to START II, because holding out the possibility that we would stay at START I has been an effective way for us to deal with the Russians.

Robert Bell, speaking for the administration, has testified that it has been helpful for us to let the Russians know that we are going to maintain our forces at the current levels. While we are willing to reduce them to START II levels, it is going to require concomitant action by the Russians for us to do that. In other words, if the Russians are prepared to go from START I down to START II, then the United States will be prepared to do that. But until then, we should not be taking the action unilaterally.

As a matter of fact, I was going to offer an amendment to this bill which would ensure that our Trident forces would not be reduced, because that is also permitted under this bill. The Trident submarine forces are the most robust leg of our triad of strategic deterrence because they are the most secure. Our submarines are nearly impossible to track, so they are clearly the most survivable leg of the triad. The majority of our boats in the fleet can carry the D-5 missile, the most advanced missile we have.

What I have focused on here is trying to make sure that our country maintains our START I level capability and that we do not begin to erode that, simply because it is expensive to do as long as Russia is not willing to reach those same levels.

An example of why this is important is that if we were to reduce the Trident force, for example, we would be relying upon the B-52s—as a matter of fact, our plan, and I hope our American citizens appreciate that the current defense plan is to use an 80-year-old B-52 bomber into the future as part of the triad for our nuclear deterrence. That is relying upon a very old and not very survivable system, which is why I think we have to maintain the Trident system.

Our vulnerable land-based ICBMs are the other leg, and they are also quite vulnerable to attack. We ought to be maintaining rather than giving up our Trident forces.

Were it not for arms control considerations and a desire for the United States to implement the START II agreement that has not even been ratified by the Russian Duma, I do not think we would be taking the step that is being suggested by the Armed Services Committee today and the even larger or further step that Senator KERREY takes to have it apply to all of our strategic forces.

I have been concerned for a long time about the administration's desire to protect our Nation's security primarily by relying on arms control measures, and I said this has been described by Charles Krauthammer as "peace through paper." Let me use the words of the administration. Under Secretary of State John Holum explained the administration philosophy in 1994. This is a revealing explanation. He said:

The Clinton administration's policy aims to protect us first and foremost through arms control—by working hard to prevent new threats—and second, by legally pursuing development of theater defenses for those cases where arms control is not yet successful.

That is exactly backward. First, you develop your security forces, and then, to the extent that you can do so, you cut back on those through arms control treaties that are agreed to and implemented by the other side. But what you do not do is start out by saying arms control is going to drive your development and deployment of national security measures. It is exactly backward.

Arms control is not a new idea. In 1139, the Catholic church tried to ban the crossbow. Like a lot of other well-intentioned arms control measures, it did not work. The Kellogg-Briand treaty—I know the Senator from Virginia, the distinguished, esteemed chairman of the Armed Services Committee, is not quite old enough to remember that—in 1929 outlawed war.

Well, it does not work. Peace through strength works. Then you do what you can with arms control.

The main point I want to make is that our defense planning should proceed on the basis of assessing the threat, evaluating alternative means to defeat the threat, and funding the requisite weapons systems and force structure. We should not permit arms control agreements to drive our defense programs and our force structure. It is particularly true with respect to the START II treaty which this Senate ratified in December of 1995. Despite our action, the Russian Duma has refused to take action on it. The likelihood it will do so is highly uncertain. START II has become a political liability in Russia in spite of its advantages to them.

As I said before, I would apply this not only to the amendment offered by Senator KERREY but also to the language in the Senate bill which would permit the administration to withdraw our nuclear Trident force down to 14 boats. I quoted Robert Bell who stated that the provisions in law requiring the maintenance of the U.S. forces at START I levels are helpful in convincing the Russians that the only way that U.S. force levels will decline is if the Russian Duma ratified START II. While I understand he is going to be taking a new position soon, Bell is the President's Special Assistant for Arms Control and Defense Policy.

I was going to offer an amendment to highlight my concern about a provision of the Defense authorization bill that I believe undermines the strength of America's strategic nuclear deterrent. The specific provision that I am concerned about is paragraph (2) of section 1041 of the bill, which would allow the Clinton administration to reduce the number of Trident nuclear submarines operated by the U.S. Navy from 18 to 14 boats. Unfortunately, I fear the acceptance of this cut by the Defense Department was driven primarily by a desire to conform to prospective arms control agreements rather than a hard-nosed assessment of the best way to respond to current threats, and the best means of compelling Russia to meet its commitments to reduce its nuclear arsenal.

The Trident force, armed with nuclear-tipped submarine-launched ballistic missiles, forms a critical part of the United States nuclear triad, which also includes long-range bombers and land-based intercontinental ballistic missiles. When deployed at sea, Trident submarines are nearly impossible to track, making them most survivable leg of our nuclear triad. Furthermore,

the majority of the boats in our Trident fleet carry America's most modern missile, the D-5, and our most advanced nuclear warhead, the W88.

The bill before the Senate calls for the maintenance of U.S. nuclear forces at a level that closely approaches the limits imposed by the START I treaty. The bill, however, allows the Administration to reduce the number of Trident submarines and instead to rely more heavily on the current fleet of aging B-52 bombers and more vulnerable land-based ICBMs to maintain U.S. nuclear forces at START I levels.

I do not believe a reasonable person could argue that placing greater reliance on the venerable fleet of B-52 bombers, which are approaching one half century old, instead of maintaining the current force of Trident submarines would enhance the effectiveness and survivability of the U.S. strategic nuclear deterrent. Were it not for arms control considerations and a desire to implement the START-2 agreement that has not even been ratified by our Russian treaty partners, I do not believe we would be taking this step.

As many of my colleagues know, I have been concerned for some time about the Clinton administration's desire to protect our nation's security primarily by relying on arms control measures in a philosophy that Charles Krauthammer aptly describes as "Peace thru Paper." Under Secretary of State John Holum explained this philosophy during a speech in 1994, stating,

The Clinton Administration's policy aims to protect us first and foremost through arms control—by working hard to prevent new threats—and second, by legally pursuing the development of theater defenses for those cases where arms control is not yet successful.

Of course, as I said before, arms control is not a new idea. After all, in the year 1139, the Catholic Church tried to ban the crossbow. Like so many other well intentioned arms control measures, this one was doomed to failure from the start. And who can forget the Kellogg-Briand treaty, ratified by the U.S. in 1929, that outlawed war as an instrument of national policy. This agreement and others spawned in its wake left the United States and Britain unable to deter and unprepared to fight World War II. Yet despite these and many other notable failures, the Clinton administration still looks to arms control as the best way to safeguard our security.

The main point that I want to make is that our defense planning should proceed on the basis of assessing the threat, evaluating alternative means to deter and defeat the threat, and funding the requisite weapons systems and force structures. We should not permit arms control agreements to drive our defense programs and force structure. This is particularly true with respect to the START II treaty, which the Senate ratified in December, 1995. Despite the Senate's action, the

Russian Duma has refused to take action on the accord. The likelihood that it will do so is highly uncertain. START II has become a political liability in Russia in spite of its advantages to them.

Adherence to START I warhead limits, as called for by the Senate in its Resolution of Ratification for the START II treaty, and retention of the Trident fleet at 18 boats, gives us the best leverage we are likely to have to persuade Russia to move toward ratification and implementation. And the Clinton administration agrees with this point. During a briefing for Senate staff in January, the President's Special Assistant for Arms Control and Defense Policy, Robert Bell stated that the provisions in law requiring the maintenance of U.S. forces at START I levels are helpful in convincing the Russians that the only way U.S. force levels will decline is if the Duma ratifies START II.

The U.S. repeatedly purchased START II ratification with aid or with concessions permitting Russia non-compliance with other arms control agreements or with unilateral limits on our own defense programs. In fact, Russia seems to be moving even further from the arms control framework so dear to this administration. Russian leaders have recently spoken of reconstituting Russia's tactical nuclear forces, potentially reversing moves that the U.S. and Russia undertook during the Bush administration. On April 30th of this year, the Washington Times reported that Russia's Security Council ordered its military to draw up plans for the development and use of tactical nuclear weapons in what may be a response to NATO's heightened profile due to its involvement in Kosovo. Russia also continues to channel a high proportion of its declining military budget into its strategic nuclear forces and now places greater reliance on nuclear forces in its military doctrine. And furthermore, Russia appears to be conducting tests on new nuclear weapons. As the Washington Post reported on January 24th of this year, "Three small underground nuclear tests Russia conducted last fall have prompted some government intelligence analysts to suggest that Moscow may be trying to design a new generation of tactical nuclear weapons."

Nor is Russia the only concern. China is also modernizing its strategic nuclear forces with the benefit of warhead designs stolen from our nuclear labs and missile technology sold by the Clinton administration. The Cox committee had concluded that these thefts enabled China to design, develop, and successfully test modern strategic nuclear weapons and that these designs will make it possible to develop multiple independent reentry vehicles or MIRV warheads for their missiles. As the summary of the Cox committee report notes, "The People's Republic of China has stolen design information on the United States' most advanced thermonuclear warheads. Specifically, the

W-88 (Trident D-5 SLBM); W-87 (Peacekeeper ICBM); W-78 (Minuteman III, Mark 12A, ICBM); W-76 (Trident C-4 SLBM); W-70 (Lance SRBM); W-62 (Minuteman III ICBM); W-56 (Minuteman II ICBM). These thefts, primarily from our national laboratories, began in the 1970s, continued in the 1980s and 1990s and almost certainly continue today." The Cox report concludes by saying, "These thefts enabled the PRC to design, develop and successfully test modern strategic nuclear weapons."

Furthermore, I would point out to my colleagues that rogue states and gangster regimes are also working hard on nuclear weapons and the means to deliver them. As the Rumsfeld Commission noted last year, the strategic threat to the U.S. from rogue nations is growing rapidly. And one need only look at last summer's launch of a North Korean missile that overflowed Japan that has sufficient range to reach the United States for validation of the Rumsfeld Commission's conclusions.

Mr. President, I have offered an amendment to retain the Trident fleet at 18 boats. We should remember that the world remains a dangerous place and should size our nuclear forces accordingly. As I have outlined before, the Trident fleet is vital to the maintenance of our strategic nuclear deterrent. This is too important a step to be entrusted to an administration in thrall to its bankrupt Russia policy and its naive approach to arms control.

I ask unanimous consent that a copy of my amendment be printed in the RECORD.

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

Beginning on page 357, strike line 23 and all that follows through page 358, line 4, and insert the following:

(b) MINIMUM LEVEL FOR B-52H BOMBER AIRCRAFT.—Subsection (a)(1) of such section is amended by striking "71" and inserting "76".

Mr. KYL. Again, I fully respect the vice chairman of the Intelligence Committee and what he is attempting to accomplish. It is my view you first build your defense structure, and you stick with it until you see signs that the potential adversary has reduced his force structure in a competent way. Until you do that, you are better off keeping what you have in place rather than unilaterally giving it away.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, let me say that although we reach different conclusions, I completely agree with the Senator from Arizona. I do not think we should tie our defense policies to arms control agreements. I do not think we should do anything other than assess the threat and then try to put a force structure together that meets that threat, that keeps that threat as low as is possible. We should not cut corners. We should not get tied up in ideological knots.

We should decide what is necessary to keep Americans safe. I do think that it is much more likely that will occur if the U.S. military is as strong as we can possibly make it. There are significant new threats in the world that need to be met. I support the budget that has been proposed here.

I supported earlier the rampup in pay and other benefits. I think all that needs to be done. I think we have less in our intel budget than is necessary to both collect and analyze and disseminate the information to our warfighters and national policymakers.

What we are doing, as I see it, with this proposal is saying we are not going to do anything that might be in our interest, that might keep our country safer, because the Russians have not ratified START II. We are letting the Russians decide what our force structure is going to be.

We have been told by former General Habiger, who was the head of STRATCOM, that he thinks the United States of America will be safer and more secure if we went below START I levels. That is his assessment. He did not care what the Russians think about that. He thinks America would be safer and more secure if we did.

I am not going to read all through it. I will do it later because I see the distinguished Democratic leader is here and would like to make some comments. I am going to read some things that ought to give Americans a great deal of concern about this "loose nuke" issue where the Russians are experiencing a deterioration in their capacity to control their nuclear weapons, and we are requiring them to be not only at a higher level than they need but we are requiring ourselves to be at a higher level than we need to be as a consequence of saying we are not going to do anything until the START II Treaty is ratified.

Let me set the record clear about the administration's position.

Senator LEVIN, for the record, in the Armed Services Committee, on the 3rd of February, asked General Shelton:

Would you oppose inclusion of a provision in the Fiscal Year 2000 Defense Authorization Act mandating strategic force structure levels—specific numbers of Trident Submarines, Peacekeeper Missiles and B-52 bombers?

He said:

Yes, I would definitely oppose inclusion of [that].

And a further statement of the administration about their attitude towards the defense authorization bill said:

The Administration [would] appreciate the bill's endorsement of our plan to reduce the Trident submarine force from 18 to 14 boats. . . .

But they go on to say:

[W]e prefer repealing the bill's general provision that maintains the prohibition, first enacted in the FY 1998 Defense Authorization Act, against obligating funds to retire or dismantle any other strategic nuclear delivery system below specified levels unless

START II enters into force. The Administration believes this provision would unnecessarily restrict the President's national security authority and ability to structure the most capable, cost-effective force possible.

They have announced no intent to go below START I levels, but they have indicated they prefer not to have this prohibition in there.

The PRESIDING OFFICER. If the Senator will withhold, we have a previous order at this time to begin debate on amendment No. 393.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. I ask unanimous consent that I be allowed to speak on the Kerrey amendment. Did the Senator from Nebraska want additional time as well?

Mr. KERREY. After the other amendment is disposed of, we will come back to it, and I will have time then.

Mr. DASCHLE. If it would be appropriate, I ask unanimous consent to address the Kerrey amendment at this time.

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

Mr. DASCHLE. Mr. President, I commend the distinguished Senator from Nebraska for his advocacy and his leadership on this issue. This is probably one of the most important debates that we are going to have this year with regard to nuclear proliferation. This amendment could be one of the most important amendments that we will have the opportunity to vote on this year with regard to nuclear proliferation. So his advocacy of this issue and this amendment is greatly appreciated. I am very impressed with his command of the facts as we consider its advocacy this morning.

Much of the current debate on national security issues these past several weeks has focused on two issues, as we all know: Kosovo and the alleged Chinese espionage of our national weapons laboratories. That concentration is very understandable.

In the first instance, the courageous men and women who make up America's military forces are risking their lives daily in the Federal Republic of Yugoslavia to reverse the genocidal policies practiced by that country's leader. That is a just cause.

For the sake of hundreds of thousands of refugees made homeless by Milosevic's reign of terror, as well as the future of NATO, we simply cannot afford to fail.

As for the safety of our nuclear secrets, this, too, is an issue of vital national security. It is alleged that for the last two decades the Chinese Government has systematically engaged in efforts to gain access to some of our most important nuclear weapons scientists and the knowledge they possess.

Although all agree that classified information has fallen into the hands of the Chinese Government, it certainly

remains unclear who is involved and exactly how much of our national security suffered as a result of these activities. The administration, the Congress, and law enforcement agencies are vigorously exploring answers to these troubling questions.

But as important as these issues are, as I noted just a moment ago, I submit there is an issue of equal or greater importance to America's immediate and long-term national security interests, and this amendment addresses it. The issue is the U.S.-Russia relationship and the fate of tens of thousands of nuclear weapons, and hundreds of tons of nuclear weapons material possessed by each side.

The Kerrey amendment recognizes the importance of that relationship. The Kerrey amendment proposes that the United States take a small step to improve this relationship by acknowledging that the Russian nuclear arsenal is shrinking, and adopting the view of the Joint Chiefs of Staff that our security will not be jeopardized if we do the same.

I strongly support this amendment and ask my colleagues to join me.

It is difficult to point to a period of time since the end of the cold war when relations between the United States and Russia have been under greater stress. Protests and public opinion polls in Russia demonstrate that anti-American feeling is on the rise in that country. The tension in this critical relationship has grown as a result of both Russia's internal economic and political troubles and actions by this Government.

At the very time the U.S.-Russia relationship is under unprecedented stress, the need to work with Russians to reduce the threat posed by nuclear weapons and the spread of nuclear weapons material and expertise has never been greater.

Nearly a decade after the fall of the Berlin Wall, the United States and Russia still possess roughly 12,000 strategic nuclear weapons, thousands of tactical nuclear weapons, and hundreds of tons of nuclear weapons material. Even more alarming, both sides keep the majority of their strategic nuclear weapons on a high level of alert—something I addressed in past comments and, for the life of me, cannot understand.

And reports are growing that Russia's government lacks the resources to properly maintain and control its nuclear weapons, nuclear materials, and nuclear know-how. Consider these recent events.

In September of 1998, roughly 47,000 nuclear workers protested at various locations around Russia over the Atomic Energy Ministry's failure to provide them their wages for several months. Russian Atomic Energy Minister Adamov told the workers that the government owed the ministry over \$170 million and had not provided a single ruble in two months.

Again late last year, Russian radio reported that the mayor of

Krasnoyarsk-45, one of Russia's closed nuclear cities, where enough nuclear material to build thousands of bombs is stored, warned that unless urgent action was taken, a social explosion in the city was unavoidable.

More recently, guards at nuclear facilities reportedly left their posts to forage for food. Others have been reluctant to patrol facility perimeters because they did not have winter uniforms to keep them warm on patrol.

At some nuclear facilities, entire security systems—alarms, surveillance cameras, and portal monitors—have been shut down because the facilities' electricity was cut off for non-payment of bills.

According to recent testimony by senior Pentagon officials and statements by senior Russian defense officials, Russia's nuclear stockpile is faring no better than the workers hired to maintain and guard it. According to Assistant Secretary of Defense Ted Warner, Russia's force of roughly 6,000–7,000 strategic nuclear weapons will be dramatically reduced regardless of whether Russia ratifies START II.

By 2005, according to Warner, "[Russia] will be hard pressed to keep a force of about 3,500 weapons * * * and by about the year 2010, they will be hard pressed to even meet a level of about 1,500 weapons." Russian Defense Minister Igor Sergeyev recently stated that Russia is "likely to have no more than 500 deployed strategic warheads by 2012 for economic reasons." Finally, in this weekend's newspapers comes the latest evidence of Russia's nuclear troubles. Under the headline, "Russia Faces 'New Chernobyl' Disaster," the London Sunday Telegraph reports,

What a Russian energy minister has called a Chernobyl in slow motion is unfolding in [Russia's] far north where nuclear submarines are falling to pieces at their moorings and a decaying nuclear power station has been refused European Commission aid to buy vital safety equipment.

According to the Russian chief engineer at the nuclear plant, "We are in despair."

Mr. President, while U.S.-Russia relations approach their nadir and Russia struggles to keep the lid on its nuclear forces and workers, what has been the response of the majority of the United States Senate?

Unfortunately, for the last several years, a majority of the Senate opted to legally prohibit the United States government from responding by making modest reductions in our forces. A majority in the Senate has prevented the U.S. government from reducing our nuclear forces below the START I level until Russia has ratified START II. This majority has chosen to include a similar provision in this year's defense authorization. This provision further damages U.S.-Russia relations, locks us in at nuclear weapons levels not needed for our security, and drains much-needed resources away from higher priority defense programs. Senator KERREY's amendment wisely strikes this provision.

As I noted earlier, our relationship with the Russian government and Russian people is at a low point. Russians fail to understand our actions on several fronts—from NATO enlargement to ballistic missile defense. As Russians look at the inevitable decay of their own strategic nuclear forces, they question why the United States insists on holding firm at weapons levels Russia can never hope to match, let alone exceed.

As for whether mandating by law that we retain 6,000 strategic weapons, our senior military leaders—current and former—have decisively expressed their opinions on this issue. In testimony before the Senate Armed Services Committee earlier this year, General Hugh Shelton, chairman of the Joint Chiefs of Staff and this country's senior military leader, opposed just such a requirement. According to General Shelton, "I would definitely oppose inclusion of any language that mandates specific force levels." General Eugene Habiger, former chief of all U.S. strategic nuclear forces, agreed with General Shelton and went farther. General Habiger stated, "There is no need to stay at the START I level from a military perspective."

The Republican decision to keep our strategic weapons levels at an artificially high level also has budgetary ramifications. The Congressional Budget Office estimates that keeping U.S. strategic nuclear weapons totals at START I levels will cost the Defense Department \$570 million in FY2000 and nearly \$13 billion over the next 10 years. Resources are incredibly scarce, both in the Defense Department and in other areas of the government. We should spend every nickel necessary to ensure a strong defense. But we shouldn't spend a nickel on weapons systems the military tell us they do not need.

For all of these reasons, I oppose the provision in the underlying bill. I support Senator KERREY's amendment to strike this provision and restore a modicum of sanity to an increasingly troubled state of affairs. I ask my colleagues to do right by this important relationship, by our senior military leaders, and by the U.S. taxpayers who foot the bill for all we do. I ask for our colleagues' support on the Kerrey amendment. I yield the floor.

AMENDMENT NO. 393

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, debate will now begin on amendment 393.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I understand that Senator WARNER may wish to speak on the Kerrey amendment for perhaps 5 minutes before we move to the BRAC amendment. If so, we are trying to reach Senator—Mr. President, I withdraw that. Are we now on the BRAC amendment?

The PRESIDING OFFICER. We are now on the BRAC amendment No. 393.

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Nevada.

Mr. BRYAN. I thank the Chair, and I thank my colleague from Michigan.

I rise today as a strong supporter and original co-sponsor of the amendment offered by my colleagues, Senator McCAIN and Senator LEVIN, to consolidate our defense infrastructure and authorize an additional round of base closures.

For months, Pentagon officials, military leaders and key Members of the House and Senate have painted a picture of an American military force seriously compromised by years of declining or flat-budgets.

No one questions that the integrity of our force structure must be fortified, and I strongly support efforts to divert greater funding to modernization and readiness priorities—funding which, in my judgment, is critical if we are to continue to maintain the most powerful and proficient military force on the planet.

And I think we are all cognizant of the grave retention and recruitment problems prevalent throughout the military and the serious morale impacts of this lack of funding. These are real problems in our military.

Every recent defense-related appropriations measure—including last year's omnibus appropriations bill, the FY 1999 supplemental bill passed by this body just last week, and the legislation that is before us today—has included billions of dollars that the Pentagon did not request nor want.

Unquestionably, a large part of the problem has been the insistence of the Congress to continue the time-honored practice of forcing the Pentagon to purchase aircraft it does not want, to build ships it does not need, and to maintain military bases that have long outlived their usefulness.

And every dollar that we spend on these wasteful and unnecessary programs and infrastructure is a dollar that we cannot spend on such critical needs as readiness and quality of life programs for our military personnel.

Last year, a bipartisan coalition of Senators, led by Senator McCAIN, and others, offered a proposal supported by the Secretary of Defense and the entire Joint Chiefs of Staff, to shut down military bases that had outlived their usefulness and to save the Pentagon billions of dollars. And Remarkably, the Senate said no.

I am hopeful this body will not make the same mistake twice.

The manner in which we fund the Department of Defense borders on the absurd, and continues to undermine our credibility with the American people when it comes to our ability to exercise fiscal responsibility.

I am confounded by a Congress that on one hand bemoans the state of readiness of our military, and fights tooth and nail to add billions of unrequested dollars to the Pentagon's budget, and yet refuses to heed the advice of our military leaders and make sensible changes to our defense infrastructure.

We micromanage the Defense Department to the point where we tell the

generals and the admirals not only how many ships and planes they need to provide for our national security, but also where to place these ships and planes once they are built.

It is armchair quarterbacking at its worse.

Two years ago, the Congress passed—with great fanfare I might add—a balanced budget agreement that put in place a series of tough spending caps, requiring the Congress to reform its free-spending ways and make the tough decisions that are necessary to maintain fiscal responsibility.

Over the past two years, I have watched countless members of Congress duck, dodge, and evade those tough spending decisions as part of a systematic effort to sustain programs that have no justification and no purpose other than to divert funding from other more critical defense needs.

The examples are boundless.

Last year, we included a \$45 billion down payment on a \$1.5 billion amphibious landing ship that the Navy told us they had no need for.

This year, the Pentagon asked for ten new MV-22 Osprey aircraft, and the bill before us tells them to buy twelve.

The Pentagon and the Joint Chiefs tell the Congress that we have over 23 percent excess capacity in our current base structure and that it is time to consolidate our infrastructure and use the savings to shore up our readiness deficiencies.

And the Congress says no.

We shuttle precious defense dollars to shipbuilding, aircraft, and weapon systems programs that the Pentagon has deemed unnecessary and unimportant.

And unless the pending amendment is passed today, the Senate will continue to shun the advice of our military leaders, and divert precious dollars away from readiness and modernization programs to support an infrastructure that is clearly in excess of our needs.

Today, we have a modest, bipartisan proposal offered by Senators McCAIN and LEVIN, supported by the Secretary of Defense and the Joint Chiefs of Staff, that would unquestionably save billions of dollars that could be used to improve readiness, enhance pay, retirement, family housing, and other benefits for our military personnel, and bolster our national security.

For three consecutive years, the Secretary of Defense and the Joint Chiefs of Staff have asked us to allow the Pentagon to close those military bases it believes no longer hold operational value.

And for three years, the Congress has punted this political football, refusing to make the tough choices that we promised the American people we would make just two years ago.

Senator after Senator has come to the Senate floor to lament the lack of adequate funding for our Nation's defense.

We have heard that the readiness of our forces is at severe risk, that we do

not have the funding we need to invest in the weapons technology of tomorrow, and that personnel problems threaten the integrity of our force structure, both at home and abroad.

This Senator believes those concerns are real and legitimate. Just last week, my colleagues approved some \$13 billion from the Social Security trust funds to address some of these needs, I do not question the urgency in addressing all of our modernization, readiness and personnel shortfalls.

With that in mind, I cannot understand how the Senate, with a clear conscience, can fail to adopt the amendment that is pending before us, which was requested by the Joint Chiefs of Staff and which would save an estimated \$3 billion a year.

Not just this year, but \$3 billion every year, for years to come.

My colleagues, Senator LEVIN and Senator McCAIN, have already made reference to a letter sent by the Joint Chiefs in support of this amendment.

In that letter, the Joint Chiefs characterize an additional round of base closures as "absolutely necessary."

Not just a "good idea," Mr. President, but "absolutely necessary."

While legions of men and women have courageously stepped forward to defend this Nation and serve their fellow Americans, the Congress has continued to shortchange readiness and quality of life programs to finance questionable programs and weapons systems unrequested and in some cases outright opposed by the Pentagon.

There is no greater national security issue at stake than the readiness of our military and our ability to respond to global crisis.

Mr. President, the amendment before us is politically unpleasant, but fiscally prudent and imperative and I urge my colleagues to support it.

Mr. President, I yield the floor and ask unanimous consent that the remainder of time be allocated to the Senator from Michigan, who controls the time.

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

Mr. WARNER. Mr. President, at this time, it is my understanding that the Senator from Kansas will address the Senate regarding the BRAC amendment.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. I thank the distinguished chairman, and I thank the distinguished Presiding Officer for taking my place while I make these comments.

Mr. President, I rise to again state my opposition to the BRAC amendment as it is proposed. Let's get it clear. I understand that my colleagues who are offering this amendment are very sincere in their efforts to address the problem of an excess infrastructure, certainly within the Department of Defense.

Let me be absolutely clear that I agree with the assertion that there is

excess infrastructure. I have no quarrel with that. But let me be equally clear that until I am confident we can focus the BRAC where there is excess infrastructure and until we can ensure that any savings from such a BRAC—a lot has been said about the savings—will go toward modernization, or readiness, or procurement, as opposed to funding the numerous expeditions this administration continues to assign our military, such as Bosnia and Kosovo, I can't support any additional rounds of BRAC at this time.

Let me explain in a little bit more detail. "They" all understand that there is too much infrastructure for the current force strength. "They" know they need to act to reduce it. But the political costs are too high, and "they" know the blame for not having another BRAC can be easily passed off to others. We heard a lot of talk about "they" from the proponents of BRAC. Unfortunately, the readiness of our Armed Forces suffers because "they" are unwilling to act. I would like to get to the definition of who "they" are.

Most people who follow the excess military infrastructure issue—the BRAC issue, if you will—would say that "they" are the U.S. Congress. Senator after Senator has come to the floor with not really arms waving, but with some pretty tough commentary, pointing the finger at the Congress as being "they." However, let me also point out that a strong case can be made that "they" are also the civilian and uniformed leadership of the Department of Defense.

I am not trying to pick on anybody. I just want to share the responsibility in a fair way. Of course the Congress must approve the additional funds of BRAC, and therefore the responsibility is clearly on the shoulders of the Senate and the House. I accept that responsibility. The distinguished Presiding Officer does as well. Every Member of the Senate Armed Services Committee and the comparable committee in the House does as well. But the leadership of DOD has not shouldered the responsibility, in my personal opinion, to adequately prepare for future BRAC rounds. They could, by requiring each service to develop a prioritized listing of bases and facilities that are in excess, or the generic description of same, more especially in regards to the mission of the base.

I know what they are going to say. Their defense is such as, that would be impossible because of the politics of it; it would bias any future BRAC rounds, and therefore they should not be done until a BRAC is authorized.

By "they" I am talking about the DOD. "They" in this particular instance further state that it would be impractical to categorize the facilities by mission since most facilities are multifunctional, and therefore any future BRAC should, as in theory they have in the past, include all military facilities regarding the BRAC criteria.

If we are talking about BRAC, everybody is going to be on the same criteria. Everybody is on the table.

Of course, most bases and facilities are multifunctional. After all, they all train, they all have administrative functions, they all have public works tasks, but they all have a clear, primary mission.

Additionally, it is a bit disingenuous for the Department of Defense to say that all bases would be included, all are on the chopping block for consideration in any future BRAC round. That is rather disingenuous it seems to me, even if, for example, the service academies would be on the table, or the Norfolk Naval Base, or Andrews Air Force Base, or Fort Hood, or Camp Pendleton were on the table for BRAC consideration. That is not reasonable. That is not going to happen. It is not reasonable to expect that those, or other key facilities where we must have a primary mission, would be seriously considered for closure or for realignment.

It is not unreasonable to expect that a similar listing of definable excess capacity could and should be developed and be the focus of future reductions of infrastructure rather than, as I have said, before the "everything is on the table" approach in regard to BRAC.

Many of my colleagues have heard me voice my concern over what I call "BRAC purgatory." That is, quite simply, what every city in America with a military facility goes through every time a BRAC round is mentioned. What that means in real terms is that the city or the community involved spends a lot of money from their very limited budget to hire so-called "experts" or "consultants" to help to really protect their base from any future BRAC round.

If we can focus BRAC on the primary mission of bases and generically define what we need, and what we don't need, we will spare many communities from "BRAC purgatory." We will let them off the BRAC hook if their facility is not on the excess infrastructure list. We are going to save a lot of communities from "BRAC purgatory," and we are going to save a lot of headaches and a lot of money.

I am equally concerned that the Department has failed to develop a strategy for the next round of BRAC. Let me emphasize "strategy." You just can't go to a BRAC and put bases on the chopping block. A specific infrastructure strategy is required for at least three reasons.

First, as the military approaches the optimum infrastructure, great care is going to have to be made. It will be required to prevent the cutting of the essential infrastructures.

Second, since the military missions and roles are changing—and, boy, are they changing; for example, the Air Force sees itself becoming an expeditionary force rather than a garrison force, and that is happening; the Army, Navy, and Marine Corps are all search-

ing for a new mission and a new role—I think the Department of Defense-wide assessment of the types and the number and the location of the military facilities needed to support the national strategy must be developed. There must be a strategy there.

Third, both the Quadrennial Defense Review and the National Defense Panel strongly recommended consolidation and joint basing for the military to optimize their capability in an atmosphere of reduced budgets and reduced force structure military environment.

In isolation, each of those three requirements represents a difficult, a complex, and a contentious undertaking within the military and the Department of Defense. However, when taken as a collective mandate to shape the future infrastructure needs of the military, such an important imperative cannot possibly be accomplished within the guidelines of just a simple BRAC. It seems to me that the Department of Defense has to have the courage and will to oversee the services and direct actions be taken that would set the correct approach to reducing our excessive infrastructure to match our future military strategy. They should do that—not a BRAC commission.

The third action that DOD must find the will to take is defining the savings associated with BRAC and establishing a way to funnel those moneys into readiness, modernization, or the procurement or quality-of-life programs. In the April 1998 Department of Defense report on BRAC, they admitted that, "by their very nature, estimates of savings are subject to some uncertainty." That is probably the understatement of this debate. The Department further stated that, "No audit trail, single document, or budget account exists for tracking the end use of each dollar saved through BRAC."

Let me repeat that. Senator after Senator has come to the floor and said: Look at the money we are going to save in regard to BRAC. Then they look at the problems with modernization, and procurement, and readiness. Yet no audit trail, no single document, no budget account exists for tracking the end use of each dollar saved through BRAC. However, they assured Congress that, "The Department is committed to improve its estimates of costs and savings in future rounds of BRAC." "Oh, we are going to get it right next time."

It seems to me it takes courage to solve that problem, and it takes a dedicated effort to set up the processes to track and direct the BRAC savings into the promised accounts. And it will take more than a "trust me, it will be much better next time" assurance before many Members of Congress will let the reported savings, the estimated savings, the reported savings of another round of BRAC simply remain unaccounted for, be lost in the bookkeeping of the Department of Defense, or, in fact, if there are savings, if we can account for savings, they end up in such

missions as Kosovo or Bosnia—which have to be funded, by the way, and which we addressed in regard to emergency funding.

That is the proper way to fund the final act of courage on the part of the uniformed and civilian leadership of DOD—I use the word “courage” in quotes here—that directly impacts the future rounds of BRAC politics of the last round.

A lot has been said about this. I understand it. I am not going to rehash that today. But based on a recent memorandum from the Department of the Air Force, it seems to me there is some acquiescence to such pressure to not really carry out the BRAC action directed in the last round. BRAC is a hard sell in Congress under normal times and under the purest of motives. But when actions are taken that clearly disadvantage others and violate the BRAC process for political gain, BRAC is a “no sell” in Congress.

For the Department of Defense to simply say that all we need is for Congress to authorize additional rounds of BRAC is an easy way to avoid the responsibilities for actions that must be taken by the Department of Defense well in advance of any congressional action.

It seems to me the Department of Defense can go a long way to helping us in regard to the BRAC process if they simply develop the fortitude and the decisionmaking to start the process now to correctly and accurately shape and define the infrastructure—not to simply put everything on the table to save money but be required to support the military of the 21st century even if they risk pressure from the White House or Capitol Hill. Without such a strategy, I cannot support another BRAC round that has a poorly prepared and inadequately staffed approach to reducing the excess infrastructure.

I urge a “no” vote from my colleagues on this matter.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Kevin Zumbar, a military fellow, and Zach Terwilliger, a legislative intern, in the office of Chairman WARNER, be granted floor privileges for the duration of the Senate's debate on S. 1059, the National Defense Authorization Act.

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

Mr. LEVIN. Mr. President, how much time remains on the BRAC matter?

The PRESIDING OFFICER. The proponents of the amendment have 51 minutes and the opponents have 46 minutes.

Mr. LEVIN. I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator is recognized for 10 minutes.

Mr. LEVIN. Mr. President, from 1989 to 1997 the Department of Defense reduced the total active-duty military end strength by 32 percent. That figure is going to grow to 36 percent by 2003,

over a third reduction in our end strength will be achieved by 2003. We are already about a third.

Even after four base closure rounds, the reduction in the Department's base structure in the United States has been reduced only 21 percent. The Department of Defense analysis concluded that the Department has about 23 percent excess capacity in its current base structure.

Let me give a few examples of that excess that we are now funding, spending taxpayers' money supporting, which is no longer needed.

The Army will have reduced the personnel at its classroom training commands by 43 percent, but the classroom space has only been reduced by 7 percent—personnel reductions, 43 percent in classroom training commands but the space only by 7 percent.

Why do we want to maintain all that excess classroom space that is not being used? What is the point of doing that? The answer to me; it is pointless. The uniformed military are saying: Please let us close it.

The Air Force will have reduced the number of fighters and other small aircraft by 53 percent since 1989, but the base structure for those aircraft will be only 35 percent smaller. The Navy will have 33 percent more hangers for its aircraft than it requires.

And on and on.

Secretary Cohen's report to us documents substantial savings that have been achieved from past base closure rounds. It has been argued that those savings can't be audited. What the CBO says about that argument is that firm measures of BRAC savings that were requested by the Congress do not and, indeed, cannot exist. That is because BRAC savings are really avoided costs. They are the difference between what the Department of Defense actually spent and what it would have had to have spent in the absence of the BRAC action. Because the latter is never actually observed, the figures for BRAC savings that the Department of Defense provides will never be firm measures; they must always be estimates.

Then the CBO says—talking about the Department of Defense report on savings—that the report's basic message is consistent with the CBO's own conclusion: Past and future BRAC rounds will lead to significant savings for the Department of Defense.

That, it seems to me, is the heart of the measure.

This is a Congressional Budget Office letter, which I ask unanimous consent to have printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 1, 1998.

Hon. CARL LEVIN,
Ranking Minority Member, Committee on Armed
Services, U.S. Senate, Washington, DC.

DEAR SENATOR: Section 2824 of the National Defense Authorization Act for Fiscal Year 1998 requests a report from the Depart-

ment of Defense on the costs and savings associated with the four previous rounds of base closures and realignments. The legislation also requires the Congressional Budget Office (CBO) to review that report. The enclosure fulfills that requirement. In addition, I have enclosed a copy of CBO's response to a letter of April 17, 1998, from Senators Daschle and Lott and Congressman Gephardt.

Please contact me if you have any questions. The CBO staff contact is Lauri Zeman, who can be reached at (202) 226-2900.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosures.

REVIEW OF THE REPORT OF THE DEPARTMENT OF DEFENSE ON BASE REALIGNMENT AND CLOSURE

The Congressional Budget Office (CBO) has completed its review of The Report of the Department of Defense on Base Realignment and Closure, as required by section 2824(g) of the National Defense Authorization Act for Fiscal Year 1998. CBO finds that the report provides a clear and coherent summary of why the Department of Defense (DoD) believes that future BRAC rounds are necessary. Moreover, the report's basic message is consistent with CBO's own conclusions: past and future BRAC rounds will lead to significant savings for DoD. Nonetheless, the report is useful primarily as a summary of DoD's position, rather than as an analysis of BRAC issues. Although the roughly 2,000 computer-generated tables that accompany the report contain most of the specific data on past BRAC rounds that the Congress requested, the main text provides little analysis of those data or insight into the number and types of installations that might be closed in the event of future BRAC rounds.

DATA PROVIDED BY DOD'S REPORT

DoD's report provides most of the data requested by the law. Yet there were a few instances in which the department was unable to locate specific data or lacked information systems that were flexible enough to organize the data in the form that the Congress requested. For example, DoD was unable to locate the cost and savings estimates that it had originally given to the BRAC commissions, and it was unable to identify the BRAC funds spent on each type of Navy and defense agency installation.

The report also omits any specific information about the types and number of bases that might close as the result of future BRAC rounds. One explanation is that DoD may have been unwilling to make such projections because doing so might appear to prejudice the results of the BRAC process.

In addition, the firm measures of BRAC savings that were requested by the Congress do not—and indeed cannot—exist. That is because BRAC savings are really avoided costs: they are the difference between what DoD actually spent and what it would have had to spend in the absence of BRAC action. Because the latter is never actually observed, the figures for BRAC savings that DoD provides will never be firm measures, but must always be estimates.

THE COST OF IMPLEMENTING PREVIOUS BRAC DECISIONS

CBO did not attempt to verify DoD's estimates of the one-time costs of implementing past BRAC decisions. Those one-time costs (which include the costs of transferring or separating personnel, moving equipment, and constructing new facilities) represent actual expenditures and thus are easier to track than savings. Based on its current financial data, DoD concludes that the actual costs of implementing past BRAC decisions

will be very close to those that it projected at the start of each round. DoD's initial estimate was that it would cost \$23 billion to fully implement the four BRAC rounds; today, that estimate is \$22 billion.¹

Although DoD might be capable of estimating the costs of BRAC decisions very accurately early in the BRAC process, CBO finds that the similarity between DoD's initial BRAC cost estimates and the current ones may be, in part, a self-fulfilling prophecy. The Congress appropriates funds for one-time implementation costs based largely on DoD's budget estimates. Because those BRAC funds are in designated accounts and cannot be used for non-BRAC purpose, BRAC expenditures may adjust to some extent to match the funds available.

In addition, not all BRAC-related costs are included in the \$22 billion estimate. For example, operating units sometimes bear unexpected costs when services at DoD facilities, such as equipment maintenance, are temporarily disrupted by BRAC actions. The \$22 billion figure also excludes any environmental cleanup or caretaker costs that DoD might incur after 2001, when the implementation periods specified by the Congress for the past four BRAC rounds will be complete. Payments made to assist communities and workers adversely affected by base closures are also omitted. (DoD estimates that those costs, which are paid by the Department of Labor, DoD's Office of Economic Adjustment, the Economic Development Administration in the Department of Commerce, and the Federal Aviation Agency, totaled about \$1 billion as of 1997.)

THE SAVINGS FROM PAST BRAC ROUNDS

Consistent with current BRAC budget documents, DoD's report indicates that when the past four rounds are fully implemented, they will provide annual recurring savings of about \$5.6 billion (in constant 1999 dollars). That figure appears to be reasonable. By comparison, CBO estimates that savings could be about \$5 billion annually.²

However, DoD's report does not document how the services and defense agencies derived the BRAC savings estimates that underlie the aggregate \$5.6 billion figure. Nor does it show that those estimates are consistent with the quantitative model (DoD's COBRA model) that DoD used during past BRAC deliberations and might use in any future BRAC round. Instead, DoD tries to show that its aggregate estimate is credible by presenting a new analysis based on aggregate data and by citing recent audit reports. Neither approach is very successful. For example, the new analysis in DoD's report (which identifies recurring annual savings of \$7 billion) is based on the same undocumented estimates of personnel reductions that the defense agencies and military departments use in their BRAC budgets. Because reductions in personnel costs account for over 80 percent of estimated BRAC savings, using those personnel numbers ensures that DoD's new estimate of savings will not differ widely from the estimates in the BRAC budget documents. Because the new analysis depends on those budget estimates it cannot be used to verify them.

DoD's use of audits to verify BRAC savings also suffers from serious weaknesses. For example, the DoD Inspector General's audit of 1993 BRAC actions found that savings exceeded DoD's budget estimates by about \$1.7 billion over the six-year implementation period.³ Yet almost all of that \$1.7 billion in additional savings came from a few special situations in which the effects of BRAC actions were confounded with those of imposed budget cuts, reductions in workload, or re-

ductions in force structure. An audit can compare what DoD spent at different bases before and after BRAC actions, but—unlike models such as COBRA—it cannot disentangle the effects of BRAC from those of other factors.

ESTIMATES OF EXCESS CAPACITY

DoD's report indicates that the department will have excess capacity of over 20 percent at its U.S. bases after completing the four BRAC rounds. In its analysis, DoD compared the size of specific types of forces or workloads (measured, for example, by the number of aircraft or assigned personnel) with the size of the base structure that supports those forces or workloads (measured by the square feet of buildings or of apron space at airfields). DoD then estimated the amount of excess capacity by calculating the percentage reduction in the base structure that would result in the same ratios of forces to base structure that existed in 1989.

That approach is reasonable and, at least in the aggregate, yields a credible estimate. Yet it may not provide good estimates for particular categories of installations. DoD's estimates of the excess capacity for different categories of bases would be more credible if they were tested using a wider variety of indices for the size of forces and the base structure. The department's use of 1989 as a baseline may also be inappropriate for some types of installations. On the one hand, that approach could overstate the size of the required base structure—DoD might have had excess capacity in 1989, or it might need fewer bases today because it has consolidated service programs into defensewide activities. On the other hand, the approach could understate the amount of capacity required if some types of base support are truly a fixed cost, required regardless of the size of the force.

THE COSTS AND SAVINGS FROM POSSIBLE FUTURE BRAC ROUNDS

According to DoD's report, additional BRAC rounds in 2001 and 2005 would, together, save \$3.4 billion (in constant 1999 dollars) every year after 2011. In addition, the report implies that the cumulative savings from those rounds would outweigh the one-time implementation costs before 2011. To make those estimates, DoD assumed that the annual profile of costs and savings for each of the two proposed BRAC rounds over their six-year implementation periods would match the average profile for the 1993 and 1995 BRAC rounds combined, adjusted for inflation.

Those assumptions are reasonable for planning. DoD may not be able to provide better estimates until the specific bases that would be affected by proposed future BRAC rounds are identified. Yet savings from future rounds could be less than DoD predicts if the excess bases that have not already been closed are those for which closure costs would be relatively high or recurring annual savings relatively low. Such a pattern could also extend the time required before the savings from the additional BRAC rounds would outweigh the costs. Yet even in that case the ultimate savings from future rounds could still be significant.

IMPROVING ESTIMATES OF COSTS, SAVINGS, AND EXCESS CAPACITY

DoD's report provides a clear summary of the department's perspective on BRAC issues and on the need for additional base closures. But it provides little new evidence or insight into those issues. A more substantive report would have provided documentation for the estimates of BRAC savings that were submitted with the budget for fiscal year 1999 and a more detailed analysis of capacity issues.

In the future, DoD plans to keep better track of BRAC documents and of expenditures at bases before and after BRAC actions. Those steps would be useful. To the extent that implementation costs reflect actual DoD expenditures, improved financial records could contribute directly to the department's ability to assess BRAC costs. For example, DoD could extend its efforts to track the costs of BRAC rounds beyond the six-year implementation period in order to fully account for long-term caretaker and environmental costs.

Yet better recordkeeping, by itself, will not allow DoD to identify the extent of BRAC savings in a period when bases are undergoing large changes in budgets, forces, and workloads unrelated to BRAC. Instead, formal statistical models are needed to disentangle the effects of BRAC and non-BRAC factors on expenditures. In addition, DoD could improve the credibility of its savings estimates by better documenting the assumptions and methodologies used to generate them. The DoD Inspector General's audit of the savings from 1993 BRAC actions revealed that the services and defense agencies were often unable to explain how they derived the savings estimates submitted in their budget documents. The Congress might want to request that such documentation accompany all future BRAC budget exhibits. Such a requirement might encourage DoD to place greater emphasis on the quality and consistency of its estimating procedures.

In addition, DoD could provide better insight into capacity issues by developing a master plan for its base structure. Such a plan might be based on explicit estimates of requirements rather than presuming that the ratio of forces to base structure that existed in 1989 remains appropriate. For example, the plan could use standards reflecting the number of acres of land that combat units need for training or the number of square feet of office space an administrative worker requires. Standards could be developed that are appropriate to different types of forces and for forces stationed in the United States and overseas.

DoD's report would have been stronger had it provided well documented estimates of the savings from past BRAC rounds and estimates of excess capacity based on requirements. Yet despite those limitations, the report provides rough but credible estimates of the total recurring savings from past BRAC rounds, the aggregate level of excess capacity in the United States, and the potential savings from future BRAC rounds.

FOOTNOTES

¹Those figures are in current dollars, not adjusted for inflation. They represent the one-time costs that DoD expects to incur in closing and realigning bases during the six-year implementation period that the Congress has allowed for each BRAC round. They include environmental costs but exclude any revenues from land sales that result from BRAC actions. Although DoD initially expected to receive about \$4.1 billion in revenue from land sales as a result of past BRAC actions, it now expects that figure to be only \$0.1 billion.

²DoD's estimate is based on the sum of the savings shown in the budget for the last year of the implementation period for each BRAC round. CBO's figure, which is in constant 1998 dollars, reflects trends in base support costs, adjusted for changes in the size of military forces. Past CBO reviews have also concluded that the savings from base closures and realignments are substantial. See Congressional Budget Office, *Closing Military Bases: An Interim Assessment*, CBO Paper (December 1996).

³Office of the Inspector General, Department of Defense, *Costs and Savings for 1993 Defense Base Realignments and Closures*, Report No. 98-130 (May 6, 1998).

¹Footnotes at end of review.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 1, 1998.

Hon. THOMAS A. DASCHLE,
Democratic Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: In your April 17 letter, you pose 10 questions about base realignment and closure (BRAC) actions. This letter responds to those questions. In addition, I have enclosed the Congressional Budget Office's (CBO's) review of The Report of the Department of Defense on Base Realignment and Closure, which elaborates on many of the issues you address in your letter.

Actual BRAC Savings. The Department is able to provide reasonable estimates of BRAC savings. Yet the firm measures of BRAC savings that were requested by the Congress do not—and indeed cannot—exist. BRAC savings are really avoided costs—costs that DoD would have incurred if BRAC actions had not taken place. Because those avoided costs are not actual expenditures, DoD cannot observe them and record them in its financial records. As a result, DoD can only estimate savings rather than actually measure them.

DoD Information Systems. It is not possible for DoD to establish an information system to track actual savings. The BRAC budget justification books track only estimated savings. DoD is more successful in tracking one-time implementation costs, which typically reflect actual expenditures made from BRAC accounts. Its information systems, however, cannot always categorize those expenditures in the most useful way. For example, in its report, DoD could not provide BRAC obligations by base type for the Navy and the defense agencies. To comply with the spirit of the request in section 2824(g), DoD might try to provide better documentation of how the budget estimates for savings are made and to maintain more accessible records of BRAC costs on an installation-by-installation basis.

Economic Effects of Future BRAC Rounds. DoD's report does not make detailed projections of the specific outcomes of future BRAC rounds. The economic impact of base closures on communities depends on many factors, including the size and strength of the local economy and whether the community is urban or rural. An analysis of the likely impact of future base closures on local communities cannot be attempted until the specific communities are identified; even then, it would be very difficult to do.

Information Provided in DoD's Report. The DoD report provides most, but not all, of the information that the Congress requested. As noted above, it does not provide data that would require projecting the specific outcomes of future BRAC rounds. In addition, DoD was unable to locate some of the requested data, including the original cost and savings estimates that it gave to the BRAC commissions.

DoD's Analysis of Excess Capacity. DoD's report determines excess capacity based on the change in the ratio of forces to supporting bases since 1989. Although that approach is not unreasonable, the resulting estimates of excess capacity depend heavily on what specific indices are used for the size of the forces and of their supporting bases. In addition, that approach can understate or overstate the current level of excess capacity for particular types of bases depending on whether DoD had too many or too few bases of those types in 1989.

Overseas Base Capacity. DoD's capacity analysis does not address overseas forces or bases. The estimates of excess capacity presented in DoD's report refer to the percentages of excess capacity in the United States. The extent to which there may be a shortage

or an excess of bases overseas relative to U.S. forces overseas does not affect the accuracy of those estimates or the need for base closures within the United States.

Savings from Past BRACs and Future Personnel Reductions. CBO found that the methodology used by DoD to show annual recurring savings of \$7 billion from the four prior BRAC rounds is relatively weak. Nonetheless, CBO believes that recurring savings from those BRAC rounds will be substantial—about \$5 billion annually, as is indicated by the services' BRAC budget documents.

DoD's current spending plan, which extends only to 2003, shows small reductions in the number of personnel in 2001 and beyond. Such reductions are not inconsistent with additional BRAC rounds in 2001 and 2005, because most of the savings and personnel reductions from those rounds would not be seen until after 2003. However, DoD will have to make significant reductions in personnel after 2001 to realize the level of BRAC savings that it projects from future rounds.

Future Savings Estimate. In its review of DoD's report, CBO concludes that the department's estimate of savings from future BRAC rounds is not unreasonable for planning. A more accurate estimate would require detailed projections about the outcomes of future BRAC rounds.

Costs Beyond the Implementation Period. DoD will incur environmental and caretaker costs for some bases after the six-year implementation period is over. In its review, CBO suggests that estimates of BRAC costs and savings would be more accurate if they included those costs.

Data Included in DoD's Report. Most of the data in the appendices to the DoD report are not new. Rather, they were compiled from several existing sources, including BRAC budget justification documents and other documents that DoD has submitted to the Congress. However, the report aggregates the data in new ways and presents them at levels of detail not previously available in a single document.

As your letter indicates, the issues surrounding military base closures are difficult ones. One problem is that if the BRAC process is going to work, the Congress must decide on the advisability of additional rounds without knowing in advance which bases would be affected and what the specific effects of those closures would be. Another difficulty is that the Congress must make those decisions even though the savings from previous rounds can only be estimated rather than tracked in DoD's financial records. The amount of savings from BRAC actions will always be impossible to estimate precisely. The reason is that the effects of BRAC actions are not easily disentangled from those of non-BRAC actions, such as mandated budget reductions or cuts in forces and workloads.

I hope that this response is helpful. Please contact me if you have any questions or if you would like to request additional work by CBO on BRAC issues. CBO's staff contact is Lauri Zeman, who can be reached at (202) 226-2900.

Sincerely,

JUNE E. O'NEILL,
Director.

Mr. LEVIN. The heart of the matter, it seems to me, is that our auditors, our budget experts, have said that it is their conclusion that "past and future BRAC rounds will lead to significant savings for the Department of Defense."

What are those estimates of savings? By 2001, the Department estimates that

BRAC actions will produce a total of \$14.5 billion in net savings. After 2001, when all BRAC actions must be completed, steady State savings will be \$5.7 billion per year. This is just from past base closure rounds, which some Members say can't be audited in terms of precise savings.

That is a lot of money, \$5.7 billion per year—steady State savings. Is it possibly \$5.6 billion or \$5.8 billion? Nobody can state with certainty. It is significant.

What can be stated is what the CBO's conclusion is, that these are significant savings and are similar to the kind of savings that the CBO believes are achieved with base closing.

Last July, as I indicated, the CBO gave their own conclusions, so while we can debate this issue on the floor about audit trails and how precise the estimates are, our auditors, our experts, have reached the critical conclusion that the savings, indeed, are significant.

Earlier this month we received letters from Secretary Cohen, from the Chairman of the Joint Chiefs, from all of the Joint Chiefs, from the Secretaries of the Army and the Navy and the Air Force. In his letter, Secretary Cohen says the Department's ability to properly support America's men and women in uniform today and to sustain them into the future hinged in great measure on realizing this critical savings that only BRAC can provide.

Our ability to support the men and women in uniform depends on future savings from BRAC rounds.

A letter which we just received, signed by all six members of the Joint Chiefs of Staff, makes their views crystal clear:

Simply stated, our military judgment is that further base closures are absolutely necessary.

Those are pretty strong words and these are our uniformed military leaders. On the Armed Services Committee, we put a lot of stock in their judgment on most issues. Once in a while we may disagree with them, as is our right and our duty, but when the top military leadership, civilian and uniform, in this Nation tell Members that more BRAC rounds are "absolutely necessary" we should take heed.

General Shelton said in last year's Department of Defense report:

I strongly support additional base closures. Without them, we will not leave our successors the war-fighting dominance of today's force.

That is not a political statement; that is a military man's statement. That has to do with warfighting dominance.

We can argue about audit trails or specifics on this floor, but when the Chairman of the Joint Chiefs says we will not leave our successors the warfighting dominance that we have in today's force without additional base closures, those are words which have a special meaning, it would seem to me, to all of the Members who have this special responsibility.

We have to face up to this responsibility. A decade ago, after years of prodding by Senator Goldwater and under the leadership of Senator Nunn and Senator WARNER, Congress had the vision and the courage to start the BRAC process. Just imagine the financial problems that we would have today if we could not count on the savings from previous BRAC rounds. If the Senators a decade ago did not succeed in persuading us to start the BRAC process, think of the problems we would have today. Those are the problems we are going to have 4, 5, 6, 7 years from now if we do not continuing a process, if we do not continue the process, if we do not shed the excess infrastructure which is no longer needed.

Mr. WARNER. Mr. President, will the Senator allow me to address the Senate with regard to a unanimous consent request which he and I have shared? I will just present it.

I ask unanimous consent that time until 1:45 today be equally divided on the BRAC amendment between the proponents and opponents, with the vote beginning, as under the previous order, at 1:45 today.

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

Mr. WARNER. Mr. President, the distinguished Senator from Michigan and I had discussed the possibility of Senator KERREY coming in. I am committed to the 1-hour time agreement. We are advised by Senator KERREY he would not be available to utilize that time period after the 1:45 vote. I will be working to determine what we can bring up following the 1:45 vote.

Mr. LEVIN. I thank my friend from Virginia for his efforts to accommodate Senator KERREY. An additional hour is needed for his amendment, but because of his vice chairmanship on the Intelligence Committee which begins meeting right now, he is unable to be here.

Mr. WARNER. The most I can advise the Senate is we will have the vote at 1:45 today on the BRAC amendment. Thereafter, as quickly as I can, I will advise the Senate, after consultation with the ranking member, as to what the next amendment will be.

I yield the floor.

Mr. LEVIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The distinguished Senator from Michigan has 1 minute 14 seconds.

Mr. LEVIN. I yield myself an additional 2 minutes. I will finish and then ask unanimous consent that after I am completed, in 3 minutes or so, Senator ROBB be recognized.

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

Mr. LEVIN. Mr. President, Congress likes to ask the Joint Chiefs every once in awhile how much more money they think they need and where should we add it? What are their priorities?

Those are legitimate questions for us to ask. But they are also relatively pretty easy issues to address. Our duty

as Members of Congress extends far beyond pitching and hitting softballs. We have an obligation to the men and women in uniform to listen to the Chiefs when they ask us to do something that is hard to do.

The Chiefs' opinions are important to us when following them is easy to do, when they give us their priorities if we can find some additional funds. But now they are asking us to do something that is hard politically to do, and that is to heed their advice, to close some additional bases. I do not know of anybody in the Department of Defense or anybody in this Chamber who likes closing bases. Not many people like going to the dentist or losing weight either. It is just a lot more fun to eat dessert than to look after your health. But we have an obligation—and it is difficult—in the best interests of this Nation, and for the health of our military, to do not what is easiest, but to do what is essential.

What is essential has been told to us very eloquently in these letters from the Chiefs, in this letter from the Secretary of Defense, in this letter from the three Service Secretaries. These letters tell us as pointedly, dramatically, strongly, forcefully as they can, that it is essential that additional bases be closed. "Our military judgment is that further base closures are absolutely necessary."

I began my few minutes of comments with that quote and I end them with that quote, because I hope we will all think about that as we make a politically tough decision on how to vote on the pending McCain-Levin amendment.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I thank my distinguished friend and colleague from Michigan for his leadership on this issue, as well as my colleague and friend from Arizona for his leadership on this issue. It is a difficult issue.

This year, we have added billions of dollars to improve the readiness of our Armed Forces. It does not take a budget expert to realize how much more we could accomplish for our men and women in uniform if we had the billions in savings that would accrue from just one additional round of base closures in the year 2001.

Last year and the year before that, I argued that not giving the Department of Defense the authority it has asked for to close unneeded bases makes the Congress look shortsighted and indecisive. I argued then that every dollar used to maintain excess infrastructure is a dollar diverted from resources we so badly need to modernize our equipment and to improve the quality of life of our hard-working military personnel and their families.

Sadly, those BRAC efforts failed for nearly the same reasons the emergency supplemental succeeded last year, reasons that have more to do with politics than with making the right choices

when it comes to protecting this Nation's interests, both now and into the next century.

Admittedly, the emergency supplemental had plenty of legitimate emergency spending, emergency spending for our troops, for our farmers, and for hurricane and tornado victims. But it threw fiscal discipline out the window by also spending billions in non-emergency spending. In my view, we have acted just as irresponsibly over the past 3 years by refusing to close bases we no longer need. If we fail to pass this latest BRAC proposal once again, we will have failed not only the taxpayer but also the men and women who comprise the finest fighting force the world has ever known.

I come back to this point, one I have made time and time again, to ask, who really suffers if we force the Department of Defense to keep open bases it does not need? In the end, we only punish those who most need the benefits of infrastructure savings. First, we punish the Nation's taxpayers when we fail to make the best use of the resources with which we are entrusted. Second, we punish today's soldiers, sailors, and marines, because current readiness requires having sufficient reliable resources for equipment, training, and operations. Finally, we punish tomorrow's force, our future readiness, as we continue to mortgage the research, development, and modernization of the platforms and equipment that will be necessary to keep America strong into the 21st century.

As the Joint Chiefs of Staff have testified, there is no shortage of legitimate programs to apply BRAC savings towards including Navy shipbuilding. Years of relatively low procurement rates have created a shortfall so significant that the fleet size will shrink to substantially less than the 300 ships of the Navy's stated goal in the 2020s, if procurement rates of 8 to 10 ships do not start materializing now. The Navy is stretched thin enough right now, with 324 ships. Do we really want to risk not having enough ships to meet our commitments in the next century?

It does not have to be this way. The 300-ship Navy, the Army after next, and the Air Force and Marine Corps of tomorrow can be funded, at least in part, from BRAC savings. The savings from the first four rounds of base closures alone are estimated to be on the order of \$25 billion over the next 4 years. It should come as no surprise that scores of studies and organizations such as the Quadrennial Defense Review, the Defense Restructure Initiative, the National Defense Panel, and Business Executives for National Security have all concluded that more base closures are crucial to the future of our Armed Forces.

It is time to put politics behind us. We have an obligation to change the way we do business and to do what is right for our Armed Forces and what is right for the taxpayer. I urge my colleagues to support this critically important amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator FEINGOLD be added as a cosponsor of the pending amendment.

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

PRIVILEGE OF THE FLOOR

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that Mr. Lesley Spraker, a military affairs fellow in the office of Senator DEWINE, be granted the privilege of the floor during the consideration of S. 1059.

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

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent that Paul Barger, a national defense fellow in Senator INHOFE's office, be given the privilege of the floor during the remainder of the debate on the defense authorization bill.

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

Mr. SMITH of New Hampshire. Mr. President, at this time, I yield whatever time he may consume to the Senator from Wyoming.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President. I thank the Senator from New Hampshire. I will take just a couple of minutes.

I rise in opposition to the McCain-Levin amendment on base closure. It is a difficult decision for me because I am persuaded there could be some closures that would make us more efficient in terms of our mission in defense. I remember my friend, Dick Cheney, whose place I took in the House, said that defense is not for economic development; it is for defense. I appreciate that, and I believe that.

I was not at all impressed with the last process. I was not at all impressed with the way the administration handled it, so I do not believe that it is appropriate at this time to bring in the politics again of base closure. Frankly, the military ought to come forward with their views as to what is necessary to carry out their mission. That, of course, should be our particular desire.

AMENDMENT NO. 395

Mr. THOMAS. Mr. President, I also rise in opposition to the Kerrey amendment. It seems to me that it would be a mistake to begin to downgrade our position with regard to missiles until START II is agreed to by the Russians. We have already approved that treaty; the Russians have not. I do not think we should weaken our position.

I appreciate the opportunity to share my views on those two amendments. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 393

Mr. SMITH of New Hampshire. Mr. President, during the markup of the defense authorization bill in committee, we twice rejected base closure amendments. So it does seem anticlimatic to be out here on the floor again for the very same proposal. But such is the way of the Senate sometimes.

Senators MCCAIN and LEVIN did offer an amendment to have two rounds of base closures in 2001 and 2003. The process was adjusted to ensure that the next incoming President would appoint the commissioners. Everything else was identical to the amendment now being offered, and the amendment was defeated by a vote of 12-8, with members on both sides of the aisle voting one way or the other. Then Senators LEVIN and MCCAIN offered another amendment that called for only one round of base closures in 2001.

The House version of the Fiscal Year 2000 Defense Authorization bill is silent on base closures. Opposition to base closure in the House is much stronger than it is in the Senate, and the Membership has let it be known that they will oppose any base closure legislation in conference, even though the administration proposes these two rounds in 2001 and 2005. We are in a debate on the floor taking a lot of the Senate's time on a proposal that probably lacks the support in both the House and the Senate to get this to the President's desk.

There have been a lot of arguments made on both sides. Let me offer a few of my own.

During previous rounds, the Department had the opportunity to reduce the infrastructure to the extent that it believed necessary. That was the purpose of the previous rounds. The bottom line is that the Department failed to do that.

When first announced, the 1995 BRAC round was proclaimed to be "the mother of all BRACs." But the outcome was just a whimper; it was a little daughter rather than a mother.

Any purported savings of another round of these closures would not be available in the near-to-medium term for the procurement of equipment and weapons modernization or any other purpose. That is really what we care about. We want money for new equipment. We want money for readiness and modernization.

The bottom line, as most of my colleagues know, is that it is going to cost us in the immediate future money that we desperately need right now for readiness. No one disputes that if you close down infrastructure, in the long run it is going to save money. That is obvious. But it is going to cost us somewhere in the vicinity of \$3.2 billion right up front to begin the closing, with the environmental issues and all the changes that have to be made: the upfront cost transfer of units and equipment, new facilities at receiving

installations, buyouts of civilian employees and environmental cleanup. If we do not have the dollars now to do what we need to modernize our troops, to get the equipment they need, to get them up to the readiness level at which they should be—how will we be able to pay these initial costs?

Arguments that have been made, rightfully so, by Senator INHOFE and others, concerning the politicization of the last BRAC process. We all know that the administration seriously damaged the base closure process by its handling of the Commission's 1995 recommendations concerning McClellan Air Force Base in California and Kelly Air Force Base in Texas. We need to let these issues settled. There are a lot of hard feelings left over from that. We need to fully resolve these issues before we attempt another round.

BRAC should be focused on excess capacity, but it should not be an excessively broad approach. We ought to target any future BRAC legislation—we do not want every single installation in America to be in BRAC purgatory. I believe the Senator from Kansas, who is in the Chair now, has used that term. And that is what happens. Everybody gets put in this purgatory and everybody has to hire all these consultants and experts to try to get out of purgatory and hopefully not go to Hell, but hopefully wind up in Heaven, with their base preserved.

As the number of worldwide commitments increases for the Armed Forces, we should be considering increasing the size of the Armed Forces. We can make a very compelling case for that. I am willing to make it. Further base closures could preclude that eventuality. What we lose, we never get back. For example, if we close a shipyard, imagine how much time and effort and money we would have to expend, and how many environmental hoops we would have to jump through to open another shipyard after it has been developed into condominiums along the harbor somewhere. We will never be able to do it. Once it is gone, it is gone. We need to understand that.

I think we have to look at it and ask ourselves this basic question: Is it now the time to reduce further our infrastructure for the purpose of some long-term savings that are going to cost us in the short term when there is all this uncertainty out there?

The Senator from Michigan very eloquently, in his statement, talked about the percentage argument—that force structure has gone down 36 percent, personnel has gone down 40 percent, and base closings are only down 18 percent. That sounds like a fair argument, and it sounds like you ought to be able to put it all together, and there ought to be an even 36 or 40 percent cut in all areas. But that is not the case.

If you use an analogy of a football team, your team may be half the size it used to be, but you still have to have a stadium to play in. So you can reduce helmets and you can reduce personnel

and you can reduce support, bandages, or whatever you need for the players, but you still have to have a stadium.

So I do not think you can break it down that simply. It does not matter whether you have a good team or a bad team, or whether you have 75 players as backup or 12 players as backup, you still need a stadium, you still need to have a certain amount of infrastructure to run the team.

So I say this is very ill-advised. We do not know where we are going. I personally believe that right now, the way things are going in the world, we are going to have to increase, not decrease, our personnel, increase, not decrease, our forces, and if we are going to do all that, we are going to have to have the infrastructure to support it.

So I hope this amendment will be defeated for those reasons alone, not to mention the anguish the communities would have to go through.

I think it is important to understand that the President of the United States is calling up reserves right now, in great numbers, to be deployed. Lord knows where—perhaps Bosnia, perhaps Kosovo; we do not know just where. We do not know what other crisis may break out.

I just think it is a terrible time to think about taking down infrastructure. What message does that send to the troops out there and to the people who support those troops all across the country in the bases and the infrastructure around those bases? What message does it send to those people if we say, in spite of all of this increase in activity around the world, we are now still going to eliminate more infrastructure, not knowing what we need for the next crisis?

We can eliminate it at some point, if it is necessary. We are not saving that much now to do it. As a matter of fact, even in the short term it is costing us. So there is no rush here. I think we ought to just settle down, take a careful look at what we are doing, reevaluate our entire military structure—and in my view, increase the size of our forces—and not rush to judgment here with some additional base closings.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. How much time does the Senator need?

Mr. INHOFE. Five minutes.

Mr. SMITH of New Hampshire. I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The distinguished Senator from Oklahoma is recognized for 5 minutes.

Mr. INHOFE. I thank the Senator for yielding time.

I think just about everything has been said here, but there are some concerns I have that I would state in a little different way than the Senator from New Hampshire has stated them.

One is that we have gone through an artificial downsizing that is not commensurate with the threat that is out

there. The myth that has floated around that the cold war is over, there is no longer a threat, is something that finally the American people are waking up and realizing is not true. We are in the most threatened position today that we have been in probably in the history of this country, with the diverse types of opposition out there, the proliferation of weapons of mass destruction and abilities to transport those weapons.

So I say, one of the strongest arguments against a BRAC round at this time is, we have gone through four BRAC rounds. If we take the level of our infrastructure down to meet the level of the force strength, then when we start back up with the force strength, we will not have the infrastructure that is necessary.

So we need to be looking at our rebuilding process. It would be like going through extensive BRAC processes back in the late 1970s—right before rebuilding, which is imminent. We are going to have to do it with the new administration.

Secondly, as I think the Senator from New Hampshire articulated quite well, we are in a really severe situation right now in terms of readiness. Later on today I want a chance to elaborate on this and talk about the fact that we are now at approximately one-half the force strength that we were in 1991. In other words, we could not repeat our effort in the Persian Gulf war today.

This is being complicated by all these deployments to places where we should not be. We should never have sent a troop or any effort or any assets into Bosnia; we should not have done that in Kosovo or Albania, or to Haiti, for all practical purposes, because that dilutes the already scarce military assets we have.

I say this relates to this subject because we have a military system that is hemorrhaging today. This is not something that we can wait until later to take care of. As the Senator from New Hampshire pointed out, anything that comes from a BRAC round, a new BRAC round, is going to cost money, not save money.

Now is when we are going to have to try to do something with our readiness so that if General Hawley has to stand up and say something has happened either in the Pacific theater, North Korea, or the Persian Gulf, Iraq or Iran, we would be able to meet that. We cannot do that today. So this certainly would be ill-timed, even if you believe that it was a good idea to have future BRAC rounds.

I think also we need to look at the budget we are passing. I want to talk about the inadequacy of what we are talking about in our authorization bill. We are increasing by about \$9 billion what the President's budget was. We have had testimony from the CINCs and from others in the field and from the four-stars that this is totally inadequate. We are going to have to have at least a minimum increase of \$24 billion each year for approximately 6 years.

Lastly, I would like to remind everybody of what happened in the last round, I believe, in the BRAC process. I was elected to the House in 1986, and that is when we put this idea together. It was a Congressman from Texas, DICK ARMEY, who did it. The idea was to get politics out of the BRAC process. Through round 1 and round 2 and round 3, there were no politics involved. They were not political decisions; they were rational decisions.

However, in the last round—and we all know what happened; no one is going to question this—the President went out there prior to the 1996 election, to McClellan in California and to Kelly in Texas, in order to get votes and politicize the system.

You might say: Well, this is going to come along after he is gone. I am a little bit concerned about the fact that there is a possibility, a very outside possibility, that AL GORE will succeed him. That being the case, he was involved in politicizing this, too.

For those who believe we still have excess infrastructure, I would like to have you consider that maybe we should wait until we see what the new administration is going to look like, what kind of commitments are going to be made. As chairman of the committee that has oversight over the BRAC process, I suggest we wait and not pass this BRAC recommendation today.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. How much time does the Senator require?

Ms. SNOWE. Five minutes.

Mr. SMITH of New Hampshire. Is there a UC on the time?

The PRESIDING OFFICER. The Senator from Maine has 5 minutes.

Ms. SNOWE. I thank the Chair.

I gave a lengthy statement last night. I will not go into everything that I referred to, but I think there are several points that need to be reiterated with respect to base closing.

I strongly oppose the base closing amendment that has been offered by Senator MCCAIN and Senator LEVIN that would initiate another round in the year 2001. We come back to the same issues that have yet to be addressed by the Department of Defense with respect to creating a comprehensive analysis in terms of matching our infrastructure with our assets and the security threat mix that we can anticipate into the 21st century.

This is an analysis, in fact, that has been suggested and recommended by the National Defense Panel in order to have an overall assessment and accounting of exactly what we are going to need with respect to our domestic infrastructure into the 21st century.

I think everybody acknowledges that we are facing different types of threats today, more asymmetric, more unpredictable, more uncertain, far more diverse, regional threats than we have

ever encountered before. So as a result, it seems to me we need to have an accounting from the Defense Department as to exactly what are their needs.

They keep telling us over and over again from the previous four rounds that we have achieved and realized billions and billions of dollars in savings. Yet we have been unable to track those savings. In fact, in the reports by the General Accounting Office in 1996 and then again in 1997 and in addition to the Congressional Budget Office reports, all indicate the very same thing. It is very difficult to ascertain the amount of savings derived from the previous base closing rounds, because the Department of Defense has never established a mechanism for tracking those savings.

I think it is important for us to have that data so we can document what has exactly been saved as a result of those four previous rounds.

When you look at this chart, this is in the General Accounting Office report: Why BRAC Savings are Difficult to Track and Estimate Changes Over Time. DOD accounting systems are not designed to track savings. Some costs are not captured initially; i.e. the environmental costs.

Well, we now find out that they are going to have to spend at least \$3 billion more in environmental mitigation than they anticipated.

Some savings cannot be fully captured—long-term recapitalization costs. Again, we have found out in terms of sales, they anticipated they would realize \$3 billion in sales, and they have only received about \$65 million. So that is a great gap between what they projected for revenues of sales and what they actually realized.

DOD components do not have incentives to track savings because budgets may be reduced. Over time events may impact costs and savings that could not have been known when estimates were developed.

On and on it goes. We have no way of knowing.

Then the Department of Defense has said, well, we have cut back on personnel by 36 percent so, therefore, we should be reducing infrastructure by 36 percent. Since we haven't done that, it should be one on one, essentially, we should be reducing our infrastructure. But again, these determinations should not be made by arbitrary percentages but, rather, a documentation of exactly what we need for the future.

We have unpredictable challenges and, therefore, I think we should make those decisions based on the assessment of what should be our military infrastructure for the 21st century. Yet we have not had that kind of accounting.

I hope the Senate will not approve another round until we have the opportunity to have this kind of analysis from the Department of Defense they have resisted providing over the years.

In fact, in the 1998 Secretary's report on BRAC, it said additional rounds of

BRAC in the years 2001 and 2005—that would be contingent on two rounds—would yield \$21 billion in the years 2008 to 2015, the period covered by the QDR, and \$3 billion every year thereafter.

But that is contradicted by the report by the Defense Department in 1999 with respect to BRAC savings. It says with four BRAC rounds between 1995 and 1998, DOD invested approximately \$22.5 billion to close and realign 152 installations. So it costs as much to close those bases as what they are projecting for savings from another two rounds in the future.

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

Ms. SNOWE. One additional minute.

Mr. SMITH of New Hampshire. I yield the Senator 1 additional minute.

The PRESIDING OFFICER. Without objection.

Ms. SNOWE. The real challenge and the problem with these base closing rounds has been the fact that they are costing far more than what the Defense Department anticipated. I think it is important for us to have the information and the verification from the Defense Department as to exactly what they have saved and how much it has cost and what they anticipate in the future. In addition, they have not even completed the four previous rounds. They have yet to be totally implemented. So we could be incurring additional costs.

Of course, the final dimension to the whole problem is all of the contingency operations. We have had 25 contingency operations that have cost the Defense Department more than \$20 billion. That has impacted readiness and modernization.

I say to this administration that perhaps if they had more clear objectives with respect to these operations, we could contain the costs, but we should not put pressure on reducing our domestic infrastructure if we are going to have more contingency operations in the future that demand the use of our domestic installations.

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

The Senator from Nebraska is recognized for 12 minutes.

Mr. HAGEL. I thank the Chair.

Mr. President, I rise to strongly support the McCain-Levin amendment. The arguments that have been made this morning and this afternoon, I believe, speak rather clearly and directly to why this amendment is worthy of our colleagues' support today.

I also wish to express my strong support for S. 1059, the fiscal year 2000 Department of Defense authorization bill being debated here on the floor of the Senate.

The first responsibility of our Government is to provide for a strong national defense to protect America's security interests. The primary responsibility of elected officials is to provide the leadership and the wisdom to ensure it is used in the best interests of the American people.

The percent of the gross domestic product we spend today on defense is lower than what it was just prior to the Japanese attack on Pearl Harbor. At the end of the cold war, there was excited talk about the peace dividend that would come, of course, from the decline in East-West conflict as a result of the implosion of the Soviet Union and the reduction in defense spending that, of course, would logically follow.

There was also talk about a new global order. Some suggested that war might be obsolete, thanks to the break-out of democracy around the globe. This all sounded hauntingly familiar to the end of World War I and other periods in the history of the world. But there is a peace dividend. That dividend is the new freedoms and opportunities that have resulted from the peace and stability America and her allies won over the last 50 years.

If we step back for a moment and review Korea, Vietnam, the Persian Gulf, we understand in some rather direct terms what our stand and our allies' stand in those three areas of the world meant to stability, to commitment, to using our forces in a positive way that, in fact, stood for what was right in the world.

I am a veteran of Vietnam. I served in Vietnam in 1968, and I have heard many times of the stories written and the debate about whether it was a wasted effort in Vietnam. I have responded this way: If America had not taken a stand in Vietnam, aside from how we executed and prosecuted the war—if we had not taken a stand in Korea, Vietnam, and the Persian Gulf, does anyone doubt that the face of Asia, the face of the Middle East would be different than it is today? Of course it would be. Would it be more in the interest of freedom and stability and democracy and market economies than it is today? I don't think so.

So, you see, it is not only having the ability to protect our interests and preserve freedom and democracy, but the will and the leadership to make that commitment is just as important. There are new challenges and new responsibilities today that we face, as the new dynamic world always provides, as we move into the next millennium.

During the cold war, we confronted one adversary on several fronts. Today, we confront several adversaries on several fronts. One of the concerns that we must be very vigilant about over the next few years is not placing America's interests in the world in a position to be blackmailed by nations who would threaten those interests by threatening to use a weapon of mass destruction and for us, essentially, not only to be militarily incapable of responding to that blackmail and not having the leadership and the will to say we are not going to do that, that isn't going to happen. Actions have consequences. Inactions have consequences.

America and her allies have done very well over the last 50 years to help

stabilize a very unstable world. Partly, that has been the result of our word meaning something, our commitment meaning something. But if we don't have the military assets and the resources to be able to call upon that capacity to stop tyranny and war and instability, then in fact we place America in a terrible position and we threaten America's security through the possibility of blackmail.

We must harbor our national defense resources wisely, of course. But when we do use them, we must follow the principles of the Powell doctrine: Overwhelming force deployed decisively in the pursuit of clear objectives.

Rebuilding our military will not be cheap. America needs to understand that. This bill heads us in the right direction, but much more is going to be required. We must not and we cannot build our military based on budget caps or spending goals. Military spending must be based on the threats and challenges we face in the world today. We must protect our interests and help maintain global stability to ensure our long-term growth and prosperity.

The defense budget must flow from our national security interests, not the other way around. The budget cannot drive our national security interests. Our national security interests must drive the budget. If we must find other means to take those resources and put them in our national security budget, then we must do that. That will require prioritizing our budget, our resources. It will prioritize what we as Americans believe our role in the world to be.

Every year, the nondefense nondiscretionary budget grows. You have heard the numbers in the last 2 days around here. For the last 14 years, our defense budget has grown smaller. We have cut our defense budget over the last 14 years. Every year, these other needs crowd out other spending priorities. Nondiscretionary entitlement programs are important, but they do us little good if the military is cut back to the point that our interests are threatened around the world: oil supplies are cut off, sealanes are blocked, citizens and corporations abroad are threatened, and our economy declines.

We must look for savings in the DOD budget, of course, push for greater reforms, seek greater efficiencies, and tailor our military for future challenges. But we also must be willing to spend as much as we need to protect our interests in this very uncertain, dangerous world. Having a strong, capable military is only half of the challenge. We must also have strong, capable political leadership. That leadership must have the respect of the world, so that the world knows that that leadership of ours can connect the military capability that we employ; knowing when and where to use our military. Strong leadership, anchored by clear principles, beliefs, vision, and policy, has always had its own deterrent power.

Dictators fear strong leaders because they know strong leaders will act—despite public opinion polls, focus groups, short-term political gains, or leverage. Leaders understand that actions have consequences, and that inaction has consequences.

Last week, King Abdullah from Jordan was here and spoke rather clearly and plainly to this issue regarding NATO's involvement in Kosovo. These are difficult times, but so have they always been. The real debate that will consume the American electorate next year, and the Presidential politics and this body next year, will be simply: What is America's role in the world? What leadership do we care to continue? We must recognize that if another country is to replace America as the world's leader, that new world leader may not be as benevolent as America has been in this century.

I don't want that kind of a world to be inherited by my 6-year-old and 8-year-old. Richard Haas' new book, "Reluctant Sheriff: The U.S. After the Cold War," lays it out clearly. That question about the role of America in the next century is a legitimate question. There should be a relevant debate, with the relevant questions asked: What burdens do we want to carry into the next century? Is it worth taking a disproportionate share of the world's burdens, which we have always had? I believe it is.

Henry Kissinger's piece in this week's Newsweek magazine, "New World Disorder," speaks to this issue. Unexpected events happen in the world daily. For example, last Sunday, a Chinese intelligence ship was sunk in the South China Sea. Supposedly, the Philippine Navy sunk it in an area that is contested. That is how fast flashpoints can bring world powers into conflict.

We need to commit ourselves now to rebuilding the U.S. military, reasserting ourselves on the world stage, and accepting the burdens that come with leadership.

Can we imagine Harry Truman, Dwight Eisenhower, John Kennedy, or Ronald Reagan whining about the burdens of leadership, whining about, well, I don't know what the polls show or the focus groups show. Can we imagine those leaders governing and doing what they thought was in the best interest of our Nation and the world based on the political whims and winds of the time? I don't think so.

America must continue to serve as the rock to which other democracies around the world can anchor. We must also continue to serve as the beacon of freedom and justice for other nations and other peoples. America has always inspired hope around the world, but we cannot lead the world without a strong national defense.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, once again we have a BRAC authorization measure before us. And once again the same deficiencies that led to the far-reaching political distortion of the prior, so-called "independent" BRAC commissions, are ignored.

I voted against the first BRAC authorization back in February 1989. At the time, I was one of only eight senators opposing the measure because, I said, it could not avoid political tampering. I was hoping to have been proven wrong. Unfortunately, I was not.

The proposal of my distinguished colleagues, Senators MCCAIN and LEVIN, is well-intended. There is no question that a properly run BRAC outcome could lead to funds freed up for force modernization, military pay increases, and many other badly needed defense needs, not the least of which is readiness. But it's not the motivation of my colleagues that I worry about. Rather, I still question whether this process can be completely objective. Whoever occupies the White House is also likely to be misguided by the same kind of outside pressures and political interests that characterized the previous BRAC disasters.

And, on a more parochial note, I am simply not going to vote to put my home state through this process again. We have proven over and over and over again that Hill Air Force Base and the other military installations based in my state are efficient, productive, and high quality. I am not going to vote to make them prove it again in a forum where the deck may already be stacked.

So with all due respect to my colleague from Arizona, I cannot support this amendment.

Mr. BUNNING. Mr. President, I have listened carefully to the current debate on the pending amendment which authorizes a round of military base closings commencing in 2001. At this time I do not support a further round of base closings. Therefore, I oppose this amendment for the following reasons.

I have repeatedly asked the Department of Defense, military bases in the Commonwealth of Kentucky, and the Kentucky Department of Military Affairs for information and proof that the past rounds of base closings have produced any savings to the Department of Defense or the U.S. taxpayer. After repeatedly asking for this information to prove this point, it has not been provided to me. Therefore, I need to see proof in savings and these savings need to be in "real" terms and without any accounting gimmicks and projected budgetary outcomes based on guesswork.

Many criticize the Department of Defense's current accounting measures. They say these accounting measures are not soundly based and that these measures are used in decisions which result in an unjust imbalance between our military base infrastructure and the rest of the military. Just because the Department of Defense is reduced in certain areas by a certain percentage, doesn't mean that our military base infrastructure should be cut at the same percentage level. The Department of Defense needs to measure any downsizing of our military base infrastructure in a formulaic way rather than just an across the board cut done blindly and foolishly.

Also, I am not convinced that if savings were found from past base closings, that the bases in Kentucky, Ft. Knox and Ft. Campbell, would be protected and strengthened. I have recently been told by the U.S. Army that these bases would not be harmed and that they would benefit from any future rounds of closings. The U.S. Army talked of these bases as being leading posts in their branches. However, I have not seen any new strengths added to these bases from past closings and I have not been told of any specific missions which would be added to those bases in Kentucky. I need reassurance from the U.S. Army that these posts will be protected by seeing the future plans for these posts and the specific missions which would be added to them.

Furthermore, I am not convinced that our military in its current state can do more with less. We are in a tangled mission in Yugoslavia, we have major troop deployments around the Korean peninsula and around Iraq, and we have U.S. troops scattered amongst some 40 other spots elsewhere in the world. Our deployments have increased dramatically over the past decade. If this trend of increased deployments continues, I cannot see the rationality of downsizing our military base structure in the midst of this pattern which seems to have no end.

In conclusion, I have not seen savings from past military base closings. Even if I was convinced there were savings, I am not convinced that the military bases and the soldiers that serve and work at those bases in Kentucky would be protected. I am concerned about minimizing our base structure while our soldiers and military do more with less. Also, past base closings have been politicized at the Presidential level and I fear the process may continue down that path again.

Because of these reasons, I oppose this amendment which authorizes another round of base closings.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment offered by Senators MCCAIN and LEVIN authorizing a new round of base closings. As the senior Senator from the state that has suffered the greatest impact from the previous rounds, I believe that the base closure process is

deeply flawed and fundamentally unfair.

The first four rounds of base closure occurred too rapidly and too little effort was made to protect local communities from devastating job loss and economic hardship. For those who say that adverse local impact is a necessary consequence of reducing military infrastructure, I would like to describe how this process has effected California where since the first BRAC round in 1988, 29 bases in California have been scheduled for closure or realignment.

Some claim that the process has been streamlined and every effort has been made to expedite the transfer of bases to the local community. I have also heard claims that base closure can be a boon to the community by bringing new opportunities for job creation and economic development.

Now let's look at the facts. The California Trade and Commerce Agency estimates that the four rounds of BRAC cost 97,337 military and civilian jobs. How many have been created? Less than 17,000. That is a net job loss of more than 80,000 jobs.

The reason we are not seeing job creation or economic growth is because the land is simply not being transferred to the local communities as was originally planned. The process is so slow and bureaucratic that years go by before any development can be done on the closed bases.

Again, the numbers prove this. The 29 closed bases represents 77,269 acres of land. The Federal Government has retained almost 25,000 for itself and 30,000 acres have yet to be transferred. That means that local communities have had access to less than 30 percent of the property that should have been made available to them. It is difficult to create jobs or stimulate economic growth without the land to do it.

That is the big picture of how the State of California has been impacted by the base closure process. Here is the impact at the local level.

Every member of this body who has had a major base close in his or her state can tell a base closure horror story, but I believe the magnitude of the loss that the city of Long Beach has faced makes it unique. In fact, if Long Beach were a state, it would rank in the top five in terms of the number of jobs lost due to base closure.

The Long Beach Naval Station was closed as part of BRAC 1991. This resulted in the loss of more than 8,500 military and civilian jobs. The direct loss of wage and contract was \$400 million with an estimated economic loss of another \$1 billion annually.

As the city struggled to deal with this devastating blow, the federal government dealt it another. In 1995, the Long Beach Naval Shipyard was scheduled for closure. The job loss from this action has been more than 4,000 and it has caused another \$1 billion in total economic loss.

The city's woes continued during negotiations with the Navy on the terms

of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for \$10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded \$8.5 million for the property. The same piece of property that the city gave to them for \$10. In an effort to get the conveyance process moving, the city reluctantly agreed to the price.

Now, at a time when the Clinton administration is proposing that all current and future economic development conveyances be done at no cost, the Department of Defense has thus far refused to renegotiate the deal. It appears that the Pentagon, with a budget in excess of \$250 billion, has a greater need for the \$8.5 million than Long Beach with a budget of just \$330 million.

This is only one example of the multitude of problems with base closure. It is an inefficient, bureaucratic, and ineffective process. I believe this is the wrong time to authorize a new round of closure. All we would be doing is following one flawed procedure with another.

As California's example shows, local communities have not been given the opportunity to recover from the four previous rounds. Delays caused by lack of funding and red tape have prevented the completion of land transfers and the beginning of reuse.

I believe it is essential that we allow enough time for the base closures of the 1990's to run their course before we deal them the challenges of the 21st century closures. If nothing else, we owe that to our local governments. I urge the defeat of this amendment.

Mr. LEVIN. Mr. President, I wonder if the good Senator from New Hampshire would consider yielding me 3 minutes of his time so we can preserve the 10 minutes that we have left for Senator MCCAIN who I understand is on his way over.

Mr. SMITH of New Hampshire. I yield 3 minutes to the opposition side.

Mr. LEVIN. I greatly appreciate that.

Mr. President, we have had several years of debate now about the President's alleged role in the last base closure round on the privatization-in-place proposals for Sacramento and San Antonio. This just simply cannot be allowed to be an issue, and it should no longer be an issue. Because of the hard work of the Armed Services Committee, we just resolved the depot issue in a fair way.

Our amendment deals with the privatization-in-place issue by including language for the 2001 BRAC round that would allow privatization-in-place closing of a military installation only when it is recommended explicitly by the Base Closure Commission and when it is the most cost-effective approach.

Our amendment also ensures the entire BRAC process takes place after the next administration is in office. The

base closure statute explicitly recognizes already that the President can decide whether or not to have a BRAC round, and he can decide not to have a BRAC round simply by deciding not to nominate BRAC commissioners. If the new President decides not to have a BRAC round, he simply will not nominate the new commissioners. If there is a BRAC round, the new Secretary of Defense will oversee the process of the statutory steps in the round done under the new administration under the timetable which is in this amendment.

Short of banning people from even thinking about base closures until 2001, there is just really nothing more that can be done to ensure that there will be no politicization at all. I know there were strong feelings on the 1995 round. But I don't think we should keep punishing the taxpayers and keep spending money which we need for the men and women in uniform to have the right pay and the right equipment by continuing to raise the allegations which were leveled about the Sacramento and San Antonio actions.

As it turned out, by the way, things came out quite well. The bidding team that represented the privatization in place of those two facilities lost during a competitive bidding process.

We have to be willing to take the heat. We can no longer just say that the last round was politicized if, in fact, it was cured in the next round. We just cannot eternally and constantly look back at these allegations and debate what may or may not have happened in the 1995 round as an excuse for not doing our duty here in 1999 in terms of saving the money, which is so essential if we are going to have the defense budget rationally devoted and rationally spent. We are talking here about a significant chunk of money. We cannot waste this money. Our uniformed personnel and our civilian leadership are pleading with us to authorize an additional base closing round. This amendment assures that it is the next administration—not this one—which will determine whether to proceed with a base closing round. All we would be doing is authorizing it. The next administration would be the one that would be administering this next round. It would not be this administration.

The timetable that we put in here assures every single statutory step, from picking the commissioners to do the work that is necessary to sending in the recommendations. All of that will take place with the new President and not with this President.

I yield the floor.

Mr. LOTT. Mr. President, if I could inquire about time. It is 1:30 now; are we scheduled to vote on base closure at 1:45?

Mr. LEVIN. The majority leader is correct.

Mr. LOTT. Mr. President, I have followed the base closure recommendations, the so-called BRAC issues, for

many years, going back to my years in the House. We have been down this old BRAC road several times before. I have always been opposed to this approach.

I remember standing in the center well of the House years ago, talking to Congressman ARMEY of Texas. He was talking about his concept. I told him that I thought it was an abdication of responsibility, but if he wanted to pursue it, here is how to do it, and here is how it has to come through the Rules Committee. He took notes copiously and pursued it and it went through.

I think this is one more example where we and the administrations are avoiding the tough choices. For years, for 100 years, when there was a need to close a base, the administration, the Pentagon, the Department of Defense sent up recommendations of surplus or unneeded bases that Congress, through the authorization process, appropriations process, considered those recommendations and made a decision to close them or not.

Over the years, as it became more and more difficult to close remaining bases or to make increasingly tough decisions, these so-called BRAC rounds gained popularity and were pushed and, in fact, passed through the Congress. I don't think this is the way it should be done and I maintain it has not worked well.

In many cases, bases were closed, including several in my State. I go quite often now to those former bases as we continue to work to get new business and industry to come into those facilities. The tough decisions were made. We did our job.

So the first thing I recommended is let's do our job. I discussed that with Secretary of Defense Cohen and he, of course, smiled and said yes, but we probably won't get them closed.

I believe if the case is made and they recommend a surplus, that could be done—maybe not as many as they would like, but the process is there and we should honor that process.

We have had these base closure proceedings in the past. They have been painful. They cause tremendous upheavals in the defense community. In the communities where it happens, millions of dollars have been spent trying to defend against closures or, once a closure decision has been made, trying to find a way to make use of the base.

For such communities, losing a base is more than just an economic loss; it is an emotional loss and a blow to the core of their identity. These are just not nameless, faceless people involved. In most military communities, personnel from the base are church leaders, little league coaches, and scout masters, not just men and women with money to spend. Communities that lose a base lose much more than economic well-being; they lose friends, neighbors, and community leaders. I think it is very important that we remember what this process does to communities and to the people who are involved.

I maintain the ones that we have had in the past have worked pretty well, although some bases are still not fully closed. The environmental cleanups have not happened in other instances. Many of these facilities, now, are just sitting there.

I recommend before we go to another round, if we ever do, of base closures, we ought to let the ones that have already been recommended fully run out the string. Let's see what we have saved.

I am told a good bit of money will be saved this year from the base closures. But if you read the little asterisk down at the bottom, it doesn't include, for instance, environmental cleanup costs.

So if you look at the impact this has had on our communities, on our defense installations, and what has actually come from it, I think it is not good judgment to go forward with another round now. Think about what we are doing. Think about the timing.

Here we are at a time when our defense capabilities are being stretched to the maximum steaming time, time our men and women are out on ships and they are on remote assignments, at a time when our troops are in combat this very day, we are talking about closing installations or closing facilities back here at home.

Also, a side note: Just last week we passed a bill that provided money for construction of more military facilities in Europe, so we are going to be adding a half billion dollars in new construction in Europe. Maybe it is needed. Maybe that says we have acted too hastily in drawing down in Europe. We allowed our facilities—the runways, the air traffic control towers, the housing facilities—to deteriorate even there. But at a time when we are going to be spending money in Europe, we are talking about cutting back here at home. Are American servicemembers going to return to find that while the bases overseas are being rebuilt there are "For Rent" signs on the ones they left back home in the United States?

I think, first of all, the whole idea of doing it through a commission is not wise. Second, I do not think we have completed the process of the base closure decisions that have already been made. Third, the timing could not be worse.

Let's look at this more. Let's make sure we can stop the free fall our defense has been going through in readiness, in morale of our troops, in recruitment and retention. It is just one more factor that can serve as a discouragement to our men and women in the military. Some people say, let's go ahead and do it, the Department of Defense wants to do it this way—instead of doing their job, in my opinion—and it probably will not affect me.

I have a list I recommend Senators review before they cast their votes. This list will be available in the Senators' cloakrooms. I will have them on desks. I will have it in my hand. Look at the bases that were on the list that

were not closed in the past. These will be the ones that probably would be first choice to be reviewed again. Just in the State of California, you are talking about 15 facilities. It covers the entire country. It covers facilities in almost every State.

When I look down this list, it really scares me, the facilities that could be considered for closing, what it would do in those communities and what it would do to our military capabilities. So take a look at this list before you cast this vote. Maybe sometime in the future we will need to take another look at it.

But I still think there is fallout from the fact that the last closure did become tangled up in political decisions. There is a very strong feeling that some of the decisions recommended by the BRAC were changed or evaded subsequently. I remember Secretary of Defense Cohen believing very strongly he was not given the information he was entitled to when the Base Closure Commission was acting involving the State of Maine. We need to spend more time thinking about this. We should get over this hump we are at right now of our military capability and the involvement we have now in the Balkans. Maybe another year.

I will tell you what I think we ought to do. Let's try doing it the way it was done for 100 years. Let's try doing it through the normal process. I support commissions sometimes. I guess the day might come when I would support one in this area. But I do not think this is the right time and I do not think this is the right way to go about it.

If the DOD feels further base closures are needed, the most logical solution I see is for the Pentagon to identify bases it no longer decides are necessary and submit these findings to us. Show the Congress where the redundancy and obsolescence are. I have full faith that this body is capable of looking objectively at our defense needs and determining whether a base has outlived its usefulness.

Where is accountability in the BRAC process? We in Congress should not be abdicating congressional authority to some ad hoc commission. In this time of severe military drawdowns and austere budget cuts, I think it is all too easy for us to pass the buck and allow a commission, which has no obligation to answer to any constituency, to further strip our military. I do not think we were elected to leave all the difficult choices to a special commission. The average American feels very strongly about our national defense, and its important that the buck stops here when it comes to ensuring our military readiness.

So I urge my colleagues, before they vote, look at this list. Think carefully about what you are doing. Can we be assured this will be done in a totally objective way? What will be its impact on our military right now? I thank the chairman of the committee, Senator WARNER, for his thoughtfulness in this

area. He has generally, in the past, been supportive of this effort, even when it affected his own State. He has stood up and said, We will do our own part. You have to commend him for that. But he, this time, has said this is not the right time; maybe another day, maybe another way, but not now.

That is what I hope the Senate will do. I hope the Senate will vote against this next round at this time.

I might emphasize, earlier on there was a recommendation we have two rounds, 2001–2005. It was considered we would exclude certain areas and allow the others to go forward. I think the principle of that is wrong. My own State might be exempted and everybody else might have to deal with it—that is wrong. We should not do things that way. We should have a fair, across-the-board policy. I think that is the way we should do it.

I yield to the Senator from Virginia.

Mr. WARNER. Mr. President, it is interesting the leader brings up "the old-fashioned way," because when I was Secretary of the Navy, circa 1971, 1972, 1973, I closed the Boston Naval Shipyard and the destroyer base, where Senator JACK REED and Senator CHAFEE were very much interested in that. We did it the old-fashioned way. I must say we came down here and we had hearings. I remember in the caucus room, Senators Pastore and Pell sat there and grilled me and the Chief of Naval Operations for the better part of a day. But it worked out. So there is a precedent for doing it the old-fashioned way.

I say to my distinguished leader, I was the coauthor of the first BRAC bill and the second BRAC bill. But the commission concept was predicated on trust and fairness. Regrettably, Mr. Leader, that was lost in the last round when, as you know, in the California and Texas situations, the sticky fingerprints of politics got in there.

Mr. LOTT. Yes.

Mr. WARNER. Therefore, all the communities across the country, once a BRAC process is initiated, they go to general quarters and they hire these expensive lobbyists and all types of people to try to make sure their case, should it work its way up through the system, is treated fairly. That is all they really ask. Unless there is trust in the system, we cannot achieve a commission concept of closures.

Maybe we can induce the Secretary of Defense to try it the old-fashioned way and give it a shot. I commit to work fairly and objectively if you put it right on the table. I thank the leader for his strong position.

Mr. LOTT. I thank Senator WARNER.

Let me point out another instance of another Secretary of the Navy, Senator CHAFEE of Rhode Island. When he was Secretary of the Navy, the decision was made, and it was very difficult, but the decision was made to basically mothball the Davisville, RI, Seabee base. I think it is still maintained in a state of readiness, but the number of troops

and employees were substantially reduced. But he had done his job. We have done our job in the past without a commission.

By the way, right now there are lawyers and various people going around the States saying, get ready, there is going to be another BRAC, you better hire me so I can make sure your case is made. I think that is wrong and I thank you for your leadership on this issue.

Mr. President, I urge the Members to vote against this base closure commission proposal. I have always opposed this procedure. I opposed it in the House in the eighties, even though I remember talking to Congressman ARMEY from Texas about the merits and demerits and how he could proceed to get it done. He did it quite well.

We have been through not one, not two, but 2½ rounds of base closure commissions. I think it is wrong in principle, because we are abdicating, once again, our responsibility to make decisions about what is best for a strong national defense to a commission. For 100 years, if bases, depots, or facilities needed to be closed, the Department of Defense made recommendations to Congress, the Appropriations Committee reviewed the recommendations and made decisions, and bases and facilities were closed. I know of three in my own State of Mississippi that were closed in the fifties and sixties, probably with good justification.

I can remember when the Secretary of the Navy was JOHN WARNER of Virginia. Some tough decisions were made, recommendations were made to the Congress, and facilities were closed. The same thing occurred when Senator CHAFEE was Secretary of the Navy. That system worked for 100 years. Some 15 or 20 years ago, it got harder and harder to get Congress to go along with this and the commission idea came along.

I think we ought to go back and do it the way it was originally intended. Let's do our job. I think when Members say we will never have any facilities closed, history belies that fact.

My next point is, we have been through these 2½ rounds. They were a terrible experience for the communities and for the States involved that have facilities that are impacted. I maintain that we haven't yet quite felt the impact or gotten the benefit of the base closure rounds that have already been done. We still have facilities that have not been completely closed or the environmental cleanup has not been accomplished. We don't know whether we really saved money or not.

I urge we not go to another round until we have been able to assess completely how the earlier rounds worked or didn't work, what the cleanup costs were, what the real impact was on the communities.

I must say, the timing is terrible, at a time when we are asking our military men and women for more and more in terms of steaming time, time spent on

remote assignments, and, in fact, at this very moment Americans are involved in a bombing campaign in the Balkans.

Just last week we passed legislation providing about half a billion dollars to add to facilities in Europe. At a time when we are spending more money for facilities in Europe to upgrade or replace facilities that probably we should have already done, we are talking about setting up a process to close them in the United States. I don't think that is very wise.

It also comes at a time when our readiness is falling, when our retention and recruitment is declining. We are trying to do something about that by adding some money for readiness and for the future needs of the military, to increase the pay for our military men and women. This is just one more little stick in the eye that will affect, I think, adversely, the morale of our military men and women.

Finally, and not the least, I maintain that last time politics got very much involved in the base closure round. Bases that were supposed to be closed in California and Texas found a way to evade that. It was not just one or two States; it happened in several different places. I don't think the system worked very well.

I don't think we should do this now. I think we ought to wait and assess what has happened, do it at a time when we are not basically at war. Let's wait until the next administration comes in. We don't know whether it will be Republican or Democrat. Let's take a look at this thing in 2001. If, in fact, we haven't been able to get rid of some of the excess or unneeded facilities, and if we are not at war, if we have been able to turn around our needs for readiness and the morale and retention of our troops, I will take a look at it. I don't think this is the right thing to do. I don't think it is the right time. I think it is wrong in principle.

I could have probably found a way to limit this base closure in a way that would have been responsible, and it would also probably have spared my own State, but I thought that was wrong. I don't think I ought to be trying to find a way to spare my own situation and let others bear the brunt of the decision. We ought to do it all the way or not.

What we ought to do is let the Pentagon make the recommendations and act on them.

Finally, any Members who think this is fine, don't worry, it will affect somebody else, I have a list here of bases, depots, and facilities that were on the list of earlier base closure rounds that were not closed. These are the likely facilities to be affected. This is not a free vote in isolation, where Members can let somebody else pay the piper. Members can take a look and see how it would impact New York or Michigan or Ohio before casting a vote. Ask yourself when you look at the facili-

ties: Are these excess? Are these unneeded facilities? I think that might affect your decision.

We should defeat this. We should go on and pass this very good defense authorization bill that has been developed by the committee, without this provision in there.

Maybe another day, another time, would see it differently or we would need to vote differently, but not here and now. I urge the defeat of the base closure commission amendment.

I yield the floor and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent to speak on the amendment for approximately 5 minutes. I probably will not take that long.

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

Mr. MCCAIN. Mr. President, all I can assume is that perhaps this vote may be getting close because a list was distributed, which can only be to try to frighten Members, which has no basis in anything except the imagination of some Senate staffer. It is really unfortunate we have to get into this kind of damn foolishness. I mean really, this is just foolishness. It does not have my State on it, yet three bases were "considered" by BRAC between 1991 and 1995. Whoever is responsible for this really ought to be a little ashamed—a little ashamed, maybe.

The process exists. It was used before. Every single expert, whether they be inside or outside the military—unless they are a Member of Congress—says that we have to close bases. Find me one, find me one military expert, former Secretary of Defense, any general, any admiral, any expert, anyone from a think tank, right or left on the political spectrum, Heritage Foundation, Brookings—find one. Find one who does not say we have too many bases and we have to go through a procedure to close them. This procedure was used in years past.

Strangely enough, strangely enough we have arguments like it costs more money to close bases than it does to keep them open. If that is the case, we ought to build more bases. If that is the case, we never should have closed the bases after World War II. The fact is, that has saved billions and will save billions.

We have young men and women at risk all over the world who are not properly equipped, who are not properly trained, who are leaving the military—11,000 people on food stamps and we have not even got the nerve and the political will, some might even say guts, to do the right thing. The right

thing is to save money, transfer that money to the men and women in the military who are serving under very difficult conditions with equipment that has not been modernized, with a readiness level that we have not seen since the 1970s, and morale at an all-time low. Meanwhile, our commitments grow and grow and grow.

I guess, given this incredible, bizarre list that some intellectually dishonest staffer—intellectually dishonest staffer compiled, we will probably lose this vote. But I tell you, this will not be a bright and shining hour for the Senate of the United States of America.

I yield the remainder of my time.

Mr. WARNER. Mr. President, just to advise the Senate, there is a likelihood the Senator from Washington will be recognized for an amendment at the completion of this vote. It is still being worked on, but we hope to be able to accommodate the Senator.

The pending business, of course, at the end of the vote, would be the Lott amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Do we have any time left on this amendment?

The PRESIDING OFFICER. All time has expired on this amendment.

Mr. LEVIN. I ask unanimous consent for a minute for the Senator from California.

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

Mrs. BOXER. Mr. President, I will not be supporting the McCain amendment. I am not supporting it for a very simple reason. I felt the BRAC method was very political. It was hyped as: Oh, this is nonpolitical; it is going to be based on the merits.

I was not at all convinced that was the case. When you really sat down afterwards and picked the winners and losers, it was pretty clear that a lot went into that decision that was political.

Second, we have not seen, as the Senator from Maine, Ms. SNOWE, has stated, the kind of savings that we were promised because bases were closed and then their missions were recreated somewhere else.

California got hit so hard I could not even begin to tell you the overwhelming economic impact that we have taken. We still have bases, I say to my friends, that are sitting there that have not even been cleaned up and cannot be reused.

So I will not be supporting the McCain amendment. I hope it will not pass. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 393.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced, yeas 40, nays 60, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—40

Ashcroft	Hollings	Moynihan
Bayh	Jeffords	Reed
Biden	Kennedy	Reid
Bond	Kerrey	Robb
Bryan	Kerry	Rockefeller
Byrd	Kohl	Roth
Chafee	Kyl	Santorum
DeWine	Landrieu	Smith (OR)
Feingold	Leahy	Thompson
Gramm	Levin	Voinovich
Grams	Lieberman	Wellstone
Grassley	Lincoln	Wyden
Hagel	Lugar	
Harkin	McCain	

NAYS—60

Abraham	Dodd	Lott
Akaka	Domenici	Mack
Allard	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bennett	Edwards	Murkowski
Bingaman	Enzi	Murray
Boxer	Feinstein	Nickles
Breaux	Fitzgerald	Roberts
Brownback	Frist	Sarbanes
Bunning	Gorton	Schumer
Burns	Graham	Sessions
Campbell	Gregg	Shelby
Cleland	Hatch	Smith (NH)
Cochran	Helms	Snowe
Collins	Hutchinson	Specter
Conrad	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Inouye	Thurmond
Crapo	Johnson	Torricelli
Daschle	Lautenberg	Warner

The amendment (No. 393) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I am ready to propound a unanimous consent request. I ask unanimous consent that the Senate now consider an amendment by the Senator from Washington, Mrs. MURRAY, an amendment re: DOD privately funded abortions, that there be 1 hour for debate prior to a motion to table, with the time equally divided and controlled, with no intervening amendment in order prior to the vote.

The PRESIDING OFFICER (Mr. GREGG). Is there objection?

Mr. GRAMM. Reserving the right to object, Mr. President, may I propound a request to the chairman?

The PRESIDING OFFICER. If the chairman yields the floor for that purpose.

Mr. WARNER. I will do that.

Mr. GRAMM. Mr. President, as you know, it takes unanimous consent to allow the Murray amendment to come forward. Any person can object, because you have two amendments pending. I have, I believe, worked out an agreement with the distinguished ranking member to have the vote on the reconsideration of the amendment, where there was a tie vote yesterday, occur either at 5 or after the disposition of the Kerrey amendment, whichever is sooner. If that could be added to your unanimous consent request, I think that would be agreeable to both sides. I have no objection to Senator MURRAY bringing her amendment up. I simply do not want to leave this matter pending past 5 o'clock, if we can avoid it.

Mr. WARNER. Mr. President, I wish to accommodate the Senator. I presume you would want 3 minutes for each side to speak to the amendment prior to that vote taking place.

Mr. GRAMM. I would be willing to do that. But, quite frankly, we had a time limit. It has been exhausted. If it would accommodate the body, I would agree to just have the vote.

Mr. WARNER. My understanding is the Senator from Michigan does not desire any time.

Mr. LEVIN. Neither one of us is asking for it.

Mr. GRAMM. I think we have made our cases.

Mr. WARNER. Let me amend my unanimous consent request to incorporate the request from the Senator from Texas.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia, as modified?

The Senator from Michigan.

Mr. LEVIN. Reserving the right to object, I just want to see if there is any problem on that relative to Senator KERREY. I don't know why there would be, offhand, but we are trying to make sure there is no problem. It is fine with me.

Mr. WARNER. Mr. President, I say to my good friend, we have bent over backwards all day to accommodate him. We will continue to do so. Whatever the problem, we will solve it.

Mr. LEVIN. That is fine with me. He has also been very accommodating to us. I just want to see if I can get a signal. Do we know whether or not Senator KERREY would have any objection to that?

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

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. Mr. President, we will acknowledge the request for the quorum, but I think one Senator seeks recognition for an administrative purpose, and I have no objection to that.

The PRESIDING OFFICER. The Senator from North Dakota.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Tony Blaylock, a legislative fellow from my office, be granted the privilege of the floor for the duration of the defense authorization bill.

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

Mr. WARNER. Might I suggest to the ranking member that another Member, the Senator from Colorado, desires to address another matter. Rather than putting in a quorum call, I would like to have agreement that the Senator proceed.

Mr. LEVIN. Could we ask the Senator from Colorado about how long his remarks will be?

Mr. ALLARD. Maybe I don't need to have this special provision we talked about. I talked with the staff of the chairman, and they said all we had to do was file the amendment. I filed the amendment and I am happy. I think we are in good shape. It is there, where we can bring it up immediately.

Mr. WARNER. I will put it in the RECORD as of now that you have done that, if you will address the Chair.

AMENDMENT NO. 396

(Purpose: To substitute provisions regarding the Civil Air Patrol)

Mr. ALLARD. Mr. President, I ask unanimous consent that we lay aside the following amendments for the purpose of introducing my amendment No. 396 and then we would go back to the regular order.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, would you describe in two sentences the nature of the amendment so other Senators can be acquainted with it.

Mr. ALLARD. The nature of the amendment is that it strikes a provision dealing with the Civil Air Patrol, brings them under the direct control of the Air Force. We want to strike out that provision and then set up a report and review of an incident that has occurred with CAP through GAO and the Inspector General. Real briefly, that is what the amendment is about.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered. The clerk will report the amendment.

Mr. WARNER. Mr. President, if I could advise the Senator from Colorado, in fairness to all colleagues, Senator INHOFE, a fellow committee member, has a position, I think, different from yours; is that correct?

Mr. ALLARD. That is correct.

Mr. WARNER. There could be other Senators, many Senators, interested in this Civil Air Patrol issue. I am happy to lay it down, and at such time as we can get a reconciliation of viewpoints, we hope to proceed. How much time do you think you would need so other Senators—

The PRESIDING OFFICER. If the Senator from Virginia would suspend for a second so the clerk can report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself, Mr. HARKIN, Mr. SESSIONS, Mr. STEVENS, Mr. CONRAD, Mr. DORGAN, Mr. CLELAND, Mr. CRAIG, Mr. BINGAMAN, Mr. BRYAN, Mr. REID, Mr. CAMPBELL, Mr. MURKOWSKI, and Ms. SNOWE, proposes an amendment numbered 396.

Mr. ALLARD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike section 904, and insert the following:

SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improvements to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program. Not later than February 15, 2000, the Inspector General shall submit a report on the results of the study to the congressional defense committees.

(c) INSPECTOR GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall review the financial and management operations of the Civil Air Patrol. The review shall include an audit.

(2) Not later than February 15, 2000, the Inspector General shall submit to the congressional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

Mr. ALLARD. Mr. President, I ask for an hour equally divided.

Mr. WARNER. Fine. I thank the Chair for the guidance. I thought the amendment had been logged in.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. LEVIN. Will the Senator yield?

Mr. WARNER. I yield the floor.

Mr. LEVIN. Mr. President, I am wondering whether the Senator from Virginia would consider the following approach: after the disposition of the Murray amendment, that there then be an hour of debate on the Kerrey amendment and, immediately following the disposition of the Kerrey amendment, that the reconsideration vote occur on the Gramm amendment, precluding second-degree amendments to the Kerrey amendment.

Mr. WARNER. Mr. President, I will have to ask my colleague to withhold that request. I will work on it, and I think we can accommodate all interested parties.

Now, my understanding from the Chair is, we proceed to the amendment—

The PRESIDING OFFICER. The Senator from Virginia has a unanimous consent request pending. Is there objection?

Mr. WARNER. I am not able to hear the Chair.

The PRESIDING OFFICER. The Senator from Virginia had a unanimous consent request pending. Is the Senator withdrawing that request?

Mr. WARNER. No. I thought I had a unanimous consent request to proceed to the amendment of the Senator from Washington for a period not to exceed 1 hour, at the conclusion of which there would be a motion to table and then, of course, a vote.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object, all I want to do is work out a time to bring up a vote that we are not even going to debate on. I will be happy to have it either after the Kerrey amendment or at 5 o'clock. There is some concern here

about limiting a second amendment, apparently, on the Kerrey amendment. I do not have a dog in that fight.

We are in a position where I can't exercise my right, because we have two amendments, now three amendments, that are pending, which makes the floor manager sort of a gatekeeper. But it also makes anyone else a gatekeeper. All I am asking is if I could get an agreement on a time certain basis and/or following something else. I am not trying to be difficult to deal with; I just would like to work this out before we go on.

If 5 o'clock is all right, we can stop whatever we are doing at that point and have the vote. I do not even require any more debate. I just want to settle this issue. I would have to object.

The PRESIDING OFFICER. The Senator from Virginia has the floor. There is a unanimous consent request pending.

Mr. KENNEDY. Mr. President, reserving the right to object, so the floor managers may have the opportunity to have the consent request, would the Chair repeat the request?

The PRESIDING OFFICER. There is a parliamentary inquiry.

Mr. WARNER. Mr. President, I think I can clarify the situation very quickly.

The Senator from Virginia has propounded a UC to permit the Senator from Washington to have an hour equally divided, after which time there will be a tabling motion by the Senator from New Hampshire and then a vote.

That was before the Chair at the time our colleague from Texas sought recognition for the purpose of trying to reconcile an understanding between himself and the ranking member. Apparently, at this time, we cannot achieve that reconciliation. It is my hope that the two Senators can continue to work and will permit the Senate to go forward with the amendment of the Senator from Washington.

Mr. GRAMM. Mr. President, may I just suggest that we set the vote at 5 o'clock and leave the Kerrey amendment alone? The net result is the same. The Senator was willing to agree a moment ago to do it. If the Kerrey amendment is what is in dispute, it seems that it would have produced this result before. So I just urge my friend from Michigan to allow us to settle the issue. We are going to do it without intervening debate. But the problem is that I have privilege under the rules of the Senate, and that is being precluded by the stacking of amendments that require a unanimous consent request.

Mr. WARNER. I think we are ready to solve it. Would the Senator have a colloquy with our colleague?

Mr. GRAMM. Yes.

Mr. LEVIN. Mr. President, my understanding is that the chairman has no objection if at 5 o'clock we have the vote on reconsideration, even though we were in the middle of another debate. I have no objection if he doesn't.

Mr. WARNER. I have no objection.

Mr. LEVIN. That is probably what will happen. In the middle of debate on another amendment, we will go back to the reconsideration. I have no objection to that happening at 5 o'clock.

Mr. WARNER. We have done that before. It may be somewhat inconvenient, but it is important to keep the momentum of this bill going. We have had superb cooperation from all Senators. I would like to make note that we have only had two quorum calls in 3 days.

Mr. President, I now propound a unanimous consent request that the Senator from Washington be permitted to go forward with her amendment at this time, with a 1-hour time agreement, equally divided between the Senator from Washington and the Senator from New Hampshire, and at the conclusion of that hour, there be a motion to table by the Senator from New Hampshire and then a rollcall vote. We will get the yeas and nays later.

Mr. GRAMM. We have the 5 o'clock vote on the reconsideration, correct?

Mr. WARNER. Mr. President, I add to that a 5 o'clock vote on amendment No. 392.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I do not have an objection, but I would like to make an inquiry. At some point, I would like to be in a position to do what Senator ALLARD has done, which is to introduce an amendment and then lay it aside for the appropriate consideration at its due time. Would it be appropriate, after we have taken action on the unanimous consent, or as part of the unanimous consent, that I would be given an opportunity to introduce an amendment and then lay it aside?

Mr. WARNER. Mr. President, I just ask if we could have one variation. At the conclusion of the vote on the amendment of the Senator from Washington, I would be prepared to work out an opportunity for the Senator from Florida to be recognized and lay down an amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Virginia?

Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE SENATE

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the adjournment resolution, which is at the desk, and further that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Con. Res. 35) was agreed to, as follows:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, May 27, 1999, on a motion

offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 7, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, June 7, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of the concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The Senate continued with the consideration of the bill.

AMENDMENT NO. 397

(Purpose: To repeal the restriction on use of Department of Defense facilities for privately funded abortions)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Ms. SNOWE, Ms. MIKULSKI, Mrs. BOXER, Ms. LANDRIEU, Mr. KERREY, Mr. SCHUMER, Mr. INOUE, Mr. KENNEDY, and Mr. JEFFORDS, proposes an amendment numbered 397.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In title VII, at the end of subtitle B, add the following:

SEC. 717. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

- (1) by striking subsection (b); and
- (2) in subsection (a), by striking “(a) RESTRICTION ON USE OF FUNDS.—”.

Mrs. MURRAY. Mr. President, this is the Murray-Snowe amendment that concerns our brave young women who serve in the military and their right to pay for their own safe, reproductive health care services. I am here today, again joined by Senator SNOWE and many others, to offer our amendment to protect military personnel and their dependents' access to safe, affordable, and legal reproductive health care services.

That is exactly what this amendment is all about—access to safe, affordable, and legal reproductive health care

services. That is why the Department of Defense supports this amendment, as does the American College of Obstetricians and Gynecologists. The Department of Defense recognizes that it has a responsibility to ensure the safety of all of its troops, including our women.

Many of you may wonder why Senator SNOWE and I continue to offer this amendment year after year. Why don't we just give up? Let me tell my colleagues, the reason I come to the floor every year during the Department of Defense authorization bill is to continue to educate in the hope that a majority of you will finally stand up for all military personnel.

As I have in the past, I come here today to urge my colleagues to guarantee to all military personnel and their dependents the same rights and guarantees that are enjoyed by all American citizens. These rights should not stop at our border. We should not ask military service women to surrender their rights to safe, affordable, legal reproductive health care services because they have made a commitment to serve our country.

Many of our military personnel serve in hostile areas in countries that do not provide safe and legal abortion services. Military personnel and their families should not be forced to seek back-alley abortions, or abortions in facilities that do not meet the same standards that we expect and demand in this country. In many countries, women who seek abortions do so at great risk of harm. It is a terrifying process.

I heard from a service woman in Japan who was forced to go off base to seek a legal abortion. Unfortunately, there was no guarantee of the quality of care, and the language barrier placed her at great risk. She had no way of understanding questions that were asked of her, and she had no way of communicating her questions or concerns during the procedure. Is that the kind of care that we want our service personnel to receive? Don't they deserve better? I am convinced that they do.

This amendment is not—let me repeat is not—about Federal funding of abortions. The woman herself would be responsible for the cost of her care, not the taxpayer. This amendment simply allows women who are in our services to use existing military facilities that exist already to provide health care to active-duty personnel and their families. These clinics and hospitals are already functioning. There would be no added burden.

I also want to point out that this amendment would not change the current conscience clause for medical personnel. Health care professionals who object to providing safe and legal health care services to women could still refuse to perform them. Nobody in the military would be forced to perform any procedure he or she objects to as a matter of conscience.

For those of you who are concerned about Federal funding, I argue that

current practice and policy results in more direct expenditures of Federal funds than simply allowing a woman herself to pay for the cost of this service at the closest medical military facility.

Today, when a woman in the military needs an abortion or wants an abortion, she first has to approach her duty officer to request from him or her medical leave. Then she has to ask for transport to a U.S. base with access to legal abortion-related services. Her duty officer has to grant the request, remove her from active duty, and transport her to the United States. This is an expensive, taxpayer-funded, and inefficient system. Not only is there cost of transportation, but there is cost to military readiness when active personnel is removed for an extended period of time.

As we all know, women are no longer simply support staff in the military. Women command troops and are in key military readiness positions. Their contributions are beyond dispute. While women serve side by side with their male counterparts, they are subjected to archaic and mean-spirited health care restrictions. Women in the military deserve our respect and they deserve better treatment.

In addition to the cost and the loss of personnel, we have to ask: What is the impact on the woman's health? A woman who is stationed overseas can be forced to delay the procedure for several weeks until she can get her travel to the United States where she can get safe, adequate, legal health care. For many women, every week an abortion is delayed is a risk to her health.

Why should a woman who is serving our country in the military be placed at a greater risk than a woman who is not serving in the military?

In talking about this amendment, I am often struck by how little some of my colleagues know about restrictions on reproductive health care services in many other countries. Many of my colleagues may be surprised to learn that in some countries abortions are illegal, and punishment is swift and brutal—not just against the provider but against the woman as well. In these cases, a back-alley abortion can be deadly. Not only are they risking their own health, but they are also risking their own safety and well-being.

We are talking about women who are serving us overseas in the military. Why should we put our military personnel in this kind of danger?

We are fortunate in this country, because abortion is an extremely safe procedure when it is performed by trained medical professionals. However, in the hands of untrained medical professionals in unsterilized facilities abortion can be dangerous and risky to a woman's health. The care that we expect—actually the care that we demand—is simply not universal.

Regardless of what some of my colleagues may think about the constitutional ruling that guarantees a woman

a right to a safe abortion without unnecessary burdens and obstacles, it is the law of our land. *Roe v. Wade* provides women in this country with a certain right and a guarantee. While some may oppose this right to choose, the Supreme Court and a majority of Americans support this right. However, active-duty servicewomen who are stationed overseas today surrender that right when they make the decision to volunteer and to defend all of us.

It is sadly ironic that we send them overseas to protect our rights, yet in the process we take their rights away from them.

I urge my colleagues to simply give women in the military the same protection whether they serve in the United States or overseas. Please allow women the right to make choices without being forced to violate their privacy, and, worse, jeopardize their health. This is and must be a personal decision. Women should not be subjected to the approval or disapproval of their coworkers or their superiors. This decision should be made by the woman in consultation with her doctor.

The amendment that is before us simply upholds the Supreme Court decision. It is not about Federal funding. It is not about forcing those who constitutionally object to providing these services. It is simply about the degree that we recognize the role of women in the military and whether we give them the respect that I argue they deserve.

Mr. President, I yield to my colleague from Maine, Senator SNOWE, what time she would like to use.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President. I thank the Senator from Washington for, once again, providing leadership on this most significant issue. As she said, it is regrettable that we have to come back to the floor to seek support for our women in uniform who happen to be assigned overseas for this very basic right. I commend her for introducing this legislation once again to repeal the ban on privately funded abortions at overseas military hospitals.

It is unfortunate that this amendment is even necessary. It is unfortunate that we have to be here fighting for it once again. How could this debate be necessary? How can it be that this blatant wrong still needs to be righted? Yet, here we are, once again, having to argue a case that basically boils down to providing women who are serving this country overseas with the full range of constitutional rights, options, and choices that would be afforded them as American citizens on American soil.

We are here today because the U.S. law denies the right to choose to 227,000 spouses and dependents stationed with our servicemen overseas, and denies the right to choose for more than 27,000 servicewomen who volunteered to serve our country. Though these women are right now protecting our country's in-

terests, year after year this body denies them access to safe and sanitary medical care simply because they were assigned to duty outside the United States.

In very simple terms, this amendment will allow women stationed overseas that right to privately funded abortions at their local American military facility. It will allow women and their spouses the freedom to consider the most difficult, heart-wrenching decision they could make without fearing the potentially substandard care they would be faced with in a country that does not speak their language and that does not train their medical personnel the way in which they are here in the United States.

I don't understand why we insist in denying our service men and women and their families their right as Americans. We ask a great deal of our military personnel and their families—low pay, long separations, hazardous duty. When they signed up to serve their country, I don't believe they were told, nor do I believe they were asked, to leave their freedom of choice at the ocean's edge. It is ironic that we are denying the very people who we ask to uphold democracy and freedom the basic and simple right to safe medical care. The Murray-Snowe amendment would overturn that ban and ensure that women and military dependents stationed overseas would have access to safe health care.

I want to clarify the fact that overturning this ban doesn't mean we will be using Federal funds to support a procedure such as abortion. This would allow American personnel stationed overseas to use their own funds for the support of an abortion in a military hospital. It is very important to make that distinction.

As the Senator from Washington indicated, there is also a clause so that medical personnel cannot be forced to perform a procedure with which they disagree.

We had this ban lifted in 1993 restoring a woman's right to pay for abortion services with her own money. Unfortunately, that ban was reinstated back in 1995. I think it is important to understand what choices women are left with under our current policy.

Imagine a young servicewoman or the wife of an enlisted man living in a foreign country where language is a barrier. She finds herself pregnant and, for whatever reason, she has made a very difficult decision to terminate her pregnancy and she wants to have that procedure done in a military hospital and is willing to pay for it with her own funds. Under current U.S. law, she won't be able to do that. She won't be able to go to a base hospital near her family and friends. She won't be assured of the same quality care that she could receive here in the United States. She won't be able to even communicate under some circumstances because language might be a barrier.

So what are her choices? She must either find the time and the money to

fly back to the United States to receive the health care she seeks, or possibly endanger her own health by seeking one in a foreign hospital, or she may have to fly to a third country, again where the medical services may not equate to those available at the military base—if she can't afford to return home.

What is the freedom to choose? It is a freedom to make a decision without unnecessary government interference. Denying a woman the best available resources for her health care simply is not right. Current law does not provide a woman and her family the ability to make a choice. It gives the woman and her family no freedom of choice. It makes the choice for her.

Our men and women in uniform—and the families standing behind them—are our country's best and most valuable assets. When people sign up for military service, they promise us they will do their best to protect our country and its ideals. We promise them we will provide for them and their families the necessities of life—to provide them with the most advanced and the safest health care available. That is the arrangement. This is the benefit that we make available to them in return for their commitment to serve our country. Our men and women and their spouses should not be required to give up their constitutional protections, and the Supreme Court supported right to privacy, and our promise of safe health care.

Yet, we prohibit women from using their own money—not taxpayers dollars—to obtain the care they need at the local base hospital.

What we are saying to our women in uniform, or to the dependents of others who serve in our military, is: Sorry. You are on your own. So she faces a circumstance that she would not confront were she stationed at Fort Lewis, WA, or Brunswick Naval Air Station in Brunswick, ME, because she could go off base and be guaranteed safe and legal medical care.

The Murray-Snowe amendment is only asking for fair and equal treatment. It is saying to our men and women and their families, if you find yourself in a difficult situation, we will provide the service of safe medical care if you pay for it with your own money. Is that too much to ask?

We owe it to our men and women in uniform. We owe it to them so that they have the options to receive the care they need in a safe environment. They do not deserve anything less.

I urge my colleagues to join in voting for the Murray-Snowe amendment.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, here we go again with the same amendment that comes up every year. The vote is always close. There are a lot of very strong feelings on both sides.

Again, as I have in the past, I rise in opposition to this amendment—this time the Murray-Snowe amendment—

which would allow U.S. military facilities to be used for the performance of abortions on demand.

Under current law, no funds may be made available to the Department of Defense for the performance of abortions. The amendment now before the Senate is completely inconsistent with the Hyde amendment, which has been existing law for 20 years. Under the Hyde amendment, no taxpayer dollars may be used to pay for abortions.

The issue here is whether or not you want to basically throw out the Hyde amendment and say that Members are willing to have taxpayer dollars used to pay for abortions in military hospitals. The Hyde amendment recognizes that millions of American taxpayers believe that abortion is the taking of an innocent life, an unborn human being. Those Members, myself included, who proudly call ourselves pro-life should not be forced to pay for a procedure with our tax money that violates our fundamental and deeply held belief in the sanctity of innocent human life. That is the issue here.

In the 1980 case of *Harris versus McRae*, the Supreme Court upheld the constitutionality of the Hyde amendment. The Court determined that there is no constitutional right to a taxpayer-funded abortion, no matter how we feel on the issue otherwise—no constitutional right, according to the *Harris versus McRae* decision in 1980.

Current law with respect to abortions at military facilities, then, is fully consistent with the Hyde amendment. This amendment by the Senator from Washington will overturn existing law. The proponents of this amendment, which would overturn current law and allow abortion on demand at military facilities, claim that their proposal is somehow consistent with Hyde. It is not. They say this because, under their proposal, servicewomen seeking these abortions would pay for them. That is true.

This argument, however, evinces a fundamental misunderstanding of the nature of military medical facilities. Military clinics and military hospitals, unlike private clinics and private hospitals, receive not 10, not 20, not 30, not 90, but 100 percent of their funding from the taxpayers of the United States. A woman cannot go into a military hospital and use those facilities without the taxpayers paying for the facility she is using to have that abortion. The clinics, the hospitals, the doctors, the equipment—all of it is paid for by the U.S. taxpayer.

Physicians who practice in those clinics and hospitals, government employees whose salaries and bills are paid by the taxpayers, all of it, all of the operational and administrative expenses associated with the practice of military medicine are paid for by the taxpayers of the United States.

Furthermore, equipment that would be used at these facilities to perform the abortions, equipment that we abhor—those of us who are pro-life,

who find it repulsive and reprehensible, and I won't go into the details about what happens with the equipment that is used on these innocent children—that equipment will be purchased by taxpayer dollars. It will be purchased by dollars that I pay in taxes and that many of my millions of friends around the Nation who oppose abortion, their dollars will be used to pay for this.

The Supreme Court of the United States has said that that is wrong and they ruled in the *McRae* case that it should not be done. In short, it is simply impossible to allow the performance of abortions at military facilities, even if the procedure itself is paid for by the servicewoman involved, without having the taxpayers forced to subsidize it. You can't have it.

The only way to protect the integrity of the taxpayer's dollars is to keep the military out of the business of abortion. We could go on and on, on just that issue. Just what business should the military be in? The military has gotten into a lot of things lately under this administration that don't belong in the realm of the military, but do we have to now go to the taking of the lives of unborn children and use the military to now do that? Do we have to really do that? Isn't it bad enough that we have to see throughout America since the illustrious *Roe versus Wade* decision in 1973—I ask everyone to reflect for a moment on what has happened since that decision.

In 1973, *Roe versus Wade* was passed. Since that date, 35 million babies, that we know of, have been aborted. Let's define abortion: The taking of the life of an unborn child. Thirty-five million. If you look at the statistics of how many girls are born and how many boys are born, that probably translates into about 18 million young girls who would now be as old as 30 years, perhaps, depending on when the abortion might have been performed. How many of those 18 million young women may have had the opportunity to serve in the U.S. military? They don't get that chance because our country, our Nation, supported a Supreme Court decision that said they didn't have a chance to ever have the opportunity to serve in the military, never have the opportunity to be a mother, never to have the opportunity to be a daughter, never to have the opportunity to live their dreams, to enjoy the liberties of the United States of America—never to have that opportunity. Never to have the opportunity to fight for the freedom of the United States as a member of the military because they were aborted—they were killed in the womb.

This Nation, through this Supreme Court decision, allowed it to happen. That is beyond the dignity, to put it mildly, of a great nation. We let it happen.

It is bad enough that happened, but now we have to go one step further with the amendment of the Senator from Washington and say that the taxpayers have to fund it.

Mr. President, I wish everyone who will vote on this amendment in the next hour or so had had the opportunity I have had to personally meet a young woman who is now in her midtwenties. She could not serve in the military because she was not physically able to serve in the military. Let me tell you why she could not serve in the military. She was aborted, and she lived, and she is crippled. So she cannot serve in the military. I have met this young woman, as many have. There are many like her, but I use her as an example, Gianna Jessen. Who knows, maybe Gianna would have liked to have been a woman in the military, but she cannot.

Why do we not wake up in America and understand what we are doing? Should we really be surprised when our children do some of the things they do in this country? Why should we be surprised? What is the underlying message? And this amendment sends the same message.

The underlying message is: Go to school today, Johnny. Go to school today, Mary. You be good kids. You do the right thing. And meanwhile, while you are at school, we will abort your brother or your sister.

That is the message we are giving to our kids. That is the message this amendment is giving to our kids. That is the message this amendment is giving to all Americans—that now we are going to say the taxpayers can support this kind of thing.

I wish the Senator from Washington would come down here on the floor with an amendment that might say we could provide a little help, a little counseling, a little love, a little compassion, a little understanding to this woman who wants this abortion, and explain to her the beauty of life and explain to her what a great opportunity it would be for her to have that child and to have that child grow up into a world where that child could be loved and could be understood and could have the opportunity to perhaps follow her mother's ambitions and serve in the U.S. military or perhaps to follow in her mother's wake and be a mother herself, to enjoy the fruits of the greatest nation in the world.

Let's not agree to this amendment and violate the spirit of the Hyde amendment and violate more unborn children, intrude into the womb, take the lives of unborn children.

When are we going to wake up? Would it not be wonderful to come down on the floor of the Senate just one year when we did not have to deal with this, when people would respect life and we would be offering amendments to protect life rather than to take it. That is an America I am dreaming of, Mr. President. That is an America I would like to see in the 21st century, not an America of death but an America of life, where we respect life.

Allowing abortion on demand in military facilities would violate the moral

and religious convictions of millions and millions and millions, tens of millions, of Americans who believe, through their own religious convictions, or in any other way, as I do, that the unborn child has a fundamental right to life, a right to life that comes from the Declaration of Independence, from the Constitution, and from God Himself. Yes, from God Himself. That is where it comes from, and we do not have the right to take it.

For the sake of one or two votes on the floor of the Senate, in a very few minutes we are going to make that decision. Whichever way it goes, we are going to find out how many more children have to die. How many more children have to die?

When are we going to wake up, America? How much more of this do we have to take? Why are you surprised when your children do something wrong? What kind of message do we send?

This amendment is not about the so-called right to choose abortion that the Supreme Court created in 1993. I disagree with *Roe v. Wade*. Everybody knows that. I just said it. I introduced a bill, S. 907, that would reverse *Roe v. Wade*, establishing that the right to life comes with conception and protecting that life. I dream of the America of the future when we will respect it.

But, as I said, this amendment is not about the larger issue of abortion; it is about taxpayer funding of abortion. Millions and millions of pro-life Americans, who believe to the very core of our being that abortion is the taking of an innocent life, should not be forced to pay for abortions, not directly, not indirectly, not any way you can define it, with taxpayer dollars.

I urge my colleagues, no matter what their personal views are, to reject this amendment, to vote to preserve current law, to vote to protect and be consistent with the Hyde amendment. Let's get the military involved in protecting America and not taking innocent children's lives.

I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment Senator SMITH for his remarks. I join him in urging our colleagues to vote "yes" in favor of the tabling motion, to vote "no" on the Murray amendment.

Abortion is not a fringe benefit. People talk about a benefit that other people have. Abortion is the taking of a human life, so it should not be just a fringe benefit that is provided for at Government expense or provided for in Government hospitals. These are military hospitals. They do not have abortionists working in those hospitals. They have not been allowed through 1992. It was a change in the Executive order by the Clinton administration in 1993, saying we are going to have those. In 1993 and 1994, because of an Executive order—not because of a change in

Congress—the Clinton administration said we want to provide abortions at military hospitals.

Guess what. They could not find abortionists. They could not find doctors to perform abortions at military hospitals, because they had been prohibited for at least 10 years, if not 12 years before, when that was not the case. The Hyde amendment said we are not going to use Federal funds to provide abortions. We did not have abortions performed at military hospitals. The Clinton administration tried to change that. They did not have anybody to do it. They tried to recruit them.

We changed the law in 1995. The Murray amendment would change it back by saying to military hospitals: You must provide abortions—a fringe benefit. Granted, maybe the person receiving the abortion now would have to pay a little bit, but the military is going to have to find somebody to perform them. They are going to have to make sure they have somebody who is trained to do it, and trained to do it right. So they are going to have to hire people to perform abortions, people right now they do not have—they have not been able to find them. Frankly, in 1993 and 1994 we changed the law. Congress changed the law in 1995, and I think they were right in doing so.

I think it would be a mistake for Congress to overrule that now and say we think that should be a standard benefit that is provided in Government military hospitals all across the world, so it could be basically a fringe benefit, it could be standard operating procedure—yes, anybody can get an abortion in a military hospital. It would be a method of birth control. I think that would be a serious mistake.

We have to realize, it is not a fringe benefit; it is the taking of an innocent human being's life. So I urge my colleagues to support Senator SMITH in the tabling motion with respect to the Murray amendment.

Mr. JEFFORDS. Mr. President, we all recognize that the bottom line of our national defense is quality of our men and women in uniform. They are the core of our security. They make a commitment to the defense of this nation, and we make a commitment to them that includes access to high quality health care. Women serving overseas are particularly reliant on this commitment, as they often have no alternative access to quality health care.

The issue of abortion is a matter of individual conscience. The Supreme Court ruled in *Roe v. Wade* that the decision whether to have an abortion belonged to the individual, not the government. Yet, for American servicewomen, that right to choose is effectively being taken away from them. They are being denied access, even at no expense to the Government, to a safe medical procedure. In most cases, the service woman does not have access to this procedure anywhere else.

American servicewomen have agreed to put their lives on the line to defend

this country. But yet we are denying them a basic right that all other women are allowed—one that could easily be granted to them at no expense to the federal government. The Murray-Snowe amendment provides that the woman involved would reimburse the government for the full cost of the procedure. In my mind, this is a basic matter of fairness. I would argue that our military women should not be singled out to be unjustly discriminated. I urge my colleagues to oppose the motion to table the Murray-Snowe amendment.

Mr. KENNEDY. Mr. President, I strongly support this amendment, which will at long last remove the unfair ban on privately-funded abortions at U.S. military facilities overseas. This amendment will right a serious wrong in current policy, and ensure that women serving overseas in the armed forces can fairly exercise their constitutionally-guaranteed right to choose.

This is an issue of fundamental fairness for the large numbers of women who make significant sacrifices to serve our Nation. They serve on military bases around the world to protect our freedoms. In turn, it is our responsibility in Congress to protect theirs. It is wrong for us to deny these women who serve our country with such distinction the same medical care available to all women in the United States. Women who serve overseas should be able to depend on military base hospitals for their medical needs. They should not be forced to choose between lower quality medical care in a foreign country, or travelling back to the United States for the care they need. Congress has a responsibility to provide safe medical care for those serving our country at home and abroad.

Without proper care, abortion can be a life-threatening or permanently disabling procedure. This danger is an unacceptable burden to impose on the nation's dedicated servicewomen. They should not be exposed to substantial risks of infection, illness, infertility, and even death, when appropriate care can easily be made available to them.

This measure does not ask that these procedures be paid for with federal funds. It simply asks that servicewomen overseas have the same access to all medical services as their counterparts at home.

In addition to the health risks imposed by the current unfair policy, there is also a significant financial burden on servicewomen who make the difficult decision to have an abortion. The cost of returning to the United States from far-off bases in other parts of the world can often result in significant financial hardship for young women. Servicewomen in the United States do not have to bear this burden, since non-military hospital facilities are readily available. It is unfair to ask those serving abroad to suffer this financial penalty.

If military personnel are unable to pay for a trip to the United States on

their own, they often face significant delays while waiting for available military transportation. Each week, the health risks faced by these women increase. If there are long delays in obtaining a military flight, the women may decide to rely on questionable medical facilities overseas. As a practical matter, these women in uniform are being denied their constitutionally-protected right to choose.

A woman's decision to have an abortion is a very difficult and extremely personal one. It is wrong to impose an even heavier burden on women who serve our country overseas. Every woman in the United States has a constitutionally-guaranteed right to choose whether or not to terminate her pregnancy. It is time for Congress to stop denying this right to women serving abroad. It is time for Congress to stop treating service women as second-class citizens. I urge the Senate to support the Murray-Snowe amendment and end this flagrant injustice under current law.

Ms. MIKULSKI. Mr. President, I rise today in strong support of the amendment offered by Senators MURRAY and SNOWE. I am proud to be a cosponsor of this amendment.

This amendment would repeal the current ban on privately funded abortions at US military facilities overseas.

I strongly support this amendment for three reasons. First of all, safe and legal access to abortion is the law. Second, women serving overseas should have access to the same range of medical services they would have if they were stationed here at home. Third, this amendment would protect the health and well-being of military women. It would ensure that they are not forced to seek alternative medical care in foreign countries without regard to the quality and safety of those health care services. We should not treat US servicewomen as second-class citizens when it comes to receiving safe and legal medical care.

It is a matter of simple fairness that our servicewomen, as well as the spouses and dependents of servicemen, be able to exercise their right to make health care decisions when they are stationed abroad. Women who are stationed overseas are often totally dependent on their base hospitals for medical care. Most of the time, the only access to safe, quality medical care is in a military facility. We should not discriminate against female military personnel by denying safe abortion services just because they are stationed overseas. They should be able to exercise the same freedoms they would enjoy at home. It is reprehensible to suggest that a woman should not be able to use her own funds to pay for access to safe and quality medical care. Without this amendment, military women will continue to be treated like second-class citizens.

The current ban on access to reproductive services is yet another attempt

to cut away at the constitutionally protected right of women to choose. It strips military women of the very rights they were recruited to protect. Abortion is a fundamental right for women in this country. It has been upheld repeatedly by the Supreme Court.

Let's be very clear. What we're talking about here today is the right of women to obtain a safe and legal abortion paid for with their own funds. We are not talking about using any taxpayer or federal money—we are talking about privately funded medical care. We are not talking about reversing the conscience clause—no military medical personnel would be compelled to perform an abortion against their wishes.

This is an issue of fairness and equality for the women who sacrifice every day to serve our nation. They deserve access to the same quality care that servicewomen stationed here at home—and every woman in America—has each day. I urge my colleagues to support this important amendment to the 2000 Department of Defense Appropriations Bill.

Mr. HELMS. Mr. President, I strongly oppose the Murray amendment because it proposes to legalize the destruction of innocent unborn babies at military facilities. And Mr. President, if precious unborn babies are allowed to be slaughtered on military grounds, it will be a stark contradiction to the main purpose of our national defense—the defense and protection of the human lives in America.

Small wonder that the men and women serving in the military are losing faith in the leadership of this country. In fact, Congress recently heard from members of the Air Force, Navy, Army, and Marines who testified about the low morale among U.S. service men and women—which they contribute to a general loss of faith and trust.

After all, the military establishment continues to have its moral walls chipped away by the immoral principles of the extreme liberal-left. In fact, the American people would be shocked and disturbed to learn that our military has been pressured to accept Witchcraft as a recognized religion.

Why would Congress wish to demoralize our military folks further by casting a dark cloud over military grounds—which is precisely what will happen if abortions are to be performed at these facilities.

Let us not forget, America's military is made up of fine men and women possessing the highest level of integrity and pride in defending their country. These are men and women who have been selfless in dedicating their lives to a deep held belief that freedom belongs to all.

Senators should not mince words in saying that military doors should be shut closed to abortionists. I urge Senators to vote against this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I remind my colleagues, what this amendment does is simply allow a woman who is serving in the military overseas to use her own money to have an abortion performed in a military hospital at her expense.

I yield 5 minutes to my colleague from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator MURRAY for yielding me this time. It is so hard to know where to begin to respond to the comments made by both of my colleagues who are the leaders in the anti-choice movement and who are using this amendment as a reason to once more come to this floor and to attack a basic constitutional right, that women have been granted, that they do not agree with.

So what has been their effort? It is, in essence, to take away that right bit by bit. I hate to say this: They have made great progress. They have taken away the right to choose in many ways, from poor women in this country, by denying them funding. A woman in D.C. cannot exercise that right, even if she does not use Federal funds but locally-raised funds. They no longer teach surgical abortion at medical schools as a result of the action of this anti-choice Congress.

Women in the military, as we now know, are denied the right to go to a safe military hospital. Native American women who rely on Indian health care cannot go to that health care center and obtain a legal abortion.

I want to make a statement, and I sure would like a response: Women in Federal prison who need to have this legal procedure get treated better than women in the military overseas. Let me repeat that. Under the laws of this Congress, women in Federal prison get treated better than women in the military who are stationed overseas when both need to have this procedure.

Under our rules, if a woman is in a Federal prison, she cannot count on Medicaid, that is so. But if there is an escort committee who can take her to get this procedure paid for privately, she gets that escort committee. What happens to a woman in the military? Suppose you are stationed in Saudi Arabia where abortion is illegal, and you cannot go to your military hospital. You, obviously, cannot go to a clean health facility in Saudi Arabia, so you have two choices: You can go to a back-alley abortionist and risk your life—you are already risking your life in the military—but risk your life or you can go to your commander, who is usually a man, and confide in him as to your situation which, it seems to me, is a horrible thing to have to do, to tell such a private matter to a commander. Then, if you can get a seat on a C-17 cargo plane, maybe then you can go back, in a situation where you really need immediate attention, and figure out a way to get a safe, legal abortion.

The Senator from New Hampshire and the Senator from Oklahoma say: Well, this is Federal funding.

This is not Federal funding. Senator MURRAY has stated that over and over. I compliment her and Senator SNOWE on their tenacity in bringing this back and forcing us to look at what we are doing to women in the military who risk their lives every single day, and because of this antichoice Senate, we are forcing them to put their lives at risk again. I commend them. This is not a fringe benefit. They will pay.

Medical facilities abroad are in a state of readiness. They do not have to turn the lights on when someone comes in for a health care procedure. The lights are on, and they will pay the costs. We all know when we pay our doctors the overhead is put into that bill. That is such a bogus argument. It is amazing that it is even made.

What you are doing in this current policy is telling women in the military they are lesser citizens than all the other women in the country when, in fact, they ought to be treated with even more dignity and respect perhaps than anyone else, because not many of us can say that we go to work every day putting our lives on the line. They can say that. Yet, because of this terrible way we treat these women, they are put in jeopardy.

I will sum it up this way. There are people in this Senate who disagree with the Supreme Court decision, and I say to my friend from New Hampshire, he certainly does and he does not mince words about it and he is very straightforward about it. He says he is proud to be pro-life.

I ask for 1 more minute.

Mrs. MURRAY. I yield 30 additional seconds to the Senator from California.

Mrs. BOXER. I say to my friend, I am for life—lives of children, lives of women, and I say that this policy puts lives in jeopardy, puts lives on the line in a way that is arbitrary, in a way that is capricious, in a way that treats these women far worse than we do women in Federal prison. I hope the Murray-Snowe amendment will get an overwhelming vote today.

The PRESIDING OFFICER (Mr. CRAPO). The time of the Senator has expired. Who yields time? The Senator from Washington.

Mrs. MURRAY. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. DURBIN. I thank the Senator from Washington, as well as the Senator from Maine, for offering this amendment, which I will support. I join in saying what the Senator from New Hampshire said earlier. Senator SMITH suggested this is not a debate in which we are anxious to get involved. It is a very controversial issue, deeply felt on both sides. I respect the Senator from New Hampshire and his personal views on this, as I respect those who support my position in offering a vote in favor of this amendment.

Let me say a few things that need to be cleared up. The Senator from New Hampshire said repeatedly that this process uses taxpayer dollars to pay for abortion. Of course, that is a flash point. When people hear that, they say: Wait, I don't think we ought to spend taxpayer dollars on that. Maybe people want to do that personally.

Senator MURRAY addressed that point. Her amendment makes it clear that these procedures are to be paid for by the servicewoman out of her pocket at a cost that is assessed for the procedure itself. There are no taxpayer dollars involved in this. This amendment is clear.

Secondly, the Senator from New Hampshire says this does not abide by the Hyde amendment. The Hyde amendment, as important as it is, does not override *Roe v. Wade*. The Hyde amendment limits abortions to those cases involving the life of the mother. But the procedure now on military bases goes beyond the Hyde amendment. The procedure on military bases today says if there is an endangerment of the woman's life, she can have the abortion performed at a military hospital at Government expense. If she is a victim of rape or incest, she can have an abortion performed at a military hospital at her own expense.

We are talking about the other universe of possibilities out there. Senator BOXER of California really poses an interesting challenge to us: Two women, under the supervision of the Government of the United States of America, both of them pregnant, both of them wanting to end the pregnancy with a procedure. In one case, we say if you have the money, we will escort you to a safe and legal clinic in America for the performance of this procedure. In the other case, we say if you have the money, you have to fend for yourself; you cannot use a safe and legal clinic or military hospital.

What is the difference? The first woman is a prisoner in the Federal Prison System. For her, we have an escort committee. But for the woman who has volunteered to serve the United States to defend our country and she is in the same circumstance, we say: You're on your own; go out in this country, wherever it might be, and try to find someone who will perform this procedure safely and legally.

Whether you are for abortion or against it, simple justice requires us to apply it equally and not to discriminate against those women who are serving in the American military. That is what it comes down to.

The Senator from Oklahoma said abortion is not a fringe benefit. He is right. But health care is a fringe benefit that most Americans enjoy, and many hospitalization insurance policies cover abortion procedures. We do not cover them when it comes to the women who serve in the U.S. military. Abortion is not a fringe benefit; abortion is a constitutional right. If that constitutional right means anything,

we should support the Murray-Snowe amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mrs. MURRAY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Washington has 4 minutes 12 seconds.

Mrs. MURRAY. Mr. President, I yield 3 minutes to the Senator from Pennsylvania. I retain the last minute for myself.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SPECTER. I thank my colleague from Washington.

I support this amendment. I believe a woman should have a right to choose, and under the circumstances involved here, if the woman is going to seek an abortion, she should not be compelled to come back to the United States. Having an abortion in many foreign spots poses very material risks. This is a common sense abortion amendment which ought to be adopted.

WAR CRIMES TRIBUNAL INDICTMENT OF SLOBODAN MILOSEVIC

Mr. SPECTER. Mr. President, I want to comment about another matter very relevant to the pending legislation, that is the dispatch from Reuters within the hour that the War Crimes Tribunal has issued an indictment for President Milosevic and that an arrest warrant has already been signed. I think that is very important news, because it not only puts Milosevic on notice but also all of his subordinates, that the War Crimes Tribunal means business, that those who are responsible for crimes against humanity and war crimes will be prosecuted.

I compliment Justice Louise Arbour who was in Washington on April 30, asking a bipartisan group of Senators, including this Senator, for assistance; and we appropriated some \$18 million in the emergency supplemental last week.

The next important point is to be sure that we do not permit a plea bargain to be entered into which will exonerate Milosevic as part of any peace settlement.

We ought to be sure this prosecution is carried forward. There is an abundance of evidence apparent to the naked eye from the television reports on atrocities, of mass murders, which can only be carried out with the direction of or at least concurrence or acquiescence of President Milosevic. Those crimes should not go unpunished. There should not be a compromise or a plea bargain which would give Milosevic immunity.

I ask unanimous consent that a copy of my letter dated March 30 to the President be printed in the RECORD, where I ask specifically that the extradition of President Milosevic to face indictments ought to be a precondition to stopping the NATO airstrikes; and a copy of my letter of April 30, to the

President urging that warrants be issued and executed for Karadzic, and that the full impact of the War Crimes Tribunal be carried out, that this is a very important movement, probably worth a great deal more than air-strikes or even ground forces, to indict Milosevic, let him know that indictments and warrants are outstanding, and that those under him who carry out war crimes will be prosecuted to the full extent of the law.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, March 30, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: If today's reports are accurate, there is strong evidence that Serbian forces' massacres of Kosovo's ethnic Albanians constitute genocide and crimes against humanity, which should be prosecuted in the War Crimes Tribunal for the Former Yugoslavia.

There is probable cause to conclude that Serbian President Slobodan Milosevic himself is a war criminal, just as former Secretary of State Lawrence Eagleburger said as far back as 1992.

I strongly urge you to:

(1) Put President Milosevic and his co-conspirators, who carried out the massacres and crimes against humanity, on explicit notice that the United States will throw its full weight behind criminal prosecution against all of them at The Hague;

(2) seek similar declarations from our allies;

(3) turn over all existing evidence to Justice Arbour, the Chief Prosecutor at the War Crimes Tribunal, and make it an Allied priority to gather any additional evidence which can be obtained against President Milosevic and his confederates, so that such evidence might be evaluated at the earliest possible time with a view to obtaining the appropriate indictments.

I anticipate some will say that we should not complicate possible cease-fire negotiations with this focus on President Milosevic and his co-conspirators.

I believe that consideration should be given to whether our goals in Kosovo should include the extradition of President Milosevic to face indictments, if returned, as a precondition to ending NATO air strikes.

That is a hard judgment to make at this point. Many of us in Congress believe that the United States should meet the Serbian brutality with a very strong response so that future tyrants will know that this type of conduct will not help them personally in negotiations, but instead will be met with tough criminal prosecutions in accordance with international criminal law.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, April 30, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: This morning, I hosted a meeting with several of my colleagues and Justice Louise Arbour, Chief Prosecutor for the International Criminal Tribunal for the Former Yugoslavia and Rwanda (ICTY).

As a result of our meeting, I believe it is critical that the United States take the lead

in bringing indicted war criminals to justice in the former Yugoslavia. Specifically, I urge you in the strongest possible terms to direct United States Forces, Europe, as part of UNSFOR, to apprehend Radovan Karadzic and a number of other individuals in Bosnia for whom open or sealed indictments have been returned by the ICTY, and whose identities and locations are known to SFOR Commanders.

While many of us in Congress support the current air campaign, we are concerned that not enough is being done to convey to Serbian military and paramilitary commanders that they will be held responsible following the conflict for any war crimes they commit on the ground in Kosovo.

Mr. Karadzic has been an indicted war criminal since 1995, and his location is known to SFOR commanders. According to Justice Arbour, SFOR knows the location and identity of "a handful" of other individuals under sealed indictments for war crimes. Clearly, U.S. and SFOR units in Bosnia are sufficiently strong to apprehend these individuals if given that mission.

While there are always concerns of friendly casualties and ethnic unrest in the surprise apprehension of indicted war criminals, the signal of seriousness that such a move would send to every Serbian official from President Milosevic on down is important enough under present circumstances for you to shift our policy accordingly.

Sincerely,

ARLEN SPECTER,
Chairman.

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

AMENDMENT NO. 397

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I yield 5 additional minutes of our time to the Senator from Washington.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

The Senator has 6 minutes 2 seconds remaining.

Mrs. MURRAY. Thank you very much, Mr. President. I thank my colleague from New Hampshire for his generosity. I truly appreciate it.

I yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Ms. LANDRIEU. Thank you, Mr. President.

I commend my colleagues, the Senator from Washington and the Senator from Maine, for presenting this amendment, on a very important issue, to the body today for us to discuss and to walk through. She has courageously offered this amendment for many, many years, and each year we seem to gain some support. I hope this year we will gain enough support to make this amendment part of the law of our land, because it makes such common sense and good sense.

When we ask women to join our military—and we are truly recruiting them rather vigorously, because we need their strength and their talent and their abilities to help make our mili-

tary be the strongest and the best in the world—it is just inconceivable that we would say: Come join the military. Put on the uniform. Put yourself in harm's way. But we are simply not going to extend to you all of the rights that are guaranteed to other Americans for medical decisions that should be yours to make. It just makes no sense.

So I urge Senators, regardless of how you might feel about this issue—and good arguments have been made on both sides—to think about this as it truly is—not asking for any new privileges, not asking for any expansion of the law, but simply to allow the women who we are recruiting at this age to serve in the military, to give them the medical options they may need at a very tough time for them.

One other point I want to make is, those who have opposed this amendment over the years have said: We most certainly would not mind except that we do not want this to be at Government expense. Let me remind everyone that this is not at Government expense, that these women are individuals prepared to pay whatever medical costs are associated with the procedures that they may need.

But if we do not change the law to allow this to happen, the taxpayers have to pick up a greater burden in transporting these women, sometimes in transport and cargo airplanes and helicopters back to the United States, which takes time away from their service. I argue that costs substantially more, than the taxpayers are underwriting, for medical procedures.

So it makes no sense from a military standpoint—for human rights, for civil rights, for equal rights—to just have the same laws apply. It really makes no sense for the taxpayers to have to pick up an additional expense, when every dollar is so precious that we need to allocate well and wisely in our military.

So I thank the Senator from Maine, the Senator from Washington, and others, who have spoken. I urge my colleagues, regardless of how you consider yourself or label yourself on this issue, to think of this as the right, common-sense thing to do for women and their families, their dependents, and, yes, their spouses, their husbands in the military, for our families who are in the military, serving at our request to protect our flag, to protect democracy, to protect freedom around the world, to please consider that in their votes this afternoon.

I yield back the remainder of my time to the Senator from Washington State.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 7 minutes 30 seconds; the Senator from Washington has 2 minutes.

Mr. SMITH of New Hampshire. Mr. President, I just want to respond to one point that was made on the other side regarding the payback, if you will, the fact that the woman agrees to pay out of her own pocket, therefore, I would assume the issue is that she would reimburse the Government.

But I would ask one to consider the accounting nightmare that would ensue as we try to figure out—we had a doctor paid for by the taxpayers, a clinic, a hospital paid for by the taxpayers, equipment paid for by the taxpayers, and supplies and special equipment involving abortions—how one would allocate all of this?

We would have to figure out, how many abortions were done and how all the allocations would be done. It simply is not workable. It would not work. The bottom line, as I have been indicating, is that the taxpayers would be subsidizing abortions in military hospitals. I think everyone understands that. I do not think there should be any confusion on that, that those who do not support abortion would be subsidizing abortions.

I just want to review, in closing, the current law. Just to summarize, no funds made available to DOD are used for abortions. Under current law, military facilities are prohibited, in most cases, in the performance of abortions. So the amendment now before the Senate is inconsistent with the Hyde amendment, which has been in existence for over 20 years, that taxpayer dollars may not be used to pay for abortions.

Current law, with respect to abortions at military facilities, is fully consistent with the Hyde amendment. The proponents of this amendment, which would overturn current law and allow abortion on demand, claim that their proposal is somehow consistent. As I said before, it is not. Under their proposal, women seeking abortions would pay for them, but this evinces a fundamental misunderstanding of the nature of military medical facilities, which I pointed out.

In conclusion, I say that it is just simply unfair, and it has been so ruled by the Supreme Court, that people, who, because of their own values and beliefs and principles, do not believe in abortion, that they should have to subsidize it with their tax dollars or pay for it with their tax dollars. That is the issue.

We have had a vote on this issue many years in the past. I hope people will see the light to see that this is wrong and basically unfair, and that we would respect the innocence of human life, and perhaps encourage the young woman in trouble to talk to a chaplain. There are military chaplains out there, and some darn good ones, who are available to counsel young women in need.

I would certainly be very excited to hear that some of these women went to the chaplain because this law didn't get changed and perhaps chose life over abortion.

At this point, I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Washington has 2 minutes remaining.

Mrs. MURRAY. Mr. President, let me conclude by letting my colleagues know that under current law today, a woman who volunteers to serve all of us, to protect all of us and our rights, when she goes overseas to serve us and finds herself in a situation where she requires an abortion, which is a legal procedure guaranteed by the Constitution in this country, has to go to her commanding officer and request permission to come home to the United States, flying home on a C-17, or a helicopter when one is available, to have a procedure that women here in this country who have not volunteered to serve overseas have at their disposal.

We are asking a lot of these young women. We should at least provide them the opportunity, as we do under my amendment, to pay for that procedure in a military hospital, where it will be safe, at their own expense. That is the least we should be offering them.

In a few moments we will be voting on this amendment. My colleague from New Hampshire has said the vote is close. Every vote will count. There is no doubt about it. So when you cast your vote today, ask yourself if women who serve us overseas to defend our rights should be asked to give up their rights when they get on that plane and they are sent overseas.

This is an issue which sends a message to all young people today that when they serve us in the military to protect our rights, we are going to be here to defend their rights as well. I urge my colleagues to vote against the motion to table.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 seconds remaining.

Mrs. MURRAY. Mr. President, I urge my colleagues to vote against the motion to table and to stand with the women and men who serve us overseas. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I urge my colleagues to do just the opposite and to support a motion that I am going to make in a moment to table, out of respect for those of us who believe deeply in the sanctity of life and who also understand and are compassionate about young women who are in need of an abortion, or feel that they are in need of an abortion in some way, and who hope we could save that life, that innocent life, and to show compassion for the unborn, which I think is really the issue.

At this point, I move to table the Murray amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH of New Hampshire. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 397. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—51

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

NAYS—49

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Gorton	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Bryan	Inouye	Robb
Byrd	Jeffords	Rockefeller
Chafee	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	
Edwards	Levin	

The motion was agreed to.

Mr. SMITH of New Hampshire. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 395

Mr. WARNER. Mr. President, the managers are desiring to turn to the Senator from Nebraska who desires additional time. Can we enter into a colloquy on this subject?

Mr. KERREY. I think we should be able to finish this up in an hour. I have four people on our side who want to speak. I don't know if they will all get to the floor. If they don't, they are aware of what is going on. I have no more than 15 or 20 minutes of closing remarks myself. I think we can wrap it up in an hour.

Mr. WARNER. I realize that what I offered to the Senator is hopefully a reduced period of time. In return, there would be no further debate on this side. That is a fairly generous offer. I thought we were in the area of 40 minutes.

Mr. KERREY. We can do it in 40 minutes and probably less than that.

Mr. WARNER. With that representation, I ask unanimous consent that we

proceed to the amendment by the Senator from Nebraska for a time not to exceed 40 minutes under the control of the Senator from Nebraska and, say, 5 minutes under the control of the Senator from Virginia, making a total of 45 minutes. At the conclusion of that we will proceed to a vote.

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

Mr. KERREY. Mr. President, the Senator from Virginia did not state this. Does this mean there will be no amendments offered prior to the vote on my amendment?

Mr. WARNER. Mr. President, I know of no amendments at this point. I ask unanimous consent that prior to the motion to table there be no amendments in order.

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

Mr. KERREY. Mr. President, again, this amendment strikes language that requires the United States of America to make its determination about how many strategic weapons we will have based upon a decision by the Russian Duma to ratify START II.

Some have described this amendment as encouraging unilateral disarmament. Nothing could be further from the truth. We make unilateral decisions and we decide what our forces are going to look like. On that basis, this entire bill is a unilateral decision. We haven't consulted with the Russians to determine what our Army is going to look like, how many divisions we will have, how many wings we will have in our Air Force. We have not made any consultation nor have we given the Russians a veto over any other part of our defense except for strategic defenses.

There we say that even if, as is the case, we have former STRATCOM commanders—in this case, Eugene Habiger—saying we would be well advised to go to a lower level, it would keep the United States of America safer than we currently are. As a consequence not only of measuring accurately how many nuclear weapons we needed in our triad—the land, sea and air-based system that we developed over the years—the greatest threat of nuclear attack to the United States of America is not China, is not an authorized launch by the Nation of Russia, it is an unauthorized launch. That risk has increased over the past few years as the Russian economy declines. As a consequence of that decline, they have decreased capacity to control their systems. This is not a small item. This is a significant threat to the United States of America.

One of the points I have tried to make is that we have been lulled into a false sense of complacency as a consequence of the end of the cold war. Statements are made that we are no longer targeting the Russians, nor they us.

In the past, I have not supported an early deployment of the strategic defense initiative, of missile defense. I

have come to the conclusion as a consequence of this threat and others that the United States of America should. That is a unilateral decision. We made that decision not based upon what the Russians wanted but what we believed was in our best interest to keep America safe. That is how we ought to make our decisions about what our level is going to be of our force structure for nuclear weapons.

Not only are the people of the United States of America at greater risk as a consequence of forcing the Russians to maintain 6,000 at the end of 2001, but we are laboring under the optimistic scenario that maybe the Russians will ratify START II, in which case we can go to lower levels. But even at START II levels, the Russians would not be to 3,500 warheads until 2007.

We have to put an awful lot of our national security chips in the possibility that Russia will be in better shape in 2007 than it is today. These weapons systems are much more dangerous than the weapons systems in vogue today. There are serious threats from chemical weapons, from biological weapons, from weapons of mass destruction in that category, serious threats from terrorists such as Osama Bin Laden, serious threats as well that come from cyberwarfare and other sorts of things we are having conferences on all the time. China is unquestionably a threat, especially in the area of proliferation. But none of these, or all of them taken together, combined, are as big a threat as unauthorized launch of Russian nuclear weapons.

I hope, regardless of how this amendment turns out, the Senate will turn its attention to dealing with this threat. I think we are much better off dealing with that threat with a different strategy than the old arms control strategy. This is not an amendment that says we are going to tie our national security to START I or START II. Quite the contrary, I do not expect START II to be ratified in the next couple of years, if that, if it ever is ratified by the Duma. We should not hold up our national security decisions based upon what we expect or do not expect the Russian Duma to do.

I would like to describe some of these weapons systems so people can understand the danger of them, the kind of destruction they could do to the United States of America. The Russians have in their land-based system 3,590 warheads. They have in their sea-based system 2,424 warheads. They have in their air-based 564.

Just take one of these. Think, if you have a disgruntled, angry group of Russian soldiers or sailors or airmen who say: We have not been paid for a year; we are despondent; we do not think we have any future; we are suicidal. We are going to take over one of these sites, and we are going to launch. We are not going to blackmail the United States; we are not going to try to get them to do anything; all we are going

to do is launch, because we are angry and we do not like the direction of our country and we do not like what the United States of America is doing.

Let me just take the SS-18. I am not going to go through the details of where these are. I am not going to describe for colleagues a scenario to take one of them over. I am not going to build a case, but I think I could build a case, that an SS-18 site is not as secure today as it was 5 years ago. That lack of security should cause every American to be much more worried than they are about the threat of China or other things we talk about and put a great deal of energy into describing.

The SS-18 is a MIRV'd nuclear system. It has 10 warheads on each one of its missiles, and each one of these warheads has 500 to 750 kilotons. If you put one of those in the air and hit 10 American cities—I earlier had a chart showing what a 100-kiloton warhead would do to the city of Chicago. Nobody should suffer any illusion of what the consequences to the United States of America would be if 10 of our cities were hit with a 500- to 750-kiloton warhead.

You say it is not likely to happen. Lots of things are not likely to happen that have happened. That is what we do with national security planning. We do not plan for those things that are most likely to happen. We plan for those things that are least likely to happen, because the least likely thing is apt to be the one that does the most damage, and that is exactly what we are talking about here.

You do not have to kill every single American. If you put 10 nuclear warheads with 500 to 750 kilotons of payload on 10 American cities, I guarantee the United States of America is not the superpower we are today. Imagine the devastation it would do to our economy. Imagine the emergency response that is required. Imagine all sorts of things. This country would not be the same as it is today if that were to happen. It is a terrible scenario. It is one we used to talk about way back in the 1980s.

I remember campaigning in 1988. We had a big portion of our debate about nuclear weapons and the danger of nuclear weapons and what are we going to do to keep the United States of America safe. The most vulnerable of the Russian triad are their nuclear submarines. I went through it earlier. A Delta IV submarine has 64 100-kiloton warheads on it. You could put 1 in each State and have 14 left over to pick some States you might put 2 or 3 on top of.

This is a real risk. Is it likely to happen? No. The likelihood is low. But low is not comforting when you are thinking about something such as that. Low should not give any American citizen comfort. I just heard somebody say it is not likely to happen; it is a low likelihood it is going to happen.

In the State of Nebraska, it is not likely a tornado is going to hit tonight.

But tornadoes hit there relatively frequently. We look up at the sky and say, "It is blue; it does not look to me like a storm is coming," but storms hit out there just like that, and great destruction and devastation has occurred as a consequence. We have been lulled into a false sense of complacency about the Russian nuclear system and, as a consequence, we have not tried to figure out an alternative strategy. We need an alternative strategy. The Russian Duma is not going to ratify START II. I am here today to predict that is not going to happen.

We should not in our defense authorization say we are not going to take any action that might make America safer because we want to wait for the Russians to ratify START II. This amendment is described by some opponents as unilateral disarmament. It is not. It is no more unilaterally disarming than anything else we have in our defense authorization. We do not make decisions about what we are going to do for this Nation's security based upon what Russia is going to do in any other area of defense.

I cited earlier, I supported missile defense even though some said if we have missile defense, if we have an early deployment of missile defense, the Russians are going to do this, that, or the other thing, including maybe not ratifying START II. We did not make that decision based upon wondering what the Russians are going to do. We need to make national security decisions based upon what we think is in the best interests of the United States of America, to keep our people safe. This amendment does that.

The President has indicated he supports this amendment. He would like to get this limitation taken off. He does not have any plans to take action. I encourage him to do so. I think it is in our interests to think about taking our levels lower. I think the Russians would reciprocate. And even if they did not, the United States of America would still be safer as a consequence, by measurement of people who are a lot smarter and a lot more knowledgeable than I am on this subject.

For fiscal reasons, for reasons of scarce resources that need to be applied into our conventional readiness and things that our Air Force, Navy, Marines, and Army are more likely to have to be called upon to meet, for reasons of trying to reduce the risk of unauthorized launch that would be devastating to the United States of America, I hope my colleagues on both sides of the aisle will give this amendment their full consideration and I hope they vote for it. A vote for this amendment is not a vote for unilateral disarmament. A vote for this amendment is a vote for the United States of America deciding what we think is in our best interests in national security and then authorizing accordingly in a defense authorization bill.

Mr. President, I see the distinguished Senator from California wishes to

speak. The Senator from South Dakota, Senator DASCHLE, earlier said he would like to be a cosponsor. I am not sure he has been listed as a cosponsor. Senator KENNEDY as well, Senator BOXER as well, and Senator BIDEN as well.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. KERREY. I yield to the Senator from California such time as she needs.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair. I say to my friend from Nebraska how grateful I am for taking the time that he has needed to explain this amendment, not only to our colleagues but to the American people. This amendment is a very important amendment. It will delete the provision in law which prevents the United States from retiring additional nuclear weapons delivery systems until the Russian Duma ratifies the START II treaty.

The Senator from Nebraska has explained in great detail why that is not a prudent course for our Nation, and I agree with him. I will take 5 or 6 minutes to explain why.

For the last 2 years, the defense authorization bill has included a provision which bars reductions below 71 B-52H bombers, 18 Trident ballistic missile submarines, 500 Minuteman III intercontinental ballistic missiles, and 50 MX Peacekeeper missiles. Congress has told the Pentagon that we cannot reduce below that level.

In this year's defense authorization bill, this provision again is included with a revision that allows the number of Trident submarines to be reduced by six at the request of the Navy. This is a good step. It is a good first step, but more needs to be done to move in this direction.

As Senator KERREY has stated, there is no need to maintain these huge stockpiles of nuclear weapons. There is little doubt that Russia will fall well below START II levels whether or not the Duma gives its consents and ratifies the START II treaty. Edward Warner III, Assistant Secretary of Defense, Strategy and Threat Reduction testified that:

In light of the very small modernization efforts [Russia] has underway, and the obsolescence of many major components of both their submarines and their strategic military forces, Russia will be hard-pressed to keep a force of more than about 3,500 weapons. And our intelligence analysts say in light of current developments—again, we're projecting out over the decade—by about the year 2010, they will be hard-pressed to even meet a level of about 1,500 weapons.

If this is the case, if our own intelligence people are telling us that regardless of whether the Duma passes START II, the Russians are going to have a much lower level of capability, why do we need 6,000 deployed nuclear weapons with thousands more in reserve? What useful purpose do these thousands of weapons serve?

If we reduce our stockpiles toward START II levels of 3,500 nuclear weap-

ons, we would still have the ability to obliterate any nation anywhere anytime.

I will repeat that because I want the American people to understand that this amendment keeps us strong; it makes us safer; it makes us stronger. START II levels will still leave us with 3,500 nuclear weapons which could obliterate any nation anywhere anytime, and, I add, many times over.

It is dangerous to maintain 6,000 deployed U.S. nuclear weapons, half of which are on hair-trigger alert. The massive U.S. deployment pressures Russia to deploy as many of its nuclear forces as it can afford—and they do it on hair-trigger alert—at a time when the Russian command and control is stressed and when Russian launchers are dangerously over age.

What Senator KERREY is trying to point to here is not a situation of panic but of truth, and the truth is the more we deploy, the more they are compelled to deploy, and that is at a time when the Russian command-and-control system is stressed and when the launchers are dangerously over age. This sets up a very dangerous situation.

Certainly many of us are concerned about what we have learned about China's efforts to steal our nuclear secrets. This is very serious. Every one of us, regardless of party, is sick at heart about what has happened. It has happened over many, many decades, and there is blame to go everywhere. But the truth of the matter is, China has a few dozen strategic nuclear delivery vehicles and that threat is not comparable to the one we face in Russia, as Senator KERREY has pointed out. That is the real threat we face. We need to do something to diminish that threat.

There is a question of cost. There can be substantial savings from nuclear weapons cuts. The CBO has estimated that reducing U.S. forces to START II levels by 2007 could produce a savings of \$570 million in fiscal year 2000 and a \$12.7 billion savings over 10 years.

This is not small change. This is important. We just faced a situation where we saw a vote in the Senate, and we lost by four votes, to put some afterschool programs in place across this country. When I talked to my friends on the other side, I received two votes on the other side. The others all said: We love the program, but we can't afford it. We were asking for essentially an authorization of \$600 million, and the money was not there.

Why do we waste money and make a situation more dangerous when we can save money and make a situation less dangerous? I think that is the merit of the amendment that is before us. Mr. President, \$12.7 billion over 10 years is not small change. We have lots of things we can do, and we can always return it to the taxpayers.

The CBO further estimated that reductions in nuclear delivery systems within the overall limits of START II could produce savings of \$20.9 billion.

There is a precedent for what we would do here.

It is very important. The Senator from Nebraska said people call this unilateral disarmament. Let me prove to you that this is not the case. In 1991, President Bush had the courage to announce that we would withdraw our tactical nuclear weapons to the United States. That was not dependent on any action by the Soviet Union. He stood up and said this is in the best interest of the United States of America.

He also ordered 1,000 U.S. warheads deployed on strategic bombers and ballistic missiles slated for dismantlement to be taken off alert. I think we all remember that day. It was a very exciting and dramatic day. He did those two actions because it was in the best interests of America.

Do you know what happened after that? President Gorbachev responded in kind. He withdrew all tactical weapons from Warsaw Pact nations and non-Russian republics, removed most categories of tactical nuclear weapons from service, and designated thousands of nuclear warheads for dismantlement.

The point the Senator from Nebraska is making is, sometimes it does take courage to stand up and say this is what is in our best interests and show real leadership, the way George Bush did in 1991 in these two examples and the way President Gorbachev followed his lead.

I am very disappointed that the Russian Duma has not yet ratified the START II treaty. Again, if we follow the leadership of the Senator from Nebraska on this, we will be acting in our best interests, not in the best interests of the Russian Duma. We should lead and not wait for them to lead.

In conclusion, there are very good reasons for the United States of America to reduce its nuclear weapons. This amendment is carefully drawn. It is carefully thought out. It comes from a man who put his life on the line in the military and would do nothing to harm our national security. As a matter of fact, he would do everything to make us stronger. I hope we follow his lead and adopt his amendment. I yield back my time.

Mr. KERREY. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend the Senator from Nebraska for his amendment. What he has done is to bring back before us and before the Nation a very important issue, which is, what is the necessary level of nuclear weapons in our inventory for our own security.

Do we need as many as we have? Should we legislatively bake in that level if we do not need the START I level or should we at least be free to consider options to go to what the necessary level is for our own security?

The Senator's gift to us and to the Nation here is that he is bringing be-

fore us an issue which the Joint Chiefs want us to consider but we have not yet considered, and that is, what is the level of nuclear weapons that we need for our own security and should that be determined by a legislative level, on a piece of paper, set in law, or should that be determined by our security needs?

If we have a larger number of nuclear weapons than we need, we do two things. The Senator from California has just illuminated those two things. No. 1, if we have more nuclear weapons than we need for our own security, we are wasting valuable resources. That is No. 1. But, No. 2, what we are doing is we are then telling the Russians: Look, we're going to stay at this level, which in turn will encourage them, unhappily, to remain at the same level. That increases the proliferation threat to us because as the Senator from Nebraska has pointed out, the greatest threat to this Nation is the inventory of nuclear weapons on Russian soil. The Chinese threat does not come close. You are talking dozens in that case and not nearly as accurate. In the case of the Russians, you are talking many, many thousands of nuclear weapons which are not only pointed at us but also the more that are there on Russian soil, the greater the risk that one of them might be lost or not counted and leave Russian soil and get into the hands of a terrorist state or a terrorist group.

So both from a proliferation perspective and from the perspective of the wise use of our resources, we ought to at least be open to consider options of fewer nuclear weapons than the START I level provides for.

We may decide we want to stay at that level. It may be determined that we want to stay at that level. But the Joint Chiefs say that it may not be necessary. They want to consider options that would go down to a lower level of nuclear weapons, because they may not need as many nuclear weapons, regardless of what the Russians do. Even if the Russians stay at the START I level, we may not need as many nuclear weapons as the START I level allows us.

There is no point in keeping them just because the Russians have them if we do not need them. There is no point keeping them if that helps to push the Russians to keep their own, with all of the proliferation threats which that engenders.

I close by reading a couple answers that we have received to questions that I have addressed to Secretary Cohen and to General Shelton.

I asked Secretary Cohen:

Should we maintain the requirement in law that our forces be maintained at the START I level or should we now let that expire and do what our military requirements indicate we should do, rather than to put it in a legislative form?

Secretary Cohen's answer:

... I do not think we need to have the legislation, ... I think it is unnecessary. ...

General Shelton was even more pointed. General Shelton, in answer to that question, said:

I would definitely oppose inclusion of any language. ...

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. LEVIN. I wonder if the Senator would yield 2 additional minutes?

Mr. KERREY. I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. LEVIN. I thank the Senator.

General Shelton said:

I would definitely oppose inclusion of any language that mandates specific force structure levels.

This is the highest level of uniform military leadership we have in this Nation. This is what he says:

The Service Chiefs and I feel it is time to consider options that will reduce our strategic forces to the levels recommended by the Nuclear Posture Review. The START I legislative restraint will need to be removed before we can pursue these options. Major costs will be incurred if we remain at START I levels.

He went on:

The Service Chiefs and I agree it is time to reduce the number of our nuclear platforms to a level that is militarily sufficient to meet our national security needs. ...

"[M]ilitarily sufficient to meet our national security needs. ..."

General Shelton went on:

The statutory provision that keeps us at the START I level for both Trident SSBNs and Peacekeeper ICBMs will need to be removed before we can pursue these options.

So we have the leadership of this Nation's military—civilian and uniform—urging us not to have a restraint in law that will make it difficult for them to pursue options which they need to pursue in order to avoid the waste of resources, options which will allow us to be militarily sufficient and not to promote proliferation in Russia.

The PRESIDING OFFICER. The time has expired.

Mr. LEVIN. I thank the Chair, and I again thank my colleague from Nebraska.

Mr. KERREY. I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I thank the Senator for offering this amendment. I am very hopeful that the Senate will adopt it.

I strongly support this amendment, and I commend Senator KERREY's leadership on this important issue of nuclear arms control. His proposal is a significant step in moving forward on the stalled process of nuclear arms reductions. Now more than ever, given the present climate of tension in the world, it is essential for the United States to reactivate arms control discussions with the Russians. It is also critical that we demonstrate to the international community our willingness to engage in continued nuclear arms reductions.

This initiative offers us a major opportunity to break the current impasse

that is preventing significant reductions in the stockpiles of nuclear arms. In addition, it can help to revitalize the START II debate in the Russian Duma, and move us toward greater cooperation on this critical global security issue.

At the Senate Armed Services Committee Hearing on Military Readiness on January 5, I pressed senior military officials about spending priorities in the armed services, and questioned the need for maintaining strategic forces at the START I level. In response to my inquiries, the Chief of Naval Operations, Adm. J.L. Johnson, agreed that he would prefer to reduce the number of Trident submarines from START I levels, and see some of the money currently used to maintain strategic forces at old levels reallocated to meet current and more critical needs. This amendment will give us the opportunity to do so in other parts of our strategic arsenal as well.

As Senator KERREY noted, history demonstrates the benefits of this kind of initiative in arms control, and the impact that can be made by a modest but significant gesture. In September 1991, President Bush ordered that 1,000 U.S. warheads scheduled for dismantling under START I be taken off alert, before that treaty was every ratified. This action resulted in a reciprocal response from President Gorbachev, who just one week later, designated thousands of Soviet nuclear warheads for dismantling and took several classes of strategic systems off alert.

Three years after the Senate ratified START II, we still have not moved closer to the goals in that important treaty. Russia has yet to ratify this treaty, and a move by the United States toward meeting our START II goals may encourage the Russian Duma to take up its ratification, and move us closer to the creation of START III.

This is an important time in our relationship with Russia. Earlier this year, we passed a bill calling for the creation of a National Missile Defense System, conditioned on an amended ABM treaty negotiated with Russia. The best way that we can move toward a new ABM treaty and work to improve global security is by demonstrating to our Russian allies that we are committed to arms control—and an effective way to demonstrate this commitment is by passing this amendment.

Moving closer to implementation of START II will also provide significant savings for the American taxpayer. This amendment will open the door to savings in the cost of upkeep for many unnecessary weapons. In addition, the tritium in these weapons can be recycled, eliminating the need for production of new tritium and the associated production costs.

This amendment is a constructive effort to breathe the new life into the stalled arms control negotiations, move us closer to achieving the goals of START II, and send a strong signal to Russia

and the international community about our commitment to these goals. It will strengthen our ability to cooperate with Russia to combat the growing threat of rogue nuclear states, and to build a more comprehensive global security system. Reducing our military stockpile, even to START II levels, will not impair our national security in any way. As Admiral Johnson explained to us last January, this amendment is in the best interest of the armed services, and it will help us to meet more critical readiness needs. I hope this amendment will be accepted. I commend the Senator for initiating it.

I yield back the remainder of my time.

Mr. KERREY. Mr. President, does the Senator from Virginia want to speak?

Mr. WARNER. I will speak whenever you have completed. I want to accommodate you. You can follow me, if you so desire; whatever your desire may be.

Mr. KERREY. I would love to hear the Senator's remarks.

Mr. WARNER. I beg your pardon?

Mr. KERREY. You can go first. I would love to hear your remarks.

Mr. WARNER. You are thoughtful to say that, because I enjoyed listening to yours but I, regrettably, think you are wrong in this instance, and I will move to table your amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I say to my good friend from Massachusetts, a fellow member of the Armed Services Committee, we have in this bill—you are ranking on that committee—the removal of those submarines as sought by the President and the administration.

The essence of what I have to say is that Congress expressed a willingness to do that. Hopefully, this legislation will go through, become law. It seems to me, if the administration has further reductions in the arsenal, let it come before the Congress. That is the procedure that I would follow.

So I just say, in opposition to this amendment, the amendment would strike section 1041. Section 1041 renews and modifies the provision that has been enacted in the defense authorization bill each year for the last 5 years. This is a measured, balanced, and needed provision which, in my view, all Members of the Senate should support. It simply prohibits the retirement of certain strategic delivery systems unless START II enters into force. Essentially, this provision seeks to prohibit unilateral compliance with the reduction of U.S. inventory implementation of the START II treaty and make clear to Russia that the benefits of our mutual arms control agreements can only be realized through mutual implementation of those agreements.

This year, the Secretary of Defense and the Navy requested we modify the limitation to permit the retirement of four of the older Trident submarines. The Secretary, however, made it very

clear that the administration was not advocating any unilateral implementation of START II. The Armed Services Committee reviewed the Secretary's recommendations to reduce the Trident force from 18 to 14 submarines and agreed to authorize such reduction. Section 1041 of the pending bill does, in fact, allow retirement or conversion of these four submarines.

In keeping with the administration's policy not to unilaterally implement START II—and that is the policy; I assume the Senator from Nebraska agrees with that—the Secretary also made sure that the fiscal year 2000 budget request fully funded all remaining operational strategic nuclear delivery systems, including the 50 peacekeeper intercontinental ballistic missiles deployed at the F.E. Warren Air Force Base. The Armed Services Committee supports this decision, and there is nothing in this bill that prohibits the Secretary from implementing any planned reduction to our strategic forces.

Section 1041, which the Kerrey amendment would strike, simply reinforces the administration's policy of remaining at START I force levels until START II enters into force. To strike this provision would send a signal that the Senate no longer supports this policy. This would be a dangerous and unnecessary signal to send, one that could undermine the integrity of the arms control process.

Since section 1041 does not prohibit any planned changes to U.S. strategic forces, it would appear that the supporters of this amendment are really interested in some form of unilateral arms control or some other steps that go beyond the administration's policy. At a time when our relations with Russia and China are quite uncertain, I say to my dear colleagues, now is not the time to consider unilateral reductions in our strategic forces.

The United States and Russia are now hopefully nearing full implementation of the START I agreement. The administration has worked very hard to get Russia to ratify START II. If the Senate votes to eliminate section 1041, this action could be interpreted as a sign that the Senate is giving up on START II. Unless my colleagues are willing to abandon the arms control process, I suggest that they not support the pending amendment. Indeed, the administration has acknowledged that section 1041 provides significant leverage over Russia to get them to ratify START II.

Mr. President, in closing, let me simply reiterate that section 1041 of the pending bill was crafted with the Secretary of Defense's views firmly in mind. Nothing in this provision prohibits the Secretary from undertaking any action he plans for fiscal year 2000. And, since the provision expires at the end of the fiscal year 2000, we will have an opportunity next year to review any new recommendations coming from the administration. For the time being, it

would send a very bad message to strike this important provision. I urge my colleagues to oppose the Kerrey amendment and support the bill.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I regret that Senators are on opposite sides of this issue, but we clearly are. I have offered this amendment because I believe our current strategy to deal with the threat of nuclear weapons is flawed in many serious ways.

First of all, this amendment has the support of the Chairman of the Joint Chiefs and Secretary Cohen. They have not announced any intent to go below the START I levels, but we are not asking for unilateral disarmament. We make decisions about how many men and women we are going to have in our Armed Forces, how big our Navy is going to be, how big our Army is going to be, our Marine Corps, our Air Force is going to be. Sometimes it goes up, sometimes it goes down. Nobody accused President Bush of unilateral disarmament at the end of the cold war when he drew our defense forces down.

I happen to believe we have gone too far. I support reinvigorating our Armed Forces. I don't support giving the Russian Duma a veto over that decision.

That is basically what this is all about. I do not know whether the President would exercise the authority, but in my view this amendment would allow the President to make a decision independently and say, this is the level of nuclear weapons that we need. I have heard knowledgeable patriots who have served their country, who have spent a great deal of time on this subject, say to me that we are, as a consequence of this law, maintaining a level higher than we need to keep the people of the United States of America safe, spending money that is needed in other areas, especially in the conventional area, forcing the Russians to maintain a level of nuclear weapons higher than their economy gives them the capacity to control, and dramatically increasing the risk of an unauthorized launch as a consequence.

That is the new risk. In the old days when we had arms control agreements—and I am not as optimistic about arms control agreements any longer. The Senator from Virginia asked if I supported the policy inherent in this language. Frankly, I do not believe START II is going to be ratified by the Duma. And even if it is, it has been overtaken by events, in my judgment. Even at that level, the Russians would be required to maintain a force structure of nuclear weapons that their economy does not allow them to safely maintain.

I think we would see continued deterioration and continued increased risk to the people of the United States of America not from a hypothetical risk here. All of our armed services have been vaccinated now against anthrax. The Chairman knows there are conferences about all kinds of new threats

that are very real and very present. But there is no threat greater than the threat of Russian nuclear weapons. There is no threat that would arrive here faster, that would arrive here more accurately and more deadly than any one of a number of weapons systems that I could describe in the Russian nuclear arsenal.

In my view, what this does, quite the contrary to unilateral disarmament, is it allows the United States of America to decide what is in our interests. If I had reached a conclusion that I thought we ought to have 10,000 nuclear warheads in our arsenal, that that was in our interests, I would be on the floor arguing that we ought to; that rather than having a 6,000 floor, we ought to say that arms control is not going to work at all. If the Russians were doing something that caused me to conclude that I thought we ought to have a higher level, I would argue for that.

I am arguing that the United States of America should make its own decisions when it comes to nuclear weapons. And right now, in my view, that decision would cause us to go below the statutory floor that we currently have and a further benefit would occur as a consequence enabling us to reduce the threat of an unauthorized launch.

Again, I have a great deal of respect for the chairman and admire his work and agree with him on lots of things that are in this bill, but I come to the floor to offer this amendment because I believe very passionately that it will make the people of the United States of America safer and more secure if it is adopted.

Mr. WARNER. Mr. President, I say in reply that this section was crafted with the views of the Secretary of Defense firmly in mind. Nothing in this provision prohibits the Secretary from undertaking any action he plans for fiscal year 2000. And since the provision expires at the end of the fiscal year 2000, we will have the opportunity in the next year to review any new recommendations coming from the administration.

A year from now we will have more clarity, hopefully, of the relationship with China, of the relationship with Russia and, indeed, this Senator's concern about North Korea and its advancements in missile technology. So I think we can focus on the superpowers but this, in my judgment, talks to the entire strategic defense of the United States of America.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I appreciate that very much, although the only reason I was referencing Secretary Cohen and General Shelton's support, as Senator LEVIN indicated earlier and put in the RECORD, there has been some indication that perhaps the administration doesn't support eliminating this artificial floor. They do. They have no plans—they have not indicated that they intend to go any

lower than this. But they have put in the record at the Armed Services Committee, in response to Senator LEVIN's question, that they support this amendment. They support eliminating this artificial floor.

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

Mr. KERREY. Mr. President, I will do the same.

Mr. WARNER. I thank my colleague. It has been a good, spirited debate on a very serious subject. I think his historical context would be very helpful for all Senators. The bottom line is, we tend to forget, as you pointed out, in 1988, it was foremost in our minds. Not so.

Mr. President, if the Senate could now proceed to the vote with all time yielded back, I ask for the yeas and nays and move to table the Kerrey amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 395. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—56

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

NAYS—44

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Jeffords	Reid
Bryan	Johnson	Robb
Chafee	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Smith (OR)
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

The motion was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON MOTION TO RECONSIDER AMENDMENT
NO. 392

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to reconsider the Gramm amendment, which amendment was not agreed to yesterday.

Mr. GRAMM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—51

Ashcroft	Durbin	Lott
Bennett	Feinstein	Mack
Biden	Fitzgerald	McCain
Bond	Frist	McConnell
Brownback	Graham	Murkowski
Burns	Gramm	Nickles
Byrd	Grams	Roberts
Campbell	Gregg	Rockefeller
Chafee	Hagel	Roth
Cochran	Hatch	Santorum
Collins	Helms	Snowe
Coverdell	Hollings	Specter
Craig	Hutchison	Stevens
Crapo	Jeffords	Thompson
DeWine	Kerrey	Thurmond
Domenici	Kohl	Torricelli
Dorgan	Kyl	Voinovich

NAYS—49

Abraham	Gorton	Moynihan
Akaka	Grassley	Murray
Allard	Harkin	Reed
Baucus	Hutchinson	Reid
Bayh	Inhofe	Robb
Bingaman	Inouye	Sarbanes
Boxer	Johnson	Schumer
Breaux	Kennedy	Sessions
Bryan	Kerry	Shelby
Bunning	Landrieu	Smith (NH)
Cleland	Lautenberg	Smith (OR)
Conrad	Leahy	Thomas
Daschle	Levin	Warner
Dodd	Lieberman	Wellstone
Edwards	Lincoln	Wyden
Enzi	Lugar	
Feingold	Mikulski	

The motion to reconsider the vote by which amendment No. 392 was rejected was agreed to.

Mr. GRAMM. Mr. President, I ask unanimous consent to vitiate the roll-call vote on the amendment, and I ask for a voice vote.

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

The question is on agreeing to amendment No. 392.

The amendment (No. 392) was agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair.

Mr. President, it is the desire of the managers and the leadership to continue to work on this bill and make good progress.

The pending amendment is the amendment by the distinguished leader from Mississippi, Mr. LOTT; am I not correct? I am fairly certain.

The PRESIDING OFFICER. Actually, the pending amendment is the Allard amendment.

Mr. WARNER. Fine.

Mr. President, we are then ready to proceed.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 396

Mr. ALLARD. Mr. President, the amendment I am offering with Senator HARKIN and a number of other people is now before the Senate.

I ask unanimous consent at the start that Senator GRASSLEY be added as a cosponsor to the amendment.

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

Mr. WARNER. Mr. President, if the Senator would yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. ALLARD. I yield for an inquiry.

The PRESIDING OFFICER. The Senator from Colorado has the floor and has yielded to the Senator from Virginia for an inquiry.

Mr. WARNER. I thank the Chair.

I am very anxious to structure this so all Senators have an opportunity to speak on this important amendment. I have spoken to Senator HARKIN, and he desires 20 minutes.

Mr. ALLARD. That is correct.

Mr. WARNER. That is the amount of time he will require. It may be that we have to go off this amendment for a short time, but I have assured him that we would not, of course, vote, and we would come back on the amendment to give him the 20 minutes.

But I inquire of the Senator from Colorado the time that he desires, and the distinguished Senator, Senator INHOFE, the time that he desires.

Mr. INHOFE. Ten minutes.

Mr. ALLARD. I would guess about 15 minutes is what I would need.

Mr. WARNER. Why not give 15 minutes to each side; 20 minutes for Senator HARKIN.

Is there any other time that you know of, I ask my distinguished ranking member?

Mr. LEVIN. We do not know of any other time.

So we are clear then, we will not close off debate on this until Senator HARKIN has an opportunity to come back and claim his 20 minutes.

Mr. WARNER. Mr. President, I have assured him. In order to protect all parties—Senator STEVENS may wish to speak to this—I ask unanimous consent that we have 1 hour, divided 20 minutes under the control of the distinguished Senator from Oklahoma, and 40 minutes, which would include the time for Senator HARKIN, under the control of the Senator from Colorado.

Mr. ALLARD. That would be fine.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, in order to protect Senator HARKIN, which I

know the Senator from Virginia is determined to do—

Mr. WARNER. Yes.

Mr. LEVIN. —and I am determined to do, if he is unable to be back here by the time the 40 minutes is utilized, we would then go to some other matters and protect him?

Mr. WARNER. That is exactly right.

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

The Senator from Colorado has the floor.

Mr. ALLARD. Mr. President, I ask that the Chair let me know when I have reached the 15-minute mark.

The PRESIDING OFFICER. The Senator will be so informed.

Mr. ALLARD. Mr. President, the amendment I have offered, with Senator HARKIN, and others, dealing with the Civil Air Patrol, is, in the greater scheme of this defense authorization, probably not that big a measure. But for the Civil Air Patrol, its members, an the job they do, it will prevent a huge and unfortunate change.

This defense authorization contains a provision that would force the civilian, volunteer, locally controlled Civil Air Patrol wings into a more rigid and centralized Air Force command structure.

My fellow sponsors of the current amendment and I feel this forced change would hamper the patrol, hinder their activities, and hurt, ultimately, results.

The Air Force fights wars. Their structure and administration are designed for fighting wars. The Civil Air Patrol, a nonprofit civilian service organization, is fundamentally different.

The Patrol was started to watch our borders during war time. But now their focus is search and rescue, counterdrug operations, and humanitarian efforts.

Last year, the patrol saved 116 lives through their search and rescue operations. In 1998, they also flew 41,721 hours in support of counterdrug operations. Over the last 4 years, the Patrol membership has increased 20 percent, and the youth cadet program has increased its membership by 30 percent.

Newspaper are full of stories about Patrol efforts to find downed planes, lost hikers, and others, or emergency flights to provide supplies, transport people, and shuttle other vital items.

After the recent tornados in Oklahoma, Patrol wings flew damage assessment missions for relief authorities.

In January, the Colorado wing found two missing hikers in Mesa Verde park in Colorado. In April, they flew search and rescue looking for the Miller family of Iowa. As the Omaha-World Herald said on Tuesday, May 11, "When a small plan goes down in the unforgiving mountains of southwest Colorado, the story seldom ends well." But the Patrol kept at it, doing what they have been called on to do time and time again.

The Air Force conducted a week long review of the Patrol at national headquarters. They found what they

deemed to be irregularities. The Civil Air Patrol has responded to the review, point by point. They have shown a willingness to deal with the Air Force by instituting some of the proposed measures, and by negotiating on the others. But from my understanding the Air Force, however, does not wish to negotiate in a sincere manner.

While I understand Air Force Secretary Peters position, I do not believe the only option on the Civil Air Patrol was to do it the Air Force Way. I would prefer to do it the correct way.

And so what is the proper congressional response now? This section of the defense authorization is certainly not the answer. The provision that we are trying to remove with this amendment could very well be a "fix" for something that is not broken, or a surgical amputation instead of a band-aid.

There have been allegations of financial impropriety and safety lapses. I am willing—in fact, I am eager—to have these fully investigated.

The amendment before us mandates a Department of Defense Inspector General audit on the financial and management structure of the Civil Air Patrol, and requires them to present the report, with recommendations, to the congressional defense committees. The amendment likewise calls for the GAO to investigate and make recommendations on the CAP management and financial oversight structure, as well as the Air Force's management and financial oversight structure of the Civil Air Patrol and their recommendations for improvement. Both reports are due by February 1, 2000, so that we can consider the reports and recommendations for next year's authorization. But the amendment does not overwhelmingly change the makeup and leadership of the Patrol, without hearings, congressional oversight, or joint party consultations. It allows us to take an informed and reasoned approach to dealing with the allegations.

The Civil Air Patrol is not some loose-cannon. It is not some rogue agency. The Patrol is already an auxiliary of the Air Force. Their financial practices are overseen by the Air Force. Air Force personnel must sign off on Patrol expenditures and billing. Air Force personnel work at Patrol headquarters, with daily access to financial records, and these records are all public information.

I do not know the motives for this attempt to subsume the Patrol into the Air Force after all these years. If the desire is merely to react to charges of impropriety, then the language as it stands is obviously excessive, and our amendment is the far better approach.

But if I don't know the reason why, I certainly know reasons why not to allow this language.

I worry the Patrol will lose its local control.

It is very important in States such as Colorado that we have immediate decisions when a plane goes down. Because we live in a State that has a lot of

rough terrain, the weather changes quickly and dramatically, it is important that decisions be made quickly. With our local decisionmaking process, those decisions do get made properly and we can get out and save peoples' lives, in States such as Colorado, through the efforts of the Civil Air Patrol. It will sour those locally based volunteers who make up the overwhelming majority of the wings, who donate their time and energy and often equipment. Many of the assets of the Civil Air Patrol are gifts the Patrol received from donors willing to give to a charitable organization. How can we justify the Air Force wresting control of these items away from the local volunteers? How can we justify the added expense of substituting high-ranking, paid, benefit-earning Air Force personnel for unpaid, volunteer Civil Air Patrol leadership? How can we justify doing it with so little discussion, so little oversight, so little recognition of the severity of the action?

I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I yield myself such time as I may consume.

I rise in opposition to this amendment. I want to say that there is no one of the 100 Members of the Senate who has been historically closer to the CAP, who has participated in CAP activities than I have. There is not a year that goes by that I do not talk to the troops and those who are being promoted, those who have achieved really great things and have made great contributions to society. I also, just 2 weeks ago, could very well have been the product of a search by the CAP, had I not been able to glide my plane into an airport. So I understand that. I have been on various patrols where we go out. I know the valuable contributions that the Civil Air Patrol makes to this Nation every year, search and rescue, youth cadet program.

However, we are concerned with the continuing streams of allegations coming from the Air Force and from members of the Civil Air Patrol that senior members of the CAP have engaged in inappropriate, and in some cases, illegal activities. I will outline a few of the allegations that have been brought to the committee by either the Air Force or former members of the CAP.

I have some documents to include as part of the RECORD that I will want immediately following my remarks, but these are just some of the accusations that are out there. I know that the Senator from Colorado is just as concerned about these as I am.

One individual was charging the cost of his flying hours to the Civil Air Patrol counterdrug account when he was actually flying to visit his daughter. A second accusation: One CAP wing charged both its home State and the

CAP counterdrug budget for the same mission, essentially receiving double reimbursement for the same activity.

Here is a good one: The southeast regional commanders conference was held on a cruise to Nassau paid for by CAP headquarters. After the conference, some individuals requested and received a per diem, even though the cost of the cruise had been paid for by the CAP and, thus, by the taxpayers. I have often thought—I suggested this to the Senator from Colorado—what kind of a position would we be in, would I be in, as chairman of the Readiness Subcommittee of the Senate Armed Services Committee if I sat back and let these charges go unanswered? I could just imagine "60 Minutes" or some news account of this talking about the cruise to Nassau that was paid with taxpayers' money and then double dipping on top of that.

We have numerous other types of reports concerning missing equipment. Seventy percent of one wing's gear, communications gear, computers, et cetera, cannot be accounted for; 77 percent of another wing's gear is missing. The most extraordinary of all, however, is a letter we received from one former member alleging that Federal laws and Federal aviation regulations relating to aircraft maintenance were being violated, and quoting from that letter, "the lives of our cadet"—these are juveniles—"members were being jeopardized."

We are talking about human lives here. Because of these accusations and because the Civil Air Patrol is an auxiliary of the Air Force, receiving virtually all of its funding—some 94 percent of the funding for the CAP comes from the Air Force and the headquarters at the Air Force installation—the leadership of the Air Force requested that the committee pass legislation to grant the Air Force the necessary authority to ensure responsible management of the Civil Air Patrol.

That is exactly what this legislation does. This is in our mark that is before us today.

I do urge my colleagues to oppose this amendment. However, should it pass, I hope that the Secretary of the Air Force will refer the allegations to the FBI and seek to sever the Air Force's ties with the CAP. We can't hold the Air Force responsible for an organization that it doesn't have any authority to supervise. I do not know whether there is any other example anywhere, Mr. President, where you have the responsibility statutorily borne by some agency and they have no authority to police or discipline the behavior of that entity.

I ask unanimous consent that a letter to me from General Ryan, Chief of Staff of the Air Force, making this request be printed in the RECORD. And I ask that the internal memorandum that outlines many other examples, which I would be glad to share with the Senator from Colorado and with the Senate, should this debate pursue, be

printed in the RECORD immediately after the letter from General Ryan.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, April 21, 1999.

Hon. JAMES M. INHOFE,
Chairman, Subcommittee on Readiness and
Management Support, Committee on Armed
Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Air Force has a long-standing and mutually beneficial relationship with the Civil Air Patrol (CAP). As a former CAP cadet, I am very familiar with the important role this organization plays in shaping the lives of thousands of young Americans.

However, there have been a number of recent incidents which have caused us some concern about the activities of the CAP headquarters. As an auxiliary of the Air Force, CAP receives most of its budget and a great deal of nonappropriated support, such as free use of on-base facilities, from the Air Force. Yet, it is not accountable to the Air Force for how it spends its budget or conducts its business. Consequently, we have developed a proposal to strengthen and preserve our relationship with CAP. It requires new legislation, but will not affect CAP's funding levels. It will be transparent to the CAP field units and will ultimately improve the level of support they receive from the headquarters.

We have briefed your personal staff and the Senate Armed Services Committee staff on our proposed changes to the Air Force-CAP relationship. We recently met with the CAP leadership and continue to seek solutions to our concerns. These efforts are ongoing and should they prove successful, we will recommend withdrawing this legislation.

I trust this information is helpful and ask for your support as we work to strengthen the bond between the Air Force and CAP.

MICHAEL E. RYAN,
General, USAF,
Chief of Staff.

From: AF/DXON.

Subject: Special Project Team Assessment of
Civil Air Patrol.

MEMORANDUM FOR THE SPECIAL ASSISTANT TO
THE SECRETARY OF THE AIR FORCE

As you know, I traveled to Maxwell AFB, AL from 18-23 April 1999 as part of the Special Project Team that the Secretary and Chief of Staff chartered to assess Civil Air Patrol (CAP) processes. Our purpose was not to perform a full-blown inspection of either CAP's administrative headquarters or the units in the CAP national chain of command. Nevertheless, in just a couple days time the team discovered a number of practices that convinced us of the Air Force need for greater oversight of CAP activities. I will cite a few examples that are of particular concern:

CAP recently conducted its Southeast Region Commander's Conference on board a Caribbean cruise ship with the National Commander and National Director in attendance. Our auditors discovered that executives claimed per diem for this meeting even though the cost of the cruise was inclusive of meals.

Senior corporate leaders travel by first class, and receive what could be regarded as generous salaries. Certain senior corporate employees are receiving full military retirement pay in addition to their salaries.

CAP units flew over 41,000 hours on "counter drug" missions, which were reimbursed, from appropriated funds. We are aware of several irregularities where per-

sonal travel and maintenance flights were charged to counter drug, as well as one wing that charged several counter drug missions to both the Air Force and the state.

Several CAP wings cannot account for over 70% of the communications equipment purchased for their units with funds that were reimbursed with Air Force appropriated funds.

Members and former members complain that they lack faith in the independence and effectiveness of the CAP Inspector General program. Members were refused membership renewal coincidental to raising complaints about equipment control, aircraft maintenance (safety) practices, and an assault. A flight check ride pilot was ostracized from her unit for restricting a CAP pilot from solo flight privileges. In each case, the affected members went to their IGs who deferred to command action.

Because this assessment was never intended to be an inspection, the observations made should be viewed only as symptoms. The team also observed truly excellent programs at certain wings and more generally at the administrative headquarters. Talented and dedicated volunteers and employees in many cases provide safe and valuable programs to cadets and the country as a whole. The CAP National Board seemed to satisfy a major concern by agreeing in principle to comply with OMB Circular A-110. Nevertheless, the Air Force should attempt to gain visibility through representation on an overseeing Board of Directors to assure that CAP's role as a civilian auxiliary to the Air Force will be a credit to the Air Force and the nation. The Board of Directors would operate at the macro level and provide the SECAF authority commensurate with the responsibility of overseeing CAP matters. This would clearly establish the auxiliary to principal structure to foster a healthy relationship for the future. Unless CAP CORP leadership convinces the National Board to reverse itself and embrace such a structure, it is regrettable that the only sure way to obtain this reasonable level of oversight will likely be through legislation.

ROBERT L. SMOLEN,
Col., USAF, Dep.
Dir. of Nuclear &
Counterproliferation
DCS/Air and Space
Operations.

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Colorado has 15 minutes remaining. The Senator from Oklahoma has 14 minutes 18 seconds.

Mr. ALLARD. Mr. President, I yield myself 5 minutes.

Mr. WARNER. Mr. President, if I could interrupt.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The schedule of the Senate would permit additional time, if you so desire, I say to my colleagues, to seek additional time.

Mr. INHOFE. Well, I will respond to the chairman by saying that I do not have anyone who has requested time from me. I have pretty much stated the whole case. I would appreciate, of course, yielding time to him to hear his position on this, as chairman of the committee.

Mr. WARNER. I will ask unanimous consent that I have about 5 minutes on this matter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself 5 minutes.

In response to comments in the cases that were presented by my esteemed colleague from Oklahoma—I will add at this point, it is a pleasure to serve with him on the Armed Services Committee; he is somebody that I highly regard in the Senate, a very honorable individual. I know that he has a love for the Civil Air Patrol and he wants them to be able to do their job effectively. I know that his concerns are out of love for that very organization, because he is a pilot himself. I will respond that from the information I have on the misallocation of the personnel uses, I understand there is a high probability that that occurred. But in other organizations where this happens, we don't go and just take away complete control of the organization without some hearings, without some oversight from this Congress.

I understand that the Air Force has spent some time in overhauling it, and it has been done within the structure of the Air Force. I think, before we move ahead with an amendment as dramatic as what is in the defense authorization bill before us, that we ought to have some hearings, that we ought to, as Members of Congress, spend some time and delve into the actual facts.

I don't think we can do this without having some agency do some reporting for us. That is why in the amendment that I have put forward, I ask the GAO to look at the financial structure—this is an area my colleague has suggested where there could be some problems—and report back to Congress whether or not there are abuses. And also in the amendment, I have the Inspector General, who can look at the administrative aspects of it, how they established policy, see if they are following through with their goals, if they are doing what they have promised to the Congress and to the Air Force, and give a report on those incidents. And we ask that this be given in a timely manner so that next year when we come back in and this bill is before us then we can go ahead and look over the report and, hopefully, maybe have a hearing or two based on the report and put something reasonable and responsible forward.

I have some real concerns about saying, OK, we are going to turn over total control to the Civil Air Patrol, take it away from being a voluntary nonprofit organization. That is almost like a chapter 11 in the real business world. When you take over the board of directors, you completely change everything.

I don't think it is that serious. I don't think we ought to put the Air Force in control of the board of directors. But I do think there are some things that we need to investigate. For example, on the cruise issue brought up by my colleague, my understanding is

that the Air Force was the one that OK'd the disbursement for that cruise. So there might be some question of where the responsibility lies, who was culpable for some of these actions. I know the Air Force has some oversight on some of the equipment.

Now, maybe we don't have the Air Force doing what their responsibility should be. So if that is the case, then there might be enough blame here to go around to everybody. I think the only way, as Members of the Senate, we can begin to sort this out is if we have hearings, we ask for a report from the General Accounting Office, and ask the inspector general to give us a report, so we have some facts on which we can work.

For that reason, I am continuing to push my amendment. I hope the Members of the Senate will support me. A number of my colleagues also come from mountainous States where the Civil Air Patrol is vital and their response needs to be made on a local decisionmaking process. We can't be waiting to go out to search until after it has been filtered through Washington and goes back to the State. On these search efforts, when they come up, there is an immediate need and there has to be an immediate decision made locally.

My hope is that we can adopt my amendment and take out the more onerous provisions that we have in the bill until we can get the facts before us. And then, after we have those facts, perhaps we can move forward in a more informed and responsible manner.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, I know the Senator has the best interests of the CAP at heart in making his comments. But I do believe that he needs to read this very carefully, and if any other Members want to read it, it is on pages 292, 293, and 294.

All we are doing is saying that if the Air Force is going to continue to be responsible for the behavior and the actions of the CAP, they be given some oversight, some ability to get into the books and check these things out. It is my understanding that the account that the Senator from Colorado has is not an accurate account of the cruise. I will repeat the accusation.

The Southeast Region Commanders Conference was held on a cruise to Nassau. Now, this is a cruise paid for by public funds, CAP funds, which came from the Air Force. After the conference, some individuals requested and received per diem, even though the cost of the cruise had been paid for by taxpayer money. I just think this is so outrageous. In fact, the Air Force personnel who was wanting to stop this from happening was so opposed to it that he refused to go on the trip himself. He canceled out.

All we are saying is that if they are going to be responsible for this, we are going to have to, in some way, give them the authority to oversee it. After a while, I am going to be giving a talk on what I find to be offensive about this whole bill that we are discussing today. It is primarily that we are not funding adequately our whole military, certainly in the area of readiness. Our service Chiefs, our four-stars, and our CINCs all got together and said, in order to meet the minimum expectations of the American people, and to meet our national requirements, our mission requirements, we would have to have \$17.4 billion a year more for the next 6 years, plus the amount for pay increases and retirement. That comes to about \$24 billion. The amount of increase here is only \$9 billion—totally inadequate.

I am supporting this legislation because it is the very best we can do. I say to the Senator from Colorado, we are looking everywhere to pick up a million dollars here and a little bit there; we want to do it. In spite of that, General Ryan recommended, because of his affection for the CAP, an additional \$7.5 million. That should demonstrate his feelings about the CAP. We were not able to give that additional amount. We kept the same levels as the previous year because we have problems in modernization, quality of life, force strength, and there is no place that isn't bleeding and hemorrhaging right now. So that is my concern.

I would hate to be in a position to deny the Air Force the right to at least look at the books and have an opportunity to stop this type of abuse if they are going to be responsible for their actions. Right now, they are responsible. That is why I said if this should pass, I think the Secretary of the Air Force really needs to refer these accusations to the FBI and sever the ties of the Air Force. CAP doesn't want that. They have had a very good relationship all these years. I think there may be a small number of people who perhaps have not exercised the proper behavior and don't want the oversight. But I can't think right now of any example in Government where someone is responsible for someone else and yet has no authority over their behavior.

I yield the floor.

Mr. ALLARD. I thank the Senator from Oklahoma for yielding. In response to the Senator from Oklahoma, I agree that funding for our military has been dismal, particularly in light of the fact that this administration has continued to have more deployments than President Bush and President Reagan put together. Yet, we have cut defense from time to time, and I am very sympathetic to and voted for increased funding for the Department of Defense. I understand there are problems with the Air Force, but I think this is where the Civil Air Patrol, with their voluntary program, helps with the budget; they don't hurt the budget.

If we have shortages at the Air Force, as far as adequate funding for

oversight, it seems to me that taking over the whole program is going to require more personnel, more time, and it is going to cost the Air Force more. It seems to me that the responsible thing to do at this particular point is to, first of all, get our studies and facts in order and then find out if we can't come up with a commonsense resolution that has some reasonable oversight by the Air Force and still keep this a voluntary organization. The strength of it is the voluntarism. I hate to take that away from it. I think we save the Air Force money.

So that is why I believe it is important that we go ahead with the amendment that I am proposing, because I think in the long run the Air Force can benefit. We just have to get the oversight problems taken care of. We can do that. Once we get the facts before us—and that is what my amendment does—then we can move forward.

I thank the Senator for yielding.

Mr. INHOFE. Mr. President, who has the floor?

The PRESIDING OFFICER. Actually, the Senator from Colorado has the floor.

Mr. ALLARD. Mr. President, I understand that the Senator from Oklahoma yielded to me. What is our time limit?

The PRESIDING OFFICER. The Senator from Oklahoma yielded the floor. The Senator from Colorado assumed the floor. At this time, the Senator from Colorado has 8 minutes and the Senator from Oklahoma has 10 minutes.

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

Mr. INHOFE. I yield myself such time as I may consume. I was going to ask a question of the Senator. First of all, I realize that the Senator from Colorado and I both are among the strongest supporters of our national defense. The Center for Security Policy has us both rated as 100 percent. That is not an issue on the table. We both feel that way.

My problem is, No. 1, they have made the specific statement that it is not going to cost any more to have some supervision over the CAP because the time they spend trying to look into these things without the authority to do it is more time consuming than if they had the legal authority that we are trying to give them with our defense authorization bill. If you just take the money in the examples I used on the trip to Nassau and all of that, I think you would have to agree that the money would be better spent on spare parts than it would be on some of the double-dipping in which they have engaged.

I would be glad to yield to the Senator from Alabama.

Mr. SESSIONS. I thank the Senator. I have supported Senator ALLARD's amendment, because, as I understand it, it calls for a GAO evaluation and an inspector general investigation for the potential wrongdoing.

Mr. INHOFE. Mr. President, I will reclaim my time, and yield the floor so the Senator will be talking on his time.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, how much time remains?

Mr. SESSIONS. Two or 3 minutes.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. ALLARD. Mr. President, I yield 3 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I think it is time to reevaluate the way the Civil Air Patrol is supervised. I am inclined to think that the Air Force justifies and makes a good case for tighter accountability and for maybe more direct ultimate control over how the Civil Air Patrol operates. But, as Senator ALLARD has eloquently discussed, it is a popular volunteer agency that we don't want to become too bureaucratic, else we may lose the popularity that is involved with it.

I hope before we vote on this—I suspect the vote is set for tomorrow, is that correct, not tonight?

Mr. ALLARD. I am not sure whether it is going to be scheduled for tonight or tomorrow. I haven't heard one comment from the floor manager in that regard.

Mr. SESSIONS. I was hoping that perhaps we could get with the Air Force one more time, and maybe they would be amenable to improving this amendment to give them maybe more certainty or more prompt resolution of it and get this matter settled. I think that is going to be important.

I want to maintain the vitality and the attractiveness of the Civil Air Patrol and the many thousands of volunteers that do so much. We want to increase accountability. We want to increase their responsibility to professionally manage every dollar. They are an agency that receives our funding, and we have every right to expect rigorous accountability. I would like to develop a system in which the Air Force feels comfortable. I think we are close to that. Maybe we can reach that.

Mr. INHOFE. Will the Senator yield for a question?

Mr. ALLARD. I ask unanimous consent that my time be allocated to the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. I hope before this is over the Senator from Alabama is on my side. So I don't mind using my time to ask the question.

I ask the Senator. I know there are a lot of demands on time. Was the Senator from Alabama in here when I made my remarks concerning the accusations of those things that have taken place with the CAP?

Mr. SESSIONS. I am aware of some of those allegations.

Mr. INHOFE. I ask also if he is aware of what this does. It takes an entity

that is 94 percent paid for by taxpayers' funds and gives some authority of oversight as to the expenditure of that 94 percent of funds that are being used. That is essentially what the amendment does.

Mr. SESSIONS. I favor that. I certainly favor full investigation of every allegation of wrongdoing. I believe that Senator ALLARD's amendment calls for that. I think the difference would be: Are we prepared tonight to make the final decision about how this reorganization occurs or should we get a GAO report and an IG report first?

Mr. INHOFE. All right. I also want to make sure—

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

Mr. INHOFE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Oklahoma has 7 minutes and the Senator from Colorado has 5 minutes.

Mr. INHOFE. Let me yield myself whatever time I may need.

I say to the Senator that in my remarks I commented that there isn't a Member of the 100 Members of the Senate who has worked closer on an active basis, actually flying with and teaching and working with the CAP, than I have. I have attended every ceremony that they have had—unless there is something I don't know about—in the State of Oklahoma, because of my strong support for their group.

My problem is this wonderful group has a few bad apples in it, and there is no way to get at those bad apples. Here we have General Ryan suggesting that we increase the appropriations to them for the operation of their program by \$7.5 million that we had to deny when the Senator and I were sitting in the Armed Services Committee.

This is a time that we can't afford to be throwing away any money when we have all the readiness needs, when we have modernization needs, when we have force strength needs, and quality-of-life needs, and all of these things that need to be funded in this particular area. I just do not want to be in a position where I am passing an amendment to take away the authority of the Air Force in this case which is using public funds to fund this entity and taking away their ability to in some way dictate what is going on there if they are going to be responsible for it.

Here they are responsible for some of this activity, such as the one individual that was charging the cost of his flying hours to the CAP counterdrug account when he was actually flying to visit his daughter, or one CAP person charged his time both to the home State and the CAP counterdrug budget. So he is double-dipping. Those are public funds they are getting—funds that could be used to buy spare parts, funds that would keep us from having to cannibalize engines, funds that would keep us from having to keep these guys working 16 hours a day repairing aircraft that are broken down.

I think we are looking at so many issues. That is why we discussed it at some length in our committee, because we can't allow these abuses to take place and tell the Air Force, Your hands are tied; you have responsibility for their actions but you don't have anything to do with their performance.

Mr. SESSIONS. I appreciate and respect the insight of the Senator from Oklahoma, because he has stood steadfastly for good defense, and he knows this issue exceedingly well.

Again, I think maybe we can reach a compromise that would give us some opportunity to review the reorganization and the structure.

Mr. INHOFE. Reclaiming my time, let me throw out a suggestion. We can go ahead and pass this as a mark that dictates at this time. If there is any kind of abuse, we can change it. Anything we do can be changed. That is what we are trying to do right now. These abuses are not things that just happened in the last 6 months. They have been happening over a long period of time.

We talked about doing something about this in the last three authorization bills. We haven't done it. We put it off. Nothing has happened. Now we have an opportunity to do it. All we are doing here is allowing us to at least have some ability to monitor what is going on and stop some of these things.

I just keep thinking about the "60 Minutes" program coming up with all of these abuses. What do we do? We have debated this issue. We turned around and said we will leave the status quo. That is what we are going to do if we pass the amendment.

Mr. SESSIONS. Some change is necessary. I certainly agree with that.

Mr. INHOFE. I yield the floor. I yield whatever time the Senator from Virginia may consume.

Mr. WARNER. I thank my colleague from Oklahoma.

Mr. President, the chairman of the committee sat here and listened to the differences of views of three of his stalwarts. But as I listened, I said to myself, possibly you could work it out. We are at the point in time where I would like to go on another amendment. Senator HARKIN will return at circa 7 o'clock, and he desires to speak for about 15 or 20 minutes. We made in the unanimous consent agreement that provision. There is time within which you might consider it, because I stand very firmly with the decisions of the committee. I listened to the debate. As a matter of fact, ironically—I hate to keep dating myself—along about circa 1943, or 1944, I was associated somehow with the Civil Air Patrol, because I always wanted to join the Army Air Corps. It was called the Army Air Corps in those days. Also, it gave a young person—as I was 16—an opportunity to hop in a plane and fly. It was exciting to fly in those days. It was not a matter of routine in those days. It was a dream. So much for that trivia.

The point is that this is a very respected and venerable organization that has to be preserved.

As I listened to our colleague from Oklahoma recount the potential problems, "60 Minutes" is going to tune in on this pretty soon. There are just a few of us that understand the value of the Civil Air Patrol, and we could lose it.

For example, the junior ROTC and the junior NROTC and other programs to encourage young people to direct some portion of their life devoted to the military. I have seen those programs scaled back, funding reduced, and support reduced. It concerns me that this program, likewise, could face those situations.

I am going to support the Senator from Oklahoma in his position because it is a committee position. I listened to the debate and I believe some remedies have to be addressed.

With a little luck, maybe we can work it out.

Mr. ALLARD. Will the Senator yield?

Mr. WARNER. I have completed my statement. I yield the floor.

Mr. ALLARD. All Members cosponsoring this amendment recognize we have some oversight problems. We are struggling because we don't have the facts firmly before the Senate. It seems to me, as with any other problem that comes before this Senate, we can go through the same channel as any other agency. We can have hearings—public hearings; we can have a GAO study, and an inspector general study to have some basis in fact with which to work. Once we have all the facts, we can put together some reasonable recommendations.

At this point, to turn total control over to the Air Force is a rather draconian action until we get the facts. I hope I can sit down with the chairman of the committee and the chairman of the subcommittee, whom I respect dearly, and work out a way to make it accountable without having to turn over total control to the Air Force.

I am afraid we will lose the volunteer aspect. I think that is one of the real values of the Civil Air Patrol. The volunteer aspect used to go down to young students, high school age. They learn to work the radio; they learn to be part of a team; they get experience with flying, and eventually they may very well apply to the Air Force Academy or the Navy to fly. I think it is a great recruiting mechanism with lots of advantages. I think it all boils down to the volunteer organization.

My hope is we can work out a plan that would bring accountability to this very serious problem yet maintain the volunteer aspects of the organization and local control.

Mr. WARNER. Mr. President, I leave it to the experts on this.

Mr. INHOFE. The amendment merely gives oversight.

Here is the problem: I appreciate the voluntary aspect of it; unfortunately, the voluntary aspect of this only funds

about 5 percent, and about 95 percent is public funds, for which we are responsible.

Before the esteemed chairman of the committee arrived, I talked about how strapped we are. I believe the bill we are debating today is inadequate in terms of proper funding, but it is the best we can do, so we support it.

I can think of military construction projects right now that would love to have a little extra funding, and it does relate to our security interests.

I am happy to work with the Senator from Colorado on any kind of a compromise that will give oversight of the CAP to the Air Force so that they will have some degree of control.

If 95 percent of the funding of the CAP is taxpayers' dollars, the taxpayers have to have some degree of control. We have a lot of other anecdotal accusations. I don't want to get into that. Things like this are going on and things like this will continue to go on in any entity in society that doesn't have any oversight. I can cite some examples in another committee. We served on the Environment and Public Works Committee where one of the agencies has had no oversight over the past 5 or 6 years and was getting out of hand. They have to have oversight. Those people are dealing with public funds and the public has to have oversight.

My concern is what will happen if we don't do this. If we don't do this, as I suggested, the Secretaries of the Air Force may decide to sever relations, and then we really have a serious problem with CAP. I think there is not a person in here who is not a strong supporter of the CAP—certainly these three Senators are among the strongest. We are attempting to save it.

Mr. WARNER. Could I say to my colleagues, is it possible we could conclude this debate? We are anxious to bring up another amendment which we hope to vote on tonight.

Mr. ALLARD. I will sit down with my colleagues, both of my colleagues, and go over some of this language. The way I read the language, the Air Force Secretary appoints the national board of directors, and they have total control over the rules and regulations. It looks to me as if they have total control. Maybe I am misinterpreting it.

I am willing to sit down with my colleague and see if this happens or not, and maybe we can work out a compromise.

With that in mind, I yield the floor so the chairman can move ahead.

Mr. WARNER. I thank my distinguished colleague.

Mr. INHOFE. I make one last comment to the Senator from Colorado. The language where the local units would continue to be run by local commanders is not addressed in this. That doesn't change. That would remain as it is in the current law.

Mr. WARNER. I thank my colleagues.

Mr. President, we will ask unanimous consent that this amendment be laid

aside until such time as I bring it up again.

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

Mr. WARNER. At that time, we will have debate by Senator HARKIN for a period not to exceed 15 to 20 minutes, and then we propose to vote, unless good fortune strikes and these able Senators are reconciled.

The pending business now would be the amendment from the distinguished majority leader, Mr. LOTT; would that not be correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I ask unanimous consent that be laid aside.

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

Mr. WARNER. We now turn to an amendment by the distinguished Senator from New Hampshire, Mr. SMITH, a very valued member of the Armed Services Committee and chairman of the Subcommittee on Strategic Forces.

It would be my hope we could arrive at a time agreement and possibly vote on the amendment tonight.

Mr. SMITH of New Hampshire. If I may respond to the Senator from Virginia, how much time would the Senator like to have?

Mr. WARNER. I want to consult with my distinguished ranking member, but in fairness, I advise my good friend I have looked over this amendment—the Senator from Virginia, as chairman of the committee—and certainly my own judgment is that I will have to move to table.

I think my good friend understands that.

Mr. SMITH of New Hampshire. I say to the Senator, I understand that the Senator opposes it. I ask if the Senator would allow considering an up-or-down vote. But the Senator is the chairman, and I respect that. I prefer an up-or-down vote because I think it is an issue that is deserving of that one way or the other, no matter how we feel. It seems to me more appropriate to have a yes-or-no vote, but obviously I defer to my chairman.

Mr. WARNER. And I thank my colleague for that understanding.

So if the Senator will proceed and allow me to seek recognition as soon as the ranking member can give me advice, I will be in opposition, as will the ranking member.

I hope we could have, perhaps, 50 minutes equally divided.

Mr. SMITH of New Hampshire. My concern is the tabling motion. As the Senator knows, this issue is on the calendar now as a separate issue. My purpose in bringing it up on this bill: There are a lot of Senators on both sides of the aisle who support it. My assumption is there may be enough, but I haven't done a whip count.

My inclination would be, if the chairman is going to move to table it, to not bring it up at this time, because I do have the option of bringing it up as a separate resolution because it is on the calendar.

I hoped to have an up-or-down vote. I put it to the chairman this way: If the chairman will allow an up-or-down vote, I am happy to have a time limit, say, of 30 minutes, depending on what the other side desires. I don't need any more than 15 minutes.

If the chairman is going to table, I think at this point I will not offer the amendment.

Mr. WARNER. That is a development somewhat new, as opposed to what we had in earlier conversations. Might I suggest the Senator lay down the amendment and commence and give me the opportunity to consult with the ranking member?

Mr. SMITH of New Hampshire. All right.

Mr. WARNER. I thank the Senator.

AMENDMENT NO. 405

(Purpose: To express the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay, III, and to call upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 405.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. SENSE OF CONGRESS REGARDING THE U.S.S. INDIANAPOLIS.

(a) COURT-MARTIAL CONVICTION OF LAST COMMANDER.—It is the sense of Congress that—

(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. *INDIANAPOLIS* (CA-35) on July 30, 1945, while under his command were not morally sustainable;

(2) Captain McVay's conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(3) the American people should now recognize Captain McVay's lack of culpability for the tragic loss of the U.S.S. *INDIANAPOLIS* and the lives of the men who died as a result of her sinking.

(b) PRESIDENTIAL UNIT CITATION FOR FINAL CREW.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. *INDIANAPOLIS* (CA-35) in recognition of the courage and fortitude displayed by the members of that crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

Mr. SMITH of New Hampshire. Mr. President, I spoke in morning business on this issue a couple of days ago, to call it to the attention of my colleagues, because I believe it is one that is very important and very relevant to this bill. I wanted my colleagues to be aware that I would probably be bringing it up at some point in the near future. I did not expect it to be quite this soon.

A lot of individuals who have expressed an interest in my bringing it up earlier rather than later, are not only my colleagues but many aboard the U.S.S. *Indianapolis* who survived this great tragedy at sea. In deference to them, I felt it would be appropriate to try to get a vote on this. I want to emphasize to my colleagues, I hope my colleagues are paying attention out there, watching on TV. Because if there is any doubt or concern about whether or not this should be supported, I urge Senators to listen to me for a few minutes as I try to explain why I believe this amendment should be agreed to.

First of all, I have a number of cosponsors who came in as original cosponsors. Not only myself, but Senator FRIST, Senator BOND, Senator LANDRIEU, Senator ROBB, Senator HAGEL, Senator BREAUX, Senator TORRICELLI, Senator HELMS, Senator INHOFE, Senator DURBIN and Senator EDWARDS. It is a joint resolution. I also, subsequent to that, received cosponsorship from Senator BOXER and from Senator INOUE.

We can see it represents all regions of the country and both sides of the political spectrum. It is not in any way, shape, or form a political issue. It simply expresses the sense of Congress with respect to the court-martial conviction of the late Rear Adm. Charles Butler McVay, III. It calls upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

This is an incredible story of incredible bravery and at the same time it is a story of incredible prejudice to an individual with a great, distinguished record as a captain, as an officer in the U.S. Navy.

I want to share with my colleagues this brief story from the closing days of World War II, the war in the Pacific. I know as we debate the issues of the day, and believe me I have been involved in them all week, and there are some huge issues—the China issue and so many others. But I think it is important to understand. I just spoke a few moments ago to new flag officers who were just getting their stars. It was quite an honor to do that. But I think it is important, if we are going to ask people such as these new flag officers to come on board to serve and continue to serve in the military, not to leave after their enlistment is up, but to become those flag officers, they need to understand if there is some type of inequity or something that has happened that causes an injustice, we

need to look at it in a way so we can make a wrong right. I think they need to know that. If something was wrong and the military did something wrong, we need to be big enough to admit it and to correct it. That is what this story is about.

This is a harrowing story. It has a lot of bad elements—It has bad timing; it has bad weather. It has heroism and fortitude, but it also has negligence and shame. It has good luck and bad luck. And above all, it is a story of some very special men whose will to survive shines like a beacon even today, many decades later.

We have the opportunity, right now, perhaps as soon as an hour, to redeem the reputation of a fine man—a wronged man, in my view—and salute the indomitable will of a very fine crew of the U.S.S. *Indianapolis*. I had the privilege of hosting two—actually more than two, several survivors of the U.S.S. *Indianapolis*, a couple here yesterday or the day before that, and several before that at a meeting. The bill I offer today will honor all these men and their shipmates of the U.S.S. *Indianapolis* and redeem their captain, in my view—Capt. Charles McVay.

Captain McVay graduated from the U.S. Naval Academy in 1920. He was a career naval officer. He had an exemplary record in the military that included participation in the landings in North Africa, award of a Silver Star for courage under fire earned during the Solomon Islands campaign. Before taking command of the *Indianapolis* in November of 1944, Captain McVay chaired the Joint Intelligence Committee of the Combined Chiefs of Staff in Washington. That is the highest intelligence unit of the Allies during the war.

McVay led the ship through the invasion of Iwo Jima, then bombardment of Okinawa in the spring of 1945, during which *Indianapolis* antiaircraft guns shot down seven enemy planes before the ship was severely damaged. Captain McVay returned his ship safely to Mare Island in California for much-needed repairs.

Another great story about the *Indianapolis* which is not well known. In 1945, the *Indianapolis* delivered to the island of Tinian the world's first operational atomic bomb, which would later be dropped on Hiroshima by the *Enola Gay* on August 6. After delivering her fateful cargo, she then reported to the naval station at Guam for further orders. She was ordered to join the U.S.S. *Idaho* in the Philippines to prepare for the invasion of Japan.

It was at Guam that the series of events ultimately leading to the sinking of the *Indianapolis* began to unfold. It is quite a story.

There were hostilities in this part of the Pacific, but they had long since ceased. This is 1945. The war is almost over. The Japanese surface fleet is no longer considered a threat and attention instead had turned 1,000 miles to the north where preparations were underway for the invasion of the Japanese mainland.

So we have a picture here of very little Japanese activity in the Pacific. These conditions led to a relaxed state of alert on the part of those who decided to send the *Indianapolis* across the Philippine Sea unescorted, and consequently Captain McVay was randomly told, just zigzag at your discretion.

So the higher-ups were in a relaxed state. We were going into the Japanese homeland. There was little presence, Captain McVay was told. So we will send you out across the Philippine Sea unescorted. The *Indianapolis*, unescorted, departed Guam for the Philippines on July 28, 1945. Think about how close we are now to the end of the war. Just after midnight, on 30 July 1945, midway between Guam and the Leyte Gulf, the U.S.S. *Indianapolis* was hit by two torpedoes fired by the "I-58", the Japanese submarine that was not supposed to be there according to the higher-ups.

The first torpedo blew the bow off the ship. The second hit the *Indianapolis* at midship on the starboard side adjacent to a fuel tank and a powder magazine. You cannot imagine—no one could—the resulting explosion, but it split the ship completely in two.

There were 1,196 men aboard the U.S.S. *Indianapolis* on that fateful night. Mr. President, 900 escaped the ship before it sunk in 12 minutes. In 12 minutes, the naval ship went to the bottom and 900 men were able to get off that ship before it sank. Few liferafts were released, and at sunrise on the first day of those 900 men being in the water, they were attacked by sharks. The attacks continued until the remaining men were physically removed from the water almost 5 days later.

If you can imagine in the middle of the night aboard ship: It is hit by two torpedoes and sinks in 12 minutes, very few liferafts; you are in the water. The men were in the water for 5 days and the sharks began immediately to circle and attack and pick these men off, literally, one by one, as wolves might pick off a weakened antelope or some other animal they were pursuing.

Shortly after 11 a.m. on the fourth day, the survivors were accidentally discovered by an American bomber on a routine antisubmarine patrol. This is important for my colleagues to understand this—accidentally discovered.

A patrolling seaplane was dispatched to lend assistance and report. En route to the scene, it overflew the destroyer *Cecil Doyle* DD-368, and alerted her captain to this emergency. The captain of the *Cecil Doyle*, on his own authority—no orders—decided to divert from his mission and go to the scene of the *Indianapolis* sinking.

Arriving there hours ahead of the *Cecil Doyle*, the seaplane's crew—the seaplane's crew had called the *Cecil Doyle*; the *Cecil Doyle* is en route and the seaplane, in the meantime, began dropping rubber rafts and supplies to these men who had been in the water for 5 days. While doing so, they ob-

served the shark attacks. They literally saw men who were moments from rescue dragged under by attacking sharks. These men were so overcome by this that, disregarding standing orders not to land at sea, the plane landed and taxied to the stragglers and lone swimmers who were at greatest risk of shark attacks, as the sharks would pick off those who were not able to stay up with the rest of the group. It was an act of extreme bravery on the part of the seaplane crew.

As darkness fell, the crew of the seaplane waited for help, all the while continuing to seek out and pull nearly dead men from the water. When the fuselage of the plane was full, the survivors were tied to the wing with a parachute cord. That plane rescued 56 men from the water on that particular day, just literally sitting in the water allowing these men to cling to that plane.

Then came the *Cecil Doyle*. This was the first vessel on the scene, and it began taking survivors aboard. Again, disregarding the safety of his own vessel, the *Doyle's* captain pointed his largest searchlight into the night sky to serve as a beacon so other rescue vessels might catch it. This was the first indication to the survivors that their prayers had been answered. Help at last had arrived.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. SMITH of New Hampshire. I yield to the chairman.

Mr. WARNER. Mr. President, we have, I think, news that will be received as good news. The distinguished Senator from Colorado and the distinguished Senator from Oklahoma, at the suggestion of the chairman, got together and they resolved the amendment; am I not correct in that?

Mr. ALLARD. I think we are getting some common ground worked out. I am hopeful we can get something put on paper.

Mr. WARNER. The purpose of interrupting our distinguished colleague is to advise the Senate, because many Senators are engaged in other activities right now and the sooner we let them know there will or will not be a vote, it will be helpful to them and the chairman. I understood the Senator just now to indicate this thing was settled.

Mr. ALLARD. We think we have reached agreement. We are getting it put down on paper. We can put this vote off until tomorrow, if that is the Senator's question.

PRIVILEGE OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent that Tim Coy, a staff person, be granted the privilege of the floor for the debate.

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

Mr. WARNER. Mr. President, I was engaged in conversation with Senator SESSIONS, and he told me it was an absolute. I spoke with the Senator from Colorado just now and I felt I got an absolute answer.

Mr. ALLARD. When we get it down in writing, that is when we will have an absolute answer. We made a vocal agreement. I think we are there. I do not want to sign off completely.

Mr. WARNER. Mr. President, I am a moment premature.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, I have listened very intently to my colleague from New Hampshire, and I have studied the history of the *Indianapolis*. His opening statement I found persuasive to the point where I would like to go back to neutral on any question of tabling and offer to my good friend the opportunity for the Senate Armed Services Committee to have a hearing, because, as you recall yesterday—I certainly do vividly, because I spent hours in the debate—our distinguished colleague, Senator ROTH of Delaware, brought in a most significant record, and I think the Senate would likewise want a live record on this critical issue that you bring before the Senate.

Therefore, a hearing would avail you—and I hope you would avail yourself to chair that hearing—of the opportunity to develop a record to bring to the Senate so Senators would have the benefit of that record to make this important vote.

For that reason—perhaps you would like to finish your presentation tonight so it is there in the RECORD—perhaps you will consider that, and we will not proceed with the amendment further, that you will take it down.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. Chairman, I appreciate the comments the Senator has made. I think clearly it would be in the best interests of the Senate, and certainly of the *Indianapolis*, to not have the amendment tabled. I believe you bring up some very valid points. There may be some Senators who have not had a chance to digest this.

I did send out a significant amount of information over the past several days, but we have been busy. So in deference to the chairman, as long as my rights are protected—I would like to complete 5 or 6 minutes to just finish the statement I was making, to finish the story, if you will, as to what happened—I will, with the chairman's commitment to a hearing, withdraw the amendment. We will have the hearing at some point, whenever is appropriate, where we can both convene it. Then perhaps we can bring it back after that hearing to the floor as a separate piece of free-standing legislation, which I have on the calendar, as is, anyway.

Mr. WARNER. I thank my good friend for his cooperation and understanding. This is an important chapter of naval history. Some of our colleagues have not had the opportunity to look at it as extensively as has the Senator, plus I think the record of some live testimony will be helpful.

So to inform Senators, the Senator from New Hampshire will proceed for such time as he desires to conclude his opening statement. Then following that, the Senator from New Hampshire will send to the desk an amendment relating to funding on the Kosovo operations; am I not correct on that, I ask the Senator?

Mr. SMITH of New Hampshire. That is correct. I will be happy to offer that amendment.

Mr. WARNER. I think we can agree now that the time agreement on that would be, why don't we say, 40 minutes. At the conclusion of that, again, I have to advise my good friend I will move to table. So I ask unanimous consent that there be 40 minutes to be equally divided between the Senator from New Hampshire and the two managers of the bill, and then we will have a vote.

Mr. SMITH of New Hampshire. Mr. President, just reserving the right to object, I do have six or seven cosponsors. I did not realize this was going to come at this point. I would just like to be able to protect their rights to speak. My intention would be not to go beyond the 40 minutes, if they did not show up. I ask you to amend the UC to 60 minutes. If we do not need it, I would be more than happy to yield it back.

Mr. LEVIN. About how much longer will you be taking?

Mr. SMITH of New Hampshire. Starting at 7:00.

Mr. WARNER. So, Mr. President, we would start at 7:00. All debate would be concluded at 8:00. The Senator from Virginia will move to table, at which time we will have a record vote.

Mr. LEVIN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Michigan.

Mr. LEVIN. Mr. President, I want to be certain that the chairman is in agreement with my understanding of what this would be. At 8:00, the chairman would move to table, and if in fact it is tabled, that would end it. But if it is not tabled, there will be then no limitation as part of this unanimous consent agreement on time.

Mr. WARNER. Mr. President, that is quite clear. I will read the UC and incorporate that in it. This gives an opportunity for Senators to plan the balance of the evening. I now ask unanimous consent that when Senator SMITH from New Hampshire offers an amendment regarding Kosovo, which will take place not later than the hour of 7:00, there be 60 minutes of debate equally divided in the usual form prior to a vote on or in relation to the amendment. I finally ask consent that

no amendment be in order to the amendment prior to the vote.

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

Mr. LEVIN. Mr. President, reserving the right to object, if I still have that standing.

Mr. WARNER. I think it is gone, but what is on your mind?

Mr. LEVIN. Senator HARKIN was informed that at 7:15 he would be granted, how many minutes?

Mr. WARNER. Mr. President, that is correct. But I am advised by the principal sponsor, Senator ALLARD, that the matter has been settled. It is being written up. Of course, Senator HARKIN would be consulted. If for any reason that writing fails to resolve it, then we will have to revisit this amendment tomorrow at a time that you and I will discuss to accommodate Senator HARKIN and other Senators.

Mr. LEVIN. It is my understanding that it is the intent, at least of the chairman, that this would then be the last vote?

Mr. WARNER. That is the prerogative of the leader, but I have reason to believe that you are correct.

Mr. LEVIN. That that is the intent?

Mr. WARNER. That is the intent.

Mr. LEVIN. I know that is not the decision until the leader —

Mr. WARNER. I am 99.99 percent certain that this would be the last vote at 8:00.

Mr. LEVIN. I add my thanks to the Senator from New Hampshire. As always, he is very cooperative with attempting to resolve issues. I didn't have a chance to thank him earlier today for his willingness to address the Trident submarine issue, even though he took a different position on the amendment of Senator KERREY, that part of that amendment really had been addressed, at least in committee, with the Trident reduction. While I very much supported Senator KERREY's amendment for the reasons that I gave, I didn't have an opportunity during that debate to thank Senator SMITH for his participation in addressing one part of that issue which the Defense Department was most anxious to address. I thank him for that as well.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank my colleague from Michigan for his comments.

Just finishing the story briefly, in 5 or 6 minutes, so we can go ahead to the next issue, there were 900 men who made it into the water and only 317 remained alive at the end of those 5 days. If you can imagine 5 days of shark attacks, starvation, thirst with only salt water, suffering from exposure. The men from the U.S.S. *Indianapolis* were finally rescued. Curiously enough, the Navy withheld the news of the sunken ship from the American people for 2 weeks until the day the Japanese surrendered, on August 15, 1945. So the press coverage was minimal. Also, it was somewhat suspicious that they

started the proceedings without having all the available data that was necessary. And less than 2 weeks after the sinking of the *Indianapolis*, before the sinking of the ship had even been announced to the public, the Navy opened an official board of inquiry to investigate Captain McVay, the captain of the ship, and his actions. The board, strangely enough, recommended a general court-martial for Captain McVay 2 weeks after the incident before it had even been made public. Indeed, many of the survivors' families were not even made aware that the ship had gone down.

Admiral Nimitz, commander in chief of the Pacific Command, didn't agree. He wrote the Navy's judge advocate general that at worst, McVay was guilty of an error in judgment, but not gross negligence worthy of a court-martial. Nimitz later recommended a reprimand. Nimitz and Admiral Spruance later were overridden by the Fifth Fleet, Secretary of the Navy James Forrestal and Adm. Ernest King, Chief of Naval Operations. They directed that the court-martial would go on and proceed.

It is pretty difficult to understand why the Navy brought the charge in the first place.

Explosions from torpedoes, as I said before, had knocked out the ship completely, knocked out its communication system so he was unable to give an abandon ship order except by word of mouth, which all of the crew said McVay had done. So he was ultimately found not guilty on that count.

Then the second count was not zig-zagging, and it goes on to talk about that.

The bottom line, Captain McVay was ultimately found guilty on the charge of failing to zigzag and was discharged from the Navy with a ruined career. And in 1946, at the request of Admiral Nimitz, who had now become the CNO, Chief of Naval Operations, in a partial admission of injustice, Secretary Forrestal remitted McVay's sentence and restored him to duty. But Captain McVay's court-martial and personal culpability for the sinking of the *Indianapolis* continued to stain his Navy records. The stigma of this conviction remained with him always. And as sometimes happens in these kind of tragedies, in 1968, he took his own life. To this day, Captain McVay is recorded in naval history as negligent in the deaths of 870 sailors. Not one sailor said that he was negligent, yet it still continues to be on the record.

This is an injustice. I look forward to having the hearing and hearing from these sailors who will tell us publicly how they feel about this.

We need to restore the reputation of an honorable officer. In the decade since World War II, the crew of the *Indianapolis*, to their everlasting credit, has worked tirelessly in defending their captain. Captain McVay could be and would be, if he were here, very proud of his men who are trying to see that his memory is properly honored.

We can do that. We can help the crew do just that right here in the Senate. It is at the request of the survivors that I introduce this resolution.

Since McVay's court-martial, a number of other things have come up. I will not get into those now because of time, but we will get into them in the hearing.

Let me conclude on this point: Many of the survivors of the *Indianapolis* believe that a decision to convict Captain McVay was made before the court-martial. That is a very serious charge. They are convinced that McVay was made a scapegoat to hide the mistakes of others higher up. McVay was court-martialed and convicted of hazarding his ship by failing to zigzag despite overwhelming evidence that the Navy itself had placed the ship in harm's way, not Captain McVay, despite testimony from the Japanese submarine commander that zigzagging would have made no difference, despite the fact that although 700 Navy ships were lost in combat in World War II, McVay was the only Navy captain, ship captain, to be court-martialed, and despite the fact that the Navy did not notice when the *Indianapolis* failed to arrive on schedule. In spite of that, he was court-martialed, thus costing hundreds of lives unnecessarily and creating the greatest sea disaster in the history of the United States.

AMENDMENT NO. 405, WITHDRAWN

Mr. SMITH of New Hampshire. Mr. President, at Chairman WARNER's request, I will withdraw my amendment at this time and look forward to the hearing.

The amendment (No. 405) was withdrawn.

AMENDMENT NO. 406

(Purpose: To prohibit, effective October 1, 1999, the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations)

Mr. SMITH of New Hampshire. I will now proceed to the next issue at hand, my amendment on Kosovo, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. SESSIONS, Mr. ALLARD, Mr. CRAIG, Mr. INHOFE, and Mr. HUTCHINSON, proposes an amendment numbered 406.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In title X, at the end of subtitle D, add the following new section:

SEC. ____ . RESTRICTION ON USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds available to

the Department of Defense (including prior appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of those operations.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 1999.

Mr. SMITH of New Hampshire. Mr. President, this is an amendment I regret very much that I have to offer. I cannot express in words how strongly I am opposed to the war in Yugoslavia and the conduct of that war. I have to say that the only weapon in the arsenal of a Congressman or a Senator is funding.

Cutting off funding is the only way you can stop an administration policy that you do not approve of. It is the only instrument we have at our disposal under the Constitution. And I will be the first to admit that it is a blunt instrument, but it is the only weapon I have in my arsenal to stop a policy that I think is very dangerous, one which is going to cost us dearly if we continue.

So with great reluctance, I am offering this amendment, not because I want to but because I have to. As we deliberate funding the Department of Defense for the next fiscal year, I think the Senate of the United States should go on record as to whether or not we ought to be expected to vote on funding this operation in Kosovo.

We have been warned many times against interventions like the one in Yugoslavia. Our Founding Fathers themselves implored us in written statement after written statement, in speech after speech—George Washington comes to mind in his Farewell Address—not to meddle in the affairs of sovereign nations. He took care to warn us against the mischiefs of foreign intrigue. We would do well to heed his words.

But we did not heed his words when we attacked Yugoslavia. It is not the first time in American history, but we did not heed those words. We started the war in Yugoslavia. We attacked a sovereign nation in the midst of a civil war. The Founding Fathers explicitly gave the responsibility to Congress to approve or disapprove acts of war, and we cannot and we must not abdicate that.

We have already authorized airstrikes. We did that, regrettably, in a vote that I lost earlier this spring. But the issue here is: Are we going to have an operation of possible ground forces and a possible continuation of airstrikes in a sovereign nation in the midst of a civil war, without any statement from Congress other than one that was to fund an air war, which kept

the ground troops out, which allowed Milosevic to take over Kosovo? This policy has not worked. We are being dragged into a ground war. Believe me, there are plans on the table, and everybody in America should know it, right now as we speak, to put ground forces into Kosovo.

When a superpower uses military force against another nation, it has to do it with an intensity and ferocity that shows purpose and decisiveness. I do not want any more Vietnams. I served in Vietnam. I watched the politicians debate the war, and the people in the streets protest the war while the rest of us fought the war, and then were not treated very well when we came home. I have had enough of that. It has been said many times: "No more Vietnams." Well, to do anything less than to go in with absolute purpose and absolute decisiveness and end the war that you began—to do less than that is another Vietnam.

Somalia comes to mind. People lost their lives. We did not have a clear purpose there either. We just went in. And here, in Kosovo, we just went in. Yes, Milosevic is a terrible person and he has done terrible things to innocent people. The question is, though: Was bombing Milosevic the way to end it?

Well, apparently not, since there were 2,000 people dead and 50,000 refugees when we went in, and now there are 150,000 dead and a million refugees. Apparently, the policy that 58 senators supported in here two months ago is not working.

I have been on this floor repeatedly arguing against this war. I do not like doing so. But we are attacking a sovereign nation, and our national interests are not at stake. Humanitarian problems in Yugoslavia are serious problems, but are they national security interests of the United States of America? Every single person out there who has a son or daughter old enough to serve in the military should ask themselves: Is it worth my son's or daughter's life to die in Yugoslavia for a humanitarian crisis that does not involve the national security of the United States?

If the answer is yes, then you ought to tell all your Senators to vote against me. Call them up tonight and tell them that. I, for one, have two sons and a daughter, and I do not want any of them in Yugoslavia.

As the sole remaining superpower, we have a special obligation and responsibility. We have to be committed to democracy, we have to keep our markets open, and we have to have the finest military in the world. And we do. But most importantly, we have to act clearly, decisively, and within our explicit national interests. We have not done that here in Yugoslavia.

Some people have said: Let's go win the war. Maybe somebody can explain to me what "win" means. Does it mean that we occupy Yugoslavia for the next hundred years? That we put a partition up between Kosovo and the rest of Yugoslavia, or barbed wire, and keep

50,000, or 60,000, or 200,000 troops there for a hundred years? Perhaps we should just bomb every bridge, every building, every oil refinery, every railroad, flatten it to the ground, kill every Serb. Maybe that is how we win. Somebody tell me. I have been waiting. I have offered this challenge on broadcast after broadcast, in interview after interview, in conversation after conversation with administration officials, Senators, Congressmen, people on the street, people in the military. Nobody has given me the answer yet. How do we win? I have not heard the answer.

Our military is stretched to the breaking point. Recruiting is down. There are chronic spare part shortages. Deployments continue to increase. And now we are hearing reports about shortages of cruise missiles and other smart weapons. Over 30,000 reservists are being called up.

Let me ask my colleagues to reflect on something. God forbid, but what if North Korea were to attack the South tomorrow morning; or Iraq decided to invade Kuwait; or the Iranians, or the Libyans, or anybody else caused some problems somewhere in their part of the world? Are we ready to meet those threats? Could we meet those threats all at once, or any of them, and keep all of the commitments—including that in Kosovo—that we have now? If you have a son or daughter in the military, ask them. They will tell you that they cannot. Ask a general or an admiral in private, I say to my colleagues, and they will tell you that we cannot. If we cannot, then we ought not to be doing this.

Let me tell you something. If we get into a ground war in Yugoslavia, we are going to be there for a long, long time. I do not want that to happen. I do not want to be proven right. But we are at a turning point. If we continue to increase our intervention in Yugoslavia—which ground forces will certainly do—we are in fact committing ourselves to the Balkans, not for a day, not for a week, not for a month, not for a year, but for decades. Mark my words: we will be in the Balkans for decades.

We went into Vietnam in 1965. Thirteen years later and after 58,000 Americans were dead, when we tried to defeat and conquer an indigenous people who were dug in in their country, in their homeland, we still had not gotten it done.

These people are going to fight for their homeland, and we are going to have to be prepared to take heavy casualties to move them out.

Again, I will be blunt about it. If you think it acceptable to put your son or your daughter into Kosovo, then you ought to vote against me. But you ought to be prepared to put your son or daughter in there at the same time you put somebody else's son or daughter in there.

This region of the Balkans has been inflamed for centuries. If they attacked the United States, or if they threatened the national security of the

United States anywhere in the world, I would lead the charge here in the Senate for a declaration of war. But they have not done that.

I am hearing a lot of pious arguments about this humanitarian crisis. But the question we have to ask: "Will our grandchildren be patrolling the streets of Kosovo?"

Think about it—not you, not your son, but your grandson, and maybe his grandson. Are they going to be patrolling the streets of Kosovo to keep the Serbians from coming across their border and killing more ethnic Albanians? That is what you had better ask yourself.

There are those who say that the integrity of NATO is at stake. I hear that all the time—if we do not go to war in Kosovo, NATO will fall apart. Look—NATO survived the Soviet Union. It survived Joseph Stalin. It survived Khrushchev and Brezhnev. But it is not going to survive Slobodan Milosevic?

For goodness' sake. This alliance has stood for decades for all of these great powers, and has stood well. I supported NATO in those years. The administration would almost laughingly tell us that Slobodan Milosevic has the power to do what Stalin, Khrushchev, and Andropov could not do—destroy the NATO alliance. If the alliance is that fragile, maybe it is time to shut the door on NATO. Surely it is not that fragile.

The key for NATO's success has been that it is a defensive alliance. But it must stay true to its core mission—which it is not doing now; we are seeing tremendous broadening of the scope of NATO here, under this President—the collective defense of its members. If we use this as the overriding principle of NATO, that it should be there for the collective defense of its members, not only will the cohesion of the alliance not be in question, but we would never have gotten involved in the swamp in the Balkans. That is exactly what it is. It is a swamp. And we are going to get stuck in it.

Let me assure you of one thing. If this war against Yugoslavia continues to escalate, then NATO truly is finished, because NATO will disgrace itself. Even today on the news we have our commander, General Clark, saying we need to hit more targets, we need to hit more specific targets in Belgrade, we have to come closer to those embassies, closer to those populations, take more risks, take out more facilities, risk more collateral damage, because, if we do not, we will never win—or, if we do not, we are going to have to put in ground troops.

Should ground troops be introduced? Should we be forced to attack and occupy Yugoslavia? This will certainly be the end of NATO. This alliance is not an offensive force. It never has been. The greatness of NATO is the fact that it is defensive—that is what allows it to function by consensus.

Already our allies have tried to find a way to end the airstrikes. Anybody

who tells you that there are no cracks in NATO and that NATO is solidly behind this is not telling you the truth. Who can blame those in NATO who are taking a different position now? They joined NATO to prevent a European war. Now they find that the U.S. has led them into one—in the Balkans, of all places.

One of the main reasons I do not support this war is because I want to preserve our standing in the world. It is because I believe our relationship with Russia is on the line. It is because I believe that we should not draw precious military resources from our overseas commitments. It is because I care about the stability in Bosnia. It is because I believe in the sovereignty of other nations that I am against the escalation of this conflict. Some call that isolationism. It is not isolationism, and I resent that reference. It is actually realism.

Mr. INHOFE. Will the Senator yield for a question?

Mr. SMITH of New Hampshire. Yes, I yield to my friend from Oklahoma.

Mr. INHOFE. First of all, I don't want the Senator to get the impression that he is alone in his feelings. I agree with everything the Senator said.

I would like to ask the Senator if he didn't leave out one very significant reason why we should not be involved in that war—or that civil war within a sovereign nation—is that in our state of readiness right now we cannot carry out the national military strategy in defending America's regional fronts. In fact, it is even questionable, according to our air combat commander, that we could defend America on one front, with all the allocations of our scarce assets that are going into Bosnia, Haiti, and Kosovo.

Right now my major concern, with 5,000 of our troops already over there in Albania, is that they are virtually naked; they have no force protection, no infrastructure.

I hope the Senator will add to his list of reasoning why we shouldn't be there is because it is draining our ability to defend America on such fronts as North Korea or the Middle East.

Mr. SMITH of New Hampshire. I certainly will add that to the list. I referred to that a few moments ago. But it is a point well taken.

Mr. President, great powers use discretion. They do not allow themselves to be bogged down in places where their interests are not at stake. They use their power judiciously.

When do we use force? When do we use diplomacy? We have made commitments around the world in places like Korea and the Middle East. The United States has shown resolve. We place American lives at risk when our vital interests are the stake. We have done it all over the world. Americans have died in places all over the world that some cannot pronounce and never heard of. It has been happening for decades. There is no question about it. But our vital interests are not threatened in Yugoslavia.

We have troops in warships across the world. Every year we send billions of Americans' tax dollars overseas in foreign aid. The American people are the most generous in the world. Private citizens, corporations, and charitable organizations send hundreds of millions of dollars every year to help needy people throughout the world. If we have a flood, or an earthquake, or a tornado in America, how many times do you hear about all of these other countries pouring in money to help the people in Des Moines, or to help the people someplace else where a tornado or a flood occurs?

To somehow say now that we have to get into this conflict when we have countries in Europe who can, and should, deal with it—how much more blood do we need to shed in Europe for Europe? It is about time Europe stepped up to the plate.

The United States does not need to resort to airstrikes to show we are not isolationist, and we certainly should not put our troops at risk. And we do not need somebody who has never been a strong military leader—indeed, who has never been in the military—to be the macho man who drags us into a war where we do not belong in.

With this legislation, I am just trying to keep the administration from throwing money and forces at Kosovo without regular accountability. If Congress wants operations after 1 October, all we have to do is authorize them. This vote tonight will not be the mission. We have made that vote. This vote is going to be on whether or not we want to have another opportunity fund this operation after October 1.

I respect my colleagues on both sides of this question. I respect immensely the thought that they put into it. I respect their convictions. Again, the only instrument I have as a Member of Congress, blunt as it may be, if I disapprove of this policy, is to cut off the funding. That is the reason I offer this amendment.

I yield the floor.

Mr. WARNER. Will the Senator yield for a question on my time?

Mr. SMITH of New Hampshire. I yield.

Mr. WARNER. Senator, we have had many debates on the floor of the Senate about this very divisive war. The Senator from New Hampshire, from the very beginning, has been absolutely clear as to his views, and I respect them. I differ with them, but I respect them.

I will not go over the entire history of what I and other Senators have said about this. These are those Members who believed that once the commitment was made by this Nation as an integral part, as a full partner, of NATO, to the other 18 nations, that was it; it was to support our troops and to do what we can.

What worries me about the amendment is that it would send a signal to Milosevic: Hang tough.

This is the man who, as just clearly stated, has divided the whole world,

has divided every precedent of human rights. Would it not send a message to him to hang in there? No matter what we are able to inflict, hang in there, because on October 1 the United States pulls out of NATO and leaves it to the other 18 nations if they wish to carry on?

That is my first question.

The second question: What do we say to the men and women of the United States Armed Forces and the other nations flying missions, some eight or nine nations flying missions? What do we say to them? They are in the cockpit right now, taking risks, risking life and limb. Did the Senator think about stopping it as of tonight? That was an option I am sure the Senator considered.

Those are the two questions I pose to my good friend.

Mr. SMITH of New Hampshire. Responding to the leader on his time, I lost that vote earlier, regrettably. I lost that vote on the floor.

What I am trying to do now is to not authorize any funds for operations in Yugoslavia beyond the October 1, the beginning of the next fiscal year, unless we again authorize those operations.

Mr. WARNER. What do we say to the young men and women flying these missions? Their mission tonight, tomorrow night, and into the indefinite future is to carry out the orders of the Commander in Chief of the United States and the guiding military group in NATO. They salute, march off, get in the cockpit, fly off, and take risks. In my judgment, they are making some slow but, nevertheless, steady progress in degrading the military machine of Milosevic. When they fly home, they drop their orders, and they can at least say it was another chip away toward the end result and the five basic points that NATO has laid down to resolve this conflict.

If we are to pass this and they fly the mission, they will wonder: Am I going to be the last person to die on the last day of this war, which would be September 30, 1999?

Mr. SMITH of New Hampshire. What do we say? First, we tell them that we are ensuring that the American people, through their representatives in Congress, should either support it, if it is to continue, or not.

If my amendment were to prevail and I were one of those pilots, I would hope that my Commander in Chief, after this amendment did prevail, would begin to make a compelling case for our actions against Yugoslavia, and would bring that case before the American people for a vote in Congress. That is all this amendment requires. It is the only way to ensure that the American people are behind their troops in the field.

Mr. WARNER. The first part of my question was, Does this not send a signal to Milosevic to just hang tough and disrupt every effort being made, whether by the United States, Germany or,

indeed, Russia, in trying to negotiate some diplomatic resolution?

I understand that the Russian delegation could be arriving within the next 48-72 hours. The Deputy Secretary of State, Strobe Talbott, is finishing—if he hasn't already today—some discussions in Russia relating to that mission. It seems to me that the diplomatic process would come to a standstill.

Milosevic will say to his people, we have stayed this long, stay the course. If the United States pulls out, I think Milosevic could go to his people and say there is little likelihood that the other nations might continue on. And, furthermore, look who is flying the missions. Over 50 percent of the tactical missions are by U.S. pilots. Over 70 percent of the support aircraft, the tanker aircraft, the intelligence aircraft, are all flown by the United States.

It would have the effect of disabling NATO from carrying on if it so desired.

Mr. SMITH of New Hampshire. Mr. President, I think that if we were to look at the resolve of Mr. Milosevic, he has done pretty well for himself, considering after 60-some days of bombing he has cleared out Kosovo of just about every ethnic Albanian he can clear out, with the exception of those who can serve him as human shields to protect his army and tanks.

That is despicable. I am not going to stand on the floor of the Senate and defend Slobodan Milosevic. I am concerned about the long-range situation and what our objective is. We can bomb and bomb and bomb. We have been doing that. How long that goes on, I do not know. The bottom line is: he has achieved what he wanted to achieve, which is to get the ethnic Albanians out of Kosovo. He has accomplished what he wanted to accomplish in spite of the bombing—and maybe because of the bombing.

I do not know what we are gaining by continuing. But I do think that, as a minimum, the President must get Congressional authorization to continue the war.

Mr. WARNER. I thank my colleague for taking questions. I did not mean to importune the distinguished Senator.

Mr. INHOFE. I inquire of the Presiding Officer how much time remains on both sides.

The PRESIDING OFFICER. Senator SMITH controls 8 minutes 30 seconds, and the Senator from Virginia, the manager, controls 23 minutes.

Mr. SMITH of New Hampshire. I yield 6 minutes to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding.

I am not going to take that long, only because I don't want the Senator to be left with no time to respond to what I think we will be hearing in the next 22 minutes. I want to make sure the Senator has adequate time.

Let me take a minute and say that I don't like the amendment but I don't

know any other choice. I wish there were other choices out there.

We got involved in this. I am sure I can visualize what was happening when they made the decision to invade a sovereign nation, sitting around a table saying, we will send bombs out there for a couple of days and that will take care of him and everything will be fine.

That was not the plan. We heard the plan criticized by the very best people out there. I will be in the region again this weekend.

My concern, as I voiced several times, without a well laid out plan in a war we shouldn't be involved in—we have troops out there, as I said before, who are virtually naked and have no protection right now.

I am concerned about Albania and the threat to our lives there as much as I am crossing that line into Kosovo. Because right now there is no force protection over there.

As far as the pilots are concerned, I don't think there is a person in this U.S. Senate who has visited with the pilots more than I have, because as chairman of the Readiness Subcommittee I go around to all these places. I take journalists with me, frankly, so these people will realize why we are only retaining 19 percent of our Navy pilots, 27 percent of our Air Force pilots. It is not just the attractive economy on the outside. It is not just the fact our mechanics are overworked and they are not sure the spare parts are going to be there. As they said in one of the places, with witnesses there, our problem is we have lost our sense of mission. They are sending us in places without adequate training. With all the money we are spending in these contingency operations where we do not have strategic interests, it is draining us from our ability to properly train should we have to meet a contingency where our national strategic interests are at stake.

Our time that we are training these guys in red flag exercises in Nellis is cut way down; the National Training Center out in the desert, cutting down Twenty-nine Palms for the marines; they are not getting adequate training because we are busy deploying our troops in places where we do not have a national strategic interest. So I just look upon this as a way out. We have been looking for a way out of Bosnia since 1995. Now there is no end in sight there. I do not want to get ourselves in that position, so I see the only way out right now is what the Senator from New Hampshire is suggesting. I do support his amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 5 minutes.

Mr. President, this amendment contains a funding cutoff that is far broader than the one that was contained in the Specter amendment that the Senate tabled yesterday. This would cut

off funding effective October 1 for U.S. air or ground operations, including peacekeeping operations. So the Senator from New Hampshire has in no way stated inaccurately what this amendment does. It is his intention, and he said so quite clearly, that this amendment leads to the withdrawal of our effort, the termination, the ending of our effort in Serbia, including the air campaign.

The Senate voted just a few months ago, 58-to-41, to support that air campaign. What this amendment says is we want to terminate the air campaign. This would have the Senate blow hot and blow cold on the same issue, whether or not we want to support an air campaign which is presently going on.

At the same time, it tells Milosevic all you have to do is hang in there until October 1 and you will not even face an air campaign. You will not face any kind of campaign. You will have succeeded in Kosovo.

Milosevic has not accomplished what he set out to accomplish because he is under severe attack in Kosovo and in Serbia. He will accomplish what he set out to accomplish if this amendment passes. That will be the victory. That will seal the success for Milosevic if this amendment is agreed to, because this amendment cuts off all funds, including those for the air campaign to attempt to reduce Milosevic's military capability, which is our military mission, and our broader mission will then be totally impossible. The broader mission is to return over 1 million refugees who have been burned out, who have been raped, whose villages have been destroyed—500 villages. Those refugees, then, will have no hope of returning. Whereas now they have, indeed, a very real hope of returning because Milosevic is gradually being weakened and his forces are under tremendous stress. There is great evidence of that all over.

The KLA, the Kosovo Liberation Army, is beginning to move back in to their villages and into their homes. Nothing will scare Milosevic much more than having to face the KLA again, which will be the result of his failure to negotiate a settlement which provides for the return of these refugees in safety with protection.

We cannot allow Milosevic to succeed, which is what this amendment hands to him. We cannot allow Milosevic to shape the future of Europe. That is what his success would do. His ethnic cleansing, if not reversed, will shape Europe for the next century.

This century began with a genocide against the Armenians. It is ending with an ethnic cleansing of the Kosovars. And in between was a Holocaust. If we do not want the next century to be a repeat of this century, Milosevic cannot succeed. Europe's future is on the line and that means our own security is on the line. NATO's future is on the line. The adoption of this

amendment will tell NATO they have failed. The adoption of this amendment will be the statement to Milosevic: You have succeeded. We are pulling out.

That is what the intention of this amendment is, according to its sponsor. This amendment will tell our 19 allies in NATO: Forget NATO. Forget NATO cohesion. Forget NATO unity. We are pulling out.

And this amendment will send the worst possible message to the most important of all the people, the men and women who wear our uniform who are out there in harm's way now, who would then be told by this amendment we are pulling out.

This Senate must send a very different message than that. I hope this amendment is tabled by an overwhelming vote.

I will be happy to yield 5 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. BIDEN. Mr. President, I think we owe a debt of gratitude to our colleague from Oklahoma and our colleague from New Hampshire. They are among only a few who will bluntly state why they want out. They are straightforward. The Senator from Oklahoma says this is a way out of Kosovo, just like we should find a way out of Bosnia. They say we have no interest in Yugoslavia. We have no ability to do anything about it. And we have no right.

I find this absolutely fascinating. We talk about a sovereign nation being invaded by a horde of 19 democracies who are doing such an injustice to them.

Then I hear that one of the reasons we should not be involved is because Yugoslavia is a sovereign country. I cannot remember what their explanation was as to why we should not be involved in Bosnia, where Slobodan Milosevic was crossing the Drina River with these very forces that are cutting off the noses, ears and then cutting the throats of captured men in Kosovo, who are taking their women to the third floor of army barracks for the pleasure of the troops and picking what they believe to be the most attractive of the women who happen to be Moslems. These are the same fellows that crossed the Drina River and invaded another country. I heard the same arguments from you all about how we should not be involved there. So do not let anybody fool you, this is not about sovereignty.

The second point I would make is that we have reached the conclusion, straightforwardly, that Slobodan Milosevic's business is his business. What do we have to do with that? Let them work it out.

I never thought I would live to see the day when a European leader was herding masses of women and children onto boxcars and trains in the sight of all the world, shipping them off to another border, destroying, as they crossed the border, their licenses, taking their birth certificates, going into

the town halls and destroying the property records of those very people. And it is so convenient to say that is not our business.

Then I hear another argument. You know, we have commitments around the world. We will not be able to fight a two-front war. But what is the threat to America beyond the nuclear one? And that will not be deterred by American ground forces. I hear my friend from New Hampshire say: Let the Europeans take care of this. Have we not shed enough blood in Europe?

But we have to worry about Korea? Why not say let the Asians take care of Korea? There are more of them than us. We have shed enough blood in Asia.

Are we protecting the use of American force in Europe so we can use it in Korea?

If that is the logic, explain to me why the Japanese and the South Koreans cannot take care of themselves. I find this incredibly selective logic.

And, by the way, this so-called failure in Bosnia—what a fascinating notion. Nobody is being killed there now; the raping, the rape camps, the ethnic cleansing have stopped; people are actually living next door to one another again. There are 6,800 American forces there, and that is supposedly too high a price to pay without, thank God—as my mother would say, knock on wood—one American being killed? I am sure glad you guys were not around in 1955 and 1956 and 1957 to say: By the way, all those forces we have in Germany, they are sitting there occupying a country and protecting a country, but their mission must be a failure because if they left, there would be war.

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

Mr. BIDEN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield 4 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 4 minutes.

Mr. DORGAN. Mr. President, I have not been a cheerleader for our participation in this conflict. I supported it, but I am nervous about it. But I must say, this is wrong. At 7 o'clock this evening, with no notice, we have an amendment that suggests we shall terminate our participation in the NATO campaign to stop the ethnic cleansing and the massacre in Kosovo. At 7 o'clock tonight, with no notice, we are going to have this debate probably for an hour?

I just heard one of the sponsors of this amendment talk about what Mr. Milosevic has achieved. He is right about that, Mr. Milosevic has achieved the following: massacre, we don't know how many; troops burning villages; raping people; killing innocent men, women and children; hauling people like cattle in train cars or herding them in groups to the border; displacing 1 million to 1.5 million people from their homeland.

Yes, he has achieved that. What hasn't he achieved? What he has not achieved he is about to achieve if the Senate adopts this amendment. He wants to achieve an end to the airstrikes that cause him great inconvenience and a great threat to his movement in this massacre and in this ethnic cleansing. Does the Senate want to allow him to achieve that goal? I do not think so.

Five or 10 years from now we will look in our rear-view mirror and see that on our watch ethnic cleansing and massacre occurred and we said: Gee, that didn't matter; it wasn't our business.

We have already decided that is not the position we will take. It is our business. It does matter. Do you want to know what ethnic cleansing is? Do you want to know what are the horrors of this kind of action visited upon those men, women, and children? Go to the museum not many blocks from here and see the train cars where they hauled people in Europe before, see the shoes of the people who died in the gas ovens, and then ask yourself: Does this kind of behavior matter? It does matter, and this country, with our allies, is trying to do something about it.

Imperfect? Is this operation in Kosovo with us and our NATO allies imperfect? Yes, it is imperfect, but are we trying? Is this country, with our allies, saying this does matter? Yes. That is exactly what we are doing.

Do we really want to say to Mr. Milosevic tonight: You can achieve the rest of your goals through the help of the Senate. You can do all this—rape, burn, massacre, move people out of their homeland, clean out a country, engage in ethnic cleansing—and when this country and others stand up to say we will not allow that on our time and our watch, you can achieve your objective and remove that nuisance called airstrikes and bombing campaigns and the Senate will help you do that? I do not think so. I certainly hope not, not this Senate.

My hope is that history will record this effort as a noble effort that said when this kind of behavior exists, we will do what we can with our allies to stop it. I do not know how this ends, but I know it should not end tonight on a Wednesday night vote by the Senate to say to Mr. Milosevic: This country will no longer continue to be a problem for you.

The rape, the burning, the massacres, the ethnic cleansing will not stop, but the airstrikes should? I do not think that is a decision this Senate will make. It is not a decision the Senate should make, and I hope in a short time, with an amendment that should not be offered in this kind of circumstance, the Senate will say: No, this effort by this country at this point in time is important. This is not about us alone. It is about this country with NATO, with our allies attempting to stop this man, Slobodan Milosevic, from the kind of behavior we would not

accept from anyone in the world. I hope when this vote is cast, we will not achieve the objective Mr. Milosevic wants most, and that is a cessation of the bombing and the airstrikes. That is the price this man is paying for his behavior, and he must pay that price until he stops.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent, on behalf of Senator BINGAMAN, that Dr. Michael Cieslak, a fellow, be granted the privilege of the floor during the pendency of this bill.

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

Mr. LEVIN. Mr. President, how much time do the opponents have?

The PRESIDING OFFICER. The proponents have 5 minutes 39 seconds; the opponents have 7 minutes 11 seconds.

Mr. LEVIN. I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. President, my framework is a little different. Murder is never legitimate, and we have tried to do the right thing to stop the slaughter of people, albeit we have not been anywhere close to 100 percent successful. I have deep concerns about the conduct of this war and where it is heading.

On May 3, I called for a temporary pause in the bombing for a focus on diplomacy. I wished we had done that. I wished we had not seen the bombing of the Chinese Embassy. I think we had momentum for a diplomatic solution consistent with our objectives: That the Kosovars go back home, that there be a force there to give them protection, that they be able to rebuild their lives.

I say to colleagues tonight that I do have serious reservations about part of the direction in which we are heading. The airstrikes have gone beyond degrading the military, which was to be our objective, and I really worry that we begin to undercut our own moral claim when we begin to affect innocent people with our airstrikes, when we begin to kill innocent people, albeit that is not the intention.

I focus on diplomacy. I still believe we need to have a pause in the bombing. We have to have a diplomatic solution. That is the only option that I see available to bring this conflict to an end and to enable the Kosovars to go back home, which is our objective.

Once again, I worry about these airstrikes when we go after power grids and it affects hospitals and it affects innocent civilians. That goes beyond just degrading the military. I sharply call that into question.

I say to my colleague from New Hampshire, I believe this amendment is profoundly mistaken. It takes Milosevic completely off the hook.

This amendment takes us in the opposite direction of where we need to go toward a diplomatic solution to end this conflict.

This is the wrong amendment. This is the wrong statement. This is at the wrong time. Therefore, I rise to speak against it. But I will continue to speak out and raise questions. I will continue to talk about the need to move away from the bombing and to focus more seriously, and in a more concentrated and focused way, on a diplomatic solution and an end to this conflict on honorable terms.

I hope my colleagues tonight, however, will vote against this amendment. I hope it will be a strong vote against this amendment.

I yield the floor.

Mr. BYRD. Mr. President, I have listened carefully to the debate on this amendment, and I appreciate the wrenching emotion that has motivated those on both sides of this issue.

The NATO operation in Kosovo is a difficult issue for many of us to come to terms with. Our hearts ache for the suffering of the Kosovar Albanians who have been banished from their homeland by the forces of Yugoslav President Slobodan Milosevic. At the same time, we fear for the safety of U.S. and NATO military forces who are engaged in a perilous mission in a corner of the world that has been torn by ethnic conflict for centuries.

We cannot foresee the outcome of this operation. We have a duty to watch it carefully, to debate it fully on the floor of this Senate. But in our concern to do what is right, we should not act in so much haste that we run the risk of making a fatal mistake.

There may come a day when I will stand on the floor of the U.S. Senate with the Senator from New Hampshire and call for a cutoff to the funding of U.S. operations in Kosovo. But that day is not today. That time is not now. A decision of that magnitude must not be taken on the run, after a hastily called 60-minute debate among a handful of Senators.

Mr. President, this amendment sends the wrong message at the wrong time. By all means, let us debate the U.S. involvement in Kosovo. But let us do it with deliberation and forethought. I urge the Senate to table this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. As I said when we began the debate, I respect the views of my long-time friend. He comes from a distinguished military family. He served, himself, in the uniform of the United States. We have a very diverse group in the Senate with regard to their views on this conflict.

There is not a one of us who was not deeply concerned before we became involved in this conflict. We are in it now. I salute here tonight the profes-

sionalism that has been shown by the men and women of the Armed Forces of the United States, in particular, and joined by their counterparts from some eight other nations in the air, and the other NATO nations in one way or another that have participated in this conflict.

We are in it because our generation cannot tolerate what we have seen Milosevic do to human beings. To do so would be to reject, indeed, what other men and women have done in previous generations to bring about freedom for others: World War II, followed by Korea, followed by Vietnam. We are there to protect freedom. We are there to protect the rights of human beings to have some basic quality of life and ability to exist.

I remember the peak of this event. When we got started, it was just before Easter. I went back to my constituents and, indeed, they asked me: Why should we be there? I said: Could you be at home on Easter Sunday, sharing with millions and millions of Americans the experience of your respected place of religion, sharing with your family a bountiful meal, and watch the pictures of the deprivation, the murder, the rape, the mayhem inflicted by Milosevic and his lieutenants on fellow human beings?

Yes, they are Kosovars; yes, they are far away; yes, they speak a different language. I was there in September. I traveled in Kosovo, in Pristina, in Macedonia. At that time, I saw these people being driven from their homes. Not distant from where we were driving—we were permitted by the Yugoslav Army to take certain roads—we could see the burning houses; we could hear the shells. The war was in full progress in other areas several miles distant from the route that we took.

We could not stand by, as a free people, and see in Europe a repetition of the horrors that visited Europe in World War II. So we are there. My vote tonight in opposition to my good friend is because I am pledged and committed to the men and women of the United States Armed Forces and the other nations. I am pledged and committed to the survival of NATO, not just as a political entity but for what NATO stands for, the principles for which it stands. I encourage my colleagues to do likewise.

We will somehow, as a collection of free nations, bring this tragic conflict to a halt. When and exactly how, none of us knows.

The PRESIDING OFFICER. The time of the opponents has expired.

Mr. WARNER. Mr. President, I understand my time has concluded. I say to my friend, I respect you, but I vote against you. I shall move to table at the appropriate time.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. The respect is mutual, as my friend knows.

Mr. President, there have been a few misstatements about my amendment that I would like to clarify, as Senators now begin to make their way to the floor. I will only be a few minutes in closing.

All this amendment requires is that the President make the case and get congressional approval to go forward with this war after October 1. No funds are cut off until October 1, and unless Congress chooses not to authorize the President to continue. That is what this amendment requires.

I heard one of my colleagues on the other side of the issue say a few moments ago that this is coming at the last minute and that we do not have time to deliberate. I will tell you how much time you have to deliberate. You have the rest of this month, you have June, July, August, and September. You have 4 months to think about whether or not you want this war to continue and whether or not you want to authorize more funding. It does not send any message to Milosevic other than the fact that Congress intends to exercise its constitutional authority. That is all.

I could probably give emotional speeches about a number of human tragedies around the world. My colleague from Delaware got very emotional; and that is a good quality when you believe in something. But this decision should not be based on emotions. This is a decision about how we should use our finite power. We should make the decision on how we use our power on the basis of American interests. No American life should be risked based on any Senator's emotions, for goodness' sake.

In 1995, 500,000 Rwandans were slaughtered in six weeks—most of them hacked to death by machetes—in tribal warfare in the nation of Rwanda. Maybe I am mistaken—and if I am, I will apologize to any Senator who says he came down here and said that we should enter the war in Rwanda, enter that civil war, fire cruise missiles, bomb the blazes out of all the cities, bring those tribes back to their knees to stop the hacking—but I did not hear it. That was a humanitarian crisis of the highest magnitude, and we did not enter it. And we should not have entered it.

Those 500,000 people are just as precious under the eyes of God as anybody else in the world, and we said nothing. We did not fire cruise missiles, we did not drop smart bombs, and we did not talk about ground forces, we did not talk about NATO forces, or any other forces of the world going in and setting up a partition to keep two warring tribes apart. Why? Because, as in Kosovo, the conflict posed no threat to the United States. No American lives were worth risking.

This is not about tying the President's hands as he tries to defend America. It is about guiding and restraining an incompetent administration as it muddles around in a place

where U.S. interests are, at best, peripheral.

There are terrible humanitarian situations that Mr. Milosevic has created. I will be the first to admit it. The question is, as I said at the outset of this debate, How do we resolve it? Do we resolve it with more bombs? By bombing and causing collateral damage to innocent people? Or do we do it through diplomacy?

I am not trying to send a message one way or the other to Milosevic with this amendment. I am trying to send a message to the American people and to the Senate to say, if we are going to put Americans at war in a sovereign nation in a civil war, the least the Senate can do is have the intestinal fortitude to say yes or no, rather than to let this thing string on like Vietnam did and then, after 58,000 people are dead, we say, oh, my goodness, if we had just stopped this war a little bit earlier—or perhaps, as Senator Goldwater said, we had fought it to win a little bit sooner. Meanwhile, there are 58,000-plus people on the Vietnam Wall.

Now is the time to speak, not 5 years from now. All I am asking in this amendment is that we have from now until October 1 to decide whether or not we want to fund this war any further. That is the message I am sending. I am sending that to my colleagues who represent the people of the United States of America.

I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent to speak for 2 minutes to address the Senate with regard to tomorrow's schedule prior to the vote so Senators coming to vote can depart and know what will take place tomorrow.

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

Mr. WARNER. The order was to be handed to me. We were not able to resolve the Allard amendment, so that will be the recurring order of business tomorrow morning. Of course, the Lott amendment is still in place; am I not correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. So we will endeavor tomorrow morning, without specifying exactly how and when we will do it, to bring up the Allard amendment. Senator HARKIN has 20 minutes, and we will divide, say, another 20 minutes between the distinguished ranking member and myself, should we need it. That would be a total of 40 minutes on the debate. I think maybe I will say 15 minutes between the two of us and 15 minutes to Senator ALLARD, 20 minutes for Senator HARKIN. I think that should do it.

We will just have to establish the time that we will vote on the Allard amendment tomorrow morning.

This will be the last vote for tonight, and Senators can expect early on in the morning that we will address the Allard amendment.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 406. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—77

Abraham	Feinstein	Mack
Akaka	Frist	McCaïn
Ashcroft	Gorton	McConnell
Baucus	Graham	Mikulski
Bayh	Grams	Murkowski
Bennett	Hagel	Murray
Biden	Harkin	Reed
Bingaman	Hatch	Reid
Boxer	Hollings	Robb
Breaux	Hutchinson	Roberts
Brownback	Inouye	Rockefeller
Bryan	Jeffords	Roth
Byrd	Johnson	Sarbanes
Campbell	Kennedy	Schumer
Chafee	Kerrey	Shelby
Cochran	Kerry	Smith (OR)
Collins	Kohl	Snowe
Conrad	Kyl	Specter
Coverdell	Landrieu	Stevens
Daschle	Lautenberg	Thomas
DeWine	Leahy	Thompson
Dodd	Levin	Torricelli
Domenici	Lieberman	Warner
Dorgan	Lincoln	Wellstone
Durbin	Lott	Wyden
Edwards	Lugar	

NAYS—21

Allard	Feingold	Inhofe
Bunning	Fitzgerald	Nickles
Burns	Gramm	Santorum
Cleland	Grassley	Sessions
Craig	Gregg	Smith (NH)
Crapo	Helms	Thurmond
Enzi	Hutchinson	Voinovich

NOT VOTING—2

Bond Moynihan

The motion was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that at 9:30 a.m. on Thursday, the Senate resume the DOD authorization bill, and that the Allard amendment No. 396 be the pending business, and that there be 30 minutes remaining on the amendment with 20 minutes under the control of Senator HARKIN and 10 minutes equally divided between Senator Allard and myself, with a vote occurring at 10 a.m. on or in relation to the amendment, with no amendments in order prior to the vote.

Mr. REID. No objection.

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

Mr. WARNER. Mr. President, in light of that agreement, there will be no further votes this evening. The next vote will be at 10 a.m. on Thursday relative to the Allard amendment.

Mr. President, at this time there will be no further action on the DOD bill.

FEDERAL PRISON INDUSTRIES

Mr. THURMOND. Mr. President, I am in strong support of the amendment to strike Section 806 of S. 1059, the Defense Authorization Act.

Many of us, including Senator GRAMM, Senator HATCH, and Senator BYRD, discussed the importance of Federal Prison Industries on the floor yesterday when this amendment was first considered. I would like to speak for a moment on a few issues that have been raised in this debate.

Some have argued that the taxpayers would save money if Federal agencies were not required to use FPI because FPI prices are not competitive. However, studies from the General Accounting Office and the Department of Defense Inspector General show that FPI prices are generally within the market range. Indeed, the DoD IG report found that FPI prices were generally lower than the private sector for the products reviewed.

Moreover, it is important to note that Prison Industries is a self-sufficient corporation. As we discussed at my Judiciary hearing on this issue, if Prison Industries did not exist, it would cost taxpayers millions of dollars per year to fund inmate programs that would provide similar security to prison facilities and similar benefits to prisoners. FPI is the most successful inmate program. We should support it strongly and not pass legislation that could undermine it.

The April 1999 study between DoD and BoP discusses the relations between the two agencies in great detail. The study concludes that no legislative changes are warranted in Defense purchases from FPI. It made some recommendations for improvements that are currently being implemented. We should give the study time to work.

This joint study shows that Defense customers are generally satisfied with FPI. Although some concerns remain such as timeliness of delivery, these issues are being addressed. It is best to allow the joint study to speak for itself. The Executive Summary states: "In response to questions regarding the price, quality, delivery, and service of specific products purchased in the last 12 months, FPI generally rated in the good to excellent or average ranges in all categories. On the whole, respondents seem to be very satisfied with quality and service, mostly satisfied with price, and least satisfied with delivery. * * * Most respondents rated FPI either good or average, as an overall supplier, in efficiency, timeliness, and best value. FPI was rated highest as an overall supplier in the area of quality." The survey generally shows a

positive, productive relationship. It is clear that drastic changes are not warranted in the relations between DoD and BoP.

Indeed, the Administration strongly opposes Section 806. The Statement of Administration Policy on S. 1059 explains that this provision "would essentially eliminate the Federal Prison Industries mandatory source with the Defense Department. Such action could harm the FPI program which is fundamental to the security in Federal prisons."

FPI is a correctional program that is essential to the safe and efficient operation of our increasingly overcrowded Federal prisons. While we are putting more and more criminals in prison, we must maintain the program that keeps them occupied and working.

DEFENSE PRODUCTION ACT

Mr. GRAMM. Mr. President, I commend the manager of the bill, the distinguished chairman of the Armed Services Committee, Senator WARNER, for including in this legislation a one-year extension of the Defense Production Act. As the Senator knows, the Defense Production Act falls under the jurisdiction of the Committee on Banking, Housing, and Urban Affairs.

The Defense Production Act is due to expire on September 30, 1999. The Banking Committee has a great interest in the Defense Production Act and we intend to conduct a thorough review when we consider its reauthorization. However, due to the press of other business, specifically the time-consuming task of passing the first modernization of our financial services laws in sixty years, the Banking Committee is unable to conduct such a thorough review at this time.

Therefore, I requested that Senator WARNER include a provision in the Department of Defense authorization bill to extend the Defense Production Act until September 30, 2000. This extension will allow the Banking Committee the time to give the reauthorization of the Defense Production Act the attention it deserves. Senator WARNER was kind enough to include this provision at my request.

Mr. WARNER. We understand that the Banking Committee intends to take a close look at the Defense Production Act, but may not be able to do so prior to the September 30, 1999 deadline. The Armed Services Committee is happy to accommodate the Banking Committee, as we did last year, and include a one-year extension of the Defense Production Act in the DOD authorization bill.

Mr. GRAMM. Mr. President, I thank the chairman of the Armed Services Committee for his courtesy and assistance on this issue. I ask unanimous consent that a letter I wrote to Senator WARNER on this issue be printed in the RECORD.

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

COMMITTEE ON BANKING,
HOUSING, AND URBAN AFFAIRS,
Washington, DC, May 25, 1999.

Hon. JOHN WARNER,
U.S. Senate Committee on Armed Services,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WARNER: I am writing to request that the Armed Services Committee include a one-year authorization of the Defense Production Act in S. 1059, the Department of Defense authorization bill. As you know, pursuant to the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs has jurisdiction over the Defense Production Act. This Act is due to expire on September 30, 1999.

While it is the Banking Committee's intention to give more thorough attention to the Defense Production Act in the future, other issues such as financial services modernization have taken priority this year. As a result, it would be of great assistance if you would include in the upcoming defense authorization bill a provision to renew the Defense Production Act through September 30, 2000.

Thank you for your assistance in extending the Defense Production Act for another year.

Yours respectfully,

PHIL GRAMM,
Chairman.

164TH AIRLIFT WING

Mr. FRIST. Mr. President, I thank the chairman of the Armed Services Committee, Senator WARNER, for coming to the Senate floor today to discuss the follow-on aircraft designation for the 164th Airlift Wing of the Tennessee National Guard.

Mr. WARNER. As the Senator from Tennessee is aware the C-141 aircraft has served this nation well but its useful life is coming to an end. In the report to accompany the Defense Authorization Act, the Committee urges the Secretary of the Air Force to designate a follow-on aircraft for those Air Force Reserve units affected by the retirement of the C-141, and notify the relevant congressional committees as soon as the new mission assignments are available.

Mr. FRIST. Mr. Chairman, it is my understanding the 164th Air Wing is the only Air Guard C-141 unit in the country not to have a follow-on mission designated.

Mr. WARNER. The Committee's urging of the Secretary of the Air Force to designate a new mission for the C-141s of the Air Force Reserve was in no way meant to neglect the similar urgency in the Tennessee Air Guard. Moreover, I would like to take this opportunity to reiterate the importance of strategic airlift to our ability to project force globally. The Guard and Reserve are a critical part of the total force equation. Let me assure the Senator from Tennessee that I strongly support his efforts to have a follow-on mission designated for the 164th Air Wing in Memphis.

Mr. FRIST. I thank the Chairman for his strong words of support. At a time when our nation considers the possibility of sending ground troops to Kosovo it is clear to me that we must support strategic airlift. Airlift re-

mains one the largest challenges our forces face. It is my desire to see the Air Force act to resolve this issue with expediency and consider designating the C-5 or the C-17 airframe for the future of the Tennessee Air Guard.

Mr. WARNER. Again, let me assure the Senator from Tennessee that I am confident working with the Armed Services Committee and the Air Force that this issue will be resolved soon.

MEDAL OF HONOR TO ALFRED RASCON 1999

Mr. THURMOND. Mr. President, I am pleased to be an original cosponsor of the amendment which recommends the Congressional Medal of Honor be awarded to Mr. Alfred P. Rascon. I would like to take just a moment and introduce you to Mr. Rascon.

Alfred Rascon was born in Chihuahua, Mexico, and emigrated to the United States with his parents in the 1950's. He served two tours in Vietnam, one as a medic. When Rascon volunteered for the service, he was not yet a citizen but was a lawful permanent resident, and he was only 17 years of age but convinced his mother to sign his papers so he could enlist.

On March 16, 1966, then Specialist Alfred Rascon, while serving in Vietnam, performed a series of heroic acts that words simply cannot describe. For Rascon and the seven soldiers he aided while under direct gunfire, that day will long be remembered. Rascon's platoon found itself in a desperate situation under heavy fire by a powerful North Vietnamese force. When an American machine gunner went down and a medic was called for, Rascon, 20 at the time, ignored his orders to remain under cover and rushed down the trail amid an onslaught of enemy gunfire and grenades. To better protect the wounded soldier, Rascon placed his body between the enemy machine gun fire and this soldier. Rascon jolted as he was shot in the hip. Although wounded, he managed to drag this soldier off the trail. Rascon soon discovered the man he was dragging was dead.

Specialist 4th Class Larry Gibson crawled forward looking for ammunition. The other machine gunner lay dead, and Gibson had no ammunition with which to defend the platoon. Rascon grabbed the dead soldier's ammunition and gave it to Gibson. Then, amid relentless enemy fire and grenades, Rascon hobbled back up the trail and snared the dead soldier's machine gun and, most important, 400 rounds of additional ammunition. Eyewitnesses state that this act alone saved the entire platoon from annihilation.

The pace quickened and grenades continued to fall. One ripped open Rascon's face, but this did not stop him. He saw another grenade drop five feet from a wounded Neil Haffy. He tackled Haffy and absorbed the grenade blast himself, saving Haffy's life.

Though severely wounded, Rascon crawled back among the other wounded and provided aid. A few minutes later,

Rascon witnessed Sergeant Ray Compton being hit by gunfire. As Rascon moved toward him, another grenade dropped. Instead of seeking cover, Rascon dove on top of the wounded sergeant and again absorbed the blow. This time the explosion smashed through Rascon's helmet and ripped into his scalp. Compton's life was spared.

When the firefight ended, Rascon refused aid for himself until the other wounded were evacuated. So bloodied by the conflict was Rascon that when soldiers placed him on the evacuation helicopter, a chaplain saw his condition and gave him last rites. But Alfred Rascon survived. He was so severely wounded that it was necessary to medically discharge him from the Army.

The soldiers who witnessed Rascon's deeds that day recommended him in writing for the Medal of Honor. Years later, these soldiers were shocked to discover that he had not received it. It appears their recommendations did not go up the chain of command beyond the platoon leader who did not personally witness the events. Rascon was instead awarded the Silver Star. Rascon's Silver Star citation details only a portion of his heroic actions on March 16, 1966.

Perhaps the best description of Alfred Rascon's actions came 30 years later from fellow platoon member Larry Gibson:

I was a 19-year-old gunner with a recon section. We were under intense and accurate enemy fire that had pinned down the point squad, making it almost impossible to move without being killed. Unhesitatingly, Doc [as Rascon was called] went forward to aid the wounded and dying. I was one of the wounded. Doc took the brunt of several enemy grenades, shielding the wounded with his body.

In these few words, I cannot fully describe the events of that day. The acts of unselfish heroism Doc performed while saving the many wounded, though severely wounded himself, speak for themselves. This country needs genuine heroes. Doc Rascon is one of those.

Rascon was once asked why he acted with such courage on the battle field even though he was an immigrant and not yet a citizen. Rascon replied, "I was always an American in my heart."

Mr. President, these actions speak for themselves. I first met Mr. Rascon in 1995. He came to see me as the Inspector General of the Selective Service System, where he continues to serve his nation today. In the course of our conversation I learned of his amazing story, and as the Chairman of the Senate Armed Services Committee at that time, I realized I had to act.

I contacted a number of officials at the Department of Defense and learned that his case could not even be examined because the law said time to consider those awards had expired. So, in the 1996 Defense Authorization Bill, we changed the law. Four years have passed since then; however, the Secretary of the Army and the Chairman of Joint Chiefs of Staff now agree and have recommended that Alfred Rascon

be awarded the Medal of Honor, the Nation's highest award for valor. You have heard this story. The legislation authorizes the President to award the Medal of Honor to Alfred Rascon. If ever there was a case to recognize heroism and bravery far above and beyond the call of duty, this is it.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak up to 10 minutes each.

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

APPROPRIATIONS COMMITTEE RECOMMENDATIONS—H.R. 1664

Mr. BYRD. Mr. President, yesterday afternoon the Committee on Appropriations met and reported, en bloc, the Fiscal Year 2000 Department of Defense Appropriation Bill, the Fiscal Year 2000 302(b) allocations for the committee, and H.R. 1664, by a recorded vote of 24-3. At that full committee markup, the committee also adopted an explanatory statement of the committee's recommendations in relation to H.R. 1664. That explanatory statement, which was adopted in lieu of a committee report, was filed with the Senate by Mr. STEVENS (for himself and Mr. BYRD, Mr. DOMENICI, Mr. BINGAMAN, Mr. DURBIN, Mr. SPECTER, Mr. BENNETT, Mr. HOLLINGS, Mr. SHELBY, Mr. ROCKEFELLER, Mr. BAYH, Mr. DEWINE, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. SESSIONS, Mr. DASCHLE, Mr. DORGAN, and Mr. HATCH). Subsequent to that markup, I ask unanimous consent that the following Senators be added as cosponsors: Mrs. LINCOLN, Mr. KOHL, Mr. HELMS, and Mr. BREAUX.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BYRD. I further ask unanimous consent that the explanatory statement of the committee be printed at the appropriate place in the CONGRESSIONAL RECORD.

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

EXPLANATORY STATEMENT OF THE RECOMMENDATIONS OF THE SENATE COMMITTEE ON APPROPRIATIONS ON H.R. 1664, A BILL MAKING APPROPRIATIONS FOR OPERATIONS IN KOSOVO

Mr. Stevens (for himself and Mr. Byrd, Mr. Domenici, Mr. Bingaman, Mr. Durbin, Mr. Specter, Mr. Bennett, Mr. Hollings, Mr. Shelby, Mr. Rockefeller, Mr. Bayh, Mr. DeWine, Mrs. Hutchison, Ms. Landrieu, Mr. Sessions, Mr. Daschle, Mr. Dorgan, and Mr. Hatch)

The Committee on Appropriations, to which was referred "H.R. 1664, making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes" reported the same to the Senate with various

amendments and an amendment to the title and presents herewith information relative to the changes recommended.

In order to expedite completion of congressional action relative to the emergency appropriations contained in H.R. 1664, as passed by the House of Representatives, as well as the emergency appropriations contained in H.R. 1141, the Fiscal Year 1999 Emergency Supplemental Appropriation Act, funding for both measures was included in H.R. 1141. The conference agreement on that measure was passed by the House of Representatives on May 18, 1999, by the Senate on May 20, 1999, and the bill was signed by the President on May 21, 1999.

In accordance with an agreement with the bipartisan House and Senate leadership, two provisions which were contained in the Senate version of H.R. 1141 were deleted, without prejudice, from the conference agreement thereon. Pursuant to that agreement, these two provisions, the Emergency Steel Loan Guarantee Program and the Emergency Oil and Gas Guaranteed Loan Program, are to be considered expeditiously by the Senate in a freestanding emergency appropriation bill.

Since the conference agreement on H.R. 1141 included the necessary funding for Kosovo operations, the committee recommends that the text of H.R. 1664 as passed by the House be amended to remove House language, and that language relating to the Emergency Steel Loan Guarantee Program and the Emergency Oil and Gas Guaranteed Loan Program, with offsets, be added. In light of the emergency nature of the funding contained in the bill for these two critical programs, the committee hopes that no amendments will be offered to the measure and that it can be sent directly to the House. The Speaker of the House has agreed to permit a motion to go to conference within one week of receiving this bill after Senate passage, to allow normal appropriation conferees to be appointed, and to permit the resulting conference report to be brought up before the House. The committee urges that this matter be expedited by the Senate in order to hopefully complete action prior to the Memorial Day Recess on this critical emergency facing the steel and oil and gas industries and the tens of thousands of steel and oil and gas workers who have recently lost their jobs as the result of the massive influx of cheap and illegally-dumped imported steel and oil and gas over the past year.

EMERGENCY STEEL LOAN GUARANTEE PROGRAM

The Emergency Steel Loan Guarantee Program, as reported by the committee, provides a two-year, GATT-legal, one billion dollar guaranteed loan program to back loans provided by private financial institutions to qualified U.S. steel producers. The minimum loan to be guaranteed for a single company at any one time would be \$25,000,000 (subject to a waiver), and the maximum would be \$250,000,000. A board is established to administer this program consisting of the Secretaries of Commerce (who would serve as chairman), Treasury, and Labor. This board would have the authority to determine the specific requirements in awarding these loan guarantees, including the percentage of the guarantee, appropriate collateral, as well as loan amounts and interest rates thereon. Repayment of the loans guaranteed under this program would be required within six years.

The committee makes these recommendations in response to the critical situation facing the U.S. steel industry. As a result of global financial chaos, in 1998, a record level of more than 41 million tons of both cheap and illegally-dumped imported steel flooded the U.S. market. This represents an increase of 83 percent over the 23-million ton average

for the previous eight years. This wave of imported steel substantially reduced demand for U.S. steel production, and brought about the devastating loss of employment for more than ten thousand American steelworkers.

The U.S. Department of Commerce has found dumping margins of up to 200 percent on Russian steel, up to 67 percent on Japanese steel, and up to 70 percent on steel from Brazil. Appropriate actions are being pursued to assess penalties against those responsible for this illegal dumping of steel. However, even if penalty tariffs are collected against those responsible for this illegal dumping, U.S. steel mills will not receive any compensation for the losses they have suffered. A number of U.S. steel plants have closed or declared bankruptcy since September of 1998, and a number of others are close behind.

Estimates are that jobs of tens of thousands of additional steelworkers are in danger unless this illegal dumping is stopped and those in the U.S. steel industry are able to meet their financial obligations in order to get back on their feet.

EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM

The Emergency Oil and Gas Guarantee program, as reported by the committee, provides a two-year, GATT-legal, five-hundred-million dollar guaranteed loan program to back loans provided by private financial institutions to qualified oil and gas producers and the associated oil and gas service industry, including Alaska Native Corporations. The minimum loan to be guaranteed for a single company at any one time would be \$250,000, and the maximum would be \$10,000,000. A board is established to administer this program consisting of the Secretaries of Commerce (who would serve as chairman), Treasury, and Labor. This board would have the authority to determine the specific requirements in awarding these loan guarantees, including the percentage of the guarantee, appropriate collateral, as well as loan amounts and interest rates thereon. Repayment of the loans guaranteed under this program would be required within ten years.

The committee makes these recommendations in response to the critical situation facing the domestic, independent oil and gas industry. Since the beginning of the most recent oil and gas crisis (January 1997), the industry has lost 42,500 jobs. Bankruptcies have fueled the closure of an estimated 136,000 wells. Twenty percent of total U.S. marginal well production has been jeopardized because of bankruptcies.

The economic slowdown in Asia led to depressed demand, and oversupply. The United Nation's Food for Oil program, which allows Iraq to sell additional oil in an already saturated market, further depressed prices. Every key indicator of domestic oil and gas industry's health—earnings, employment, production, rig counts, rig rates and seismic activity is down.

The committee notes that the United States was 36 percent dependent when the oil embargo of the 1970s hit. U.S. foreign oil consumption is estimated at 56 percent and could reach 68 percent by 2010 if \$10 to \$12 per barrel prices prevail. It has been predicted that half of marginal wells located in 34 states could be shut-in. Marginal wells produce less than 15 barrels of oil and day and are the most vulnerable to closure when prices drop. Yet, these wells, in aggregate, produce as much oil as we import from Saudi Arabia.

There is no current government loan program that will help the oil and gas producers and the oil and gas service industry. The industry tried to use our trade laws but without success. In 1994, when U.S. dependence

upon foreign oil was 51 percent, a Department of Commerce section 232(b) Trade Expansion Act investigation report found that rising imports of foreign oil threaten to impair U.S. national security because they increase U.S. vulnerability to oil supply interruptions. President Clinton concurred with that finding. Unfortunately, little action to address the problem has been implemented.

Without an emergency loan program to get them through the current credit crunch there will be more bankruptcies, more lost jobs, and greater dependence on foreign oil.

OFFSET

The committee's recommendation includes a rescission of \$270 million from the administrative and travel accounts of the object class entitled "Contractual Services and Supplies" in the non-defense category of the budget. This category includes such things as \$7 billion for travel and transportation; over \$7 billion for advisory and assistance services; \$44 billion for a category called "other services"; and almost \$30 billion for supplies and materials. The rescission shall be taken on a pro-rata basis from funds available to every Federal agency, department, and office in the Executive Branch, in the non-defense category. The Office of Management and Budget is required to submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account of the reductions made.

COMPLIANCE WITH PARAGRAPH 7(C), RULE XXVI OF THE STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, the Committee ordered reported en bloc, an original fiscal year 2000 Department of Defense Appropriations bill, the fiscal year 2000 section 302(b) allocation, and H.R. 1664, by recorded vote of 24-3, a quorum being present.

Yeas	Nays
Chairman Stevens	Mr. Dorgan
Mr. Cochran	Mrs. Feinstein
Mr. Domenici	Mr. Durbin
Mr. Bond	
Mr. Gorton	
Mr. McConnell	
Mr. Burns	
Mr. Shelby	
Mr. Gregg	
Mr. Bennett	
Mr. Campbell	
Mr. Craig	
Mrs. Hutchison	
Mr. Kyl	
Mr. Byrd	
Mr. Inouye	
Mr. Hollings	
Mr. Leahy	
Mr. Lautenberg	
Mr. Harkin	
Ms. Mikulski	
Mr. Reid	
Mr. Kohl	
Mrs. Murray	

BUDGETARY IMPACT

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344), as amended, requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 302 of the act for the most recently agreed to concurrent resolution on the budget for the fiscal year. All funds recommended in this bill are emergency funding requirements, offset herein.

FIVE-YEAR PROJECTION OF OUTLAYS

In compliance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 (Public Law 93-344), as amended, the following table contains 5-year projections associated with the budget authority provided in the accompanying bill:

FISCAL YEAR 1999 SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS

(In millions of dollars)

	Budget authority	Outlays
Defense discretionary		
Nondefense discretionary	- 270	- 108
Mandatory		
Total	- 270	- 180
Five year projections: Outlays:		
Fiscal year 1999		- 108
Fiscal year 2000		- 162
Fiscal year 2001		
Fiscal year 2002		
Fiscal year 2003		
Financial Assistance to State and Local Govern- ments		

Note: The above table includes mandatory and discretionary appropriations, and excludes emergency appropriations.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 25, 1999, the Federal debt stood at \$5,600,993,485,850.44 (Five trillion, six hundred billion, nine hundred ninety-three million, four hundred eighty-five thousand, eight hundred fifty dollars and forty-four cents).

Five years ago, May 25, 1994, the Federal debt stood at \$4,594,146,000,000 (Four trillion, five hundred ninety-four billion, one hundred forty-six million).

Ten years ago, May 25, 1989, the Federal debt stood at \$2,779,572,000,000 (Two trillion, seven hundred seventy-nine billion, five hundred seventy-two million).

Fifteen years ago, May 25, 1984, the Federal debt stood at \$1,489,052,000,000 (One trillion, four hundred eighty-nine billion, fifty-two million) which reflects a debt increase of more than \$4 trillion—\$4,111,941,485,850.44 (Four trillion, one hundred eleven billion, nine hundred forty-one million, four hundred eighty-five thousand, eight hundred fifty dollars and forty-four cents) during the past 15 years.

WIC FOR MILITARY FAMILIES

Mr. LEAHY. Mr. President, I have been circulating drafts of bills designed to provide WIC benefits to military personnel and to certain civilian personnel, stationed overseas, for a few weeks. I know that Senator HARKIN and other Senators on both sides of the aisle have also been working on this matter as have members of the other body.

I have received valuable input regarding my drafts from Members, national organizations and even personnel stationed overseas and I appreciate all who have helped. This bill introduction does not mean that I am no longer seeking input. On the contrary, as I have always handled nutrition legislation, I want to work with all Members on this important legislation, which I hope can be unanimously passed.

Basically, the Strengthening Families in the Military Service Act mandates that the Secretary of Defense offer a program similar to the WIC program—the Supplemental Nutrition

Program for Women, Infants and Children—to military and associated civilian personnel stationed on bases overseas. If it makes sense to allow those stationed in the United States to participate in WIC, it makes sense to allow those stationed overseas to have the important nutritional benefits of that program. Why should families lose their benefits when they are moved overseas?

This bill provides that the Secretary of Defense will administer the program under rules similar to the WIC program administered by the Secretary of Agriculture within the United States.

WIC is celebrating its 25th anniversary this year. In fact, just a few weeks ago, I joined Senators LUGAR and TORRICELLI, the National Association of WIC Directors' Executive Director Doug Greenaway, as well as others, in celebrating this accomplishment.

For 25 years the WIC program has provided nutritious foods to low-income pregnant, post-partum and breast-feeding women, infants, and children who are judged to be at a nutritional risk.

It has proven itself to be a great investment—for every dollar invested in the WIC program, an estimated \$3 is saved in future medical expenses. WIC has helped to prevent low birth weight babies and associated risks such as developmental disabilities, birth defects, and other complications. Participation in the WIC program has also been linked to reductions in infant mortality.

This program has worked extremely well in Vermont, and throughout the nation.

However, despite the successes of this program, there continues to be an otherwise eligible population who cannot receive these benefits—women and children in military families stationed outside of the United States.

These are families who are serving our country, living miles from their homes on a military base in a foreign land, and whose nutritional health is at risk. If they were stationed within our borders, their diets would be supplemented by the WIC program, and they would receive vouchers or packages of healthy foods, such as fortified cereals and juices, high protein products, and other foods especially rich in needed minerals and vitamins. If they receive orders stationing them at a U.S. base located in another country, they lose this needed support.

I know that I am not alone in my desire to establish WIC benefits for our women and children of military families stationed overseas. I look forward to working with all members of Congress in making a program that benefits nutritionally at risk women, infants and children serving America from abroad. I know there are other approaches being considered and I want to work out a good solution.

I have been informed of situations where this nutrition assistance is desperately needed by military and civil-

ian personnel overseas. I do not see how we can turn our backs on these Americans stationed abroad. I am willing to work with other ways of providing this assistance but I believe that my bill has advantages over other suggestions. First, this bill guarantees this assistance for the next three years and mandates a study to determine if improvements or other changes are needed.

This bill also disregards the value of in kind housing assistance in calculating eligibility which increases the number of women, infants and children that can participate and makes the program more similar to the program in the United States. The CBO has estimated that the average monthly food cost would be about \$28 for each participant based on a Department of Defense estimate of the cost of an average WIC food package in military commissaries. Administration costs which include health and nutrition assessments are likely to be about \$7 per month per participant, according to CBO.

I am advised that counting the value of in kind housing assistance as though it were cash assistance would reduce the cost of this program to \$2 million per year and that 5,100 women and children would participate in an average month under such an approach. This will be an issue which I look forward to discussing with my colleagues.

I ask unanimous consent that a copy of my bill be printed in the RECORD.

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

S.—

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 “Strengthening Families in the Military Service Act of 1999”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) prenatal care and proper nutrition for pregnant women reduces the incidence of birth abnormalities and low birth weight among infants;

(2) proper nutrition for infants and young children has very positive health and growth benefits; and

(3) women, infants, and children of military families stationed outside the United States are potentially at nutritional risk.

(b) PURPOSE.—The purpose of this Act is to ensure that women, infants, and children of military families stationed outside the United States receive supplemental foods and nutrition education if they generally would be eligible to receive supplemental foods and nutrition education provided in the United States under the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

SEC. 3. SPECIAL SUPPLEMENTAL NUTRITION BENEFITS FOR WOMEN, INFANTS, AND CHILDREN OF MILITARY FAMILIES STATIONED OUTSIDE THE UNITED STATES.

Section 1060a of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (h); and

(2) by striking subsections (a) through (e) and inserting the following:

“(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Agriculture, shall establish and carry out a program to provide, at no cost to the recipient, supplemental foods and nutrition education to—

“(1) low-income pregnant, postpartum, and breastfeeding women, infants, and children up to 5 years of age of military families of the armed forces of the United States stationed outside the United States (and its territories and possessions); and

“(2) eligible civilians serving with, employed by, or accompanying the armed forces outside the United States (and its territories and possessions).

“(b) ADMINISTRATION.—Except as otherwise provided in this section, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall operate the program under this section in a manner that is similar to the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

“(c) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of Agriculture, shall promulgate regulations to carry out this section that are as similar as practicable to regulations promulgated to carry out the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966, but that take into account—

“(1) the need to use military personnel to carry out functions under the program established under this section, including functions relating to supplemental foods, nutrition education, eligibility determinations, oversight, enforcement, auditing, financial management, application reviews, delivery of benefits and program information, handling of local operations and administration, and reporting and recordkeeping;

“(2) the need to limit participation to certain military installations to ensure efficient program operations using funds made available to carry out this section;

“(3) the availability in foreign countries of exchange stores, commissary stores, and other sources of supplemental foods; and

“(4) other factors or circumstances determined appropriate by the Secretary of Defense, including the need to phase-in program operations during fiscal year 2000.

“(d) ADMINISTRATIVE RESPONSIBILITY.—

“(1) IN GENERAL.—The Secretary of Defense shall be responsible for the implementation, management, and operation of the program established under this section, including ensuring the proper expenditure of funds made available to carry out this section.

“(2) INVESTIGATION AND MONITORING.—The Inspectors General of the Armed Forces and the Department of Defense shall investigate and monitor the implementation of this section.

“(e) RECORDS.—The Secretary of Defense shall require that such accounts and records (including medical records) be maintained as are necessary to enable the Secretary of Defense to—

“(1) determine whether there has been compliance with this section; and

“(2) determine and evaluate the adequacy of benefits provided under this section.

“(f) REPORT.—

“(1) IN GENERAL.—Not later than March 1, 2001, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit a report describing the implementation of this section to—

“(A) the Committee on Agriculture of the House of Representatives;

“(B) the Committee on Armed Services of the House of Representatives;

“(C) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

“(D) the Committee on Armed Services of the Senate.

“(2) CONTENTS OF REPORT.—The report under paragraph (1) shall include a description of participation rates, typical food packages, health and nutrition assessment procedures, eligibility determinations, management difficulties, and benefits of the program established under this section.

“(g) FUNDING.—

“(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Defense to carry out this section—

“(A) \$8,000,000 for fiscal year 2000;

“(B) \$12,000,000 for fiscal year 2001; and

“(C) \$12,000,000 for fiscal year 2002.

“(2) RECEIPT AND ACCEPTANCE.—The Secretary of Defense shall be entitled to receive the funds and shall accept the funds, without further appropriation.”.

IMPORTED FOOD SAFETY ACT

Mr. FRIST. Mr. President, I rise to join with Senator COLLINS in introducing S. 1123, the Imported Food Safety Act of 1999. This legislation will address a growing problem that affects everyone in this nation, the safety of the food that we eat.

The Centers for Disease Control and Prevention estimates as many as 9,100 deaths are attributed to foodborne illness each year in the United States. In addition there are tens of millions of cases of foodborne illness that occur, the majority of which go unreported due to the fact that they are not severe enough to warrant medical attention.

The legislation that Senator COLLINS and I have crafted will target one of the most critical areas in helping to provide Americans with the safest food possible—the safety of imported food. The CDC has recognized that as trade and economic development increases, the globalization of food supplies is likely to have an increasing impact on foodborne illnesses.

Currently, one-half of all the seafood and one-third of all the fresh fruit consumed in the U.S. comes from overseas. In fact, since the 1980's food imports to the U.S. have doubled, but federal inspections by Food and Drug Administration have dropped by 50 percent.

Over the years there have been foodborne pathogen outbreaks involving raspberries from Guatemala, strawberries from Mexico, scallions, parsley and cantaloupes from Mexico, carrots from Peru, coconut milk from Thailand, canned mushrooms from China and others. These outbreaks have serious consequences. The Mexican frozen strawberries I have just noted were distributed in the school lunch programs in several states, including my home state of Tennessee, were attributed to causing an outbreak of Hepatitis A in March of 1997.

The Collins-Frist bill will do several vital things to safeguard against potentially dangerous imported food. The bill would allow the U.S. Customs Service, using a system established by

FDA, to deny entry of imported food that has been associated with repeated and separate events of foodborne disease.

The bill would also allow the FDA to require food being imported by entities with a history of import violations to be held in a secure storage facility pending FDA approval and Customs release.

To improve the surveillance of imported food, we authorize CDC to enter into cooperative agreements and provide technical assistance to the States to conduct additional surveillance and studies to address critical questions for the prevention and control of foodborne diseases associated with imported food, and authorize CDC to conduct applied research to develop new or improved diagnostic tests for emerging foodborne pathogens in human specimens, food, and relevant environmental samples.

These are just a few of the many provisions in this bill that will help improve the quality and safety of the imported food that we consume every day. I applaud the leadership of my colleague, Senator COLLINS, who as Chairman of the Senate Permanent Subcommittee on Investigations held 4 comprehensive hearings last year on the issue of food safety. As Chairman of the Senate Subcommittee on Public Health, I look forward to working with Senator COLLINS and the rest of my colleagues on the issue of food safety and our overall efforts in improving our Nation's public health infrastructure. We must continue to fight infectious diseases and ensure that this legislation is enacted to help protect our citizens and provide them with the healthiest food possible.

AGRICULTURAL TRADE FREEDOM ACT

Mr. LEAHY. Mr. President, I would like to take a moment to voice my support for S. 566, the Agricultural Trade Freedom Act, which was passed out of the Senate Committee on Agriculture, Nutrition and Forestry this morning on a 17-1 vote. I appreciate Senator LUGAR's strong leadership on these trade and international issues.

More than any other industry in America, agriculture is extremely dependent on international trade. In fact, almost one-third of our domestic agricultural production is sold outside of the United States. Clearly, a strong international market for agricultural commodities is therefore of utmost importance to our agriculture economy.

As those of us who herald from agricultural states know, the business of agriculture in America reaches far beyond farmers alone. There are many rural businesses, such as feed stores, machinery repair shops and veterinarians, who depend on a strong agricultural economy. And when we discuss international trade, there are many national businesses, such as agricultural exporters, which are greatly impacted by our trade policies.

Despite the importance of these international markets, agricultural commodities are occasionally eliminated from potential markets because of U.S. imposed unilateral economic sanctions against other countries. These economic sanctions are imposed for political, foreign policy reasons. Yet there is little to show that the inclusions of agricultural commodities in these sanctions actually have had the intended results. The question now emerging from this policy is who is actually hurt by the ban on exporting commercial agricultural commodities, and should it continue?

American farmers and exporters obviously face an immediate loss in trade when unilateral economic sanctions are imposed. Perhaps even more devastating, however, is the long-term loss of the market. Countries who need agricultural products do not wait for American sanctions to be lifted; they find alternative markets. This often leads to the permanent loss of a market for our agriculture industry, as new trading partnerships are established and maintained.

Our farmers, and the rural businesses and agriculture exporters associated with them, are consequently greatly hurt by this policy. The Agricultural Trade Freedom Act corrects this problem by exempting commercial agricultural products from U.S. unilateral economic sanctions. The exemption of commercial agricultural products is not absolute; the President can make the determination that these items are indeed a necessary part of the sanction for achieving the intended foreign policy goal. In this situation, the President would be required to report to Congress regarding the purposes of the sanctions and their likely economic impacts.

Recently, the administration lifted restrictions on the sale of food to Sudan, Iran and Libya—all countries whose governments we have serious disagreements with. It did so, and I am among those who supported that decision, because food, like medicines, should not be used as a tool of foreign policy. It is also self-defeating. While our farmers lost sales, foreign farmers made profits.

Unfortunately, the administration did not see fit to apply the same reasoning to Cuba. American farmers cannot sell food to Cuba, even though it is only 90 miles from our shores and there is a significant potential market there. This contradiction is beneath a great and powerful country, and Senator LUGAR's legislation would permit such sales. The administration should pay more attention to what is in our national interests, rather than to a tiny, vocal minority who are wedded to a policy that has hurt American farmers and the Cuban people.

The Agricultural Trade Freedom Act maintains the President's need for flexibility in foreign policy while simultaneously recognizing the impact that sanctions may have on the agricultural economy. This legislation is

supported by dozens of organizations including the National Association of State Departments of Agriculture, the U.S. Dairy Export Council, the National Milk Producers Federation, and the National Farmers Union.

In closing, I would like to thank Senator LUGAR for his leadership on this issue. I was pleased to join with him, the ranking member, Senator HARKIN, the Democratic Leader, Senator DASCHLE, Senator CONRAD and others in this effort, and I look forward to working with them and all members of the Senate to see that this measure becomes law.

THE GUN SHOW LOOPHOLE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that a copy of a letter from the International Brotherhood of Police Officers, in support of my amendment to close the gun show loophole, be printed in the RECORD.

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

INTERNATIONAL BROTHERHOOD
OF POLICE OFFICERS,
Alexandria, VA, May 19, 1999.

Hon. FRANK LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International. The IBPO is the largest police union in the AFL-CIO.

On behalf of the entire membership of the IBPO, I am writing to express our support for your amendment that would close the gun show loophole. Every year, there are approximately 4,000 gun shows across the country where criminals can buy guns without a background check. This problem arises because while federally-licensed dealers sell most of the firearms at these shows, about 25 percent of the people selling firearms are not licensed and they are not required to comply with the background check as mandated by the Brady Law.

The "Lautenberg amendment" will close the gun show loophole and help law enforcement trace illegal firearms. The police officer on the street understands that this legislation is needed to help shut down the deadly supply of firearms to violent criminals.

Sincerely,

KENNETH T. LYONS,
National President.

FINANCIAL SERVICES MODERNIZATION ACT OF 1999

Mr. BRYAN. Mr. President, I want to voice my disagreement with a portion of Senate Report Number 106-44, which accompanied S. 900, the Financial Services Modernization Act of 1999. The Report describes an amendment that I offered that was adopted by a unanimous vote of the Senate Banking Committee during its consideration of S. 900. I want to explain what I intend that amendment to mean and how I intend its language to be interpreted.

At issue is the standard for determining whether State laws, regulations, orders and other interpretations regulating the sale, solicitation and cross-marketing of insurance products

should be preempted by federal laws authorizing insurance sales by insured depository institutions and their subsidiaries and affiliates. Since the inception of the national banking system, the insurance sales powers of national banks have been heavily restricted. In addition, since the inception of the insurance industry in this country, the States have been the virtually exclusive regulators of that business. Although S. 900 seeks to tear down the barriers that separate the banking, insurance and securities industries, at the same time it seeks to preserve functional regulation. This means that the extensive regulatory systems that have been developed to protect consumer interests in each area of financial services should be retained.

For that reason, one of the principles of the proposed legislation is to ensure that the activities of everyone who engages in the business of insurance should be functionally regulated by the States. After all, the States are the sole repository of regulatory expertise in this area. During my review of the Committee Print before the mark-up and during my conversations with my Senate colleagues, it became evident that the Committee Print's provisions regarding the preemption of State insurance laws and regulations did not adhere to this principle. The Committee Print disregarded the Supreme Court's holding in *Barnett Bank of Marion County, N.A. v. Nelson*, 517 U.S. 25 (1996), regarding the standard for preempting State regulation of insurance sales activity.

I therefore introduced an amendment that replaced the Committee Print's insurance sales preemption provisions with substitute provisions based on the Supreme Court's Barnett standard. My amendment deleted all of the provisions in the Committee Print regarding the permissible scope of state regulation of the insurance sales activities of insured depository institutions, their subsidiaries and affiliates. My amendment substituted language that had been developed and analyzed during prior considerations of these issues in previous Congresses, in particular during senate consideration of H.R. 10 last year.

The core preemption standard included in my amendment now appears as Section 104(d)(2)(A) of S. 900. It states:

In accordance with the legal standards for preemption set forth in the decision of the Supreme Court of the United States in *Barnett Bank of Marion County N.A. v. Nelson*, 116 U.S. 1103 (1996), no State may, by statute, regulation, order, interpretation, or other action, prevent or significantly interfere with the ability of an insured depository institution, or a subsidiary or affiliate thereof, to engage, directly or indirectly, either by itself or in conjunction with a subsidiary, affiliate, or any other party, in any insurance sales, solicitation, or cross-marketing activity.

The "prevent or significantly interfere" language was taken directly from the Supreme Court's Barnett decision

and is intended to codify that decision. No further amplification of the standard was included because my colleagues and I intended to leave the development of the interpretation of that standard to the courts.

There is a great deal of disagreement among both regulators and members of the affected industries as to the manner in which the standard should be amplified. Indeed, State insurance regulators and significant portions of the insurance industry did not support the usage of the "significant interference" test at all but instead sought a clarification, supported by the Barnett opinion, that only state laws and regulations that "prohibit or constructively prohibit" an insured depository institution, or an affiliate or subsidiary of an insured depository institution, from engaging in insurance sales activities should be preempted.

Mr. SARBANES. I wish to associate myself with the statements of my colleague, Senator Bryan, the author of the amendment adopted by the Banking Committee. My understanding in voting for his amendment was that it codified the Barnett Bank standard for preemption of State laws. The Committee Report accompanying S. 900 seeks to amplify, or put a gloss on, the Barnett Bank standard. I would like to ask the Senator from Nevada whether the gloss put on the "prevent or significantly interfere" standard in the Committee Report is in keeping with his amendment.

Mr. BRYAN. My colleague from Maryland asks a perceptive question. The Committee Report attempts to clarify the core preemption standard in a way that is contrary to the meaning of the provision. Page 13 of the Report states that State laws are preempted not only if they "prevent or significantly interfere" with a national bank's exercise of its powers" but also if they "unlawfully encroach" on the rights and privileges of national banks;" if they "destroy or hamper" national banks' functions;" or if they "interfere with or impair" national banks' efficiency in performing authorized functions." The clauses after the initial restatement of the standard are paraphrases of the holdings of the cases cited in Barnett.

As I noted earlier, I intentionally omitted any amplification of the Barnett standard. In addition, the last paraphrase (regarding "efficiency") is correct and harmful. It is incorrect because it implies that it applies to any authorized function. In fact, the case cited by the Supreme Court in Barnett said that a State cannot impair a national bank's ability to discharge its duties to the government. The last paraphrase is harmful because it could dramatically expand the scope of the preemption provision. It could do so if read to prohibit the application of any State law that impairs a national bank's or its affiliate's or subsidiary's efficiency in selling insurance. The Barnett opinion does not support any

such reading. Moreover, if this language had been suggested as an amendment to my amendment, I would not have supported it nor would the majority of my colleagues.

The Committee Report also lists several examples of State law provisions that the Report states should be preempted under the standard, incorporated into S. 900. As noted above, this violates my intent in offering an amendment based on the Barnett standard. For example, page 13 of the Committee Report states that an "example of a State law that would be preempted under the standard set forth in subsection 104(d)(2)(A) would be a statute that limits the volume or portion of insurance sales made by an insurance agent on the basis of whether such sales are made to customers of an insured depository institution or any affiliate of the agent." I strongly disagree. State statutes that limit sales in this manner or that effectively require all insurance agents to engage in public insurance agency activities, and not limit their sales efforts to their captive customers, are not preempted under the Section 104(d)(2)(A) preemption standard.

In addition, page 14 of the Committee Report offers a requirement that insurance activities take place more than 100 yards from a teller window as an example of a State law provision that would be preempted. I wish to note that less restrictive provisions that merely require the physical separation of insurance activities from other activities within a bank are not preempted under the Section 104(d)(2)(A) preemption standard. The intent underlying the amendment was to leave these determinations of what is or is not preempted to the courts, based on the applicable legal standards identified in Barnett.

Finally, I felt compelled to note that page 15 of the Committee Report states that nothing in the preemption provisions can be read to require licensure of the bank itself, only of employees acting as agents. While this is technically true, it creates some potential confusion with the core licensure requirement. This should be read as allowing institution licensure so long as that licensure does not "prevent or significantly interfere with" the exercise of authorized insurance sales powers.

Mr. SARBANES. I would like to point out that the language of the amendment offered by my colleague from Nevada was previously explained in the Report of the Banking Committee that accompanied H.R. 10 last year. For State laws that fall outside the 13-point safe harbor, the bill does not limit in any way the application of the Supreme Court's Barnett Bank decision. State laws outside the safe harbor could be challenged under that decision. This year's Committee Report incorrectly describes the standard that State laws must meet under Barnett Bank in order to avoid being preempted.

Mr. BRYAN. In closing, I should say that I would have brought my concerns regarding the Committee Report language directly to the Committee Chairman, Senator GRAMM, and his staff but I did not have the opportunity to read the Committee Report language discussing my amendment prior to its publication.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting 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.)

MEASURE PLACED ON THE CALENDAR

The following joint resolution was read the second time and placed on the calendar:

S.J. Res. 26. Joint resolution expressing the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

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-3291. A communication from the Director, Corporate Audits and Standards, Accounting and Information Management Division, General Accounting Office, transmitting, pursuant to law, the report of financial statements for the Congressional Award Foundation for fiscal years 1997 and 1998; to the Committee on Governmental Affairs.

EC-3292. A communication from the Regulations Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption", received May 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3293. A communication from the Regulations Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received May 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3294. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Avocados Grown in South Florida; In-

creased Assessment Rate" (Docket No. FV99-915-1-FR), received May 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3295. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced From Grapes Grown in California; Increase in Assessment Rate" (Docket No. FV99-989-2-FIR), received May 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3296. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Quarantined Areas and Treatment" (Docket No. 98-125-1), received May 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3297. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Spinosad; Pesticide Tolerance (FRL 3 6081-8)" and "Tebuconazole; Pesticide Tolerance for Emergency Exemption (FRL # 6079-1)", received May 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3298. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Saudi Arabia; to the Committee on Banking, Housing, and Urban Affairs.

EC-3299. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revised Restrictions on Assistance to Noncitizens-Final Rule (FR-4154)" (RIN2501-AC36), received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3300. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs; Interim Rule (FR-4428)" (RIN2577-AB91), received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3301. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations, 64 FR 24517, 05/07/99", received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3302. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility, 64 FR 24512, 05/07/99", received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3303. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations, 64 FR 24516, 05/07/99", received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3304. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood

Elevation Determinations, 64 FR 24515, 05/07/99", received May 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-3305. A communication from the Director of the Experimental Program to Stimulate Competitive Technology, Technology Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Experimental Program to Stimulate Competitive Technology" (RIN0692-ZA02), received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3306. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery: Trip Limit Adjustments", received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3307. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States-Announcement That the 1999 Summer Flounder Commercial Quota Has Been Harvested for Maine", received April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3308. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States-Final Rule to Implement Framework Adjustment 27 to the Northeast Multispecies Fisheries Management Plan and 1999 Target Total Allowable Catch" (RIN0648-AL72), received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3309. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Western Pacific Bottomfish Fishery; Amendment 3" (RIN0648-AK21), received April 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3310. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Financial Assistance for Research and Development Projects in the Northeast Coastal States; Marine Fisheries Initiative (MARFIN)" (RIN0648-ZA62), received April 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3311. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Halibut and Sablefish Fisheries Quota-Share Loan Program; Final Program Notice and Announcement of Availability of Federal Financial Assistance" (RIN0648-ZA63), received May 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3312. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Exclusive Economic Zone off Alaska; Hired Skipper Requirements for the Individual Fishing Quota Program" (RIN0648-AK20), received May 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3313. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Amendment 13" (RIN0648-AK83), received May 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3314. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Swordfish Fishery; Dealer Permitting and Import Documentation Requirements" (RIN0648-AK39), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3315. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands", received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3316. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Service Contracts Subject to the Shipping Act of 1984" (FMC Docket No. 98-30), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3317. A communication from the Director, Resource Management and Planning Staff, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Market Development Cooperator Program" (RIN0625-ZA05), received April 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3318. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Federal-State Joint Board on Universal Service" (FCC 97-411) (CC Docket No. 96-45), received April 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3319. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order: In the Matter of 1998 Biennial Regulatory Review—Annual Report of Cable Television Systems", Form 325 Filed Pursuant to Section 76.403 of the Commission's Rules" (FCC 99-13) (CS Docket No. 98-61), received April 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3320. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order: In the Matter of Satellite Delivery of Broadcast Network Signals under the Satellite Home Viewer Act" (FCC 99-14) (CS Docket No. 98-201), received April 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3321. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 17 and 87 of the Commission's Rules Concerning Aviation Radio Service and Antenna Structure Construction, Marking and Lighting" (FCC 99-40) (WT Docket No. 96-1 and 96-211), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3322. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 13 and 80 of the Rules Concerning the Global Maritime Distress and Safety System" (FCC 98-180) (PR Docket No. 90-480), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3323. A communication from the Chief, Competitive Pricing Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Defining Primary Lines" (CC Docket No. 97-181), received April 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3324. A communication from the Attorney, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Second Extension of Computer Reservations System Rules" (RIN2105-AC75), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3325. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to the Air Force Academy; to the Committee on Armed Services.

EC-3326. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to the Civil Engineer Squadron at MacDill Air Force Base; to the Committee on Armed Services.

EC-3327. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the U.S. Emergency Refugee and Migration Assistance Fund; to the Committee on Foreign Relations.

EC-3328. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule relative to the Schedule of Fees for Consular Services, received May 24, 1999; to the Committee on Foreign Relations.

EC-3329. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Inspector General's semiannual report for the period October 1, 1998 through March 31, 1999; to the Committee on Governmental Affairs.

EC-3330. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received May 24, 1999; to the Committee on Governmental Affairs.

EC-3331. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Part 36 Irradiator Licenses", dated January 1999; to the Committee on Environment and Public Works.

EC-3332. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, two reports relative to the 1997 Toxics Release Inventory; to the Committee on Environment and Public Works.

EC-3333. A communication from the Acting Assistant Chief, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Land-ownership Adjustments: Land Exchanges," received May 10, 1999; to the Committee on Energy and Natural Resources.

EC-3334. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation relative to a visitor center for the Upper Delaware Scenic and Recreational River; to the Committee on Energy and Natural Resources.

EC-3335. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation relative to the Saint-Gaudens National Historic Site; to the Committee on Energy and Natural Resources.

EC-3336. A communication from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Appeals of MMS Orders" (RIN1010-AC21), received May 6, 1999; to the Committee on Energy and Natural Resources.

EC-3337. A communication from the Senior Civilian Official, Command, Control, Communications, and Intelligence, Department of Defense, transmitting, pursuant to law, a report relative to Year 2000 capabilities of DoD systems within operational environments; to the Committee on Armed Services.

EC-3338. A communication from the Attorney General, transmitting, pursuant to law, a report relative to the status of the U. S. Parole Commission; to the Committee on the Judiciary.

EC-3339. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to judgeship needs in the U.S. courts of appeals and U.S. district courts; to the Committee on the Judiciary.

EC-3340. A communication from the Secretary, Judicial Conference of the United States, transmitting, a draft of proposed legislation entitled "Federal Courts Improvement Act of 1999"; to the Committee on the Judiciary.

EC-3341. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Application for Refugee Status; Acceptable Sponsorship Agreement and Guaranty of Transportation" (RIN1115-AF49) (INS No. 1999-99), received May 24, 1999; to the Committee on the Judiciary.

EC-3342. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries" (RIN1115-AF14) (INS No. 1915-98), received May 24, 1999; to the Committee on the Judiciary.

EC-3343. A communication from the Attorney General, transmitting, pursuant to law, a report entitled the "Triennial Comprehensive Report on Immigration"; to the Committee on the Judiciary.

EC-3344. A communication from the Interim Staff Director, United States Sentencing Commission, transmitting, pursuant to law, a report relative to the use of encryption or scrambling technology by Federal offenders; to the Committee on the Judiciary.

EC-3345. A communication from the Acting Assistant Attorney General, transmitting, a draft of proposed legislation entitled "Forfeiture Act of 1999"; to the Committee on the Judiciary.

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was submitted:

By Mr. LUGAR, for the Committee on Agriculture, Nutrition, and Forestry:

Thomas J. Erickson, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2003.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. COLLINS (for herself and Mr. COVERDELL):

S. 1124. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. HATCH, and Mr. MACK):

S. 1125. A bill to restrict the authority of the Federal Communications Commission to review mergers and to impose conditions on licenses and other authorizations assigned or transferred in the course of mergers or other transactions subject to review by the Department of Justice or the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. DURBIN):

S. 1126. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COVERDELL (for himself and Ms. COLLINS):

S. 1127. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for reasonable and incidental expenses related to instruction, teaching, or other educational job-related activities; to the Committee on Finance.

By Mr. KYL (for himself, Mr. KERREY, Mr. NICKLES, Mr. BREAUX, Mr. MACK, Mr. ROBB, and Mr. GRAMM):

S. 1128. A bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets; to the Committee on Finance.

By Mr. DOMENICI:

S. 1129. A bill to facilitate the acquisition of inholdings in Federal land management units and the disposal of surplus public land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. BOND, Mr. BURNS, Mr. GORTON, and Mr. INHOFE):

S. 1130. A bill to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. EDWARDS (for himself and Mr. HAGEL):

S. 1131. A bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BREAUX (for himself and Mr. HATCH):

S. 1132. A bill to amend the Internal Revenue Code of 1986 to allow the reinvestment of employee stock ownership plan dividends without the loss of any dividend reduction; to the Committee on Finance.

By Mr. GRAMS:

S. 1133. A bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH:

S. 1134. An original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. WYDEN:

S. 1135. A bill to amend the Communications Act of 1934 to provide that the lowest unit rate for campaign advertising shall not be available for communication in which a candidate attacks an opponent of the candidate unless the candidate does so in person; to the Committee on Commerce, Science, and Transportation.

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

S. 1136. A bill to amend the Internal Revenue Code of 1986 to provide that an organization shall be exempt from income tax if it is created by a State to provide property and casualty insurance coverage for property for which such coverage is otherwise unavailable; to the Committee on Finance.

By Mrs. BOXER:

S. 1137. A bill to amend the Clayton Act to enhance the authority of the Attorney General of the United States to prevent certain mergers and acquisitions that would unreasonably limit competition; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. DODD, Mr. WYDEN, Mr. HATCH, Mrs. FEINSTEIN, Mr. GORTON, Mr. BENNETT, Mr. LOTT, Mr. ABRAHAM, Mr. FRIST, Mr. BURNS, Mr. SANTORUM, Mr. SMITH of Oregon, and Mr. LIEBERMAN):

S. 1138. A bill to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce; read the first time.

By Mr. REID (for himself and Mr. FRIST):

S. 1139. A bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mr. REID):

S. 1140. A bill to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 1141. A bill to suspend temporarily the duty on triethyleneglycol bis(2-ethyl hexanoate); to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BREAUX (for himself, Mr. MURKOWSKI, Mr. MACK, and Mr. JOHNSON):

S. Res. 108. A resolution designating the month of March each year as "National Colorectal Cancer Awareness Month"; to the Committee on the Judiciary.

By Mr. LOTT:

S. Con. Res. 35. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. COVERDELL):

S. 1124. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers; to the Committee on Finance.

TEACHER PROFESSIONAL DEVELOPMENT ACT

By Mr. COVERDELL (for himself and Ms. COLLINS):

S. 1127. A bill to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for reasonable and incidental expenses related to instruction, teaching, or other educational job-related activities; to the Committee on Finance.

TEACHER DEDUCTION FOR INCIDENTAL EXPENSES ACT

Ms. COLLINS. Mr. President, today, Senator COVERDELL and I are introducing two bills that will help teachers who spend their personal funds in order to improve their teaching skills and to provide quality learning materials for their students. I am going to discuss the first of those bills, the Teachers' Professional Development Act.

I am very pleased to be joined by my colleague from Georgia, Senator COVERDELL, in presenting this response to the critical need of our elementary and secondary schoolteachers for more professional development.

Other than involved parents, a well-qualified teacher is the most important element of student success. Educational researchers have repeatedly demonstrated the close relationship between well-qualified teachers and successful students. Moreover, teachers themselves understand how important professional development is to maintaining and expanding their level of competence. When I meet with Maine teachers, they tell me of their need for more professional development and the scarcity of financial support for this worthwhile pursuit.

In Maine, we have seen the results of a strong, sustained professional development program on student achievement in science and math. With sup-

port from the National Science Foundation, the U.S. Department of Education, the State of Maine, private foundations, the business community, and colleges in our State, the Maine Mathematics and Science Alliance established a statewide training program for teachers. The results have been outstanding.

While American students, overall, performed at the bottom of the Third International Science and Mathematics Study, Maine students outperformed the students of all but one of the 41 participating nations. The professional development available to Maine's science and math teachers undoubtedly played a critical role in this tremendous success story. Unfortunately, however, this level of support for professional development is the exception and not the rule.

The willingness of Maine's teachers to fund their own professional development activities has impressed me deeply. For example, an English teacher who serves as a member of my Educational Policy Advisory Committee told me of spending her own money to attend a curriculum conference. She then came back to her high school and shared the results of this curriculum conference with all the other teachers in her English department. She is typical of the many teachers throughout the United States who generously reach within their own pockets to pay for their own professional development to make them even better, even more effective at their jobs.

I firmly believe that we should encourage our educators to seek professional training, and that is the purpose of the legislation I am introducing today. The Collins-Coverdell legislation would help teachers to finance professional development by allowing them to deduct from their taxable income such expenses as conference fees, tuitions, books, supplies, and transportation associated with qualifying programs. Under the current law, teachers may only deduct these expenses if they exceed 2 percent of their income. My bill would eliminate this 2 percent floor and allow all of the professional development expenses to be deductible.

I greatly admire the many teachers who have voluntarily financed the additional education they need to improve their skills and to serve their students better. I hope that this legislation will encourage teachers to continue to take courses in the subject areas that they teach, to complete graduate degrees in either their subject area or in education, and to attend conferences to get new ideas for presenting course work in a challenging manner. This bill would reimburse our teachers for a very small part of what they invest in our children's future. This would be money well spent.

Investing in education is the surest way for us to build one of our most important assets for our country's future, and that is a well-educated population. We need to ensure that our nation's el-

ementary and secondary school teachers are the best possible so that they can bring out the best in our students. Adopting this legislation would help us to accomplish this goal.

I urge my colleagues to support these efforts, and I look forward to working with my colleagues in assuring enactment of this legislation.

Thank you, Mr. President.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. HATCH, and Mr. MACK):

S. 1125. A bill to restrict the authority of the Federal Communications Commission to review mergers and to impose conditions on licenses and other authorizations assigned or transferred in the course of mergers or other transactions subject to review by the Department of Justice or the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS MERGER REVIEW ACT OF 1999

Mr. MCCAIN. Mr. President, I rise this morning to introduce The Telecommunications Merger Review Act of 1999, which will make the government's review of telecommunications industry mergers more coherent and effective.

It seems like hardly a week goes by without the announcement of yet another precedent-setting merger in the telecommunications industry. Consumers are right to be concerned about the possible effects of these mergers, and the Congress is right to be concerned that government review of these mergers is careful and consistent in keeping consumer interests uppermost.

The urgent need for competence and clarity in reviewing telecom industry mergers highlights a glaring problem in the current system. That problem, Mr. President, arises from the fact that different agencies sequentially go over the same issues, and, after considerable delay, can make radically different decisions on the same sets of facts.

Two of these agencies, the Department of Justice and the Federal Trade Commission, have extensive expertise in analyzing the competition-related issues that are involved in mergers, and they approach the merger review process with a great deal of professionalism and efficiency. The third agency, the Federal Communications Commission, has comparatively little expertise in these issues, and only limited authority under the law.

Nevertheless, the FCC has bootstrapped itself into the unintended role of official federal dealbreaker. How? By using its authority to impose conditions on the FCC licenses that are being transferred as part and parcel of the overall merger deal. Because the FCC must pre-approve all license transfers, its ability to pass on the underlying licenses gives it a chokehold on the parties to the merger. And it uses that chokehold to prolong the process and extract concessions from the merging parties that oftentimes

have very little, if anything, to do with the merger itself.

Mr. President, many people might ask, what's so bad about that? Won't the FCC's conditions make sure that consumer interests are served? The short answer is, the FCC is simply duplicating the review and that the Department of Justice performs with much more competence and efficiency. About the best you can say is that the FCC is wasting valuable resources that could more productively be spent elsewhere. But the real harm lies in the fact that the FCC is foisting needless burdens and restrictions on the merging companies that translate into higher costs for consumers.

The FCC tries to defend its efforts by arguing that its job is really different from DOJ's—that DOJ makes sure that a merger won't harm competition, while the FCC makes sure that the same merger will help competition. In other words, according to the FCC, DOJ looks at a merger's effect on business; the FCC looks at its effect on people. For example, last week FCC Chairman Kennard gave a speech in which he proclaimed that, despite the strain these merger reviews were imposing on the agency, "We will not rest until on each transaction we can articulate to the American public what are the benefits of this merger to average American consumers, because I believe that's what the public-interest review requires."

If that's true, I have good news for Chairman Kennard—he can take a rest, because DOJ is doing exactly the same thing. In a separate speech last week Assistant Attorney General Joel Klein, DOJ's chief merger review official, said that what most people do not understand (including, evidently, the FCC), is that "everything we do in antitrust . . . is consumer driven." He then went on to say precisely what that means:

We are a unique federal agency. Our interest is to protect what the economists call consumer welfare. And there is one simple truth that animates everything we do, and that is competition—the more people chasing after the consumer, to serve him or her better, to get lower prices, to get new innovations, to create new opportunities—the more of that juice that goes through the system, the better.

To be accurate, there is one big difference between the way the FCC and the DOJ do merger reviews: DOJ is infinitely better at it. Two weeks ago the FCC's already-faltering merger review process hit rock-bottom when a staff member (an ostensible antitrust expert) heading up the FCC's review of the SBC-Ameritech merger (which DOJ has already approved) publicly proclaimed that, unless the FCC imposed major conditions, the proposed transaction "flunks the public interest test." An "unnamed agency spokeswoman" then cheerfully agreed that a majority of the Commissioners shared the same view.

Can you imagine either the FTC or DOJ countenancing such happenings during the course of their merger re-

view processes? I think not. This appallingly unprofessional behavior by the FCC staff drove the value of SBC and Ameritech stock down over \$2 billion, and it confirmed that, if this is what passes for FCC merger review "expertise," the FCC has no business being in it.

Mr. President, this bill will restore integrity and professionalism to federal review of telecommunications industry mergers. It does not touch either DOJ's or FTC's broad authority to review all mergers, including all telecommunications industry mergers. It would make sure that any FCC concerns are heard by incorporating the FCC into DOJ and FTC merger review proceedings. Nor does it touch the FCC's broad authority to adopt and enforce rules to govern the behavior of telecommunications companies. What it does do is tell the FCC that, in cases where either DOJ or FTC has reviewed a proposed telecommunications merger and stated in writing no intent to intervene, the FCC must follow the determination of these expert agencies and transfer any FCC licenses without further delay.

Under this bill the FCC may independently review proposed mergers when neither DOJ nor FTC states in writing its intent not to intervene. Nevertheless, because DOJ and FTC review all mergers and have authority to intervene in any merger, their non-intervention is any proposed merger appropriately signifies that they find the transaction at issue is unobjectionable. Therefore, any FCC review in such cases is subject to a strict 60-day deadline, and the FCC is directed to presume approval without attaching further conditions or obligations on any of the parties. Nothing (except extreme unlikelihood) would preclude the FCC from rebutting the presumption with hard facts, nor would the FCC be precluded from subsequently exercising its existing enforcement and rulemaking prerogatives to deal with any unanticipated problems.

Mr. President, we can streamline the way the federal government reviews telecom industry mergers and still safeguard the public interest. That's what this bill is intended to do by eliminating bureaucratic mismanagement while preserving essential federal review and enforcement prerogatives. I urge my colleagues to give it careful consideration and support.

This bill, the Telecom Merger Review Act of 1999, would do nothing to change the authority that the Department of Justice and the Federal Trade Commission currently have to review all telecom industry mergers.

Mr. President: I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1125

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 "Telecommunications Merger Review Act of 1999".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) A stated intent of the Congress in enacting the Telecommunications Act of 1996 was to reduce regulation.

(2) Under existing law, the Department of Justice and the Federal Trade Commission exercise primary authority to review all mergers, including telecommunications industry mergers. The Federal Communications Commission has only limited authority under the Clayton Act to review telecommunications industry mergers.

(3) The Department of Justice and the Federal Trade Commission have extensive expertise in analyzing issues of industry concentration and its effects on competition. The Federal Communications Commission has only limited expertise in analyzing such issues.

(4) Notwithstanding the limitations on its Clayton Act jurisdiction and on its substantive expertise, the Federal Communications Commission exercises broad authority over telecommunications industry mergers pursuant to the nonspecific public interest standard and other provisions in the Communications Act of 1934 that allow it to impose terms and conditions on the assignment and transfer of licenses and other authorizations.

(5) The Federal Communications Commission's exercise of broad authority over telecommunications industry mergers overreaches its intended statutory authority and its substantive expertise and produces delay and inconsistency in its decisions.

(6) Under existing law, parties to a proposed telecommunications industry merger are unable to proceed without the prior approval of the Federal Communications Commission, even if the Department of Justice or the Federal Trade Commission have already approved the merger.

(7) The Federal Communications Commission's existing rulemaking and enforcement prerogatives constitute normal and effective means of assuring that all licensees, including parties to a telecommunications industry merger, operate in the public interest.

(8) The primary jurisdiction and preeminent expertise of the Department of Justice and the Federal Trade Commission on all matters involving industry concentration and its effects on competition, combined with the Federal Communications Commission's existing rulemaking and enforcement prerogatives, make the exercise of separate telecommunications industry merger approval authority by the Federal Communications Commission unnecessary.

(9) Because the duplication of effort, inconsistency, and delay resulting from the Federal Communications Commission's review of telecommunications industry mergers is unnecessary, it imposes unwarranted costs on the industry, on the Commission, and on the public, and it fails to serve the public interest.

SEC. 3. REPEAL OF MERGER APPROVAL AUTHORITY.

Section 11(a) of the Clayton Act (15 U.S.C. 21(a)) is amended by striking "in the Federal Communications Commission where applicable to common carriers engaged in wire or radio communication or radio transmission of energy;"

SEC. 4. REPEAL OF AUTHORITY TO CONDITION LICENSES, ETC.

(a) BASIC ADMINISTRATIVE AUTHORITY.—Section 4(i) of the Communications Act of 1934 (15 U.S.C. 154(i)) is amended by adding at the end thereof the following: "The authority of the Commission to impose terms or conditions on the transfer or assignment of

any license or other authorization assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314."

(b) PUBLIC CONVENIENCE AND NECESSITY.—Section 214(c) of the Communications Act of 1934 (47 U.S.C. 214(c)) is amended by inserting after "require," the following: "The authority of the Commission to impose terms or conditions on the transfer or assignment of any such certificate assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314."

(c) RESTRICTIONS AND CONDITIONS NECESSARY TO CARRY OUT 1934 ACT; TREATIES; INTERNATIONAL CONVENTIONS.—Section 303(r) of the Communications Act of 1934 (47 U.S.C. 303(r)) is amended by adding at the end thereof the following: "The authority of the Commission under this paragraph to impose terms or conditions on the transfer or assignment of any license or other authority assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314."

(d) ALIEN-OPERATED AMATEUR RADIO STATIONS.—Section 310(d) of the Communications Act of 1934 (47 U.S.C. 310(d)) is amended by adding at the end thereof the following: "The authority of the Commission to impose terms or conditions on the transfer or assignment of any authorization issued under this section that is assigned or transferred in a merger or other transaction subject to review by the Department of Justice or the Federal Trade Commission is subject to section 314."

(e) PRESERVATION OF COMPETITION IN COMMERCE.—Section 314 of the Communications Act of 1934 (47 U.S.C. 314) is amended to read as follows:

"SEC. 314. PRESERVATION OF COMPETITION IN COMMERCE.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Commission has no authority to review a merger or other transaction, or to impose any term or condition on the assignment or transfer of any license or other authorization issued under this Act that is proposed to be assigned or transferred in the course of a merger or other transaction, while that merger or other transaction is subject to review by either the Department of Justice or the Federal Trade Commission.

"(b) COMMUNICATIONS MERGERS PRIMARILY REVIEWABLE BY DOJ AND FTC.—The Department of Justice, or the Federal Trade Commission, has primary authority under existing law to review mergers and other transactions involving the proposed assignment or transfer of any license or other authorization issued under this Act. The Commission may file comments in any proceeding before the Department of Justice or the Federal Trade Commission to review a merger or other transaction involving the proposed assignment or transfer of any license or other authorization issued under this Act if those comments reflect the views of a majority of the Commission.

"(c) COMMISSION SHALL IMPLEMENT DOJ OR FTC DECISION WITHOUT ADDITIONAL TERMS OR CONDITIONS.—If—

"(1) the Department of Justice or the Federal Trade Commission reviews a merger or other transaction involving the proposed assignment or transfer of any license or other authorization issued under this Act; and

"(2) it issues a written decision of absolute or conditional approval of, or issues a written statement of nonintervention in, the proposed merger or other transaction, then the Commission shall authorize the assignment or transfer of any license or other

authorization involved in the merger or transaction in accordance with the decision, if any, or as proposed, if a written statement of nonintervention is issued. The Commission may not impose any other term or condition on the assignment or transfer of the license or other authorization so assigned or transferred, or impose any other obligation on any party to that merger or transaction.

"(d) COMMISSION REVIEW OF MERGERS ABSENT DOJ OR FTC PRONOUNCEMENT.—

"(1) IN GENERAL.—The Commission may not review any application for assignment or transfer of a license or other authorization issued under this Act in connection with a merger or other transaction unless neither the Department of Justice nor the Federal Trade Commission issues a decision or statement described in subsection (c)(2) in connection with that merger or other transaction.

"(2) 60-DAY TURNAROUND.—The Commission shall conclude any review of a merger or other transaction it may conduct under paragraph (1) within 60 days after the date on which the Department of Justice and the Federal Trade Commission, whichever is appropriate, issues such a decision or statement.

"(3) PRESUMPTION; DEFAULT APPROVAL.—In reviewing an application under paragraph (1), the Commission shall apply a presumption in favor of unconditional approval of the application. If the Commission fails to issue a final decision within the 60-day period described in paragraph (2), the application shall be deemed to have been granted unconditionally by the Commission."

By Ms. MIKULSKI (for herself,

Mr. KENNEDY, and Mr. DURBIN):

S. 1126. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

IMPORTED FOOD SAFETY IMPROVEMENT ACT OF 1999

Ms. MIKULSKI. Mr. President, I rise today to introduce the "Imported Food Safety Act of 1999." I am proud to be the sponsor of this important legislation which guarantees the improved safety of imported foods.

The health of Americans is not something to take chances with. It is important that we make food safety a top priority. Every person should have the confidence that their food is fit to eat. We should be confident that imported food is as safe as food produced in this country. Cars can't be imported unless they meet U.S. safety requirements. Prescription drugs can't be imported unless they meet FDA standards. You shouldn't be able to import food that isn't up to U.S. standards, either.

We import increasing quantities of fresh fruits and vegetables, seafood, and many other foods. In the past seven years, the amount of food imported into the U.S. has more than doubled. Out of all the produce we eat, 40% of it is imported. Our food supply has gone global, so we need to have global food safety.

The impact of unsafe food is staggering. There have been several frightening examples of food poisoning incidents in the U.S. When Michigan schoolchildren were contaminated with

Hepatitis A from imported strawberries in 1997, Americans were put on alert. Thousands of cases of cyclospora infection from imported raspberries—resulting in severe, prolonged diarrhea, weight loss, vomiting, chills and fatigue were also reported that year. Imported cantaloupe eaten in Maryland sickened 25 people. As much as \$663 million was spent on food borne illness in Maryland alone. Overall, as many as 33 million people per year become ill and over 9000 die as a result of food borne illness. It is our children and our seniors who suffer the most. Most of the food-related deaths occur in these two populations.

These incidents have scared us and have jump-started the efforts to do more to protect our nation's food supply. Now, I believe in free trade, but I also believe in fair trade. FDA's current system of testing import samples at ports of entry does not protect Americans. It is ineffective and resource-intensive. Less than 2% of imported food is being inspected under the current system. At the same time, the quantity of the imported foods continues to increase.

What this law does is simple: It improves food safety and aims at preventing food borne illness of all imported foods regulated by the FDA. This bill takes a long overdue, big first step.

First, it requires that FDA make equivalence determinations on imported food. This was developed with the FDA by Senator KENNEDY and myself in consultation with the consumer groups.

Today, FDA has no authority to protect Americans against imported food that is unsafe until it is too late. Last year, the GAO found that FDA lacks the authority to require that food coming into the U.S. is produced, prepared, packed or held under conditions that provide the same level of food safety protection as those in the U.S. This means that currently, food offered for import to the U.S., can be imported under any conditions, even if those conditions are unsanitary. The Imported Food Safety Act of 1999, will allow FDA to look at the production at its source. This means that FDA will be able to take preventive measures. FDA will be able to be proactive, rather than just reactive.

That means that when you pack your children's lunches for school or sit down at the dinner table, you can rest assured that your food will be safe. Whether your strawberries were grown in a foreign country or on the Eastern Shore, in Maryland, those strawberries will be held to the same standard. You won't have to worry or wonder where your food is coming from. You won't have to worry that your children or families are going to get sick. You will know that the food coming into this country will be subject to equivalent standards.

Secondly, this bill contains strong enforcement measures. Last year, the

Permanent Subcommittee on Investigations, under the leadership of Senator SUE COLLINS, held numerous hearings on the safety of imported food. These enforcement measures are largely a product of those facts uncovered during those hearings. Senator COLLINS developed these enforcement provisions and introduced a bill which focuses on enforcement. I refer those with special interest in enforcement to also consider her bill.

Finally, this bill covers emergency situations by allowing FDA to ban imported food that has been connected to outbreaks of food borne illness. When our children, parents and communities are getting seriously sick, the Secretary of Health and Human Services can immediately issue an emergency ban. We don't have to wait till someone else gets seriously sick or dies. We no longer have to go through the current bureaucratic mechanism that is inefficient and resource intensive. We can stop the food today, to protect our citizens.

My goal is to strengthen the food supply, whatever the source of the food may be. This bill won't create trade barriers. It just calls for free trade of safe food. It calls for international concern and consensus on guaranteeing standards for public health.

This bill is important because it will save lives and makes for a safer world. Everyone should have security in knowing that the food they eat is fit to eat. I'd like to thank FDA for their advice and consultation in developing this legislation. I also want to thank the Consumer Federation of America for their insight and recommendations.

I look forward to working on a bipartisan basis to enact this legislation. I pledge my commitment to fight for ways to make America's food supply safer. This bill is an important step in that direction.

Mr. President, I ask unanimous consent that the statement of Ms. Carol Tucker Foreman, Distinguished Fellow and Director of the Food Policy Institute, be printed in the RECORD.

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

STATEMENT OF CAROL TUCKER FOREMAN, DISTINGUISHED FELLOW AND DIRECTOR OF THE FOOD POLICY INSTITUTE

I am here today on behalf of the Consumer Federation of America and the National Consumers' League to endorse the Imported Food Safety Act of 1999. I thank Senators Mikulski, Kennedy and Durbin and Congresswoman Eshoo for introducing this very important legislation.

It will improve the Food and Drug Administration's capacity to protect American consumers from food-borne illness caused by adulterated imported food.

Food-borne illness is a serious public health problem in the U.S. Food poisoning kills 9,000 Americans each year and causes as many as 33 million illnesses. It costs us at least \$5 billion each year in medical costs and time lost from work. The human toll is incalculable.

Americans eat from a global plate. We want a wide variety of foods available on a

year round basis. Health experts urge us to eat more fruits and vegetables. Imports make fresh fruits available to us even in the middle of February.

But no one wants imported foods served with a side helping of food poisoning. We want all our food, domestic and imported, to be safe.

We have not had that assurance. In recent years there have been a number of incidents of food-borne illness arising from imported food products. Last year, the Senate Permanent Subcommittee on Investigations revealed serious problems with the Food and Drug Administration's capacity to protect Americans from unsafe food.

The General Accounting Office reported that FDA can't protect us because the agency has no authority to require that foods coming into the United States be produced and packaged under circumstances that provide the same level of health protection required for domestic food producers and processors.

Most American consumers, and frankly most food producers and processors as well, would be shocked to learn that imported food is not required to be produced in a manner that provides the same level of health protection as domestic products and that FDA has no authority to check, in advance, for adequate public health safeguards. FDA can act only after the fact—after adulterated food has been found or someone has gotten sick.

The USDA inspects meat, poultry and egg products. GAO noted that USDA has the necessary power to protect consumers. The Department has the authority to require that meat and poultry produced abroad and imported into the U.S. be produced in a system that provides a level of health protection equivalent to that imposed on U.S. producers. That level of protection may include limits on bacteria that cause human illness. In addition, USDA has federally sworn inspectors who examine the foreign systems and check food at the docks.

The Food and Drug Administration has jurisdiction over all other food products, including the fresh fruits and vegetables that are so susceptible to contamination. FDA has no similar authority, no inspectors who visit foreign plants and virtually no inspectors to check food at the docks. Last year, FDA checked only two percent of the food imported into the U.S. In fact, FDA has established only a limited number of performance standards for domestically produced foods.

That point bears repeating. If you eat meat and poultry produced in another country and imported into the U.S., you can do so knowing they were produced under circumstances at least as clean and sanitary as meat, poultry and eggs produced in the U.S. If you consume fresh fruits and vegetables produced in another country, you have no such assurance, even though you will cook your meat, poultry and eggs but may well eat the fruits and vegetables raw, increasing the chance that you will consume disease causing bacteria.

In a recent study, the Center for Science in the Public Interest surveyed 225 food-borne illness outbreaks that occurred between 1990 and 1998. Foods regulated by the FDA caused over twice as many outbreaks as foods regulated by the USDA. Fruits, vegetables and salads caused 48 outbreaks. Seafood, both finfish and shellfish, caused 32 outbreaks.

USDA's more rigorous system of inspection has certainly not stopped foreign produced meat products from entering the country. We import hundreds of millions of pounds of meat each year from Australia, to Argentina and Denmark and a host of other countries. Neither foreign nor domestic producers have suffered any loss of trade.

The Imported Food Safety Act sets up a system for the Secretary of Health and Human Services to use in establishing equivalency; gives FDA more authority to visit other countries; provides important enforcement authority and controls over imported foods; prohibits port shopping and increases penalties for importing contaminated foods and authorizes new funding for FDA to carry out these functions.

Americans do care about food safety. The Food Marketing Institute, the nation's super market trade association, recently released its annual survey of trends among super market shoppers. Ninety percent of those surveyed said food safety was very important or somewhat important to them in making food selections. The Imported Food Safety Act will increase assurance among consumers that the food supply is safe.

The Imported Food Safety Act is an important part of a package of food safety legislation which Congress should address this year. Other parts of the package include legislation to promote the use of specific microbial standards for both domestic and foreign produce, introduced by Senator Harkin; require registration of importers, introduced by Senator Dorgan. Congress should act now before confidence is diminished.

Mr. KENNEDY. Mr. President, it is a privilege to be a sponsor of this important bill, and I commend Senator MIKULSKI for her leadership on this legislation to close the critical gaps in our imported food safety laws.

Citizens deserve to know that the food they eat is safe and wholesome, regardless of its source. The United States has one of the safest food supplies in the world. Yet every year, millions of Americans become sick, and thousands die, from eating contaminated food. Billions of dollars a year in medical costs and lost productivity are caused by food-borne illnesses. Often, the source of the problem is imported food.

We've heard recently about the thousands of cases of illness from *Cyclospora* in raspberries from Guatemala. But this high profile case is by no means the only case.

In 1997, school children in five states contracted Hepatitis A from frozen strawberries served in the school cafeterias. Fecal contamination is a potential source of Hepatitis A, and the strawberries the children ate came from a farm in Mexico where workers had little access to sanitary facilities.

Earlier this year, cases of typhoid fever in Florida were linked to a frozen tropical fruit product from Guatemala. Again, poor sanitary conditions appear to be at the root of the problem.

Gastrointestinal illness has been linked to soft cheeses from Europe. Bacterial food poisoning has been attributed to canned mushrooms from the Far East.

The emergence of highly virulent strains of bacteria, and an increase in the number of organisms that are resistant to antibiotics, make microbial contamination of food a major public health challenge.

Ensuring the safety of imported food is a huge task. Americans now enjoy a wide variety of foods from around the world and have access to fresh fruits

and vegetables year round. In 1997, the Food Safety Inspection Service of the Department of Agriculture handled 118,000 entries of imported meat and poultry. The FDA handled far more—2.7 million entries of other imported food. Current FDA procedures and resources allowed for less than two percent of those 2.7 million imports to be physically inspected. Clearly, we need to do better.

The authority of the FDA is not sufficient to prevent contaminated food imports from reaching our shores. The Agency has no legal authority to require that food imported into the United States is prepared, packed and stored under conditions that provide the same level of public health protection as similar food produced in the U.S. Under current procedures, the FDA takes random samples of imports as they arrive at the border. The imports often continue on their way to stores in all parts of the country while testing is being done, and it is often difficult to recall the food if a problem is found. Unscrupulous importers make the most of the loopholes in the law, including substituting cargo, falsifying laboratory results, and attempting to bring a refused shipment in again, at a later date or at a different port.

The legislation we are introducing today will give the Secretary of Health and Human Services the additional authority needed to assure that food imports are as safe as food grown and prepared in this country.

It will give the FDA greater authority to deal with outbreaks of food-borne illness and to bar further imports of dangerous foods until improvements at the source can guarantee the safety of future shipments. This authority covers foods that have repeatedly been associated with food-borne disease, have repeatedly been found to be adulterated, or have been linked to a catastrophic outbreak of food-borne illness.

It will close loopholes in the law and give the FDA better tools to deal with unscrupulous importers.

It will authorize the Centers for Disease Control and Prevention to target resources toward enhanced surveillance and prevention activities to deal with food-borne illnesses, including new diagnostic tests, better training of health professionals, and increased public awareness about food safety.

Too many citizens today are at unnecessary risk of food-borne illness. The measure we are proposing is designed to reduce that risk as much as possible, both immediately and for the long term. We know that there are powerful special interests that put profits ahead of safety, but Americans need and deserve laws that better protect their food supply. This is essential legislation, and I look forward to working with my colleagues to see that it is enacted as soon as possible.

By Mr. KYL (for himself, Mr. KERREY, Mr. NICKLES, Mr.

BREAUX, Mr. MACK, Mr. ROBB, and Mr. GRAMM):

S. 1128. A bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets; to the Committee on Finance.

ESTATE TAX ELIMINATION ACT OF 1999

Mr. KYL. Mr. President, I rise today with my colleagues, Senators BOB KERREY, DON NICKLES, JOHN BREAUX, SCONNIE MACK, CHUCK ROBB, and PHIL GRAMM to introduce a bill that attempts to forge bipartisan consensus with regard to the future of the federal estate tax. The legislation we are offering today is titled the Estate Tax Elimination Act of 1999.

Mr. President, we know that many Americans are troubled by the estate tax's complexity and high rates, and by the mere fact that it is triggered by a person's death rather than the realization of income. For a long time, I have advocated its repeal, because I believe death should not be a taxable event.

Other people agree that the tax is problematic, but are concerned the appreciated value of certain assets might escape taxation forever if the estate tax is repealed while the step-up in basis allowed under Section 1014 of the Internal Revenue Code remains in effect.

The legislation we are introducing today attempts to reconcile these positions by eliminating both the estate tax and the step-up, and attributing a carryover basis to inherited property so that all gains are taxed at the time the property is sold and income is realized. This is an explicit trade-off: estate-tax repeal for implementation of a carryover basis. Both must occur, or this plan will not work.

The concept of a carryover basis is not new. It exists in current law with respect to gifts, Section 1015 of the Internal Revenue Code, and property transferred in cases of divorce, Section 1041, and in connection with involuntary conversions of property relating to theft, destruction, seizure, requisition, or condemnation.

In the latter case, when an owner receives compensation for involuntarily converted property, a taxable gain normally results to the extent that the value of the compensation exceeds the basis of the converted property. However, Section 1033 of the Internal Revenue Code allows the taxpayer to defer the recognition of the gain until the property is sold. The Kyl-Kerrey bill would treat the transfer of property at death—perhaps the most involuntary conversion of all—the same way, deferring recognition of any gain until the inherited property is sold.

Our bill would also establish a limited capital-gains exclusion for inherited property to ensure that small estates, which are currently exempt from tax by virtue of the unified credit and the step-up in basis, do not find them-

selves with a new tax liability when the proposed law takes effect.

Mr. President, I have asked the Joint Tax Committee to review the proposal and provide an official revenue estimate. We are awaiting the results of that review now.

I hope the members of the Finance Committee will take a serious and careful look at this bipartisan proposal. With it, we ought to be able to finally eliminate the estate tax—and do it this year.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

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

S. ____ THE ESTATE TAX ELIMINATION ACT SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Designates the bill, the "Estate Tax Elimination Act of 1999."

Section 2. Repeal of certain Federal transfer taxes

Repeals Subtitle B of the Internal Revenue Code (IRC), thus eliminating the federal estate, gift, and generation-skipping transfer taxes as of the date of enactment.

Section 3. Termination of a step-up in basis at death

Amends IRC Section 1014 to eliminate the step-up in basis at death with respect to property acquired from a decedent dying after the date of enactment. The basis for such property is to be determined pursuant to a new IRC Section 1022 (section 4 of the bill).

Section 4. Carryover basis at death

Establishes a new IRC Section 1022 to provide for carryover basis for certain property acquired from a decedent.

(a) If property is classified as carryover basis property, its new basis in the hands of the acquiring person will be its initial basis, increased by its allowable share of the decedent's exclusion allowance determined under (c) below.

(b) Carryover basis property means property which has been acquired from a decedent who died after the date of enactment, and which is not any of the following:

(1) Property acquired from the decedent and sold, exchanged, or otherwise disposed of by the acquiring person before the decedent's death;

(2) An item of income in respect of a decedent;

(3) Life-insurance proceeds under IRC Section 2042;

(4) Foreign personal holding company stock as described in IRC Section 1014(b)(5); or

(5) Property transferred to a surviving spouse, the value of which would have been deductible from the value of the taxable estate of the decedent under IRC Section 2056.

(6) Tangible personal property (e.g., household effects) valued at \$50,000 or less which was a capital asset in the hands of the decedent and for which the executor has made an election on a required information return.

(c) The decedent's general exclusion allowance is equal to the lesser of:

(1) an applicable amount for the year of the decedent's death as follows:

\$650,000 in 1999
\$675,000 in 2000 and 2001
\$700,000 in 2002 and 2003
\$850,000 in 2004
\$950,000 in 2005

\$1 million in 2006 and thereafter.

or the aggregate net appreciation (fair market value, less initial basis) of all carryover basis property.

Except that, if the decedent had a deceased spouse whose own exclusion allowance was less than the applicable amount for that spouse, the decedent's applicable amount will be increased by the unallocated portion of the deceased spouse's applicable amount.

(2) As per current law, family-owned businesses and farms would be eligible for an additional exclusion, which combined with the general exclusion allowance could total up to \$1.3 million.

(3) The executor will allocate the exclusion-allowance amount to the carryover basis property on a required information return. Any allocation may be changed at any time up to the 30th day after the initial-basis finality date, which means the last day on which the initial basis of property may be changed in an administrative or judicial proceeding under new IRC Section 7480. The basis adjustment for any property shall not exceed the net appreciation in such property and may not increase the basis of such property above its fair market value.

In the case of any carryover basis property which was a personal or household effect, the basis of such property in the hands of the acquiring person shall not exceed its fair market value for purposes of determining loss.

A nonresident, not a citizen of the United States, is ineligible for a basis adjustment based upon a decedent's exclusion allowance.

(d) Establishes a new IRC Section 7480 to provide procedures for receiving a binding determination of the initial basis of carryover basis property.

(e) Establishes a new IRC Section 6039H to require an executor to file an information return providing all of the necessary information with respect to carryover basis property. An executor is required to furnish, in writing, the adjusted basis of such item to each person acquiring an item or carryover basis property from a decedent.

By Mr. DOMENICI:

S. 1129. A bill to facilitate the acquisition of inholdings in Federal land management units and the disposal of surplus public land, and for other purposes; to the Committee on Energy and Natural Resources.

FEDERAL LAND TRANSACTION FACILITATION ACT

Mr. DOMENICI. Mr. President, today I introduce the Federal Land Transaction Facilitation Act, which addresses longstanding problems encountered by Federal land managers first, in disposing of surplus federal property, and secondly, in acquiring private inholdings within federally designated areas. This legislation builds on existing laws and provides resources dedicated to the consolidation of federal agency land holdings.

I first introduced this bill prior to the end of the 105th Congress, as Title II to the Valles Caldera Preservation Act. This portion of that legislation was independent of the proposed acquisition of land in New Mexico, and perhaps more important. Again this year, Congress will commit large sums of federal taxpayer dollars to purchase new property. Before we do, however, it seems prudent to provide a framework for the orderly disposal of unneeded federal property that also commits resources to meet our current obligations to those who hold land surrounded by federal property.

Currently, one-third of the land area in New Mexico is owned by the Federal

government. On average, across the eleven Western States, the Federal government owns approximately one half of the land. I agree that this public land is an important natural resource that requires our most thoughtful consideration in the way it is managed and used by the public.

To best conserve our existing national treasures for future use and enjoyment, we must devise, with the concurrence of other members of Congress and the President, a definite plan and timetable to dispose of surplus land through sale or exchange into private, or State and local government ownership.

The Federal Land Transaction Facilitation Act provides for the orderly disposition of unneeded Federal property on a state by state basis. It also addresses the problem of what are known as "inholdings" within federally managed areas. These interrelated problems give rise to an interrelated solution proposed in this legislation.

There are currently more than 45 million acres of privately owned land trapped within the boundaries of Federal land management units, including national parks, national forests, national monuments, national wildlife refuges, and wilderness areas. In many cases, the location of these tracts, referred to as inholdings, makes the exercise of private property rights difficult for the land owner. In addition, management of the public land is made more cumbersome for the Federal managers.

There are also cases where inholders have been waiting generations for the federal government to set aside funding and prioritize the acquisition of their property. With rapidly growing public demand for the use of public land, it is increasingly difficult for federal managers to address problems created by inholdings in many areas.

This legislation directs the Department of the Interior to identify inholdings existing within Federal land management units that landowners that have indicated a desire to sell to the Federal government. Inholdings will only be considered for acquisition by the Secretary of Interior if, after public notice, landowners indicate their willingness to sell. The Secretary will then establish a priority for their acquisition considering, among other factors, those which have existed as inholdings for the longest time.

Additionally, this legislation authorizes the use of the proceeds generated from sale of land no longer needed by the Bureau of Land Management (BLM) to purchase these inholdings from willing sellers. This will enhance the ability of the Federal land management agencies to work cooperatively with private land owners, and with State and local governments, to consolidate the ownership of public and private land in a manner that would allow for better overall resource management.

There is an abundance of public domain land that the BLM has deter-

mined it no longer needs to fulfil its mission. Under the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM has identified an estimated four to six million acres of public domain land for disposal, with public input and consultation with State and local governments as required by law.

Let me state this very clearly—the BLM already has authority under an existing law, FLPMA, to exchange or sell land out of Federal ownership. Through its public process for land use planning, when the agency has determined that certain land would be more useful to the public under private or local governmental control, it is already authorized to dispose of this land, either by sale or exchange. This legislation maintains every aspect of existing law. It also provides an orderly process, and sufficient resources, for the BLM to exercise it.

The sale or exchange of land which I have often referred to as "surplus," would be beneficial to local communities, adjoining land owners, and BLM land managers, alike. First, it would allow for the reconfiguration of land ownership patterns to better facilitate resource management. Second, it would contribute to administrative efficiency within federal land management units, by allowing for better allocation of fiscal and human resources within the agency. Finally, in certain locations, the sale of public land which has been identified for disposal is the best way for the public to realize a fair value for this land.

The problem is that an orderly process for the efficient disposition of lands identified for disposal does not currently exist. This legislation corrects that problem by directing the BLM to fulfil all legal requirements for the transfer of land out of Federal ownership, and providing a dedicated source of funding generated from the sale of this land to continue this process.

I want to make it clear that this program will in no way detract from other programs with similar purposes. The bill clearly states that proceeds generated from the disposal of public land, and dedicated to the acquisition of inholdings, will supplement, and not replace, funds appropriated for that purpose through the Land and Water Conservation Fund. In addition, the bill states that the BLM should rely on non-Federal entities to conduct appraisals and other research required for the sale or exchange of this land, allowing for the least disruption of existing land and resource management programs.

This bill has been a long time in the making. For over a year, now, I have been working with and talking to knowledgeable people, both inside and outside of the current administration, to develop many of the ideas embodied in this bill. Prior to adjournment of the 105th Congress, my staff and I worked closely with the administration on this legislation. I have since received additional comments from the

Interior Department, and have included many of their suggestions into this bill.

I feel comfortable in stating that by working together, we have reached agreement in principle on the best way to proceed with these very important issues involving the management of public land resources, namely, the disposition of surplus public land in combination with a program to address problems associated with inholdings within our Federal land management units.

I look forward to hearings on this matter, and anticipate that most of my fellow Senators will agree that Federal Land Transaction Facilitation Act logically addresses this management issue. I believe that in the end, we will be able to stand together and tell the American people that we truly have accomplished a great and innovative thing with this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1129

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 "Federal Land Transaction Facilitation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to sell land identified for disposal under its land use planning;

(2) the Bureau of Land Management has authority under that Act to exchange Federal land for non-Federal land if the exchange would be in the public interest;

(3) through land use planning under that Act, the Bureau of Land Management has identified certain tracts of public land for disposal;

(4) the land management agencies of the Department of the Interior have authority under existing law to acquire land consistent with land use plans and the mission of each agency;

(5) the sale or exchange of land identified for disposal and the acquisition of certain non-Federal land from willing landowners would—

(A) allow for the reconfiguration of land ownership patterns to better facilitate resource management;

(B) contribute to administrative efficiency within Federal land management units; and

(C) allow for increased effectiveness of the allocation of fiscal and human resources within the Federal land management agencies;

(6) a more expeditious process for disposal and acquisition of land, established to facilitate a more effective configuration of land ownership patterns, would benefit the public interest;

(7) many private individuals own land within the boundaries of Federal land management units and desire to sell the land to the Federal Government;

(8) such land lies within national parks, national monuments, national wildlife refuges, and other areas designated for special management;

(9) Federal land management agencies are facing increased workloads from rapidly growing public demand for the use of public land, making it difficult for Federal managers to address problems created by the existence of inholdings in many areas;

(10) in many cases, inholders and the Federal Government would mutually benefit from Federal acquisition of the land on a priority basis;

(11) proceeds generated from the disposal of public land may be properly dedicated to the acquisition of inholdings and other land that will improve the resource management ability of the Bureau of Land Management and adjoining landowners;

(12) using proceeds generated from the disposal of public land to purchase inholdings and other such land from willing sellers would enhance the ability of the Federal land management agencies to—

(A) work cooperatively with private landowners and State and local governments; and

(B) promote consolidation of the ownership of public and private land in a manner that would allow for better overall resource management;

(13) in certain locations, the sale of public land that has been identified for disposal is the best way for the public to receive fair market value for the land; and

(14) to allow for the least disruption of existing land and resource management programs, the Bureau of Land Management may use non-Federal entities to prepare appraisal documents for agency review and approval consistent with applicable provisions of the Uniform Standards for Federal Land Acquisition.

SEC. 3. DEFINITIONS.

In this Act:

(1) **EXCEPTIONAL RESOURCE.**—The term "exceptional resource" means a resource of scientific, historic, cultural, or recreational value that has been documented by a Federal, State, or local governmental authority, and for which extraordinary conservation and protection is required to maintain the resource for the benefit of the public.

(2) **FEDERALLY DESIGNATED AREA.**—The term "Federally designated area" means land administered by the Secretary in Alaska and the eleven contiguous Western States (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that on the date of enactment of this Act was within the boundary of—

(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;

(B) a unit of the National Park System;

(C) a unit of the National Wildlife Refuge System; or

(D) a wilderness area designated under the Wilderness Act (16 U.S.C. 1131 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), or the National Trails System Act (16 U.S.C. 1241 et seq.).

(3) **INHOLDING.**—The term "inholding" means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

(4) **PUBLIC LAND.**—The term "public land" means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(5) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

SEC. 4. IDENTIFICATION OF INHOLDINGS.

(a) **IN GENERAL.**—The Secretary shall establish a procedure to—

(1) identify, by State, inholdings within federally designated areas for which the landowner has indicated a desire to sell the land or an interest in land to the Federal Government; and

(2) establish the date on which the land or interest in land identified became an inholding.

(b) **NOTICE OF POLICY.**—The Secretary shall provide, in the Federal Register and through such other means as the Secretary may determine to be appropriate, periodic notice to the public of the policy under subsection (a), including any information required by the Secretary to consider an inholding for acquisition under section 6.

(c) **IDENTIFICATION.**—An inholding—

(1) shall be considered for identification under this section only if the Secretary receives notification of a desire to sell from the landowner in response to public notice given under subsection (b); and

(2) shall be deemed to have been established as of the later of—

(A) the earlier of—

(i) the date on which the land was withdrawn from the public domain; or

(ii) the date on which the land was established or designated for special management; or

(B) the date on which the inholding was acquired by the current owner.

(d) **APPLICATION TO THE SECRETARY OF AGRICULTURE.**—If funds become available under section 6(c)(2)(E)—

(1) this section shall apply to the Secretary of Agriculture; and

(2) private land within an area described in that section shall be deemed to be an inholding for the purposes of this Act.

(e) **NO OBLIGATION TO CONVEY OR ACQUIRE.**—The identification of an inholding under this section creates no obligation on the part of a landowner to convey the inholding or any obligation on the part of the United States to acquire the inholding.

SEC. 5. DISPOSAL OF PUBLIC LAND.

(a) **IN GENERAL.**—The Secretary shall establish a program, using funds made available under section 6, to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans (as in effect on the date of enactment of this Act) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(b) **SALE OF PUBLIC LAND.**—

(1) **IN GENERAL.**—The sale of public land so identified shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(2) **EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS.**—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to this section in cases in which the Secretary determines it to be necessary.

(c) **REPORT IN PUBLIC LAND STATISTICS.**—The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities under this section.

(d) **TERMINATION OF AUTHORITY.**—The authority provided under this section shall terminate 10 years after the date of enactment of this Act.

SEC. 6. FEDERAL LAND DISPOSAL ACCOUNT.

(a) **DEPOSIT OF PROCEEDS.**—Notwithstanding any other law (except a law that specifically provides for a proportion of the proceeds to be distributed to any trust funds of any States), the gross proceeds of the sale or exchange of public land under this Act shall be deposited in a separate account in the Treasury of the United States to be known as the "Federal Land Disposal Account".

(b) **AVAILABILITY.**—Amounts in the Federal Land Disposal Account shall be available to the Secretary, without further Act of appropriation, to carry out this Act.

(c) **USE OF THE FEDERAL LAND DISPOSAL ACCOUNT.**—

(1) **IN GENERAL.**—Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection.

(2) **FUND ALLOCATION.**—

(A) **PURCHASE OF LAND.**—Except as authorized under subparagraph (C), funds shall be used to purchase—

(i) inholdings; and

(ii) land adjacent to federally designated areas that contains exceptional resources.

(B) **INHOLDINGS.**—Not less than 80 percent of the funds allocated for the purchase of land within each State shall be used to acquire—

(i) inholdings identified under section 4; and

(ii) National Forest System land as authorized under subparagraph (E).

(C) **ADMINISTRATIVE AND OTHER EXPENSES.**—An amount not to exceed 20 percent of the funds in the Federal Land Disposal Account shall be used for administrative and other expenses necessary to carry out the land disposal program under section 5.

(D) **SAME STATE PURCHASES.**—Of the amounts not used under subparagraph (C), not less than 80 percent shall be expended within the State in which the funds were generated. Any remaining funds may be expended in any other State.

(E) **PURCHASE OF NATIONAL FOREST SYSTEM LAND.**—Beginning 5 years after the date of enactment of this Act, if, for any fiscal year, the Secretary determines that funds allocated for the acquisition of inholdings under this section exceed the availability of inholdings within a State, the Secretary may use the excess funds to purchase land, on behalf of the Secretary of Agriculture, within the boundaries of a national recreation area, national scenic area, national monument, national volcanic area, or any other area designated for special management by an Act of Congress within the National Forest System.

(3) **PRIORITY.**—The Secretary may develop and use criteria for priority of acquisition that are based on—

(A) the date on which land or interest in land became an inholding;

(B) the existence of exceptional resources on the land; and

(C) management efficiency.

(4) **BASIS OF SALE.**—Any acquisition of land under this section shall be—

(A) from a willing seller;

(B) contingent on the conveyance of title acceptable to the Secretary (and the Secretary of Agriculture, in the case of an acquisition of National Forest System land) using title standards of the Attorney General; and

(C) at not less than fair market value consistent with applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions.

(d) **CONTAMINATED SITES AND SITES DIFFICULT AND UNECONOMIC TO MANAGE.**—Funds in the Federal Land Disposal Account shall not be used to purchase land or an interest in land that, as determined by the Secretary—

(1) contains a hazardous substance or is otherwise contaminated; or

(2) because of the location or other characteristics of the land, would be difficult or uneconomic to manage as Federal land.

(e) **INVESTMENT.**—Amounts in the Federal Land Disposal Account shall earn interest at a rate determined by the Secretary of the Treasury based on the current average market yield on outstanding marketable obliga-

tions of the United States of comparable maturities.

(f) **LAND AND WATER CONSERVATION FUND ACT.**—Funds made available under this section shall be supplemental to any funds appropriated under the Land and Water Conservation Fund Act (16 U.S.C. 4601-4 et seq.).

(g) **TERMINATION.**—On termination of activities under section 5—

(1) the Federal Land Disposal Account shall be terminated; and

(2) any remaining balance in the account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601-6).

SEC. 7. SPECIAL PROVISIONS.

(a) **IN GENERAL.**—Nothing in this Act provides an exemption from any limitation on the acquisition of land or interest in land under any Federal Law in effect on the date of enactment of this Act.

(b) **OTHER LAW.**—This Act shall not apply to land eligible for sale under—

(1) Public Law 96-568 (commonly known as the "Santini-Burton Act") (94 Stat. 3381); or

(2) the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343).

(c) **EXCHANGES.**—Nothing in this Act precludes, preempts, or limits the authority to exchange land under—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(2) the Federal Land Exchange Facilitation Act of 1988 (102 Stat. 1086) or the amendments made by that Act.

(d) **NO NEW RIGHT OR BENEFIT.**—Nothing in this Act creates a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person.

By Mr. MCCAIN (for himself, Mr. ASHCROFT, Mr. BOND, Mr. BURNS, Mr. GORTON, and Mr. INHOFE):

S. 1130. A bill to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles; to the Committee on Commerce, Science, and Transportation.

MOTOR VEHICLE RENTAL FAIRNESS ACT OF 1999

Mr. MCCAIN. Mr. President, I rise to introduce the Motor Vehicle Rental Fairness Act of 1999. The measure is short, simple and important. It will assure that companies who rent or lease motor vehicles are not held liable for accidents caused by their customers when there is no way the companies could prevent these accidents.

Normally under our system of jurisprudence, defendants in lawsuits are held liable based upon their action or inaction. Unfortunately, a small number of states ignore this general principle. This minority of states subject rental and leasing companies to unlimited liability for accidents caused by their customers that involve the company's vehicles—despite the fact that the company was not at fault. This type of vicarious liability, liability without fault, holds these companies liable even when they have not been negligent in any way and the vehicle operated perfectly.

The measure I am introducing prevents states from holding companies liable for accidents based solely upon

their ownership of the vehicles. The bill makes clear that rental companies would still be liable if the vehicle did not operate properly. It makes clear that companies are not excused from meeting state minimum insurance requirements on their motor vehicles. Minimum insurance requirements ensure that people involved in accidents with vehicles owned by rental companies have recourse to recover some damages.

The reason most often cited for imposing vicarious liability is to ensure that an innocent third party can recover damages in an accident. Unfortunately, this quest for a financially responsible defendant has led to absurd results. If a vehicle is purchased from a bank or finance company, then there is no vicarious liability. However, if that same vehicle is leased, vicarious liability applies.

This problem attracted my attention because of the impact the policies of a small number of states have on interstate commerce. Settlements and judgments from vicarious liability claims against rental companies cost the industry over \$100 million annually. And let me be clear, it is the consumer who is paying this cost.

For these reasons, this bill and the reforms it implements are long overdue. Everyone, companies and individuals alike should be held liable only for harm they caused or could have prevented. The only way these companies can prevent this harm would be to go out of business. This is an absurd expectation that will be remedied by this bill.

I look forward to hearings on this matter and working with my colleagues to ensure its passage. 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. 1130

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 "Motor Vehicle Rental Fairness Act of 1999".

SEC. 2. FINDING.

The Congress finds that the vicarious liability laws, the ultimate insurer laws, and the common law in a small minority of States—

(1) impose a disproportionate and undue burden on interstate commerce by increasing rental rates for motor vehicle rental and leasing customers throughout the United States; and

(2) pose a significant competitive barrier to entry for smaller motor vehicle rental and leasing companies attempting to compete in these markets,

in contravention of a fundamental principle of fairness that there should be no liability in the absence of fault.

SEC. 3. LIMITATION ON LIABILITY.

(a) **IN GENERAL.**—Part C of subtitle VI of title 49, United States Code, is amended by adding at the end thereof the following:

"CHAPTER 333. LIABILITY FOR COMPANIES THAT RENT OR LEASE MOTOR VEHICLES.

"Sec.

"33301. Limitation of liability

"§ 33301. Limitation of liability

"(a) IN GENERAL.—Notwithstanding any State statutory or common law, no State or political subdivision of a State may hold any business entity engaged in the trade or business of renting or leasing motor vehicles liable to others for harm caused by a person to himself or herself, to another person, or to property resulting from that person's operation of a rented or leased motor vehicle solely because that business entity is the owner of the motor vehicle.

"(b) APPLICATION WITH CERTAIN OTHER LAWS.—

"(1) NEGLIGENCE.—Subsection (a) does not apply to liability imposed under a State's statutory or common law based on negligence of a motor vehicle owner.

"(2) FINANCIAL RESPONSIBILITY LAWS.—Nothing in this section supersedes the law of any State or political subdivision thereof—

"(A) imposing financial responsibility or insurance standards on the owner of a motor vehicle for the privilege of registering and operating a motor vehicle; or

"(B) imposing liability on business entities engaged in the trade or business of renting or leasing motor vehicles for failure of such entity to meet financial responsibility or liability insurance requirements under State law.

"(c) DEFINITIONS.—In this section:

"(1) BUSINESS ENTITY.—The term 'business entity' means a sole proprietorship, corporation, trust, limited liability company, company, association, firm, partnership, society, joint stock company, or other legal entity, and includes a department, agency, or instrumentality of the government of the United States, a State, or a political subdivision of a State.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given that term by section 13102(14).

"(3) OWNER.—In this section, the term 'owner' means—

"(A) a person who is a record or beneficial owner or long-term lessee of a motor vehicle;

"(B) a person entitled to the use and possession of a motor vehicle subject to a security interest in another person;

"(C) a lessee or bailee of a motor vehicle in the trade or business of renting or leasing motor vehicles, having the use or possession thereof, under a lease, bailment, or otherwise.

"(4) PERSON.—The term 'person' has the meaning given to it by section 1 of title 1, but also includes a government entity.

"(5) GOVERNMENT ENTITY.—The term 'government entity' means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities)."

(b) CONFORMING AMENDMENT.—The analysis for part C of subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 331, the following:

"333. Liability for companies that rent or lease motor vehicles 33301".

SEC. 4. EFFECTIVE DATE.

Section 33301 of title 49, United States Code, as added by section 3 of this Act, applies to any civil action commenced on or after the date of enactment of this Act.

• Mr. ASHCROFT. Mr. President, I rise today in support of the legislation being introduced by the distinguished Chairman of the Senate Commerce

Committee—the senior Senator from Arizona. I strongly support the reforms to state vicarious liability laws contained in the "Motor Vehicle Rental Fairness Act of 1999" and urge my colleagues to support this important bill and move it swiftly towards enactment.

I commend the chairman for taking the lead on this important legislation. His bill, of which I am proud to be an original co-sponsor, seeks to put a halt to an absurd aberration in our legal system. Under the vicarious liability laws of a very small number of states, companies that rent or lease motor vehicles are held strictly liable if their renters or lessees are negligent and cause an accident. The company does not have to be negligent in any way. The vehicle may operate perfectly and be maintained properly. These states simply hold the company liable because of their ownership of the vehicle.

The only way for these companies to avoid this liability would be to stop renting or leasing these vehicles. This is not an acceptable resolution to this problem. The American justice system should be based on the general principle that a defendant should be held liable only for harm he or she could prevent—not merely because the defendant has a "deep pocket."

Vicarious liability laws undermine competition in these states and have driven smaller rental and leasing companies out of business. In fact, vicarious liability acts as a tax on all rental and leasing companies—and their customers—nationwide because these companies must try to recover their losses from vicarious claims through rental rates nationwide.

It is time to put a stop to this legal disconnect. Hold these companies liable if they are negligent. Hold them liable if they fail to properly maintain one of the vehicles they rent or lease. But do not hold them liable simply for being in business—for fulfilling the needs of our traveling constituents.

Mr. President, I look forward to hearings on the Senator from Arizona's legislation at the earliest possible date and hope to move this legislation through this body as quickly as possible.●

By Mr. EDWARDS (for himself and Mr. HAGEL):

S. 1131. A bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X; to the Committee on Health, Education, Labor, and Pensions.

FRAGILE X RESEARCH BREAKTHROUGH ACT OF 1999

Mr. EDWARDS. Mr. President, I rise today with my colleague, Senator HAGEL, to introduce the Fragile X Research Breakthrough Act of 1999.

Most of my colleagues have probably never heard of Fragile X. But it is the leading known cause of mental retardation. And the measure we introduce today could help put us on the path to treat and ultimately, we hope, cure the

disorder. This measure will launch a concerted and aggressive federal effort to deal with Fragile X.

Fragile X—which is a genetic defect that results in mental retardation—was only recently discovered. Given its prevalence, it's surprising that it took us so long to discover this problem.

One in 2,000 males and one in 4,000 females have the gene defect. One in every 260 women is a carrier. Current studies estimate that as many as 90,000 Americans suffer from Fragile X. Yet up to 80 to 90 percent of them are undiagnosed. It does not affect one racial or ethnic group more than another.

Scientists have only known exactly what causes Fragile X since 1991. Fragile X occurs when a specific gene, which should hold a string of molecules that repeat six to fifty times, over-expands. It causes the gene to hold anywhere from 200 to 1,000 copies of the same sequence, repeating over and over, much like a record skipping out of control. The result of this error is that instructions needed for the creation of a specific protein in the brain are lost. Consequently, the Fragile X protein is either low or absent in the affected person. The lower the level of the protein, the more severe the resulting disabilities.

People with Fragile X have effects ranging from mild learning disabilities to severe mental retardation. Behavioral problems associated with Fragile X include aggression, anxiety, and seizures. The effects on both the victims of the disorder and their families are profound, taking a huge emotional and financial toll. People with Fragile X have a normal life expectancy but usually incur special costs that add up to over \$2 million on average over their lifetime. Because it is inherited, many families have more than one child with Fragile X.

But although Fragile X is now known in the scientific community, it is still neither widely studied by scientists nor known by the public at large.

That's shocking, considering its devastating effect. Let me give you an example. In 1989 Katie Clapp gave birth to her first child, Andy. She and her husband, Dr. Michael Tranfaglia were thrilled. There were some concerns initially because Andy was missing one kidney and had some other medical problems. But they were quickly remedied, and Michael knew from his training as a medical doctor that Andy could do fine with one kidney. Testing did not reveal any other problems, so the couple breathed easy.

But soon Andy started showing other signs of problems. He had difficulty feeding and was inconsolable except when held by his mother. He was not as responsive as other children his age, except to scream when put down. Over the first year of life, he began to miss achievement milestones, such as sitting up and walking. Michael was in his residency training at the University of North Carolina hospital, so a

wealth of medical resources were within his reach. Andy was seen by neurologists and geneticists, but there were no answers.

When Andy was two years old, Katie became pregnant with a second child. She wanted to be sure that her next baby would be born free of Andy's problems. So Andy was tested some more for genetics abnormalities, but nothing showed up. Yet Andy's problems were becoming more and more apparent, and causing greater difficulties for the family.

Finally, when he was three and a half years old, Andy went to a new physician, a developmental pediatrician. During the initial visit with the doctor, Michael and Katie got their first indication that there might be a name for the problem they had been living with. The doctor suggested that Andy be tested for something called Fragile X. The test was performed, and came back positive. Katie Clapp and Michael Tranfaglia soon learned that not only did Andy have this inherited genetic disorder, but that their baby daughter Laura was also afflicted.

Recent advances in Fragile X research now make it possible to test definitively for the disorder through DNA analysis. Yet many doctors are still not familiar with Fragile X, and subtle symptoms in early childhood can make it difficult to detect.

But there is good news. Because scientists have identified the missing protein that causes the disorder, there is hope for a cure. And because Fragile X is the only single-gene disease known to directly impact human intelligence, understanding the disease can give us insight into human intelligence and learning and into dealing with other single gene defects. Understanding Fragile X may also unlock some of the mysteries of autism, schizophrenia, and other neurological disorders. But we need to fund research efforts into this devastating disease.

Mr. President, my proposal seeks to capitalize on the good news. It would:

Expand and coordinate research into Fragile X under the direction of the National Institute of Child Health and Human Development—a division of the National Institutes of Health;

Establish at least three Fragile X centers, which would receive grants for research and development aimed at improving the diagnosis and treatment of, and finding a cure for, Fragile X;

Allow patients with Fragile X to participate in clinical trials;

Coordinate activities and exchange of information between the centers for better understanding of the disorder, and

Encourage wide scale research into Fragile X by allowing qualified health professionals who conduct research into the disorder to be repaid for principal and interest on educational loans under the National Health Service Corps Loan Repayment Program.

Today, in our country, thousands of children have Fragile X, but their par-

ent have never heard of the disease. These parents know something is wrong, but they cannot give the problem a name, and neither can any doctor they have consulted. Like Katie and Michael, they may know their child has a disability, but they do not know why. They do not know that if they have more children, those children may also be at risk. They do not know there are treatments for the problem.

They do not know that someone is working on a cure.

The same holds true for many adults in our society. They are living in group homes and in institutions around the country. They have been cared for during entire lifetimes by devoted family members. Yet they have never had a diagnosis beyond "mental retardation."

This summer in North Carolina, we are hosting a very special gathering of very special people. The Special Olympics World games will begin with an opening ceremony in Raleigh on June 26th, and the Games will run through July 4th. Among the participants will be many athletes who have Fragile X. Some of them know it, but many others, along with their families, do not even know that their particular disorder has a name. And with a name comes knowledge, and with knowledge comes hope for a better future—even for a cure.

The job of these extraordinary athletes this summer is to make the most of their abilities and to achieve personal goals and triumphs. Our role in the games is to support their efforts, and to cheer them on. But our responsibility does not end there. It is our responsibility to make the most of the knowledge we now have, to expand that knowledge, and to give these folks the best chance possible. I ask all of my colleagues to join me in supporting this important research. Thank you.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 1131

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 "Fragile X Research Breakthrough Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Fragile X is the most common inherited cause of mental retardation. It affects 1 in every 2,000 boys and 1 in every 4,000 girls. One in 260 women is a carrier.

(2) Most children with Fragile X require a lifetime of special care at a cost of over \$2,000,000 per child.

(3) Relatively newly-discovered and relatively unknown, even in the medical profession, Fragile X is caused by the absence of a single protein that can be produced synthetically but that cannot yet be effectively assimilated.

(4) Fragile X research, both basic and applied, is vastly underfunded in view of its prevalence, the potential for the develop-

ment of a cure, the established benefits of currently available interventions, and the significance that Fragile X research has for related disorders.

(5) Fragile X is a powerful research model for other forms of X-linked mental retardation, as well as neuropsychiatric disorders, including autism, schizophrenia, mood disorders, and pervasive developmental disorder. Individuals with Fragile X are a homogeneous study population for advancing understanding of these disorders.

SEC. 3. NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; RESEARCH ON FRAGILE X.

Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following:

"SEC. 452E. FRAGILE X.

"(a) EXPANSION AND COORDINATION OF RESEARCH ACTIVITIES.—The Director of the Institute, after consultation with the advisory council for the Institute, shall expand, intensify, and coordinate the activities of the Institute with respect to research on the disease known as Fragile X.

"(b) RESEARCH CENTERS.—

"(1) IN GENERAL.—The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct research for the purposes of improving the diagnosis and treatment of, and finding the cure for, Fragile X.

"(2) NUMBER OF CENTERS.—In carrying out paragraph (1), the Director of the Institute shall, to the extent that amounts are appropriated, provide for the establishment of at least 3 Fragile X research centers.

"(3) ACTIVITIES.—

"(A) IN GENERAL.—Each center assisted under paragraph (1) shall, with respect to Fragile X—

"(i) conduct basic and clinical research, which may include clinical trials of—

"(I) new or improved diagnostic methods; and

"(II) drugs or other treatment approaches; and

"(ii) conduct research to find a cure.

"(B) FEES.—A center may use funds provided under paragraph (1) to provide fees to individuals serving as subjects in clinical trials conducted under subparagraph (A).

"(4) COORDINATION AMONG CENTERS.—The Director of the Institute shall, as appropriate, provide for the coordination of the activities of the centers assisted under this section, including providing for the exchange of information among the centers.

"(5) CERTAIN ADMINISTRATIVE REQUIREMENTS.—Each center assisted under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(6) DURATION OF SUPPORT.—Support may be provided to a center under paragraph (1) for a period of not to exceed 5 years. Such period may be extended for 1 or more additional periods, each of which may not exceed 5 years, if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period be extended.

"(7) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated \$10,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year."

SEC. 4. NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; LOAN REPAYMENT PROGRAM REGARDING RESEARCH ON FRAGILE X.

Part G of title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended by inserting after section 487E the following:

“SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING RESEARCH ON FRAGILE X.

“(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program under which the Federal Government enters into contracts with qualified health professionals (including graduate students) who agree to conduct research regarding Fragile X in consideration of the Federal Government's agreement to repay, for each year of such service, not more than \$35,000 of the principal and interest of the educational loans owed by such health professionals.

“(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart (including section 338B(g)(3)) shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

“(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$2,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated for a fiscal year under the preceding sentence shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.”.

Mr. HAGEL. Mr. President, I rise this morning to join my colleague and friend, the distinguished junior Senator from North Carolina, Senator EDWARDS, in introducing the Fragile X Breakthrough Act of 1999.

Although many of you may not have heard of Fragile X, it is the leading cause of inherited mental retardation. It affects tens of thousands of children in this country every year. Fragile X is caused by a defective gene that fails to produce specific protein necessary for proper brain function. Those afflicted with this condition often suffer mild to severe mental retardation, anxiety, seizures, and a variety of learning disorders. Most children with Fragile X will require a lifetime of specialized care at a cost of over \$2 million each.

For those afflicted and their families—like John and Megan Massey from Scottsbluff, Nebraska, whose two sons Jack and Jacob suffer from this disease—it is a frustrating, life-crippling, and heart-wrenching condition. But there is hope. In 1991, medical researchers were able to identify the specific gene that fails to produce the necessary protein and is responsible for Fragile X. Since then, researchers have been able to develop a synthetic version of this protein, and are now working on a way to deliver it to the brain's flawed cells.

Congress has an unprecedented opportunity to play a key role in solving the mystery of this disease, and en-

couraging the development of a treatment and eventual cure. The Fragile X Breakthrough Act is a practical, proactive, and cost-effective vehicle by which Congress can accomplish these goals.

The National Institute of Child and Human Development (NICHD) is required by law to establish research centers in order to conduct clinical and scientific research aimed at helping infants and children. In accordance with that charge, the Fragile X Breakthrough Act authorizes \$10 million for the NICHD, to make grants or enter into contracts with public or private entities to develop and operate three Fragile X research centers. It also provides \$2 million for a program that encourages physicians to conduct Fragile X research, by offering to repay a portion of their educational loans. These proposals closely follow the recommendations that emerged from an international scientific conference held by the NICHD and the Fragile X Foundation (FRAXA) in December of 1998.

We are closing in on one of the principal genetic causes of mental retardation. Let's give the NICHD the authority and funding to accelerate Fragile X research, so that the final, critical breakthroughs can be made. Let's give these children the chance to lead normal, productive lives. If not for Jacob and Jack Massey, then for those children who will inevitably follow.

By Mr. BREAUX (for himself and Mr. HATCH):

S. 1132. A bill to amend the Internal Revenue Code of 1986 to allow the reinvestment of employee stock ownership plan dividends without the loss of any dividend reduction; to the Committee on Finance.

ESOP DIVIDEND REINVESTMENT AND PARTICIPANT SECURITY ACT OF 1999

Mr. BREAUX. Mr. President, I rise today to introduce a measure that will not only promote employee ownership, but also enhance retirement savings. The “ESOP Dividend Reinvestment and Participant Security Act of 1999” will grant many workers their long-sought desire to share in the growth of their company while not sacrificing one nickel of their retirement security. This legislation will permit employees to reinvest dividends paid on employer securities held in an ESOP without going through the administrative complexity that companies currently face in order to encourage workers to keep their dividends in the plan.

Under current law, an employer may deduct the dividends paid on employer securities in an ESOP only if the dividends are used to repay an ESOP loan or they are paid in cash to participants. This runs counter to one of the most important themes expressed by this administration as well as many others since the passage of ERISA—what to do about “leakage” in our retirement programs, or assets coming out of plans prematurely. In short, we need to encourage our nation's workers

to keep their money in their retirement plans and not let small amounts drip out over time so that little is left by the time they enter retirement. The bill I am introducing today addresses this issue and would bolster the retirement security of ESOP participants because it would encourage both employees and employers to reinvest their dividends in the company.

Not only does the current approach of denying a deduction for reinvested dividends discourage the accumulation of assets for retirement, it also thwarts one of the primary purposes of an ESOP—providing an efficient means for employees to build an ownership interest in their company. Congress has steadfastly maintained the ESOP dividend deductibility rules for over 15 years in order to encourage employers to establish ESOPs that hold dividend-paying company stock. These rules clearly are intended to provide ESOP participants a broader opportunity to share in the company's growth and to ultimately use such growth to provide retirement assets. Unfortunately, our present rules fall short of the mark.

This bill fulfills the promise inherent in the original ESOP dividend deduction provision. The “ESOP Dividend Reinvestment and Participant Security Act of 1999” would give employees the ability to retain the dividends paid on employer stock in the ESOP and to reinvest these amounts in the employer stock for continuing growth and accumulation. No employee would then be forced to receive dividends that could instead be used to build retirement savings. And, all employees could receive the benefit of participating in their company's growth.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1132

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 “ESOP Dividend Reinvestment and Participant Security Act of 1999”.

SEC. 2. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) of the Internal Revenue Code of 1986 (defining applicable dividends) is amended by striking “or” at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

“(iii) is, at the election of such participants or their beneficiaries—

“(I) payable as provided in clause (i) or (ii), or

“(II) paid to the plan and reinvested in qualifying employee securities, or”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

By Mr. GRAMS:

S. 1133. A bill to amend the Poultry Products Inspection Act to cover birds

of the order Ratitae that are raised for use as human food; to the Committee on Agriculture, Nutrition, and Forestry.

POULTRY PRODUCTS INSPECTION ACT
AMENDMENTS LEGISLATION

• Mr. GRAMS. Mr. President, I rise today to introduce a bill to amend the Poultry Products Inspection Act to include birds of the Ratitae order, such as ostriches, emus, and rheas, in the mandatory USDA meat inspection program. Currently producers of ratitae participate in a voluntary inspection program, but costs are borne by the producers and can add as much as \$2 per pound to the price of the product. The USDA currently absorbs the cost of inspection for the more traditional agricultural products, such as turkey, poultry, and beef.

I introduce this legislation to encourage agricultural entrepreneurship and diversification, and to level the economic playing field for those farmers willing to take innovative risks to bring new products to American and global consumers. Ratite meat is reported to be high in protein and low in fat and cholesterol, and byproducts from the animals are being studied by universities and medical labs for their potential uses. I would also note that farmers engaged in producing ratite meat can now be found all over the country, not just in Minnesota.

With the increasing focus in our country on food safety, I believe this bill is a small but important step toward both encouraging development of alternative agricultural products and ensuring the safety of the food our citizens consume.

I ask my colleagues to join with me in support of this bill to help family farms diversify into new products that will provide them with new income sources and give American consumers more variety at the grocery store.●

By Mr. ROTH:

S. 1134. An original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; from the Committee on Finance; placed on the calendar.

AFFORDABLE EDUCATION ACT OF 1999

Mr. ROTH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Affordable Education Act of 1999”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in

this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EDUCATION SAVINGS INCENTIVES

Sec. 101. Modifications to education individual retirement accounts.

Sec. 102. Modifications to qualified tuition programs.

TITLE II—EDUCATIONAL ASSISTANCE

Sec. 201. Extension of exclusion for employer-provided educational assistance.

Sec. 202. Elimination of 60-month limit on student loan interest deduction.

Sec. 203. Exclusion of certain amounts received under the National Public Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

Sec. 301. Additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities.

Sec. 302. Treatment of qualified public educational facility bonds as exempt facility bonds.

Sec. 303. Federal guarantee of school construction bonds by Federal Housing Finance Board.

TITLE IV—REVENUE PROVISIONS

Sec. 401. Modification to foreign tax credit carryback and carryover periods.

Sec. 402. Limitation on use of non-accrual experience method of accounting.

Sec. 403. Returns relating to cancellations of indebtedness by organizations lending money.

Sec. 404. Extension of Internal Revenue Service user fees.

Sec. 405. Property subject to a liability treated in same manner as assumption of liability.

Sec. 406. Charitable split-dollar life insurance, annuity, and endowment contracts.

Sec. 407. Transfer of excess defined benefit plan assets for retiree health benefits.

Sec. 408. Limitations on welfare benefit funds of 10 or more employer plans.

Sec. 409. Modification of installment method and repeal of installment method for accrual method taxpayers.

Sec. 410. Inclusion of certain vaccines against streptococcus pneumoniae to list of taxable vaccines.

TITLE I—EDUCATION SAVINGS INCENTIVES

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) **MAXIMUM ANNUAL CONTRIBUTIONS.**

(1) **IN GENERAL.**—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking “\$500” and inserting “the contribution limit for such taxable year”.

(2) **CONTRIBUTION LIMIT.**—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

“(4) **CONTRIBUTION LIMIT.**—The term ‘contribution limit’ means \$500 (\$2,000 in the case of any taxable year beginning after December 31, 1999, and ending before January 1, 2004).”

(3) **CONFORMING AMENDMENT.**—Section 4973(e)(1)(A) is amended by striking “\$500” and inserting “the contribution limit (as defined in section 530(b)(4)) for such taxable year”.

(b) **TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.**—

(1) **IN GENERAL.**—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

“(2) **QUALIFIED EDUCATION EXPENSES.**—
“(A) **IN GENERAL.**—The term ‘qualified education expenses’ means—

“(i) qualified higher education expenses (as defined in section 529(e)(3)), and

“(ii) qualified elementary and secondary education expenses (as defined in paragraph (5)).

Such expenses shall be reduced as provided in section 25A(g)(2).

“(B) **QUALIFIED STATE TUITION PROGRAMS.**—Such term shall include any contribution to a qualified State tuition program (as defined in section 529(b)) on behalf of the designated beneficiary (as defined in section 529(e)(1)); but there shall be no increase in the investment in the contract for purposes of applying section 72 by reason of any portion of such contribution which is not includible in gross income by reason of subsection (d)(2).”

(2) **QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.**—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

“(5) **QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.**—

“(A) **IN GENERAL.**—The term ‘qualified elementary and secondary education expenses’ means—

“(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, and

“(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

“(B) **SPECIAL RULE FOR HOMESCHOOLING.**—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

“(C) **SCHOOL.**—The term ‘school’ means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.”

(3) **SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.**—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

“(E) **SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.**—

“(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1999, and before January 1, 2004, and earnings on such contributions.

“(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

“(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

“(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i).”

(4) CONFORMING AMENDMENTS.—Section 530 is amended—

(A) by striking “higher” each place it appears in subsections (b)(1) and (d)(2), and

(B) by striking “HIGHER” in the heading for subsection (d)(2).

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

“The age limitations in the preceding sentence and paragraphs (5) and (6) of subsection (d) shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).”

(d) ENTITIES PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking “The maximum amount which a contributor” and inserting “In the case of a contributor who is an individual, the maximum amount the contributor”.

(e) TIME WHEN CONTRIBUTIONS DEEMED MADE.—

(1) IN GENERAL.—Section 530(b) (relating to definitions and special rules), as amended by subsection (b)(2), is amended by adding at the end the following new paragraph:

“(6) TIME WHEN CONTRIBUTIONS DEEMED MADE.—An individual shall be deemed to have made a contribution to an education individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).”

(2) EXTENSION OF TIME TO RETURN EXCESS CONTRIBUTIONS.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

(A) by striking clause (i) and inserting the following new clause:

“(i) such distribution is made before the 1st day of the 6th month of the taxable year following the taxable year, and”, and

(B) by striking “DUE DATE OF RETURN” in the heading and inserting “JUNE”.

(f) COORDINATION WITH HOPE AND LIFE-TIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 530(d)(2)(C) is amended to read as follows:

“(C) COORDINATION WITH HOPE AND LIFE-TIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

“(i) CREDIT COORDINATION.—

“(I) IN GENERAL.—Except as provided in subclause (II), subparagraph (A) shall not apply for any taxable year to any qualified higher education expenses with respect to

any individual if a credit is allowed under section 25A with respect to such expenses for such taxable year.

“(II) SPECIAL COORDINATION RULE.—In the case of any taxable year beginning after December 31, 1999, and before January 1, 2004, subclause (I) shall not apply, but the total amount of qualified higher education expenses otherwise taken into account under subparagraph (A) with respect to an individual for such taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

“(ii) COORDINATION WITH QUALIFIED TUITION PROGRAMS.—If the aggregate distributions to which subparagraph (A) and section 529(c)(3)(B) apply exceed the total amount of qualified higher education expenses otherwise taken into account under subparagraph (A) (after the application of clause (i)) with respect to an individual for any taxable year, the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under subparagraph (A) and section 529(c)(3)(B).”

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 25A is amended to read as follows:

“(e) ELECTION NOT TO HAVE SECTION APPLY.—A taxpayer may elect not to have this section apply with respect to the qualified tuition and related expenses of an individual for any taxable year.”

(B) Section 135(d)(2)(A) is amended by striking “allowable” and inserting “allowed”.

(C) Section 530(b)(2)(A) is amended by striking “, reduced as provided in section 25A(g)(2)”.

(D) Section 530(d)(2)(D) is amended—

(i) by striking “or credit”, and

(ii) by striking “CREDIT OR” in the heading.

(E) Section 4973(e)(1) is amended by adding “and” at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 102. MODIFICATIONS TO QUALIFIED TUITION PROGRAMS.

(a) ELIGIBLE EDUCATIONAL INSTITUTIONS PERMITTED TO MAINTAIN QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(b)(1) (defining qualified State tuition program) is amended by inserting “or by 1 or more eligible educational institutions” after “maintained by a State or agency or instrumentality thereof”.

(2) PRIVATE QUALIFIED TUITION PROGRAMS LIMITED TO BENEFIT PLANS.—Clause (ii) of section 529(b)(1)(A) is amended by inserting “in the case of a program established and maintained by a State or agency or instrumentality thereof,” before “may make”.

(3) CONFORMING AMENDMENTS.—

(A) Sections 72(e)(9), 135(c)(2)(C), 135(d)(1)(D), 529, 530(b)(2)(B), 4973(e), and 6693(a)(2)(C) are each amended by striking “qualified State tuition” each place it appears and inserting “qualified tuition”.

(B) The headings for sections 72(e)(9) and 135(c)(2)(C) are each amended by striking “QUALIFIED STATE TUITION” and inserting “QUALIFIED TUITION”.

(C) The headings for sections 529(b) and 530(b)(2)(B) are each amended by striking “QUALIFIED STATE TUITION” and inserting “QUALIFIED TUITION”.

(D) The heading for section 529 is amended by striking “state”.

(E) The item relating to section 529 in the table of sections for part VIII of subchapter F of chapter 1 is amended by striking “State”.

(b) EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

“(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—

“(i) IN GENERAL.—For purposes of this paragraph—

“(I) no amount shall be includible in gross income under subparagraph (A) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense, and

“(II) the amount which (determined without regard to subclause (I)) would be includible in gross income under subparagraph (A) by reason of any other distribution shall not be so includible in an amount which bears the same ratio to the amount which would be so includible as the qualified higher education expenses bear to such aggregate distributions.

“(ii) NONAPPLICATION OF CLAUSE.—In the case of any taxable year beginning before January 1, 2004, clause (i) shall not apply with respect to any distribution in such taxable year under a qualified tuition program established and maintained by 1 or more eligible educational institutions.

“(iii) IN-KIND DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

“(iv) COORDINATION WITH HOPE AND LIFE-TIME LEARNING CREDITS.—

“(I) IN GENERAL.—Except as provided in subclause (II), clause (i) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses for such taxable year.

“(II) SPECIAL COORDINATION RULE.—In the case of any taxable year beginning after December 31, 1999, and before January 1, 2004, subclause (I) shall not apply, but the total amount of qualified higher education expenses otherwise taken into account under clause (i) with respect to an individual for such taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

“(v) COORDINATION WITH EDUCATION IRAS.—If the aggregate distributions to which clause (i) and section 530(d)(2)(A) apply exceed the total amount of qualified higher education expenses otherwise taken into account under clause (i) (after the application of clause (iv)) with respect to an individual for any taxable year, the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under clause (i) and section 530(d)(2)(A).”

(2) CONFORMING AMENDMENTS.—

(A) Section 135(d)(2)(B) is amended by striking “section 530(d)(2)” and inserting “sections 529(c)(3)(B)(i) and 530(d)(2)”.

(B) Section 221(e)(2)(A) is amended by inserting “529,” after “135.”.

(c) BENEFICIARY MAY CHANGE PROGRAM.—Section 529(c)(3)(C) (relating to change in beneficiaries) is amended—

(1) by striking “transferred to the credit” in clause (i) and inserting “transferred—

“(I) to another qualified tuition program for the benefit of the designated beneficiary, or

“(II) to the credit”;

(2) by adding at the end the following new clause:

“(iii) LIMITATION ON CERTAIN ROLLOVERS.—Clause (i)(I) shall only apply to the first 3 transfers with respect to a designated beneficiary.”; and

(3) by inserting “OR PROGRAMS” after “BENEFICIARIES” in the heading.

(d) MEMBER OF FAMILY INCLUDES FIRST COUSIN.—Section 529(e)(2) (defining member of family) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and by inserting “; and”, and by adding at the end the following new subparagraph:

“(D) any first cousin of such beneficiary.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

TITLE II—EDUCATIONAL ASSISTANCE

SEC. 201. EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 127(d) (relating to termination of exclusion for educational assistance programs) is amended by striking “May 31, 2000” and inserting “June 30, 2004”.

(b) REPEAL OF LIMITATION ON GRADUATE EDUCATION.—

(1) IN GENERAL.—The last sentence of section 127(c)(1) is amended by striking “, and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to expenses relating to courses beginning after December 31, 1999.

SEC. 202. ELIMINATION OF 60-MONTH LIMIT ON STUDENT LOAN INTEREST DEDUCTION.

(a) IN GENERAL.—Section 221 (relating to interest on education loans) is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(b) CONFORMING AMENDMENT.—Section 6050S(e) is amended by striking “section 221(e)(1)” and inserting “section 221(d)(1)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any loan interest paid after December 31, 1999.

SEC. 203. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL PUBLIC HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM AND THE F. EDWARD HEBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking “Subsections (a)” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a)”, and

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

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to any amount received by an individual under—

“(A) the National Public Health Service Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act, or

“(B) the Armed Forces Health Professions Scholarship and Financial Assistance

program under subchapter I of chapter 105 of title 10, United States Code.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1993.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

SEC. 301. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATIONAL FACILITIES.

(a) IN GENERAL.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking “\$5,000,000” the second place it appears and inserting “\$10,000,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued in calendar years beginning after December 31, 1999.

SEC. 302. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking “or” at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting “, or”, and by adding at the end the following new paragraph:

“(13) qualified public educational facilities.”

(b) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following new subsection:

“(k) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—

“(1) IN GENERAL.—For purposes of subsection (a)(13), the term ‘qualified public educational facility’ means any school facility which is—

“(A) part of a public elementary school or a public secondary school, and

“(B) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

“(2) PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED.—A public-private partnership agreement is described in this paragraph if it is an agreement—

“(A) under which the corporation agrees—

“(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

“(ii) at the end of the term of the agreement, to transfer the school facility to such agency for no additional consideration, and

“(B) the term of which does not exceed the term of the issue to be used to provide the school facility.

“(3) SCHOOL FACILITY.—For purposes of this subsection, the term ‘school facility’ means—

“(A) school buildings,

“(B) functionally related and subordinate facilities and land with respect to such buildings, including any stadium or other facility primarily used for school events, and

“(C) any property, to which section 168 applies (or would apply but for section 179), for use in the facility.

“(4) PUBLIC SCHOOLS.—For purposes of this subsection, the terms ‘elementary school’ and ‘secondary school’ have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

“(5) ANNUAL AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

“(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection

(a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

“(i) \$10 multiplied by the State population, or

“(ii) \$5,000,000.

“(B) ALLOCATION RULES.—

“(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the State may allocate the amount described in subparagraph (A) for any calendar year in such manner as the State determines appropriate.

“(ii) RULES FOR CARRYFORWARD OF UNUSED LIMITATION.—A State may elect to carry forward an unused limitation for any calendar year for 3 calendar years following the calendar year in which the unused limitation arose under rules similar to the rules of section 146(f), except that the only purpose for which the carryforward may be elected is the issuance of exempt facility bonds described in subsection (a)(13).”

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking “or (12)” and inserting “(12), or (13)”, and

(2) by striking “and environmental enhancements of hydroelectric generating facilities” and inserting “environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities”.

(d) EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.—Section 147(h) (relating to certain rules not to apply to mortgage revenue bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) is amended by adding at the end the following new paragraph:

“(3) EXEMPT FACILITY BONDS FOR QUALIFIED PUBLIC-PRIVATE SCHOOLS.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities).”

(e) CONFORMING AMENDMENT.—The heading for section 147(h) is amended by striking “MORTGAGE REVENUE BONDS, QUALIFIED STUDENT LOAN BONDS, AND QUALIFIED 501(c)(3) BONDS” and inserting “CERTAIN BONDS”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 1999.

SEC. 303. FEDERAL GUARANTEE OF SCHOOL CONSTRUCTION BONDS BY FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

“(E) CERTAIN GUARANTEED SCHOOL CONSTRUCTION BONDS.—Any bond issued as part of an issue 95 percent or more of the net proceeds of which are used for public school construction shall not be treated as federally guaranteed for any calendar year by reason of any guarantee by the Federal Housing Finance Board (through any Federal Home Loan Bank) under the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), as in effect on the date of the enactment of this subparagraph, to the extent the face amount of such bond, when added to the aggregate face amount of such bonds previously so guaranteed for such year, does not exceed \$500,000,000.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 1999.

TITLE IV—REVENUE PROVISIONS

SEC. 401. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year," and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 2001.

SEC. 402. LIMITATION ON USE OF NON-ACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) **IN GENERAL.**—Section 448(d)(5) (relating to special rule for services) is amended—

(1) by inserting "in fields described in paragraph (2)(A)" after "services by such person", and

(2) by inserting "CERTAIN PERSONAL" before "SERVICES" in the heading.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) **CHANGE IN METHOD OF ACCOUNTING.**—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer.

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 403. RETURNS RELATING TO CANCELLATIONS OF INDEBTEDNESS BY ORGANIZATIONS LENDING MONEY.

(a) **IN GENERAL.**—Paragraph (2) of section 6050P(c) (relating to definitions and special rules) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by inserting after subparagraph (C) the following new subparagraph:

"(D) any organization a significant trade or business of which is the lending of money."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to discharges of indebtedness after December 31, 1999.

SEC. 404. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) **IN GENERAL.**—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

"(a) **GENERAL RULE.**—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) **PROGRAM CRITERIA.**—

"(1) **IN GENERAL.**—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) **EXEMPTIONS, ETC.**—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(3) **AVERAGE FEE REQUIREMENT.**—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

Category	Average Fee
Employee plan ruling and opinion ..	\$250
Exempt organization ruling	\$350
Employee plan determination	\$300
Exempt organization determination ..	\$275
Chief counsel ruling	\$200.

"(c) **TERMINATION.**—No fee shall be imposed under this section with respect to requests made after September 30, 2009."

(b) **CONFORMING AMENDMENTS.**—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7527. Internal Revenue Service user fees."

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 405. PROPERTY SUBJECT TO A LIABILITY TREATED IN SAME MANNER AS ASSUMPTION OF LIABILITY.

(a) **REPEAL OF PROPERTY SUBJECT TO A LIABILITY TEST.**—

(1) **SECTION 357.**—Section 357(a)(2) (relating to assumption of liability) is amended by striking "or acquires from the taxpayer property subject to a liability".

(2) **SECTION 358.**—Section 358(d)(1) (relating to assumption of liability) is amended by striking "or acquired from the taxpayer property subject to a liability".

(3) **SECTION 368.**—

(A) Section 368(a)(1)(C) is amended by striking "or the fact that property acquired is subject to a liability,".

(B) The last sentence of section 368(a)(2)(B) is amended by striking "and the amount of any liability to which any property acquired from the acquiring corporation is subject,".

(b) **CLARIFICATION OF ASSUMPTION OF LIABILITY.**—

(1) **IN GENERAL.**—Section 357 is amended by adding at the end the following new subsection:

"(d) **DETERMINATION OF AMOUNT OF LIABILITY ASSUMED.**—

"(1) **IN GENERAL.**—For purposes of this section, section 358(d), section 362(d), section 368(a)(1)(C), and section 368(a)(2)(B), except as provided in regulations—

"(A) a recourse liability (or portion thereof) shall be treated as having been assumed if, as determined on the basis of all facts and circumstances, the transferee has agreed to, and is expected to, satisfy such liability (or portion), whether or not the transferor has been relieved of such liability, and

"(B) except to the extent provided in paragraph (2), a nonrecourse liability shall be treated as having been assumed by the transferee of any asset subject to such liability.

"(2) **EXCEPTION FOR NONRECOURSE LIABILITY.**—The amount of the nonrecourse liability treated as described in paragraph (1)(B) shall be reduced by the lesser of—

"(A) the amount of such liability which an owner of other assets not transferred to the transferee and also subject to such liability has agreed with the transferee to, and is expected to, satisfy, or

"(B) the fair market value of such other assets (determined without regard to section 7701(g)).

"(3) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and section 362(d). The Secretary may also prescribe regulations which provide that the manner in which a liability is treated as assumed under this subsection is applied, where appropriate, elsewhere in this title."

(2) **LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.**—Section 362 is amended by adding at the end the following new subsection:

"(d) **LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.**—

"(1) **IN GENERAL.**—In no event shall the basis of any property be increased under subsection (a) or (b) above the fair market value of such property (determined without regard to section 7701(g)) by reason of any gain recognized to the transferor as a result of the assumption of a liability.

"(2) **TREATMENT OF GAIN NOT SUBJECT TO TAX.**—Except as provided in regulations, if—

"(A) gain is recognized to the transferor as a result of an assumption of a nonrecourse liability by a transferee which is also secured by assets not transferred to such transferee, and

"(B) no person is subject to tax under this title on such gain,

then, for purposes of determining basis under subsections (a) and (b), the amount of gain recognized by the transferor as a result of the assumption of the liability shall be determined as if the liability assumed by the transferee equaled such transferee's ratable portion of such liability determined on the basis of the relative fair market values (determined without regard to section 7701(g)) of all of the assets subject to such liability."

(c) **APPLICATION TO PROVISIONS OTHER THAN SUBCHAPTER C.**—

(1) **SECTION 584.**—Section 584(h)(3) is amended—

(A) by striking "and the fact that any property transferred by the common trust fund is subject to a liability," in subparagraph (A), and

(B) by striking clause (ii) of subparagraph (B) and inserting:

"(ii) **ASSUMED LIABILITIES.**—For purposes of clause (i), the term 'assumed liabilities' means any liability of the common trust fund assumed by any regulated investment company in connection with the transfer referred to in paragraph (1)(A).

"(C) **ASSUMPTION.**—For purposes of this paragraph, in determining the amount of any liability assumed, the rules of section 357(d) shall apply."

(2) **SECTION 1031.**—The last sentence of section 1031(d) is amended—

(A) by striking "assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability" and inserting "assumed (as determined under section 357(d)) a liability of the taxpayer", and

(B) by striking "or acquisition (in the amount of the liability)".

(d) **CONFORMING AMENDMENTS.**—

(1) Section 351(h)(1) is amended by striking "or acquires property subject to a liability,".

(2) Section 357 is amended by striking "or acquisition" each place it appears in subsection (a) or (b).

(3) Section 357(b)(1) is amended by striking "or acquired".

(4) Section 357(c)(1) is amended by striking "plus the amount of the liabilities to which the property is subject,".

(5) Section 357(c)(3) is amended by striking "or to which the property transferred is subject".

(6) Section 358(d)(1) is amended by striking "or acquisition (in the amount of the liability)".

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to transfers after October 19, 1998.

SECTION 406. CHARITABLE SPLIT-DOLLAR LIFE INSURANCE, ANNUITY, AND ENDOWMENT CONTRACTS.

(a) **IN GENERAL.**—Subsection (f) of section 170 (relating to disallowance of deduction in certain cases and special rules) is amended by adding at the end the following new paragraph:

“(10) **SPLIT-DOLLAR LIFE INSURANCE, ANNUITY, AND ENDOWMENT CONTRACTS.**—

“(A) **IN GENERAL.**—Nothing in this section or in section 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 shall be construed to allow a deduction, and no deduction shall be allowed, for any transfer to or for the use of an organization described in subsection (c) if in connection with such transfer—

“(i) the organization directly or indirectly pays, or has previously paid, any premium on any personal benefit contract with respect to the transferor, or

“(ii) there is an understanding or expectation that any person will directly or indirectly pay any premium on any personal benefit contract with respect to the transferor.

“(B) **PERSONAL BENEFIT CONTRACT.**—For purposes of subparagraph (A), the term ‘personal benefit contract’ means, with respect to the transferor, any life insurance, annuity, or endowment contract if any direct or indirect beneficiary under such contract is the transferor, any member of the transferor’s family, or any other person (other than an organization described in subsection (c)) designated by the transferor.

“(C) **APPLICATION TO CHARITABLE REMAINDER TRUSTS.**—In the case of a transfer to a trust referred to in subparagraph (E), references in subparagraphs (A) and (F) to an organization described in subsection (c) shall be treated as a reference to such trust.

“(D) **EXCEPTION FOR CERTAIN ANNUITY CONTRACTS.**—If, in connection with a transfer to or for the use of an organization described in subsection (c), such organization incurs an obligation to pay a charitable gift annuity (as defined in section 501(m)) and such organization purchases any annuity contract to fund such obligation, persons receiving payments under the charitable gift annuity shall not be treated for purposes of subparagraph (B) as indirect beneficiaries under such contract if—

“(i) such organization possesses all of the incidents of ownership under such contract,

“(ii) such organization is entitled to all the payments under such contract, and

“(iii) the timing and amount of payments under such contract are substantially the same as the timing and amount of payments to each such person under such obligation (as such obligation is in effect at the time of such transfer).

“(E) **EXCEPTION FOR CERTAIN CONTRACTS HELD BY CHARITABLE REMAINDER TRUSTS.**—A person shall not be treated for purposes of subparagraph (B) as an indirect beneficiary under any life insurance, annuity, or endowment contract held by a charitable remainder annuity trust or a charitable remainder unitrust (as defined in section 664(d)) solely by reason of being entitled to any payment referred to in paragraph (1)(A) or (2)(A) of section 664(d) if—

“(i) such trust possesses all of the incidents of ownership under such contract, and

“(ii) such trust is entitled to all the payments under such contract.

“(F) **EXCISE TAX ON PREMIUMS PAID.**—

“(i) **IN GENERAL.**—There is hereby imposed on any organization described in subsection (c) an excise tax equal to the premiums paid by such organization on any life insurance, annuity, or endowment contract

if the payment of premiums on such contract is in connection with a transfer for which a deduction is not allowable under subparagraph (A), determined without regard to when such transfer is made.

“(ii) **PAYMENTS BY OTHER PERSONS.**—For purposes of clause (i), payments made by any other person pursuant to an understanding or expectation referred to in subparagraph (A) shall be treated as made by the organization.

“(iii) **REPORTING.**—Any organization on which tax is imposed by clause (i) with respect to any premium shall file an annual return which includes—

“(I) the amount of such premiums paid during the year and the name and TIN of each beneficiary under the contract to which the premium relates, and

“(II) such other information as the Secretary may require.

The penalties applicable to returns required under section 6033 shall apply to returns required under this clause. Returns required under this clause shall be furnished at such time and in such manner as the Secretary shall by forms or regulations require.

“(iv) **CERTAIN RULES TO APPLY.**—The tax imposed by this subparagraph shall be treated as imposed by chapter 42 for purposes of this title other than subchapter B of chapter 42.

“(G) **SPECIAL RULE WHERE STATE REQUIRES SPECIFICATION OF CHARITABLE GIFT ANNUITY IN CONTRACT.**—In the case of an obligation to pay a charitable gift annuity referred to in subparagraph (D) which is entered into under the laws of a State which requires, in order for the charitable gift annuity to be exempt from insurance regulation by such State, that each beneficiary under the charitable gift annuity be named as a beneficiary under an annuity contract issued by an insurance company authorized to transact business in such State, the requirements of clauses (i) and (ii) of subparagraph (D) shall be treated as met if—

“(i) such State law requirement was in effect on February 8, 1999,

“(ii) each such beneficiary under the charitable gift annuity is a bona fide resident of such State at the time the obligation to pay a charitable gift annuity is entered into, and

“(iii) the only persons entitled to payments under such contract are persons entitled to payments as beneficiaries under such obligation on the date such obligation is entered into.

“(H) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations to prevent the avoidance of such purposes.”

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as otherwise provided in this section, the amendment made by this section shall apply to transfers made after February 8, 1999.

(2) **EXCISE TAX.**—Except as provided in paragraph (3) of this subsection, section 170(f)(10)(F) of the Internal Revenue Code of 1986 (as added by this section) shall apply to premiums paid after the date of the enactment of this Act.

(3) **REPORTING.**—Clause (iii) of such section 170(f)(10)(F) shall apply to premiums paid after February 8, 1999 (determined as if the tax imposed by such section applies to premiums paid after such date).

SEC. 407. TRANSFER OF EXCESS DEFINED BENEFIT PLAN ASSETS FOR RETIREE HEALTH BENEFITS.

(a) **EXTENSION.**—

(1) **IN GENERAL.**—Section 420(b)(5) (relating to expiration) is amended by striking “in any taxable year beginning after December

31, 2000” and inserting “made after September 30, 2009”.

(2) **CONFORMING AMENDMENTS.**—

(A) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking “1995” and inserting “2001”.

(B) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking “1995” and inserting “2001”.

(C) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(13)) is amended—

(i) by striking “in a taxable year beginning before January 1, 2001” and inserting “made before October 1, 2009”, and

(ii) by striking “1995” and inserting “2001”.

(b) **APPLICATION OF MINIMUM COST REQUIREMENTS.**—

(1) **IN GENERAL.**—Section 420(c)(3) is amended to read as follows:

“(3) **MINIMUM COST REQUIREMENTS.**—

“(A) **IN GENERAL.**—The requirements of this paragraph are met if each group health plan or arrangement under which applicable health benefits are provided provides that the applicable employer cost for each taxable year during the cost maintenance period shall not be less than the higher of the applicable employer costs for each of the 2 taxable years immediately preceding the taxable year of the qualified transfer.

“(B) **APPLICABLE EMPLOYER COST.**—For purposes of this paragraph, the term ‘applicable employer cost’ means, with respect to any taxable year, the amount determined by dividing—

“(i) the qualified current retiree health liabilities of the employer for such taxable year determined—

“(I) without regard to any reduction under subsection (e)(1)(B), and

“(II) in the case of a taxable year in which there was no qualified transfer, in the same manner as if there had been such a transfer at the end of the taxable year, by

“(ii) the number of individuals to whom coverage for applicable health benefits was provided during such taxable year.

“(C) **ELECTION TO COMPUTE COST SEPARATELY.**—An employer may elect to have this paragraph applied separately with respect to individuals eligible for benefits under title XVIII of the Social Security Act at any time during the taxable year and with respect to individuals not so eligible.

“(D) **COST MAINTENANCE PERIOD.**—For purposes of this paragraph, the term ‘cost maintenance period’ means the period of 5 taxable years beginning with the taxable year in which the qualified transfer occurs. If a taxable year is in 2 or more overlapping cost maintenance periods, this paragraph shall be applied by taking into account the highest applicable employer cost required to be provided under subparagraph (A) for such taxable year.”

(2) **CONFORMING AMENDMENTS.**—

(A) Section 420(b)(1)(C)(iii) is amended by striking “benefits” and inserting “cost”.

(B) Section 420(e)(1)(D) is amended by striking “and shall not be subject to the minimum benefit requirements of subsection (c)(3)” and inserting “or in calculating applicable employer cost under subsection (c)(3)(B)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to qualified transfers occurring after December 31, 2000, and before October 1, 2009.

SEC. 408. LIMITATIONS ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS.

(a) **BENEFITS TO WHICH EXCEPTION APPLIES.**—Section 419A(f)(6)(A) (relating to exception for 10 or more employer plans) is amended to read as follows:

“(A) IN GENERAL.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are 1 or more of the following:

“(i) Medical benefits.

“(ii) Disability benefits.

“(iii) Group term life insurance benefits which do not provide for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers.”

(b) LIMITATION ON USE OF AMOUNTS FOR OTHER PURPOSES.—Section 4976(b) (defining disqualified benefit) is amended by adding at the end the following new paragraph:

“(5) SPECIAL RULE FOR 10 OR MORE EMPLOYER PLANS EXEMPTED FROM PREFUNDING LIMITS.—For purposes of paragraph (1)(C), if—

“(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide 1 or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

“(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made, then such portion shall be treated as reverting to the benefit of the employers maintaining the fund.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or accrued after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 409. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS.

(a) REPEAL OF INSTALLMENT METHOD FOR ACCRUAL BASIS TAXPAYERS.—

(1) IN GENERAL.—Subsection (a) of section 453 (relating to installment method) is amended to read as follows:

“(a) USE OF INSTALLMENT METHOD.—

“(1) IN GENERAL.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

“(2) ACCRUAL METHOD TAXPAYER.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (1)(2).”

(2) CONFORMING AMENDMENTS.—Sections 453(d)(1), 453(i)(1), and 453(k) are each amended by striking “(a)” each place it appears and inserting “(a)(1)”.

(b) MODIFICATION OF PLEDGE RULES.—Paragraph (4) of section 453A(d) (relating to pledges, etc., of installment obligations) is amended by adding at the end the following: “A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

SEC. 410. INCLUSION OF CERTAIN VACCINES AGAINST STREPTOCOCCUS PNEUMONIAE TO LIST OF TAXABLE VACCINES.

(a) IN GENERAL.—Section 4132(a)(1) (defining taxable vaccine) is amended by adding at the end the following new subparagraph:

“(L) Any conjugate vaccine against streptococcus pneumoniae.”

(b) EFFECTIVE DATE.—

(1) SALES.—The amendment made by this section shall apply to vaccine sales beginning on the day after the date on which the Centers for Disease Control makes a final recommendation for routine administration to children of any conjugate vaccine against streptococcus pneumoniae.

(2) DELIVERIES.—For purposes of paragraph (1), in the case of sales on or before the date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

By Mr. WYDEN:

S. 1135. A bill to amend the Communications Act of 1934 to provide that the lowest unit rate for campaign advertising shall not be available for communication in which a candidate attacks an opponent of the candidate unless the candidate does so in person; to the Committee on Commerce, Science, and Transportation.

POLITICAL CANDIDATE PERSONAL RESPONSIBILITY ACT

Mr. WYDEN. Mr. President, today I am introducing legislation, along with Congressman WALDEN in the House of Representatives, that would fight the scourge of negative political campaigns with the simple yet powerful tool of accountability. If candidates choose to run for office by disparaging their opponents rather than standing on their own records and beliefs, they should at least be expected to take responsibility for the ad campaigns that they run. Under this legislation, there would be meaningful financial penalty—in the form of higher advertising rates—for those who fail to do so.

For me, this bill arises out of unpleasant personal experience. I was elected to this body in a special election against the man I am now proud to call my friend and colleague, GORDON SMITH. That campaign was the nastiest, most negative, least edifying political season that my state has ever been through. The unabashedly negative ads that both of our campaigns put on the air were a sour departure from Oregon's tradition of responsible, thoughtful politics.

I eventually became so disgusted with what my own campaign had become, that with only a few weeks before the election, I got rid of all my ads, destroyed negative mailings that were about to be sent out, asked others who were airing negative ads on my behalf to desist, and started over with a campaign that was 100 percent positive. I didn't know if it would be a smart campaign strategy or a kind of political suicide, and I didn't much care. Win or lose, I wanted to be proud of the way that I had conducted myself.

What I learned all too well in that campaign is that negative politics corrupts everything that it touches. It

harms not only its target, but its sponsor as well. Negative ads are one of the biggest reasons for the cynicism and even disgust that so many Americans feel toward the political process. They cheapen the very institution of democracy.

There's no way, of course, to mandate a sense of shame or legislate an end to negative ads. But in an era when elections are determined more and more by television and radio advertising, it is not too much to ask that candidates be held responsible for the statements they make in their ads.

Under current campaign law, broadcasters are required to give qualified candidates for federal office their lowest price for ads, what is known as the lowest unit broadcast rate. In order to qualify for this rate, candidates must comply with federal campaign finance laws, and include proper disclaimers in the ad, among other regulations. The Political Candidate Personal Responsibility Act would attach two additional requirements to the discounted ad rate. The first requirement is that for both television and radio advertisements, the lowest unit rate will only be available if a candidate, when referring to his or her opponent, makes the reference him or her self. Radio advertisements must also contain a statement by the candidate in which the candidate identifies him or herself and the office for which the person is running. The second requirement is that in any television or radio ad where a candidate makes reference to his or her opponent, the candidate must appear or be heard for at least 75 percent of the broadcast time. If a candidate chooses to air an advertisement that does not comply with these requirements, he or she will be ineligible to receive the lowest unit rate for a period of 45 days in a primary and 60 days in a general election.

In other words, if you want the benefits of discounted broadcast time, you can't make disparaging statements that you aren't willing to say yourself. No more hiding behind grainy photographs, ominous music, and anonymous announcers.

Ultimately, one of our greatest responsibilities as elected officials is to encourage greater public participation in all levels of the political process. Campaign activities should not only represent the views of the candidates, but they should also encourage voters to participate in the democratic process. The growing negative trend of campaign advertisements degrades the process and discourages people from becoming involved.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1135

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 "Political Candidate Personal Responsibility Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Local broadcasters are currently required to offer the "lowest unit charge" for advertising to candidates for all political offices 45 days before a primary election, and 60 days before a general election.

(2) The "lowest unit charge" requirement represents a federally mandated subsidy for political candidates.

(3) Campaigns for Federal office are too frequently dominated by negative and attack-oriented television and radio advertising.

(4) The Government should take action to ensure that it does not subsidize negative and attack oriented advertising where the candidate fails to demonstrate personal responsibility for the tenor of the candidate's advertising.

SEC. 3. LIMITATION ON AVAILABILITY OF LOWEST UNIT CHARGE FOR FEDERAL CANDIDATES ATTACKING OPPOSITION.

(a) IN GENERAL.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking "(b) The charges" and inserting "(b)(1) The charges";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

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

"(2)(A) In the case of a candidate for Federal office, such candidate shall not be entitled to receive the rate under paragraph (1)(A) for the use of any broadcasting station unless the candidate certifies that the candidate (and any authorized committee of the candidate) shall not make any direct reference to another candidate for the same office, in any broadcast using the rights and conditions of access under this Act, unless—

"(i) such reference meets the requirements of subparagraph (C), and

"(ii) a communication which contains such reference—

"(I) in the case of a television broadcast, contains a clearly identifiable photographic or similar image of the candidate that is prominently displayed during at least 75 percent of the broadcast time, and

"(II) in the case of a radio broadcast, contains the voice of the candidate during at least 75 percent of the broadcast time.

"(B) If a candidate for Federal office (or any authorized committee of such candidate) makes a reference described in subparagraph (A) in any broadcast that does not meet the requirements of subparagraph (C) or makes a communication that does not meet the requirements of subparagraph (A)(ii), such candidate shall not be entitled to receive the rate under paragraph (1)(A) for such broadcast or any other broadcast during any portion of the 45-day and 60-day periods described in paragraph (1)(A), that occur on or after the date of such broadcast, for election to such office.

"(C) A candidate meets the requirements of this subparagraph with respect to any reference to another candidate if—

"(i) in the case of a television broadcast, the reference (and any statement relating to the other candidate) is made by the candidate in a personal appearance on the screen, and

"(ii) in the case of a radio broadcast, the reference (and any statement relating to the other candidate) is made by the candidate in a personal audio statement during which the candidate and the office for which the can-

didate is running are identified by such candidate.

"(D) For purposes of this paragraph, the terms 'authorized committee' and 'Federal office' have the meanings given such terms by section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)."

(b) CONFORMING AMENDMENT.—Section 315(b)(1)(A) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)(A)), as redesignated by subsection (a)(2), is amended by inserting "subject to paragraph (2)," before "during the forty-five days".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to broadcasts made after the date of enactment of this Act.

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

S. 1136. A bill to amend the Internal Revenue Code of 1986 to provide that an organization shall be exempt from income tax if it is created by a State to provide property and casualty insurance coverage for property for which such coverage is otherwise unavailable; to the Committee on Finance.

EXEMPTION FROM INCOME TAX FOR STATE CREATED ORGANIZATIONS PROVIDING PROPERTY AND CASUALTY INSURANCE

Mr. MACK. Mr. President, today Senator GRAHAM and I introduce legislation that would help protect Florida from economic devastation in the event of a catastrophic windstorm or other peril.

Our legislation would amend Section 501(c) of the Internal Revenue Code to grant tax-exempt status to the Florida Windstorm Underwriting Association (FWUA), the Florida Residential Property and Casualty Joint Underwriting Association (JUA) and similar state-chartered, not-for-profit insurers serving markets in which commercial insurance is not available. The FWUA and JUA are non-profit entities established by the state to provide property and casualty insurance coverage in those markets not adequately served by other insurers.

In most years, Florida is not hit by a major hurricane or natural catastrophe. In those years, the FWUA and JUA take in more premiums than are paid out in claims or expenses. Since these entities are not-for-profit, state law prevents those funds from being distributed—they are instead literally saved for a severely rainy or windy day. Nonetheless, the Internal Revenue Code requires 35% of those funds to be sent to Washington as federal income taxes rather than used to fund reserves. Designating the FWUA and JUA as tax-exempt will help Florida to accumulate the necessary reserves to pay claims brought on by a catastrophe. This bill gives the two Florida catastrophe funds the same tax-exempt status that is already enjoyed by a number of not-for-profit insurance providers.

State law authorizes the FWUA and the JUA to assess property insurance policyholders throughout Florida to pay for losses generated by catastrophic storms or other perils. Thus, the benefits of the tax exemption would reduce the frequency and sever-

ity of assessments levied against individual policyholders. Greater funds would be available to cover losses which otherwise would be paid for by higher assessments on Florida policyholders—cutting taxes for the approximately 5,000,000 property owners in the state of Florida.

This legislation has the bipartisan support of the entire Florida Congressional delegation in addition to strong backing from Governor Jeb Bush, the State Insurance Commissioner, the Florida Senate President and Florida's House Speaker. And this change in the tax code would result in only a negligible loss of federal tax revenue, according to Joint Tax.

Our legislation is extremely important to homeowners and businesses throughout the state of Florida, all of whom are subject to assessment if reserves are not sufficient to pay claims in the event of a severe hurricane or other catastrophe. With hundreds of miles of magnificent coastline, Florida remains sensitive to the perils of nature. Enactment of our legislation permits Florida to prepare for the next Hurricane Andrew while alleviating some of the economic hardship exacted on Florida property owners.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FROM INCOME TAX FOR STATE-CREATED ORGANIZATIONS PROVIDING PROPERTY AND CASUALTY INSURANCE FOR PROPERTY FOR WHICH SUCH COVERAGE IS OTHERWISE UNAVAILABLE.

(a) IN GENERAL.—Subsection (c) of section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by adding at the end the following new paragraph:

"(28)(A) Any association created before January 1, 1999, by State law and organized and operated exclusively to provide property and casualty insurance coverage for property located within the State for which the State has determined that coverage in the authorized insurance market is limited or unavailable at reasonable rates, if—

"(i) no part of the net earnings of which inures to the benefit of any private shareholder or individual,

"(ii) except as provided in clause (v), no part of the assets of which may be used for, or diverted to, any purpose other than—

"(I) to satisfy, in whole or in part, the liability of the association for, or with respect to, claims made on policies written by the association,

"(II) to invest in investments authorized by applicable law, or

"(III) to pay reasonable and necessary administration expenses in connection with the establishment and operation of the association and the processing of claims against the association,

"(iii) the State law governing the association permits the association to levy assessments on property and casualty insurance policyholders with insurable interests in

property located in the State to fund deficits of the association, including the creation of reserves.

“(iv) the plan of operation of the association is subject to approval by the chief executive officer or other executive branch official of the State, by the State legislature, or both, and

“(v) the assets of the association revert upon dissolution to the State, the State’s designee, or an entity designated by the State law governing the association, or State law does not permit the dissolution of the association.

“(B) Subparagraph (A) shall not apply to an association for any taxable year if the association’s surplus income for such year exceeds 5 percent of the total insured value of properties insured by the association as of the close of the taxable year unless the association pays a tax equal to 35 percent of such excess for such year. Such tax shall be treated as imposed by chapter 42 for purposes of this title.”

(b) TRANSITIONAL RULE.—No income or gain shall be recognized by an association as a result of a change in status to that of an association described by section 501(c)(28) of the Internal Revenue Code of 1986, as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1998.

• Mr. GRAHAM. Mr. President, as we prepare for next week’s start of the 1999 Hurricane Season, I am pleased to join my colleague, Senator MACK, in introducing legislation that will help protect Florida from economic devastation in the event of a catastrophic disaster.

Our legislation would amend Section 501(c) of the Internal Revenue Code to grant tax-exempt status to state chartered, not-for-profit insurers serving markets in which commercial insurance is not available. In our state, this legislation will primarily assist the Florida Windstorm Underwriting Association (FWUA) and the Florida Residential Property and Casualty Joint Underwriting Association (JUA).

The Florida Windstorm Association was created in 1970. Twenty-two years later, in 1992, the legislature authorized the Joint Underwriting Association. These organizations operate as residual market mechanisms. They provide residential property and casualty insurance coverage for those residents who need, but are unable to procure through the voluntary market.

The JUA was created in direct response to \$16 billion in covered losses during Hurricane Andrew. The destructive force of Andrew rendered a number of property insurance companies insolvent. Other firms recovered from the catastrophe by withdrawing from Florida markets.

During those fortunate years when we are not impacted by major hurricanes or other natural catastrophes, the FWUA and JUA take in more premiums that are paid out in claims and expenses. Florida law prevents those funds from being distributed so that needed reserves will accumulate in preparation for inevitable disasters.

Unfortunately, the Internal Revenue Service penalizes Florida for this re-

sponsible, forward thinking practice. It requires that 35% of those funds be sent to Washington as federal income taxes rather than used to fund reserves. Designating state chartered, non profit insurers as tax-exempt will help Florida accumulate the necessary reserves to pay claims brought on by a catastrophe.

State law also authorizes the FWUA and the JUA to assess property insurance policyholders for losses generated by natural disasters. Tax exemptions should reduce the frequency and severity of assessments levied against individual policyholders, because it would make more funds available to cover losses which otherwise would be paid for by higher assessments on policyholders.

Mr. President, even seven years later, Hurricane Andrew is still a nightmarish memory for Floridians. The 1999 Hurricane season will begin on June 1, 1999. The National Weather Service expects this hurricane season—which begins next Tuesday, to be another active storm season. It is imperative that the federal government avoids the comfortable habit of ignoring lessons presented by Andrew and other recent catastrophes.

This legislation has bipartisan support in the state’s Congressional delegation. It is backed by our state governor, our insurance Commissioner, our state Senate President and House Speaker.

Also, Mr. President, the Joint Committee on Taxation has ruled that this legislation will have a negligible effect on the federal budget.

Our legislation is extremely important to homeowners and businesses throughout Florida, all whom are subject to assessment if reserves are not sufficient to pay claims in the event of a catastrophe. Florida remains sensitive to the perils of nature. Enactment of this legislation will permit our state to prepare for the next Hurricane Andrew while alleviating some of the economic hardship exacted on Florida property owners. •

By Mr. REID (for himself and Mr. FRIST):

S. 1139. A bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INCREASE OF CIVIL PENALTIES ON UNRULY AIRLINE PASSENGERS LEGISLATION

Mr. REID. Mr. President, years ago, when air travel was in its infancy, the greatest threat to passenger safety was mechanical failure.

Over the last half-century, the dedication of the men and women who service our airlines, coupled with advances in technology and know-how, have made air travel the safest method of transportation we have.

But it’s not always the most convenient way to travel. As air travel has be-

come safer, it has also become more popular—and more crowded.

As all of my colleagues in this chamber well know, air travel is an increasingly stressful and chaotic experience, at times trying even the most patient among us.

I commend my colleagues for introducing the passenger’s bill of rights earlier this Congress, which hopefully will alleviate some of the stress of air travel.

I rise today to address a different aspect of that stress, and that is the safety hazard created to all passengers when a passenger who can’t control his behavior or emotions, or simply refuses to do so, acts in a way that jeopardizes the safety of the flight.

Over the last few years, the number of reported incidents in which unruly airline passengers have interfered with flight crews, or even physically assaulted them, has increased dramatically and dangerously.

One airline alone reports that the number of incidents caused by violent or unruly passengers more than tripled in only three years—from 296 cases in 1994 to 921 cases in 1997.

In 1996, the Federal Aviation Administration imposed civil penalties against 121 unruly passengers. In 1997, that number jumped to 195—a sixty percent increase in only one year.

These incidents represent a serious threat to the safety of both flight crews and passengers alike.

Today I, along with my colleague Senator FRIST, am introducing a bill that addresses this problem.

Briefly, my bill will allow the Secretary of Transportation to increase the civil penalty from its current level of \$1,100, up to \$25,000, on any airline passenger who interferes with the duties or responsibilities of the flight crew or cabin crew or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft.

We need not only to punish passengers who threaten the safety of their passengers. We also need to give airlines the power to prevent particularly violent or disruptive passengers from committing similar acts in the future.

When someone drives in an unsafe manner on our roads, local police have the power to fine them. When that someone commits the same offenses repeatedly, or drives in a way that is especially dangerous, local authorities have the power to revoke or suspend their driver’s licenses—to take those drivers off the road.

I think we need to do something similar with air travelers who commit particularly dangerous acts, or who insist on repeatedly disrupting airline flight crews. We need them off of our airlines, so that they do not have the opportunity to jeopardize the lives of other passengers in the future.

The bill I am introducing today gives the Secretary of Transportation the authority to raise the civil penalty up to \$25,000.

Second, and most important, my bill would also give the Secretary of Transportation the authority to impose a ban of up to one year on all commercial air travel on passengers guilty of such incidents.

The bill enforces this ban by making airlines which provides air transportation to a banned traveler liable to the Government for a civil penalty of up to \$25,000.

Third, this bill would give whistleblower protection to flight attendants who report unsafe behavior by co-workers.

Fourth, this bill will make the investigation of in-flight incidents easier by giving the Attorney General the authority to deputize local law enforcement officials to investigate incidents when the plane lands, wherever it lands.

Mr. President, everyone in this body travels extensively by air. Every time we get into an airline, we put our lives in the hands of the hardworking men and women who staff our airlines.

When we, or any other American, gets on an airplane, we should be able to sit back and relax, confident in the knowledge that those men and women can perform the jobs they were trained to do without interference by unreasonable or violent passengers.

We should also be able to board an airline secure in the knowledge that the man or woman sitting in the seat next to us, doesn't have an extensive history of violent or disruptive behavior on airplanes.

We should also have the security of knowing that if a passenger does choose to commit a particularly unruly or violent act that threatens the safety of other passengers or the flight crew, that passenger won't be able to get on another airplane tomorrow and do the same thing to another unsuspecting planeload of passengers.

I urge my colleagues to join me in supporting this important bill.

Mr. President, ask unanimous consent that the text of the bill be printed in the RECORD.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PENALTIES FOR UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 of title 49, United States Code, is amended by adding at the end the following:

“§ 46317. Interference with cabin or flight crew

“(a) GENERAL RULE.—

“(1) IN GENERAL.—An individual who interferes with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than \$25,000.

“(2) ADDITIONAL PENALTIES.—In addition or as an alternative to the penalty under paragraph (1), the Secretary of Transportation (referred to in this section as the ‘Sec-

retary’) may prohibit the individual from flying as a passenger on an aircraft used to provide air transportation for a period of not more than 1 year.

“(b) NOTIFICATION OF AIR CARRIERS.—Not later than 10 days after issuing an order prohibiting an individual from flying under subsection (a)(2), the Secretary shall notify all air carriers of—

“(1) the prohibition; and

“(2) the period of the prohibition.

“(c) RESPONSIBILITY OF AIR CARRIERS.—After a notification of an order issued under subsection (a)(2), an air carrier who provides air transportation for the individual prohibited from flying during the period of the prohibition under that subsection is liable to the United States Government for a civil penalty of not more than \$25,000.

“(d) COMPROMISE AND SETOFF.—

“(1) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section.

“(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.”

(b) CONFORMING AMENDMENT.—The table of sections for chapter 463 of title 49, United States Code, is amended by adding at the end the following:

“46317. Interference with cabin or flight crew.”

SEC. 2. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) IN GENERAL.—Chapter 421 of title 49, United States Code, is amended by adding at the end the following:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

“§ 42121. Protection of employees providing air safety information

“(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee of the air carrier or the contractor or subcontractor of an air carrier or otherwise discriminate against any such employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide or cause to be provided, to the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

“(2) has filed, caused to be filed, or is about to file or cause to be filed, a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

“(3) testified or will testify in such a proceeding; or

“(4) assisted or participated or is about to assist or participate in such a proceeding.

“(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

“(1) FILING AND NOTIFICATION.—

“(A) IN GENERAL.—In accordance with this paragraph, a person may file (or have a person file on behalf of that person) a complaint with the Secretary of Labor if that person believes that an air carrier or contractor or subcontractor of an air carrier discharged or otherwise discriminated against that person in violation of subsection (a).

“(B) REQUIREMENTS FOR FILING COMPLAINTS.—A complaint referred to in sub-

paragraph (A) may be filed not later than 90 days after an alleged violation occurs. The complaint shall state the alleged violation.

“(C) NOTIFICATION.—Upon receipt of a complaint submitted under subparagraph (A), the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint and the Administrator of the Federal Aviation Administration of the—

“(i) filing of the complaint;

“(ii) allegations contained in the complaint;

“(iii) substance of evidence supporting the complaint; and

“(iv) opportunities that are afforded to the air carrier, contractor, or subcontractor under paragraph (2).

“(2) INVESTIGATION; PRELIMINARY ORDER.—

“(A) IN GENERAL.—

“(i) INVESTIGATION.—Not later than 60 days after receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

“(ii) ORDER.—Except as provided in subparagraph (B), if the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the findings referred to in clause (i) with a preliminary order providing the relief prescribed under paragraph (3)(B).

“(iii) OBJECTIONS.—Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order and request a hearing on the record.

“(iv) EFFECT OF FILING.—The filing of objections under clause (iii) shall not operate to stay any reinstatement remedy contained in the preliminary order.

“(v) HEARINGS.—Hearings conducted pursuant to a request made under clause (iii) shall be conducted expeditiously and governed by the Federal Rules of Civil Procedure. If a hearing is not requested during the 30-day period prescribed in clause (iii), the preliminary order shall be deemed a final order that is not subject to judicial review.

“(B) REQUIREMENTS.—

“(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1)

through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(3) FINAL ORDER.—

“(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—

“(i) IN GENERAL.—Not later than 120 days after conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order that—

“(I) provides relief in accordance with this paragraph; or

“(II) denies the complaint.

“(ii) SETTLEMENT AGREEMENT.—At any time before issuance of a final order under this paragraph, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the air carrier, contractor, or subcontractor alleged to have committed the violation.

“(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the air carrier, contractor, or subcontractor that the Secretary of Labor determines to have committed the violation to—

“(i) take action to abate the violation;

“(ii) reinstate the complainant to the former position of the complainant and ensure the payment of compensation (including back pay) and the restoration of terms, conditions, and privileges associated with the employment; and

“(iii) provide compensatory damages to the complainant.

“(C) COSTS OF COMPLAINT.—If the Secretary of Labor issues a final order that provides for relief in accordance with this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the air carrier, contractor, or subcontractor named in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connection with, the bringing of the complaint that resulted in the issuance of the order.

“(4) FRIVOLOUS COMPLAINTS.—A complaint brought under this section that is found to be frivolous or to have been brought in bad faith shall be governed by Rule 11 of the Federal Rules of Civil Procedure.

“(5) REVIEW.—

“(A) APPEAL TO COURT OF APPEALS.—

“(i) IN GENERAL.—Not later than 60 days after a final order is issued under paragraph (3), a person adversely affected or aggrieved by that order may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of that violation.

“(ii) REQUIREMENTS FOR JUDICIAL REVIEW.—A review conducted under this paragraph shall be conducted in accordance with chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order that is the subject of the review.

“(B) LIMITATION ON COLLATERAL ATTACK.—An order referred to in subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

“(6) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—

“(A) IN GENERAL.—If an air carrier, contractor, or subcontractor named in an order

issued under paragraph (3) fails to comply with the order, the Secretary of Labor may file a civil action in the United States district court for the district in which the violation occurred to enforce that order.

“(B) RELIEF.—In any action brought under this paragraph, the district court shall have jurisdiction to grant any appropriate form of relief, including injunctive relief and compensatory damages.

“(7) ENFORCEMENT OF ORDER BY PARTIES.—

“(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order is issued under paragraph (3) may commence a civil action against the air carrier, contractor, or subcontractor named in the order to require compliance with the order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the order.

“(B) ATTORNEY FEES.—In issuing any final order under this paragraph, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party if the court determines that the awarding of those costs is appropriate.

“(C) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

“(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, or contractor or subcontractor of an air carrier who, acting without direction from the air carrier (or an agent, contractor, or subcontractor of the air carrier), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

“(e) CONTRACTOR DEFINED.—In this section, the term ‘contractor’ means a company that performs safety-sensitive functions by contract for an air carrier.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 421 of title 49, United States Code, is amended by adding at the end the following:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

“42121. Protection of employees providing air safety information.

(c) CIVIL PENALTY.—Section 46301(a)(1)(A) of title 49, United States Code, is amended by striking “subchapter II of chapter 421,” and inserting “subchapter II or III of chapter 421.”

SEC. 3. DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) DEFINITIONS.—In this section:

(1) AIRCRAFT.—The term ‘aircraft’ has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term ‘air transportation’ has the meaning given that term in section 40102 of title 49, United States Code.

(3) ATTORNEY GENERAL.—The term ‘Attorney General’ means the Attorney General of the United States.

(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZE LOCAL LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) establish a program under which the Attorney General may deputize State and local law enforcement officers as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers of air transportation; and

(B) encourage the participation of law enforcement officers of State and local govern-

ments in the program established under subparagraph (A).

(2) CONSULTATION.—In establishing the program under paragraph (1), the Attorney General shall consult with appropriate officials of—

(A) the Federal Government (including the Administrator of the Federal Aviation Administration or a designated representative of the Administrator); and

(B) State and local governments in any geographic area in which the program may operate.

(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

(A) IN GENERAL.—Under the program established under this subsection, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The Federal Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i). Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the Federal Government established to provide training to law enforcement officers of the Federal Government.

(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a provision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program established under subsection (b) shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) shall not—

(A) be considered to be an employee of the Federal Government; or

(B) receive compensation from the Federal Government by reason of service as a Deputy United States Marshal in the program.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

(1) grant a State or local law enforcement officer that is deputized under the program under subsection (b) the power to enforce any Federal law that is not described in subsection (c); or

(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the capacity under any other applicable State or Federal law.

(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

ADDITIONAL COSPONSORS

S. 135

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 341

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes.

S. 343

At the request of Mr. BOND, the names of the Senator from Florida (Mr. MACK), the Senator from Idaho (Mr. CRAPO), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 434

At the request of Mr. BREAUX, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 445

At the request of Mr. JEFFORDS, the name of the Senator from Oklahoma

(Mr. INHOFE) was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans.

S. 459

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 661

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 680

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 757

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 774

At the request of Mr. BREAUX, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 774, a bill to amend the Internal

Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 868

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 868, a bill to make forestry insurance plans available to owners and operators of private forest land, to encourage the use of prescribed burning and fuel treatment methods on private forest land, and for other purposes.

S. 880

At the request of Mr. INHOFE, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program.

S. 902

At the request of Mr. TORRICELLI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 902, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 918

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from South Carolina (Mr. THURMOND), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 965

At the request of Mr. JEFFORDS, the name of the Senator from Nevada (Mr.

REID) was added as a cosponsor of S. 965, a bill to restore a United States voluntary contribution to the United Nations Population Fund.

S. 1016

At the request of Mr. DEWINE, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1017

At the request of Mr. GRAHAM, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Vermont (Mr. LEAHY), the Senator from Indiana (Mr. BAYH), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) 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. 1056

At the request of Mr. CHAFEE, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1056, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for the Highway Trust Fund and to reduce the number of separate taxes deposited into the Highway Trust Fund, and for other purposes.

S. 1067

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1070

At the request of Mr. BOND, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1074

At the request of Mr. TORRICELLI, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the name of the Senator from Maryland

(Ms. MIKULSKI) was added as a cosponsor of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day."

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Nevada (Mr. REID), the Senator from Louisiana (Mr. BREAU), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 81

At the request of Mr. CRAPO, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of Senate Resolution 81, a resolution designating the year of 1999 as "The Year of Safe Drinking Water" and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act.

SENATE RESOLUTION 84

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of Senate Resolution 84, a resolution to designate the month of May, 1999, as "National Alpha 1 Awareness Month."

SENATE RESOLUTION 99

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Senate Resolution 99, a resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day."

AMENDMENT NO. 393

At the request of Mr. LEVIN the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 393 proposed to S. 1059, an original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 35—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 7, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, June 7, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE RESOLUTION 108—DESIGNATING THE MONTH OF MARCH EACH YEAR A "NATIONAL COLORECTAL CANCER AWARENESS MONTH"

Mr. BREAU (for himself, Mr. MURKOWSKI, Mr. MACK, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 108

Whereas colorectal cancer is the second leading cause of cancer deaths in the United States;

Whereas it is estimated that in 1999, physicians will diagnose 129,400 new cases of colorectal cancer in the United States;

Whereas in 1999, the disease is expected to kill 56,600 individuals in this country;

Whereas less than 50 percent of individuals above age 50 receive annual screenings for colorectal cancer;

Whereas adopting a healthy diet at a young age can significantly reduce the risk of developing colorectal cancer;

Whereas March is also designated as National Nutrition Awareness Month and the prevention of colorectal cancer is highly dependent on dietary factors;

Whereas regular screenings can save large numbers of lives; and

Whereas education can help inform the public of methods of prevention and symptoms of early detection: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL COLORECTAL CANCER AWARENESS MONTH.

The Senate—

(1) designates March of each year as "National Colorectal Cancer Awareness Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

LOTT (AND OTHERS) AMENDMENT NO. 394

Mr. LOTT. (for himself, Mr. WARNER, Mr. SHELBY, Mr. MURKOWSKI, Mr. DOMENICI, Mr. SPECTER, Mr. THOMAS, Mr. KYL, and Mr. HUTCHINSON) proposed an amendment to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 387, below line 24, add the following:

SEC. 1061. INVESTIGATIONS OF VIOLATIONS OF EXPORT CONTROLS BY UNITED STATES SATELLITE MANUFACTURERS.

(a) NOTICE TO CONGRESS OF INVESTIGATIONS.—The President shall promptly notify Congress whenever an investigation is undertaken of an alleged violation of United States export control laws in connection with a commercial satellite of United States origin.

(b) NOTICE TO CONGRESS OF CERTAIN EXPORT WAIVERS AND LICENSES.—The President shall promptly notify Congress whenever an export license or waiver is granted on behalf of any United States person or firm that is the subject of an investigation described in subsection (a). The notice shall include a justification for the license or waiver.

(c) NOTICE IN APPLICATIONS.—It is the sense of Congress that any United States person or firm subject to an investigation described in subsection (a) that submits to the United States an application for the export of a commercial satellite should include in the application a notice of the investigation.

SEC. 1062. ENHANCEMENT OF ACTIVITIES OF DEFENSE THREAT REDUCTION AGENCY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations—

(1) to authorize the personnel of the Defense Threat Reduction Agency (DTRA) who monitor satellite launch campaigns overseas to suspend such campaigns at any time if the suspension is required for purposes of the national security of the United States;

(2) to establish appropriate professional and technical qualifications for such personnel;

(3) to allocate funds and other resources to the Agency at levels sufficient to prevent any shortfalls in the number of such personnel;

(4) to establish mechanisms in accordance with the provisions of section 1514(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—

(A) the allocation to the Agency, in advance of a launch campaign, of an amount equal to the amount estimated to be required by the Agency to monitor the launch campaign; and

(B) the reimbursement of the Department, at the end of a launch campaign, for amounts expended by the Agency in monitoring the launch campaign;

(5) to establish a formal technology training program for personnel of the Agency who monitor satellite launch campaigns overseas, including a structured framework for providing training in areas of export control laws;

(6) to review and improve guidelines on the scope of permissible discussions with foreign persons regarding technology and technical information, including the technology and technical information that should not be included in such discussions;

(7) to provide, on at least an annual basis, briefings to the officers and employees of United States commercial satellite entities on United States export license standards, guidelines, and restrictions, and encourage such officers and employees to participate in such briefings;

(8) to establish a system for—

(A) the preparation and filing by personnel of the Agency who monitor satellite launch campaigns overseas of detailed reports of all activities observed by such personnel in the course of monitoring such campaigns;

(B) the systematic archiving of reports filed under subparagraph (A); and

(C) the preservation of such reports in accordance with applicable laws; and

(9) to establish a counterintelligence office within the Agency as part of its satellite launch monitoring program.

(b) ANNUAL REPORT ON IMPLEMENTATION OF SATELLITE TECHNOLOGY SAFEGUARDS.—The Secretary shall submit to Congress each year, as part of the annual report for that year under section 1514(a)(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:

(1) A summary of the satellite launch campaigns and related activities monitored by the Defense Threat Reduction Agency during the preceding year.

(2) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(3) A description of the personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that year.

(4) An assessment of the record of United States satellite makers in cooperating with Agency monitors, and in complying with United States export control laws, during that year.

SEC. 1063. IMPROVEMENT OF LICENSING ACTIVITIES BY THE DEPARTMENT OF STATE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prescribe regulations to provide notice to the manufacturer of a commercial satellite of United States origin of the reasons for a denial or approval with conditions, as the case may be, of the application for license involving the overseas launch of such satellite.

SEC. 1064. ENHANCEMENT OF INTELLIGENCE COMMUNITY ACTIVITIES.

(a) CONSULTATION WITH DCI.—The Secretary of State shall consult with the Director of Central Intelligence throughout the review of an application for a license involving the overseas launch of a commercial satellite of United States origin in order to assure that the launch of the satellite, if the license is approved, will meet any requirements necessary to protect the national security interests of the United States.

(b) ADVISORY GROUP.—The Director of Central Intelligence shall establish within the intelligence community an advisory group to provide information and analysis to Congress upon request, and to appropriate departments and agencies of the Federal Government, on licenses involving the overseas launch of commercial satellites of United States origin.

(c) ANNUAL REPORTS ON EFFORTS TO ACQUIRE SENSITIVE UNITED STATES TECHNOLOGY AND TECHNICAL INFORMATION.—The Director of Central Intelligence shall submit each year to Congress and appropriate officials of the executive branch a report on the efforts of foreign governments and entities during the preceding year to acquire sensitive United States technology and technical information. The report shall include an analysis of the applications for licenses for export that were submitted to the United States during that year.

(d) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 1065. ADHERENCE OF PEOPLE'S REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should take all actions appropriate to obtain a bilateral agreement with the People's Republic of China to adhere to the Missile Technology Control Regime (MTCR) and the MTCR Annex; and

(2) the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member without having—

(A) demonstrated a sustained and verified commitment to the nonproliferation of missiles and missile technology; and

(B) adopted an effective export control system for implementing guidelines under the Missile Technology Control Regime and the MTCR Annex.

(b) DEFINITIONS.—In this section:

(1) The term “Missile Technology Control Regime” means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term “MTCR Annex” means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

SEC. 1066. UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY.

It is the sense of Congress that—

(1) Congress and the President should work together to stimulate and encourage the expansion of a commercial space launch capacity in the United States, including by taking actions to eliminate legal or regulatory barriers to long-term competitiveness in the United States commercial space launch industry; and

(2) Congress and the President should—

(A) reexamine the current United States policy of permitting the export of commercial satellites of United States origin to the People's Republic of China for launch;

(B) review the advantages and disadvantages of phasing out the policy over time, including advantages and disadvantages identified by Congress, the executive branch, the United States satellite industry, the United States space launch industry, the United States telecommunications industry, and other interested persons; and

(C) if the phase out of the policy is adopted, permit launches of commercial satellites of United States origin by the People's Republic of China only if—

(i) such launches are licensed as of the commencement of the phase out of the policy; and

(ii) additional actions are taken to minimize the transfer of technology to the People's Republic of China during the course of such launches.

SEC. 1067. ANNUAL REPORTS ON SECURITY IN THE TAIWAN STRAIT.

(a) IN GENERAL.—Not later than February 1 of each year, beginning in the first calendar year after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, detailing the security situation in the Taiwan Strait.

(b) REPORT ELEMENTS.—Each report shall include—

(1) an analysis of the military forces facing Taiwan from the People's Republic of China; (2) an evaluation of additions during the preceding year to the offensive military capabilities of the People's Republic of China; and

(3) an assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96-8).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

SEC. 1068. DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

Section 3161(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2260; 50 U.S.C. 435 note) is amended by adding at the end the following:

"(9) The actions to be taken to ensure that records subject to Executive Order No. 12958 that have been released into the public domain since 1995 are reviewed on a page by page basis for Restricted Data or Formerly Restricted Data unless such records have been determined to be highly unlikely to contain Restricted Data or Formerly Restricted Data."

On page 541, line 22, insert "(A)" after "(4)".

On page 542, between lines 2 and 3, insert the following:

(B) The chairman of the Commission may be designated once five members of the Commission have been appointed under paragraph (1).

On page 542, between lines 11 and 12, insert the following:

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

On page 546, strike lines 20 through 23.

On page 547, line 1, strike "(3)" and insert "(2)".

On page 564, between lines 17 and 18, insert the following:

SEC. 3164. CONDUCT OF SECURITY CLEARANCES.

(a) RESPONSIBILITY OF FEDERAL BUREAU OF INVESTIGATION.—Section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking "the Civil Service Commission" each place it appears in subsections a., b., and c. and inserting "the Federal Bureau of Investigation".

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) by striking subsections d. and f.; and

(2) by redesignating subsections e., g., and h. as subsections d., e., and f., respectively; and

(3) in subsection d., as so redesignated, by striking "determine that investigations" and all that follows and inserting "require that investigations be conducted by the Federal Bureau of Investigation of any group or class covered by subsections a., b., and c. of this section.".

(c) TECHNICAL AMENDMENT.—Subsection f. of that section, as so redesignated, is amended by striking "section 145 b." and inserting "subsection b. of this section".

SEC. 3165. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.

(a) PROVISION OF TRAINING.—The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) COUNTERING OF ESPIONAGE AND INTELLIGENCE-GATHERING ABROAD.—(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Secretary shall ensure that at least one employee from the pool established under paragraph (1) accompanies any group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country by the Secretary of State.

**KERRY (AND OTHERS)
AMENDMENT NO. 395**

Mr. KERREY (for himself, Mrs. BOXER, Mr. FEINGOLD, Mr. DASCHLE, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, strike line 13 and all that follows through page 358, line 4.

**ALLARD (AND OTHERS)
AMENDMENT NO. 396**

Mr. ALLARD (for himself, Mr. HARKIN, Mr. SESSIONS, Mr. STEVENS, Mr. CONRAD, Mr. DORGAN, Mr. CLELAND, Mr. CRAIG, Mr. BINGAMAN, Mr. BRYAN, Mr. REID, Mr. CAMPBELL, Mr. MURKOWSKI, Ms. SNOWE, Mr. FEINGOLD, Mr. COVERDELL, and Mr. GRASSLEY) proposed an amendment to the bill, S. 1059, supra; as follows:

Strike section 904, and insert the following:

SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improve-

ments to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program. Not later than February 15, 2000, the Inspector General shall submit a report on the results of the study to the congressional defense committees.

(c) INSPECTOR GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall review the financial and management operations of the Civil Air Patrol. The review shall include an audit.

(2) Not later than February 15, 2000, the Inspector General shall submit to the congressional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

**MURRAY (AND OTHERS)
AMENDMENT NO. 397**

Mrs. MURRAY (for herself, Ms. SNOWE, Ms. MIKULSKI, Mrs. BOXER, Ms. LANDRIEU, Mr. KERREY, Mr. SCHUMER, Mr. INOUE, Mr. KENNEDY, Mr. JEFFORDS, and Mr. ROBB) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VII, at the end of subtitle B, add the following:

SEC. 717. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "(a) RESTRICTION ON USE OF FUNDS.—".

**HARKIN (AND BOXER)
AMENDMENT NO. 398**

(Ordered to lie on the table.)

Mr. HARKIN (for himself, and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a)."

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program."

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b))."

On page 17, line 6, reduce the amount by \$18,000,000.

HARKIN (AND FEINGOLD) AMENDMENT NO. 399

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle D, add the following:

SEC. 552. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

- (1) The Army Reserve Personnel Command.
- (2) The Bureau of Naval Personnel.
- (3) The Air Force Personnel Center.
- (4) The National Archives and Records Administration

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term "decoration" means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

GORTON (AND MURRAY) AMENDMENT NO. 400

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title VII, at the end of subtitle A, add the following:

SEC. 705. CONTINUOUS OPEN ENROLLMENT IN MANAGED CARE PLANS OF THE FORMER UNIFORMED SERVICES TREATMENT FACILITIES

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

"(g) CONTINUOUS OPEN ENROLLMENT.—Covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by the designated providers consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program."

BOND (AND KERRY) AMENDMENT NO. 401

(Ordered to lie on the table.)

Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

Strike section 805.

ALLARD AMENDMENT NO. 402

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill, S. 1059, supra; as follows:

On page 578, below line 21, add the following:

SEC. 3179. USE OF 9975 CANISTERS FOR SHIPMENT OF WASTE FROM ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) APPROVAL OR DENIAL OF USE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall either grant or deny approval for the use of 9975 canisters for the shipment of waste from the Rocky Flats Environmental Technology Site, Colorado.

(b) ALTERNATIVE MEANS OF SHIPMENT OF WASTE.—(1) If approval of the use of 9975 canisters for the shipment of waste from the Rocky Flats Environmental Technology Site is denied under subsection (a), the Secretary shall identify an alternative to 9975 canisters for use for the shipment of waste from the Rocky Flats Environmental Technology Site.

(2) The alternative under paragraph (1) shall be identified not later than 10 days after the date of the denial of approval under subsection (a).

(3) The alternative identified for purposes of paragraph (1) shall be available for use at the time of its identification for purposes of that paragraph, without need for any further approval.

(c) COSTS.—Amounts to cover any costs associated with the identification of an alternative under subsection (b), and any costs associated with delays in the shipment of waste from Rocky Flats Environmental Technology Site as a result of delays in approval, shall be subtracted from amounts appropriated for travel by the Secretary of Energy.

BOXER AMENDMENT NO. 403

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1059 supra; as follows:

In title X, at the end of subtitle A, add the following:

SEC. 10 . TRANSFERS FOR THE ESTABLISHMENT OF ADDITIONAL NATIONAL VETERANS CEMETERIES.

(a) AUTHORITY.—Of the amounts appropriated for the Department of Defense for fis-

cal year 2000 pursuant to authorizations of appropriations in this Act, the Secretary of Defense shall transfer \$100,000,000 to the Department of Veterans Affairs. The Secretary shall select the source of the funds for transfer under this subsection, and make the transfers in a manner that causes the least significant harm to the readiness of the Armed Forces, does not affect the increases in pay and other benefits for Armed Forces personnel, and does not otherwise adversely affect the quality of life of such personnel and their families.

(b) USE OF AMOUNTS TRANSFERRED.—Funds transferred to the Department of Veterans Affairs under subsection (a) shall be made available to establish, in accordance with chapter 24 of the title 38, United States Code, national cemeteries in areas in the United States that the Secretary of Veterans Affairs determines to be most in need of such cemeteries to serve the needs of veterans and their families.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under subsection (a) is in addition to the transfer authority provided in section 1001.

SMITH (AND WYDEN) AMENDMENT NO. 404

(Ordered to lie on the table.)

Mr. SMITH of Oregon (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

On page 404, below line 22, add the following:

TITLE XIII—CHEMICAL DEMILITARIZATION ACTIVITIES

SEC. 1301. SHORT TITLE.

This title may be cited as the "Community-Army Cooperation Act of 1999".

SEC. 1302. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Between 1945 and 1989, the national security interests of the United States required the construction, and later, the deployment and storage of weapons of mass destruction throughout the geographical United States.

(2) The United States is a party to international commitments and treaties which require the decommissioning or destruction of certain of these weapons.

(3) The United States has ratified the Chemical Weapons Convention which requires the destruction of the United States chemical weapons stockpile by April 29, 2007.

(4) Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) provides that the Department of the Army shall be the executive agent for the destruction of the chemical weapons stockpile.

(5) In 1988, the Department of the Army determined that on-site incineration of chemical weapons at the eight chemical weapons storage locations in the continental United States would provide the safest and most efficient means for the destruction of the chemical weapons stockpile.

(6) The communities in the vicinity of such locations have expressed concern over the safety of the process to be used for the incineration of the chemical weapons stockpile.

(7) Sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) and section 8065 of the Department of Defense Appropriations Act, 1997 (Public Law 104-208) require that the Department of the Army explore methods other than incineration for the destruction of the chemical weapons stockpile.

(8) Compliance with the 2007 deadline for the destruction of the United States chemical weapons stockpile in accordance with

the Chemical Weapons Convention will require an accelerated decommissioning and transporting of United States chemical weapons.

(9) The decommissioning or transporting of such weapons has caused, or will cause, environmental, economic, and social disruptions.

(10) It is appropriate for the United States to mitigate such disruptions.

(b) **PURPOSE.**—It is the purpose of this title to provide for the mitigation of the environmental, economic, and social disruptions to communities and Indian tribes resulting from the onsite decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

SEC. 1303. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Defense and the Secretary of the Army should streamline the administrative structure of the Department of Defense and the Department of the Army, respectively, in order that the officials within such departments with immediate responsibility for the demilitarization of chemical agents and munitions, and related materials, have authority—

(1) to meet the April 29, 2007, deadline for the destruction of United States chemical weapon stockpile as required by the Chemical Weapons Convention; and

(2) to employ sound management principles, including the negotiation and implementation of contract incentives, to—

(A) accelerate the decommissioning of chemical agents and munitions, and related materials; and

(B) enforce budget discipline on the chemical demilitarization program of the United States while mitigating the disruption to communities and Indian tribes resulting from the onsite decommissioning of the chemical weapons stockpile at chemical demilitarization facilities in the United States.

SEC. 1304. DECOMMISSIONING OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) **IN GENERAL.**—As executive agent for the chemical demilitarization program of the United States, the Department of the Army shall facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to complete the decommissioning of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

(b) **MANAGEMENT WITHIN DEPARTMENT OF THE ARMY.**—The Secretary of the Army shall designate or establish in the Office of the Secretary of the Army an office to facilitate compliance with the requirements in subsection (a).

(c) **RESPONSIBILITIES OF OFFICE.**—The office designated or established under subsection (b) shall have the following responsibilities:

(1) To provide oversight and policy guidance to the Department of the Army on issues relating to compliance with the requirements in subsection (a).

(2) Except as provided in section 1305, to allocate within the Department amounts appropriated for the Department for chemical demilitarization activities.

(3) To negotiate, renegotiate, and execute contracts, including performance-based contracts and incentive-based contracts, with nongovernmental entities.

(4) To negotiate and execute agreements, including incentive-based agreements, with other departments, agencies, and instrumentalities of the United States.

(5) To delegate authority and functions to other departments, agencies, and instrumentalities of the United States.

(6) To negotiate and execute agreements with the chief executive officers of the States.

(7) Such other responsibilities as the Secretary considers appropriate.

SEC. 1305. ECONOMIC ASSISTANCE PAYMENTS.

(a) **IN GENERAL.**—Upon the direction of the Secretary of the Army, the Comptroller of the Army may make economic assistance payments to communities and Indian tribes directly affected by the decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

(b) **SOURCE OF PAYMENTS.**—Amounts for payments under this section shall be derived from appropriations available to the Department of the Army for chemical demilitarization activities.

(c) **TOTAL AMOUNT OF PAYMENTS.**—(1) Subject to paragraph (2), the aggregate amount of payments under this section with respect to a chemical demilitarization facility during the period beginning on the date of the enactment of this Act and ending on April 29, 2007, may not be less than \$50,000,000 or more than \$60,000,000.

(2) Payments under this section shall cease with respect to a facility upon the transfer of the facility to a State-chartered municipal corporation pursuant to an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act.

(d) **DATE OF PAYMENT.**—(1) Payments under this section with respect to a chemical demilitarization facility shall be made on March 1 and September 2 each year if the decommissioning of chemical agents and munitions, and related materials, occurs at the facility during the applicable payment period with respect to such date.

(2) For purposes of this section, the term “applicable payment period” means—

(A) in the case of a payment to be made on March 1 of a year, the period beginning on July 1 and ending on December 31 of the preceding year; and

(B) in the case of a payment to be made on September 2 of a year, the period beginning on January 1 and ending on June 30 of the year.

(e) **ALLOCATION OF PAYMENT.**—(1) Except as provided in paragraph (2), each payment under this section with respect to a chemical demilitarization facility shall be allocated equally among the communities and Indian tribes that are located within the positive action zone of the facility, as determined by population.

(2) The amount of an allocation under this subsection to a community or Indian tribe shall be reduced by the amount of any tax or fee imposed or assessed by the community or Indian tribe during the applicable payment period against the value of the facility concerned or with respect to the storage or decommissioning of chemical agents and munitions, or related materials, at the facility.

(f) **COMPUTATION OF PAYMENT.**—(1) Except as provided in paragraph (2), the amount of each payment under this section with respect to a chemical demilitarization facility shall be the amount equal to \$10,000 multiplied by the number of tons of chemical agents and munitions, and related materials, decommissioned at the facility during the applicable payment period.

(2)(A) If at the conclusion of the decommissioning of chemical agents and munitions, and related materials, at a facility the aggregate amount of payments made with respect to the facility is less than the minimum amount required by subsection (c)(1), unless payments have ceased with respect to the facility under subsection (c)(2), the amount of the final payment under this section shall be the amount equal to the difference between such aggregate amount and the minimum amount required by subsection (c)(1).

(B) This paragraph shall not apply with respect to a facility if the decommissioning of chemical agents and munitions, and related materials, continues at the facility after April 29, 2007.

(g) **INTEREST ON UNTIMELY PAYMENTS.**—(1) Any payment that is made under this section for an applicable payment period after the date specified for that period in subsection (d) shall include, in addition to the payment amount otherwise provided for under this section, interest at the rate of 1.5 percent per month.

(2) Amounts for payments of interest under this paragraph shall be derived from amounts available for the Department of Defense, other than amounts available for chemical demilitarization activities.

(h) **USE OF PAYMENTS.**—A community or Indian tribe receiving a payment under this section may utilize amounts of the payment for such purposes as the community or Indian tribe, as the case may be, considers appropriate in its sole discretion.

SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.

Paragraph (2) of section 1412(c) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)) is amended to read as follows:

“(2)(A) Facilities constructed to carry out this section may not be used for any other purpose than the destruction of the following:

“(i) The United States stockpile of lethal chemical agents and munitions that exist on November 8, 1985.

“(ii) Any items designated by the Secretary of Defense after that date to be lethal chemical agents and munitions, or related materials.

“(B) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with agreements between the office designated or established under section 1304(b) of the National Defense Authorization Act for Fiscal Year 2000 and the chief executive officer of the State in which the facilities are located.

“(C) An agreement referred to in subparagraph (B) that provides for the transfer of facilities from the United States to a State-chartered municipal corporation shall include provisions as follows:

“(i) That any profits generated by the corporation from the use of such facilities shall be used exclusively for the benefit of communities and Indian tribes located within the positive action zone of such facilities, as determined by population.

“(ii) That any profits referred to in clause (i) shall be apportioned among the communities and Indian tribes concerned on the basis of population, as determined by the most recent decennial census.

“(iii) That the transfer of such facilities shall include any lands extending 50 feet in all directions from such facilities.

“(iv) That the transfer of such facilities include any easements necessary for reasonable access to such facilities.

“(D) An agreement referred to in subparagraph (B) may not take effect if executed after December 31, 2000.”

SEC. 1307. ACTIONS REGARDING ACTIVITIES AT CHEMICAL DEMILITARIZATION FACILITIES.

(a) **LIMITATION ON JURISDICTION.**—(1) An action seeking the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States may be commenced only in a district court of the United States.

(2) No administrative office exercising quasi-judicial powers, and no court of any State, may order the cessation of the construction, operation, or demolition of a

chemical demilitarization facility in the United States.

(b) LIMITATIONS ON STANDING.—(1)(A) Except as provided in paragraph (2), as of a date specified in subparagraph (B), no person shall have standing to bring an action against the United States relating to the decommissioning of chemical agents and munitions, and related materials, at a chemical demilitarization facility except—

(i) the State in which the facility is located; or

(ii) a community or Indian tribe located within 2 miles of the facility.

(B) A date referred to in this subparagraph for a chemical demilitarization facility is the earlier of—

(i) the date on which the first payment is made with respect to the facility under section 1305; or

(ii) the date on which an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act, becomes effective for the facility in accordance with the provisions of such section 1412(c)(2)(B).

(2) Paragraph (1) shall not apply in the case of an action by a State, community, or Indian tribe to determine whether the State, community, or Indian tribe, as the case may be, has a legal or equitable interest in the facility concerned.

(c) INTERIM RELIEF.—(1) During the pendency of an action referred to in subsection (a), a district court of the United States may issue a temporary restraining order against the ongoing construction, operation, or demolition of a chemical demilitarization facility if the petitioner proves by clear and convincing evidence that the construction, operation, or demolition of the facility, as the case may be, is will cause demonstrable harm to the public, the environment, or the personnel who are employed at the facility.

(2) The Secretary of Defense or the Secretary of the Army may appeal immediately any temporary restraining order issued under paragraph (1) to the court of appeals of the United States.

(d) STANDARDS TO BE EMPLOYED IN ACTIONS.—In considering an action under this section, including an appeal from an order under subsection (c), the courts of the United States shall—

(1) treat as an irrebuttable presumption the presumption that any activities at a chemical demilitarization facility that are undertaken in compliance with standards of the Department of Health and Human Services, the Department of Transportation, or the Environmental Protection Agency relating to the safety of the public, the environment, and personnel at the facility will provide maximum safety to the public, environment, and such personnel; and

(2) in the case of an action seeking the cessation of construction or operation of a facility, compare the benefit to be gained by granting the specific relief sought by the petitioner against with the increased risk, if any, to the public, environment, or personnel at the facility that would result from deterioration of chemical agents and munitions, or related materials, during the cessation of the construction or operation.

(e) PARTICIPATION IN ACTIONS AS BAR TO PAYMENTS.—(1) No community or Indian tribe which participates in any action the result of which is to defer, delay, or otherwise impede the decommissioning of chemical agents and munitions, or related materials, in a chemical demilitarization facility may receive any payment or portion thereof made with respect to the facility under section 1305 while so participating in such action.

(f) IMPEADING OF CONTRACTORS.—(1) The Department of the Army may, in an action

with respect to a chemical demilitarization facility, implead a nongovernmental entity having contractual responsibility for the decommissioning of chemical agents and munitions, or related materials, at the facility for purposes of determining the responsibility of the entity for any matters raised by the action.

(2)(A) A court of the United States may assess damages against a nongovernmental entity impleaded under paragraph (1) for acts of commission or omission of the entity that contribute to the failure of the United States to decommission chemical agents and munitions, and related materials, at the facility concerned by April 29, 2007, in accordance with the Chemical Weapons Convention.

(B) The damages assessed under subparagraph (A) may include the imposition of liability on an entity for any payments that would otherwise be required of the United States under section 1305 with respect to the facility concerned.

SEC. 1308. DEFINITIONS.

In this title:

(1) CHEMICAL AGENT AND MUNITION.—The term “chemical agent and munition” has the meaning given that term in section 1412(j)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(j)(1)).

(2) CHEMICAL WEAPONS CONVENTION.—The term “Chemical Weapons Convention” means the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) COMMUNITY.—The term “community” means a country, parish, or other unit of local government.

(4) DECOMMISSION.—The term “decommission”, with respect to a chemical agent and munition, or related material, means the destruction, dismantlement, demilitarization, or other physical act done to the chemical agent and munition, or related material, in compliance with the Chemical Weapons Convention or the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(5) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

SMITH (AND OTHERS) AMENDMENT NO. 405

Mr. SMITH of New Hampshire (for himself, Mr. FRIST, Mr. BOND, Ms. LANDRIEU, Mr. ROBB, Mr. HAGEL, Mr. BREAUX, Mr. TORRICELLI, Mr. HELMS, Mr. INHOFE, Mr. DURBIN, and Mr. EDWARDS) proposed an amendment to the bill, S. 1059, *supra*; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. SENSE OF CONGRESS REGARDING THE U.S.S. INDIANAPOLIS.

(a) COURT-MARTIAL CONVICTION OF LAST COMMANDER.—It is the sense of Congress that—

(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. INDIANAPOLIS (CA-35) on July 30, 1945, while under his command were not morally sustainable;

(2) Captain McVay's conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(3) the American people should now recognize Captain McVay's lack of culpability for the tragic loss of the U.S.S. INDIANAPOLIS and the lives of the men who died as a result of her sinking.

(b) PRESIDENTIAL UNIT CITATION FOR FINAL CREW.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. INDIANAPOLIS (CA-35) in recognition of the courage and fortitude displayed by the members of that crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

SMITH (AND OTHERS) AMENDMENT NO. 406

Mr. SMITH of New Hampshire (for himself, Mr. SESSIONS, Mr. ALLARD, Mr. CRAIG, Mr. INHOFE, and Mr. HUTCHINSON) proposed an amendment to the bill S. 1059, *supra*; as follows:

In title X, at the end of subtitle D, add the following new section:

SEC. ____ . RESTRICTION ON USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds available to the Department of Defense (including prior appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of those operations.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 1999.

MADE IN USA LABEL DEFENSE ACT OF 1999

ABRAHAM AMENDMENT NO. 407

(Ordered referred to the Committee on Finance.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill (S. 922) to prohibit the use of the “Made in the USA” label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment; as follows:

At the appropriate place, insert the following new section:

SEC. ____ . ADDITIONAL REVENUES DEDICATED TO TAX RELIEF OR DEBT REDUCTION.

Notwithstanding any other provisions of law, including section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985—

(1) the Office of Management and Budget shall estimate the revenue increase resulting from the enactment of this Act, for fiscal years 2000 through 2009; and

(2) the amount estimated pursuant to paragraph (1) shall only be available for revenue reduction (without any requirement of an increase in revenues or reduction in direct spending) or debt reduction.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

HATCH AMENDMENT NOS. 408-409

(Ordered to lie on the table.)

Mr. HATCH submitted two amendments intended to be proposed by him to the bill, S. 1059, *supra*; as follows:

AMENDMENT NO. 408

At the appropriate place, insert the following new section:

SEC. .AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.

(a) IN GENERAL.—(1) Notwithstanding any provision of the applicable base closure law or any provision of the applicable base closure law or any provision of the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in subsection (b) the facilities described in subsection (c). Any such transfer shall be without consideration to the United States.

(2) transfer under paragraph (1) may include real property associated with the facility concerned.

(3) An institution seeking a transfer under paragraph (1) shall submit to the Administrator an application for the transfer. The application shall include such information as the Administrator shall specify.

(b) COVERED INSTITUTIONS.—An institution eligible for the transfer of a facility under subsection (a) is any tax-supported educational institution that agrees to use the facility for—

- (1) student instruction;
- (2) the provision of services to individuals with disabilities;
- (3) the health and welfare of students;
- (4) the storage of instructional materials or other materials directly related to the administration of student instruction; or
- (5) other educational purposes.

(c) AVAILABLE FACILITIES.—A facility available for transfer under subsection (a) is any facility that—

- (1) is located at a military installation approved for closure or realignment under a base closure law;
- (2) has been determined to be surplus property under that base closure law; and
- (3) is available for disposal as of the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) The term “base closure laws” means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term “tax-supported educational institution” means any tax-supported educational institution covered by section 203(k)(1)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(1)(A)).

AMENDMENT NO. 409

On page 54, after line 24, insert the following:

Subtitle E—Other Matters

SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

(a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2000, a report on the Air Force Distributed Mission Training program.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity simulators to provide a mission rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the formulation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

SMITH AMENDMENT NO. 410

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill, S. 1059, *supra*; as follows:

On page 404, below line 22, add the following:

TITLE XIII—CHEMICAL DEMILITARIZATION ACTIVITIES

SEC. 1301. SHORT TITLE.

This title may be cited as the “Community-Army Cooperation Act of 1999”.

SEC. 1302. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Between 1945 and 1989, the national security interests of the United States required the construction, and later, the deployment and storage of weapons of mass destruction throughout the geographical United States.

(2) The United States is a party to international commitments and treaties which require the decommissioning or destruction of certain of these weapons.

(3) The United States has ratified the Chemical Weapons Convention which requires the destruction of the United States chemical weapons stockpile by April 29, 2007.

(4) Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) provides that the Department of the Army shall be the executive agent for the destruction of the chemical weapons stockpile.

(5) In 1988, the Department of the Army determined that on-site incineration of chemical weapons at the eight chemical weapons storage locations in the continental United States would provide the safest and most efficient means for the destruction of the chemical weapons stockpile.

(6) The communities in the vicinity of such locations have expressed concern over the safety of the process to be used for the incineration of the chemical weapons stockpile.

(7) Sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) and section 8065 of the Department of Defense Appropriations Act, 1997 (Public Law 104-208) require that the Department of the Army explore methods other than incineration for the destruction of the chemical weapons stockpile.

(8) Compliance with the 2007 deadline for the destruction of the United States chemical weapons stockpile in accordance with

the Chemical Weapons Convention will require an accelerated decommissioning and transporting of United States chemical weapons.

(9) The decommissioning or transporting of such weapons has caused, or will cause, environmental, economic, and social disruptions.

(10) It is appropriate for the United States to mitigate such disruptions.

(b) PURPOSE.—It is the purpose of this title to provide for the mitigation of the environmental, economic, and social disruptions to communities and Indian tribes resulting from the onsite decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

SEC. 1303. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Defense and the Secretary of the Army should streamline the administrative structure of the Department of Defense and the Department of the Army, respectively, in order that the officials within such departments with immediate responsibility for the demilitarization of chemical agents and munitions, and related materials, have authority—

(1) to meet the April 29, 2007, deadline for the destruction of United States chemical weapon stockpile as required by the Chemical Weapons Convention; and

(2) to employ sound management principles, including the negotiation and implementation of contract incentives, to—

(A) accelerate the decommissioning of chemical agents and munitions, and related materials; and

(B) enforce budget discipline on the chemical demilitarization program of the United States while mitigating the disruption to communities and Indian tribes resulting from the onsite decommissioning of the chemical weapons stockpile at chemical demilitarization facilities in the United States.

SEC. 1304. DECOMMISSIONING OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) IN GENERAL.—As executive agent for the chemical demilitarization program of the United States, the Department of the Army shall facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to complete the decommissioning of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

SEC. 1305. ECONOMIC ASSISTANCE PAYMENTS.

(a) IN GENERAL.—Upon the direction of the Secretary of the Army, the Comptroller of the Army shall make economic assistance payments to communities and Indian tribes directly affected by the decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

(b) SOURCE OF PAYMENTS.—Amounts for payments under this section shall be derived from appropriations available to the Department of the Army for chemical demilitarization activities.

(c) TOTAL AMOUNT OF PAYMENTS.—(1) Subject to paragraph (2), the aggregate amount of payments under this section with respect to a chemical demilitarization facility during the period beginning on the date of the enactment of this Act and ending on April 29, 2007, may not be less than \$50,000,000 or more than \$60,000,000.

(2) Payments under this section shall cease with respect to a facility upon the transfer of the facility to a State-chartered municipal corporation pursuant to an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act.

(d) DATE OF PAYMENT.—(1) Payments under this section with respect to a chemical demilitarization facility shall be made on

March 1 and September 2 each year if the decommissioning of chemical agents and munitions, and related materials, occurs at the facility during the applicable payment period with respect to such date.

(2) For purposes of this section, the term "applicable payment period" means—

(A) in the case of a payment to be made on March 1 of a year, the period beginning on July 1 and ending on December 31 of the preceding year; and

(B) in the case of a payment to be made on September 2 of a year, the period beginning on January 1 and ending on June 30 of the year.

(e) **ALLOCATION OF PAYMENT.**—(1) Except as provided in paragraph (2), each payment under this section with respect to a chemical demilitarization facility shall be allocated equally among the communities and Indian tribes that are located within the positive action zone of the facility, as determined by population.

(2) The amount of an allocation under this subsection to a community or Indian tribe shall be reduced by the amount of any tax or fee imposed or assessed by the community or Indian tribe during the applicable payment period against the value of the facility concerned or with respect to the storage or decommissioning of chemical agents and munitions, or related materials, at the facility.

(f) **COMPUTATION OF PAYMENT.**—(1) Except as provided in paragraph (2), the amount of each payment under this section with respect to a chemical demilitarization facility shall be the amount equal to \$10,000 multiplied by the number of tons of chemical agents and munitions, and related materials, decommissioned at the facility during the applicable payment period.

(2)(A) If at the conclusion of the decommissioning of chemical agents and munitions, and related materials, at a facility the aggregate amount of payments made with respect to the facility is less than the minimum amount required by subsection (c)(1), unless payments have ceased with respect to the facility under subsection (c)(2), the amount of the final payment under this section shall be the amount equal to the difference between such aggregate amount and the minimum amount required by subsection (c)(1).

(B) This paragraph shall not apply with respect to a facility if the decommissioning of chemical agents and munitions, and related materials, continues at the facility after April 29, 2007.

(g) **INTEREST ON UNTIMELY PAYMENTS.**—(1) Any payment that is made under this section for an applicable payment period after the date specified for that period in subsection (d) shall include, in addition to the payment amount otherwise provided for under this section, interest at the rate of 1.5 percent per month.

(2) Amounts for payments of interest under this paragraph shall be derived from amounts available for the Department of Defense, other than amounts available for chemical demilitarization activities.

(h) **USE OF PAYMENTS.**—A community or Indian tribe receiving a payment under this section may utilize amounts of the payment for such purposes as the community or Indian tribe, as the case may be, considers appropriate in its sole discretion.

SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.

Paragraph (2) of section 1412(c) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)) is amended to read as follows:

"(2)(A) Facilities constructed to carry out this section may not be used for any other purpose than the destruction of the following:

"(i) The United States stockpile of lethal chemical agents and munitions that exist on November 8, 1985.

"(ii) Any items designated by the Secretary of Defense after that date to be lethal chemical agents and munitions, or related materials.

"(B) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with agreements between the office designated or established under section 1304(b) of the National Defense Authorization Act for Fiscal Year 2000 and the chief executive officer of the State in which the facilities are located.

"(C) An agreement referred to in subparagraph (B) that provides for the transfer of facilities from the United States to a State-chartered municipal corporation shall include provisions as follows:

"(i) That any profits generated by the corporation from the use of such facilities shall be used exclusively for the benefit of communities and Indian tribes located within the positive action zone of such facilities, as determined by population.

"(ii) That any profits referred to in clause (i) shall be apportioned among the communities and Indian tribes concerned on the basis of population, as determined by the most recent decennial census.

"(iii) That the transfer of such facilities shall include any lands extending 50 feet in all directions from such facilities.

"(iv) That the transfer of such facilities include any easements necessary for reasonable access to such facilities.

"(D) An agreement referred to in subparagraph (B) may not take effect if executed after December 31, 2000."

SEC. 1307. ACTIONS REGARDING ACTIVITIES AT CHEMICAL DEMILITARIZATION FACILITIES.

(a) **LIMITATION ON JURISDICTION.**—(1) An action seeking the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States may be commenced only in a district court of the United States.

(2) No administrative office exercising quasi-judicial powers, and no court of any State, may order the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States.

(b) **LIMITATIONS ON STANDING.**—(1)(A) Except as provided in paragraph (2), as of a date specified in subparagraph (B), no person shall have standing to bring an action against the United States relating to the decommissioning of chemical agents and munitions, and related materials, at a chemical demilitarization facility except—

(i) the State in which the facility is located; or

(ii) a community or Indian tribe located within the Positive Action Zone of the facility.

(B) A date referred to in this subparagraph for a chemical demilitarization facility is the earlier of—

(i) the date on which the first payment is made with respect to the facility under section 1305; or

(ii) the date on which an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act, becomes effective for the facility in accordance with the provisions of such section 1412(c)(2)(B).

(2) Paragraph (1) shall not apply in the case of an action by a State, community, or Indian tribe to determine whether the State, community, or Indian tribe, as the case may be, has a legal or equitable interest in the facility concerned.

(c) **INTERIM RELIEF.**—(1) During the pendency of an action referred to in subsection (a), a district court of the United States may issue a temporary restraining order against the ongoing construction, operation, or demolition of a chemical demilitarization facility if the petitioner proves by clear and convincing evidence that the construction, operation, or demolition of the facility, as the case may be, is will cause demonstrable harm to the public, the environment, or the personnel who are employed at the facility.

(2) The Secretary of Defense or the Secretary of the Army may appeal immediately any temporary restraining order issued under paragraph (1) to the court of appeals of the United States.

(d) **STANDARDS TO BE EMPLOYED IN ACTIONS.**—In considering an action under this section, including an appeal from an order under subsection (c), the courts of the United States shall—

(1) treat as an irrebuttable presumption the presumption that any activities at a chemical demilitarization facility that are undertaken in compliance with standards of the Department of Health and Human Services, the Department of Transportation, or the Environmental Protection Agency relating to the safety of the public, the environment, and personnel at the facility will provide maximum safety to the public, environment, and such personnel; and

(2) in the case of an action seeking the cessation of construction or operation of a facility, compare the benefit to be gained by granting the specific relief sought by the petitioner against with the increased risk, if any, to the public, environment, or personnel at the facility that would result from deterioration of chemical agents and munitions, or related materials, during the cessation of the construction or operation.

(e) **PARTICIPATION IN ACTIONS AS BAR TO PAYMENTS.**—(1) No community or Indian tribe which participates in any action the result of which is to defer, delay, or otherwise impede the decommissioning of chemical agents and munitions, or related materials, in a chemical demilitarization facility may receive any payment or portion thereof made with respect to the facility under section 1305 while so participating in such action.

(f) **IMPLEADING OF CONTRACTORS.**—(1) The Department of the Army may, in an action with respect to a chemical demilitarization facility, implead a nongovernmental entity having contractual responsibility for the decommissioning of chemical agents and munitions, or related materials, at the facility for purposes of determining the responsibility of the entity for any matters raised by the action.

(2)(A) A court of the United States may assess damages against a nongovernmental entity impleaded under paragraph (1) for acts of commission or omission of the entity that contribute to the failure of the United States to decommission chemical agents and munitions, and related materials, at the facility concerned by April 29, 2007, in accordance with the Chemical Weapons Convention.

(B) The damages assessed under subparagraph (A) may include the imposition of liability on an entity for any payments that would otherwise be required of the United States under section 1305 with respect to the facility concerned.

SEC. 1308. DEFINITIONS.

In this title:

(1) **CHEMICAL AGENT AND MUNITION.**—The term "chemical agent and munition" has the meaning given that term in section 1412(j)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(j)(1)).

(2) **CHEMICAL WEAPONS CONVENTION.**—The term "Chemical Weapons Convention"

means the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) **COMMUNITY.**—The term “community” means a country, parish, or other unit of local government.

(4) **DECOMMISSION.**—The term “decommission”, with respect to a chemical agent and munition, or related material, means the destruction, dismantlement, demilitarization, or other physical act done to the chemical agent and munition, or related material, in compliance with the Chemical Weapons Convention or the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(5) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ROBERTS. Mr. President, I ask consent for the Committee on Agriculture, Nutrition, and Forestry to meet on May 26, 1999 in SH-216 to consider livestock issues.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 26, 1999, at 2:00 p.m. on FCC oversight.

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

COMMITTEE ON FINANCE

Mr. ROBERTS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, May 26, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 at 10:15 a.m. to hold a hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday May 26, 1999, at 9:30 a.m. to conduct a hearing on American Indian Youth Activities and Initiatives. The hearing will be held in room 485 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be author-

ized to meet during the session of the Senate on Wednesday, May 26, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property Rights, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 to hold a hearing, at 2:00 p.m., in room SD-222 of the Senate Dirksen Office Building on: “S.J. Res. 3, proposing an amendment to the Constitution, Rights of Crime Victims.”

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

SUBCOMMITTEE ON EMPLOYMENT, SAFETY, AND TRAINING

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment, Safety, and Training be authorized to meet for a hearing on “Increasing MSHA and Small Mine Cooperation” during the session of the Senate on Wednesday, May 26, 1999, at 9:30 a.m.

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

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, May 26, for purposes of conducting a Forests and Public Land Management Subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 510, the American Land Sovereignty Protection Act.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 at 10:00 a.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: “The Contribution of Immigrants to America’s Armed Forces.”

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on International Security, Proliferation, and Federal Services be permitted to meet on Wednesday, May 26, 1999, at 2:00 p.m. for a hearing to examine the unclassified report of the

House Select Committee on U.S. National Security and Military/Commercial Concerns with the People’s Republic of China.

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

SUBCOMMITTEE ON SECURITIES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 26, 1999, to conduct a hearing on “Corporate Trades 1.”

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

ADDITIONAL STATEMENTS

JEMEZ-PECOS REPATRIATION

• Mr. BINGAMAN. Mr. President, I rise today to commemorate a truly historic event that took place in my state of New Mexico last Saturday—the nation’s largest act of Native American repatriation. The “Jemez-Pecos Repatriation” resulted in the reburial of nearly 2,000 human remains and artifacts unearthed from what should have been their final resting place over 70 years ago.

On the Wednesday before the reburial, over 300 people started the 120 mile walk from Jemez Pueblo in northern New Mexico to the ruins of the Pecos Pueblo. The journey is a long one in the dry New Mexico sun. The group, both young and old, traveled across three counties and through the beautiful Jemez Mountains before arriving at the former site of the Pecos Pueblo. But the journey of their ancestors is much more remarkable.

Prior to the 1820’s, the Pueblo was a thriving community and center for trade. The Pecos interacted extensively with the Plains Indians to the east, the neighboring Pueblos to the west and the nearby Spanish communities. However, years of disease and warfare eventually decimated the population. In 1838, the remaining residents of Pecos Pueblo relocated to the Pueblo of Jemez, in order to protect their traditional leaders, sacred objects and culture. This decision reflects the fact that Jemez and Pecos cultures were intricately linked by blood, language and spiritual beliefs as well as through their “origin stories”. In 1936, Congress formally merged the two tribes into one, with the Pueblo of Jemez named as the legal representative of the Pecos culture and administrative matters.

When the Pecos Pueblo was abandoned in 1838, it likely did not occur to the few surviving members of the Pecos that their burial site would be disturbed during the next century. However, the famed archaeologist Alfred V. Kidder unearthed the remains and artifacts during ten excavations between 1915 and 1929. The remains were housed at the Peabody Museum of Archaeology and Ethnology in Cambridge,

Massachusetts and the artifacts were held at the Robert S. Peabody Museum of Archaeology at Phillips Academy in Andover, Massachusetts. On May 18, 1999, Harvard University turned over the human remains and artifacts of nearly 2,000 people formerly buried at the Pecos Pueblo to the Pueblo of Jemez.

Last Saturday, in a solemn private ceremony, the thousands of human remains and artifacts were reburied in the Pecos National Historical Park in a grave that was 6 feet deep, 600 feet long and 10 feet wide. The current burial site is near the former Pecos Pueblo.

The historical event last Saturday reflects the close relationship of the Jemez and Pecos people and the strong commitment the Pueblo of Jemez has to the beliefs of their ancestors. Some of the remains and artifacts that were reburied date back to the 12th century.

With the passage of the Native American Graves Protection and Repatriation Act in 1990, the current members of the Pueblo of Jemez were able to fulfill the dreams of many of their ancestors who longed to have the remains of their people returned to their homeland. NAGPRA was drafted to protect burial sites on tribal and federal land and to enable tribes to obtain the return of human remains and associated funerary objects to the culturally affiliated tribes.

I commend the Pueblo of Jemez, and particularly the Governor, Raymond Gachupin, and the many governors before him, who worked tirelessly to get to this day of repatriation. It took eight years of negotiations and persistence to achieve the final goal of repatriation. In a private tribal ceremony on May 22, 1999, the remains and artifacts of the Pecos ancestors were returned to their rightful place. Many people would be angry or resentful if their ancestors were unearthed and relocated. But for the descendants of the Pueblos of Jemez and Pecos, May 22, 1999 was looked upon as a day of unity and healing. By focusing on the future, the descendants truly honored their ancestors. I understand that at the end of the ceremony, the New Mexico sky turned dark and the rain began to fall. Mr. President, rain in May is not a common occurrence in New Mexico, but neither is the repatriation of 2,000 Native Americans. I want to convey my respect and admiration to the members of the Pueblo of Jemez, past and present, for their commitment and dedication to the Jemez-Pecos Repatriation.●

SMALL BUSINESS ADMINISTRATION'S YOUNG ENTREPRENEUR OF THE YEAR: MR. THOMAS MICHAEL DUNN

● Mr. ASHCROFT. Mr. President, it is with great pride that I stand before this body to congratulate yet another truly remarkable Missourian, Mr. Thomas Michael Dunn—the Small Business Administration's Young En-

trepreneur of the Year. Mr. Dunn, at the age of 26, is the second Missourian to win a national award from the Small Business Administration this year.

This young man's story is impressive. Tom began his lawn care business while still attending St. Louis University High School, and continued to operate his business during the summers while pursuing a double major in marketing and management at Indiana University. In his junior year of college, Tom began his first venture, operating a party favor franchise. By his senior year, the business was transformed into a flourishing million dollar industry.

Beginning in 1994, Dunn Lawn and Land employed only two staff members, and had only two lawn mowers. By 1998, Dunn Lawn and Land employed over 22 employees, eight trucks, over 12 lawn machines and \$1.2 million in revenue. Today, Dunn Lawn and Land offers a variety of services including lawn mowing, landscape bed and plant maintenance, lawn renovation, leaf removal, fertilizer and weed control, irrigation services and complete landscape design and installation.

In addition to his thriving lawn maintenance business, Tom remains an active community leader. He has created the Impact Group of Cardinal Glennon Children's Hospital, which provides funds for special projects at the hospital.

Mr. Dunn was selected for this prestigious award because of his extraordinary success as a small business owner and demonstrated entrepreneurial potential for long-term economic growth. The Young Entrepreneur of the Year award is part of the SBA's National Small Business Week celebration. This annual event is held in recognition of the nation's small business community's contributions to the American economy and society. Winners are selected on their record of stability, growth in employment and sales, sound financial status, innovation, ability to respond to adversity, and community service.

It honors me to stand before you today to congratulate Mr. Dunn as the Small Business Administration's Young Entrepreneur of the Year. I envy Mr. Dunn's initiative, and am proud to say he is a Missourian. He is a role model for the children of the next generation, and is living proof that with hard work and dedication any one individual can succeed no matter how old they are. Mr. Dunn's success exemplifies the "American Dream," and what it means to be "a man with a mission."●

TRIBUTE TO DANIEL BELL

● Mr. MOYNIHAN. Mr. President, David Ignatius has written a charming brief essay for The Washington Post on his former teacher Daniel Bell, "the dean of American sociology." Professor Bell, who is now Scholar in Residence at the American Academy of Arts and

Sciences in Cambridge, Massachusetts, was a colleague and neighbor of mine for many years and a friend for even longer. He has no equal, and as he turns 80 he is indeed, as Mr. Ignatius writes, "a kind of national treasure—a strategic intellectual reserve." The nation is hugely in his debt. (A thought which I fear would horrify him!)

I ask that the article by David Ignatius in The Washington Post of May 23, 1999 be printed in the RECORD.

The article follows:

[From The Washington Post, May 23, 1999]

BIG QUESTIONS FOR DANIEL BELL

(By David Ignatius)

CAMBRIDGE—Having a conversation about ideas with Daniel Bell is a little like getting to rally with John McEnroe. Trying to keep up is hopeless, but it's exhilarating just to be on the court with him.

Bell, the dean of American sociology, turned 80 this month. In an era when big ideas have largely gone out of fashion, he continues to think bigger than anyone I know, of any age. That makes him a kind of national treasure—a strategic intellectual reserve.

The questions that interest Bell today remain the great, woolly ones that make most people throw up their hands: What are the forces shaping modern life? What are the relationships between economics, politics and culture? Where is the human story heading?

You can chart the intellectual history of the past 50 years in part through Bell's attempts to answer these big questions: "The End of Ideology," published in 1960; "The Coming of Post-Industrial Society," published in 1973; "The Cultural Contradictions of Capitalism," published in 1976.

Next month, Basic Books will reissue Bell's prophetic study of post-industrial society. This was in many ways the first serious effort to describe the new technological society that has emerged in the United States over the past quarter-century. Many of Bell's ideas are now commonplace—we are surrounded by evidence that his analysis was correct—but at the time, the transformation wasn't so obvious.

To accompany the 1999 edition, Bell has written a new 30,000-word foreword. ("I don't know how to write short," he says.) Bell writes that in the new information age, even the boundaries of time and space no longer hold. Economic activity is global and instantaneous; the traditional infrastructure that gave rise to cities—roads, rivers and harbors—is becoming irrelevant. We are connected with everywhere. Yet with all diffusion of information, Bell observes, true knowledge remains rare and precious.

The problem that vexes Bell is one of scale. He argues that societies tend to work smoothly when economic, social and political activities fit well together. But there is an obvious mismatch in today's global economy—where financial life is centralized as never before but political life is increasingly fragmented along ethnic and even tribal lines.

"The national state has become too small for the big problems of life, and too big for the small problems," Bell writes. "We find that the older social structures are cracking because political scales of sovereignty and authority do not match the economic scales."

Bell is part of the Dream Team of American letters—the group of Jewish intellectuals who grew up poor in New York in the 1930s, learned their debating skills in the alcoves of City College and went on to found the magazines and write the books that

shaped America's understanding of itself. Because of the antisemitism of American universities at the time, most of them couldn't get teaching jobs at first. But today, their names are legendary: Irving Kristol, Irving Howe, Nathan Glazer, Norman Podhoretz and Bell.

What's especially admirable about Bell is how little he's changed over the years. Many of the New York intellectuals began as radical socialists and ended up as neo-conservatives—a long journey, indeed. But Bell holds roughly the same views he did when he was 15.

"I'm a socialist in economics, a liberal in politics and a conservative in culture," he said. He thinks it's a mistake to force these different areas of thought onto a single template. That ways lies dogmatism.

Another of Bell's virtues is that he doesn't go looking for fights. He explains that as a matter of life history. His father died in the influenza epidemic of 1920, when Bell was just eight months old. His mother had to work in a garment factory—leaving him in an orphanage part of the time. Bell wanted to hold onto his friends, he says.

Religion has been an anchor in Bell's life, too. Indeed, he said he began to doubt the Marxist view of history when he considered the durability of the world's great religions. He concluded that there were certain fundamental, existential questions—about the meaning of life and death—that were universal and unchanging, for which the great religions had provided enduring answers.

The most endearing aspect of Bell's personality is his sense of humor. Big thinkers are not always nimble and light-hearted, but Bell can't go five minutes without telling a joke—usually some sort of Jewish folk tale. Ask why he left an early job at Fortune to go teach at Columbia, and he recalls telling his boss, Henry Luce, that there were four reasons: "June, July, August and September."

Recounting his family history, Bell remembers a grandmother's remark when told at the end of World War I that because of a border change, the family now lived in Poland, rather than Russia. "Thank God! I was getting so tired of those Russian winters!"

Bell was my teacher and friend nearly 30 years ago at Harvard. In those days, he taught a seminar on the history of avant-garde movements. One of the assignments was to think up a name for a polemical avant-garde journal.

So I ask Bell to take his own test. What name would he give a journal if he was to start one today? He replies instantly: "THINK."

As much as anyone in American life, he can lay claim to that one. ●

NATIONAL DRUG COURT WEEK

● Mr. CAMPBELL. Mr. President, as I did around this time last year, I want to recognize National Drug Court Week which is taking place next week. Since the Senate will be in recess at that time, I take this opportunity today to applaud our nation's drug courts and the people who have made them the successes they are today.

Next week, the National Association of Drug Court Professionals will sponsor a training conference, suitably titled "Celebrating Ten Years of Drug Courts: Honoring the Past, Looking to the Future," which will be held in Miami Beach, Florida. This year approximately 3,000 professionals from across the country, including judges, prosecutors, defense attorneys, law en-

forcement officers, corrections personnel, rehabilitation and treatment providers, educators, researchers and community leaders will be attending the conference. These Drug Court professionals' dedication has had a significant positive impact on the communities they serve.

The two and a half day conference will coincide with National Drug Court Week, June 1st through 7th, 1999. All across America, state and local governments have been recognizing drug courts and their dedicated professionals with resolutions, ceremonies and celebrations.

The Drug Court growth rate has been accelerating over the past several years. While the first Drug Court was established in 1989, there are currently over 600 Drug Courts that are either operating or being established. This surge in growth is a product of success.

Drug Courts are revolutionizing the criminal justice system. The strategy behind Drug Courts departs from traditional criminal justice practice by placing non-violent drug abusing offenders into intensive court supervised drug treatment programs instead of prison. Some Drug Courts target first time offenders, while others concentrate on habitual offenders. They all aim to reduce drug abuse and crime by employing a number of tools including comprehensive judicial monitoring, drug testing and supervision, treatment and rehabilitative services, and sanctions and incentives for drug offenders.

Statistics show us that Drug Courts work. It has been well documented that both drug use and associated criminal behavior are substantially reduced among those offenders participating in the Drug Courts. More than 70 percent of drug court clients have successfully completed the program or remain as active participants.

Drug Courts are also clearly cost-effective and help convert many drug-using offenders into productive members of society. Traditional incarceration has yielded few gains for our drug offenders. The costs are too high and the rehabilitation rate is minimal. Our Drug Courts are proving to be an effective alternative to traditional rehabilitation methods and are making strides forward in our fight against both drugs and crime.

In 1997, General McCaffrey and I had the opportunity to visit the Denver Drug Court. Through this experience I was able to meet with Denver's Drug Court professionals and observe their judicial procedures and other program activities first hand. I was impressed with the Denver Drug Court professionals and procedures, and believe they will yield many successes.

Today, as the chairman of the Treasury and General Government Appropriations Subcommittee, which funds the Office of National Drug Control Policy, I feel it is fitting to recognize on the floor of the U.S. Senate the important contributions our nation's

Drug Court professionals are making toward reducing drug use and crime in our communities in time for National Drug Court Week.

Thank you Mr. President. ●

TRIBUTE TO TIOGUE SCHOOL: 1999 U.S. DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL

● Mr. REED. Mr. President, I rise today to recognize the achievement of Tiogue School of Coventry, Rhode Island, which was recently honored as a U.S. Department of Education Blue Ribbon School. This is the second time in 3 years that a school from Coventry has earned this honor.

It is a highly regarded distinction to be named a Blue Ribbon School. Through an intensive selection process beginning at the state level and continuing through a federal Review Panel of 100 top educators, 266 of the very best public and private schools in the Nation were identified as deserving of this special recognition. These schools are particularly effective in meeting local, state, and national goals. However, this honor signifies not just who is best, but what works in educating today's children.

Now, more than ever, it is important that we make every effort to reach out to students, that we truly engage and challenge them, and that we make their education come alive. That is what Tiogue School is doing. Tiogue is a kindergarten through sixth grade school, which proudly says that it is a school "where everybody is somebody" and where children come first. These are more than just catch-phrases for Tiogue, which seeks to reach out to every student in the community and engages teachers, parents, and business and community leaders in the important job of education.

Teams of teachers work to develop appropriate but rigorous standards for all students. The results are impressive. Tiogue students have exceeded the norms on state assessments in each of the past five years. But Tiogue's teachers also work to develop a curriculum that extends far beyond what the assessments measure. Each year, the school focuses on a particular issue, subject, or theme. As a preface to the Summer Olympics, students studied world cultures with a focus on the diverse background of the student population. During another year, students studied the arts and worked to develop their skills as artists, writers, musicians, and dancers. This year, Tiogue is taking their education to another level with an exploration of outer space.

Mr. President, Tiogue School is dedicated to the highest standards. It is a school committed to a process of continuous improvement with a focus on high student achievement. Most importantly, Tiogue recognizes the value of the larger community and seeks its support and involvement. This school and community are making a huge difference in the lives of its students.

Mr. President, the Blue Ribbon School initiative shows us the very best we can do for students and the techniques that can be replicated in other schools to help all students succeed. I am proud to say that in Rhode Island we can look to a school like Tiogue School. Under the leadership of its principal, Denise Richtarik, its capable faculty, and its involved parents, Tiogue School will continue to be a shining example for years to come.●

93RD ANNIVERSARY OF THE BOYS AND GIRLS CLUBS OF AMERICA

● Mr. GRAMS. Mr. President, I rise today to pay tribute to the national Federated Boys Clubs, known today as the Boys and Girls Club of America.

Although the Boys Clubs were not organized nationally until 1906, origins of the club can be traced as far back as the mid-1800s. As early as 1853, a Club-like facility was established in New York City for the purpose of lodging newsboys. However, the first Boys Club, as we know it today, wasn't established until 1860. The Dashaway Club in Hartford, Connecticut is recognized as the first known Boys Club, which provided afterschool activities for children from disadvantaged homes.

Soon the idea of a shelter for youth to spend time during non-school hours caught on. These clubs offered a safe place for children to congregate and stay out of trouble. Rapidly, Boys Clubs sprouted up around the country. In the early years, the clubs were concentrated mostly in New England. By 1906, 53 separate Boys Clubs were in existence. It was decided that these clubs should somehow work collectively. On May 13, 1906, a group of businessmen and Boys Clubs representatives met to discuss the idea of a national federation. Thus, the Boys Clubs of America was born.

Although the clubs continue to operate autonomously, the national organization provides staff recruitment and training, program research, facility construction, fundraising, and marketing. In addition, the national club addresses legislative and public policy issues affecting young people. In 1956, the Boys Club celebrated its 50th anniversary and received a U.S. Congressional Charter. As more and more clubs were formed, the organization grew and began serving girls as well as boys. In 1990, the name was officially changed to the Boys and Girls Clubs of America. Today, there are over 2,200 clubs operating nationwide, serving over three million children. Minnesota is proud to be home to 21 Boys and Girls Clubs, serving 33,456 children.

The Boys and Girls Clubs provides hope, inspiration, and the opportunity for children to realize their full potential as citizens. These clubs provide guidance, support, and leadership, while encouraging youth to abstain from drugs and alcohol, strive for scholastic achievement, become involved in community service, develop personal

talents such as music or art, and explore career opportunities. Dedicated volunteers have helped the Boys and Girls Clubs of America become a success.

Mr. President, on the 93rd anniversary of its founding, I applaud the hard work and dedication of the men, women and youth who have contributed to the success of the Boys and Girls Clubs of America. Through their persistence and encouragement, youth across the country have benefitted greatly.●

TRIBUTE TO 1998 AIR FORCE ACADEMY FOOTBALL TEAM

● Mr. ALLARD. Mr. President, I rise today to recognize the accomplishments of the 1998 United States Air Force Academy Football Team.

The 1998 "Falcons" may go down in history as one of the greatest football teams in Academy history. Their 12-1 record included their first outright Western Athletic Conference Championship, a bowl victory over the University of Washington, and the Commander-in-Chief's Trophy, which is the most prized possession of the three service academies.

This team of over-achieving young men was lead by their Head Football Coach Fisher DeBerry, and his assistant coaches Richard Bell, Todd Bynum, Dee Dowis, Dick Enga, Larry Fedora, Jimmy Hawkins, Jeff Hayes, Cal McCombs, Tom Miller, Bob Noblitt, Jappy Oliver, Chuck Peterson, and Sammy Steinmark. They are recognized as one of the finest coaching staffs in the country.

On offense, the team was lead by seniors Mike Barron, Joe Cashman, Spanky Gilliam, Ryan Hill, Frank Mindrup, Blane Morgan, James Nate, Dylan Newman, Matt Paroda, Brian Phillips, Barry Roche, Jemal Singleton, Matt Waszak, and Eric Woodring.

The defense was lead by seniors Tim Curry, Bryce Fisher, Billy Free, Jeff Haugh, Jason Sanderson, Mike Tyler, and Charlton Warren.

Special team seniors Jason Kirkland and Alex Wright took care of the punting and place kicking duties.

The most impressive thing about these outstanding young men is that following their graduation from the Academy they will all be moving on to serve our country as 2nd Lieutenants in the United States Air Force. They are true student athletes who play the game for the enjoyment of the sport. These young men are tremendous role models for the youth of our country, and our nation can take pride in their accomplishments.

I commend the Superintendent of the Air Force Academy, Lt. General Tad Oelstrom, and Athletic Director Randy Spetman for their leadership in developing an outstanding group of young men. They clearly possess the "right stuff."●

A TRIBUTE TO TWO GREAT NAVAL HEROES

● Mr. ABRAHAM. Mr. President, I rise today to honor the wartime heroism and distinguished military service of Commander David H. McClintock and Captain Bladen D. Claggett, retired officers of the United States Navy. Few men have exhibited the degree of bravery shown by these two men during the Second World War. While fighting for the U.S. Navy, these men took part in the greatest naval battle of all time, Leyte Gulf. Their actions at this, the most substantial attack of the Pacific War, severely limited the Japanese fleet at Leyte Gulf and eventually led to a Japanese retreat from the area.

In October of 1944, Commander David H. McClintock of the U.S.S. *Darter* discovered the Japanese main fleet and fired the first shots of the Battle for Leyte Gulf sinking the Japanese Flagship *Atago*, and crippling the Japanese heavy cruiser *Takao*. Captain Bladen D. Claggett of the U.S.S. *Dace* was also involved in the battle engaging and sinking the Japanese heavy Cruiser *Maya*. In attempting to close on the crippled cruiser, the *Darter* ran aground. The *Darter's* entire crew was rescued by the *Dace*, which ran the risk of grounding herself during the rescue.

The actions of these two brave men and their crews will be remembered forever, not only because of the heroics involved, but because they played a major role in preventing a disastrous defeat of the landing force at Leyte Gulf.

Today, I salute the captains and crews of the U.S.S. *Darter* and U.S.S. *Dace*. I commend Captain David H. McClintock and Captain Bladen D. Claggett for their distinguished careers and contributions to the United States of America. I extend my sincerest congratulations to Captain David H. McClintock and Captain Bladen D. Claggett, who will be present at a ground-breaking ceremony May 29th, 1999, to establish an exhibit to the Marquette Maritime Museum commemorating their most heroic deeds.●

TRIBUTE TO IDA KLAUS

● Mr. MOYNIHAN. Mr. President, just days ago Ida Klaus, properly described as a "labor law pioneer," died at the age of 94. I had the great privilege of working with her in the Kennedy Administration in 1961 when she advised us on the development of Executive Order 10988, "Employee-Management Cooperation in the Federal Service," a defining event in the history of federal employment. She was a brilliant person, warm and concerned for others in a way that made possible her great achievements.

Mr. President, I ask that her obituary from The New York Times of May 20, 1999 be printed in the RECORD.

The obituary follows:

IDA KLAUS, 94, LABOR LAWYER FOR U.S. AND NEW YORK, DIES

(By Nick Ravo)

Ida Klaus, a labor law pioneer who became a high-ranking New York City official in the 1950's and who wrote the law that gave city employees the right to bargain collectively, died on Monday at her home in Manhattan. She was 94.

Ms. Klaus was a lifelong labor advocate whose sympathy for the working classes was instilled in her by her mother. As a young child growing up in the Brownsville section of Brooklyn, she helped give free food from the family grocery to striking factory workers.

She organized her first union while still in her teens. She was one of three college women working as a waitress in the summer with several professional waiters at the Gross & Baum Hotel in Saratoga Springs, N.Y. One day, she heard that the hotel planned to lay off some of the waiters.

"I don't know where I got the nerve, but I said, 'Let's get together and have a meeting,'" she said in a 1974 interview in *The New York Times*.

Ms. Klaus became the spokeswoman for the waiters and waitresses, and told the hotel management that if anyone was discharged, they would all go.

"At which point, Mr. Baum said he knew he shouldn't have hired college girls," she recalled. "But he didn't fire anyone."

Ms. Klaus's desire to become a lawyer also derived from the experience of watching her mother battle the court system for 10 years over her husband's estate.

But after graduating from Hunter College and, in 1925, from the Teachers Institute of Jewish Theological Seminary of America, now the Albert A. List College, she was denied admission to Columbia University Law School because she was a woman.

She taught Hebrew until 1928, when she was admitted to the law school with the first class to accept women. She received her law degree in 1931.

After graduation, Ms. Klaus worked as a review lawyer for the National Labor Relations Board in Washington. In 1948, she took the post of solicitor for the National Labor Relations Board, a position that made her the highest-ranking female lawyer in the Federal Government.

In 1954, she was hired as counsel to the New York City Department of Labor under Mayor Robert F. Wagner. She became known as the author of the so-called Little Wagner Act, the city version of the National Labor Relations Act of 1935, which recognized workers' rights to organize and bargain collectively through unions of their choosing. The Federal Wagner Act was named for the Mayor's father, Senator Robert F. Wagner.

She also wrote Mayor Wagner's executive order creating the first detailed code of labor relations for city employees.

"She is one of the pioneers and champions of bringing law and order into labor relations," said Robert S. Rifkin, a lawyer and longtime friend whose father, Simon H. Rifkin, was a law clerk for Ms. Klaus. "She believed labor relations ought not to be under the rule of tooth and claw."

Ms. Klaus briefly worked in the Kennedy Administration in 1961 as a consultant for the first labor relations task force for Federal employees.

She returned to New York in 1962 as director of staff relations for the Board of Education, where she negotiated what was reported to be the first citywide teachers' contract in the country.

She left in 1975 to become a private arbitrator. In 1980, President Jimmy Carter appointed her one of the three negotiators in the Long Island Rail Road strike.

Ms. Klaus, was born on Jan. 8, 1905, received Columbia Law School's Medal for excellence in 1996, and an honorary doctorate in 1994 from the Jewish Theological Seminary.

No close relatives survive. •

JUSTICE CLARENCE THOMAS: A GENTLEMAN OF PRINCIPLE

• Mr. HELMS. Mr. President, Monday morning I was delighted—and highly gratified—to find that the national media are finally catching up to a fact that many of us have known all along: The Honorable Mr. Justice Clarence Thomas is one of the brightest, most principled, and intellectually engaging member of the United States Supreme Court in a generation.

An article in Monday's *The Washington Post* headed "After a Quiet Spell, Justice Finds Voice" drew a profile of a Justice who refuses to subvert to his own personal views the plain meaning of statutes passed by Congress; a Justice who is committed to protecting our basic American political structure by respecting state sovereignty; and who exercises the patient to undertake the exhaustive historical research needed to ascertain the original intent of the Founding Fathers in framing our Constitution.

Clearly, Mr. President, Mr. Justice Thomas is a remarkable American—one who bears no resemblance to the often cruel and totally false caricatures his critics have attempted to create. I shall not catalogue or dwell upon the many injustices Mr. Justice Thomas has suffered at the hands of those who—for their own petty political purposes—have heaped abuse upon this fine man except to make this simple observation: Clarence Thomas has found the strength to serve his country and remain true to his principles in the face of viciously unfair personal criticism and his courage speaks volumes about the strength of his character.

Mr. President, I ask that the article from *The Washington Post* be printed in the RECORD.

The article follows:

[From the *Washington Post*, May 24, 1999]

AFTER A QUIET SPELL, JUSTICE FINDS VOICE—
CONSERVATIVE THOMAS EMERGES FROM THE
SHADOW OF SCALIA

(By Joan Biskupic)

He's been known by the company he's kept.

For the past eight years, Supreme Court Justice Clarence Thomas has walked in the shadow of Justice Antonin Scalia. The pair have voted together more than any other two justices, staking out the court's conservative flank but also inspiring criticism that Thomas is simply a "clone" or "puppet" of the forceful, fiery-tempered Scalia.

But increasingly, Thomas has been breaking from Scalia, taking pains to elaborate his own views and securing his position as the most conservative justice on the court.

So far this term, Thomas has more than doubled the number of opinions he has written to explain his individual rationale, compared with the two previous terms. And even though the most controversial, divisive cases of the term are yet to be announced, Thomas

already has voted differently from Scalia in several significant disputes, including last week's case on welfare payments for residents new to a state and an earlier case on how public schools must treat disabled children. Through these and other opinions, a more complex portrait is emerging of the court's second black justice, who had been best known among the public for the sexual harassment accusations made against him during his 1991 confirmation hearings.

"I think Thomas has turned out to be a much more interesting justice than his critics and probably even his supporters expected," said Cass R. Sunstein, a University of Chicago law professor. "He is the strongest originalist on the court, more willing to go back to history and 'first principles' of the Constitution."

"People in conservative legal circles are definitely noticing that Thomas has found his voice," said Daniel E. Troy, a District lawyer and protégé of former conservative judge Robert H. Bork. "He is more willing to strike out on his own."

This term offers new evidence of Thomas's independent thinking. Of the 45 decisions handed down so far (31 still remain), Thomas has differed from Scalia in the bottom-line ruling of five, and in five other cases he has been on the same side as Scalia but has offered a separate rationale. It's a substantial departure from their previous pattern: Since 1991, Thomas and Scalia have voted together about 90 percent of the time. As recently as two years ago, the two voted together in all but one case.

For years, the reputations and practices of the two men have helped feed the widespread impression that Thomas was content to follow Scalia's lead. Scalia, a former law professor at the University of Chicago and a longtime judge, was already known for his narrow textualist reading of the Constitution and federal statutes when he joined the high court in 1986. His creative, aggressive approach inspired an admiring appeals court judge to call Scalia a "giant flywheel in the great judicial machine."

Thomas, meanwhile, had little reputation as a scholar when he joined the court in 1991. He had worked in the federal bureaucracy for nearly a decade, becoming prominent as chairman of the Equal Employment Opportunity Commission. His conservatism, which included opposition to affirmative action programs, was viewed mostly in political terms.

These impressions were reinforced by the two justices' behavior at the high court. Scalia, the first Italian American justice, is a stylist of the first order, with a sharp, sardonic edge. Last year, for example, when he rejected a legal standard used by the majority, he took a page from Cole Porter, saying: "Today's opinion resuscitates the ne plus ultra, the Napoleon Brandy, the Mahatma Gandhi, the Celophane of subjectivity, the ol' shocks-the-conscience test. In another case, he said, 'I join the opinion of the court except that portion which takes seriously, and thus encourages in the future, an argument that should be laughed out of court.'"

Thomas, by contrast, was quiet in his early years, rarely speaking during oral arguments and writing few of his own concurring or dissenting opinions. He let Scalia hold the pen: Whatever their joint views, Scalia, 63, tended to write them up. Thomas, 50, merely signed on. Legal scholars on both the right and left publicly criticized Thomas as a pawn.

Now, however, Thomas is showing an increased willingness to express himself, speaking before broader audiences and writing more of his own opinions.

Thomas and Scalia are still very like-minded justices. More than the other conservative members of the Rehnquist Court,

they believe the Constitution should be interpreted by looking at its exact words and establishing the intentions of the men who wrote it. They are unwilling to read into a statute anything not explicitly stated. They want the government—particularly the federal government—to get out of people's lives.

But Thomas is becoming the more consistent standard-bearer of this brand of conservatism. He would go further than Scalia in overturning past court rulings that he believes conflict with the Constitution. And he is more likely than Scalia to delve into legal history predating the writing of the Constitution in 1787 and more inclined to reject recent case law.

In last week's welfare case, for example, Thomas began by tracing a core constitutional provision from the 1606 Charter of Virginia: "Unlike the majority, I would look to history to ascertain the original meaning of the Clause," he wrote. While Scalia signed onto the majority opinion striking down limited welfare benefits for residents newly arrived in a state, Thomas and Chief Justice William H. Rehnquist dissented. Thomas wrote that the majority was wrongly interpreting the 14th Amendment's Privileges or Immunities Clause, raising "the specter that the . . . Clause will become yet another convenient tool for inventing new rights, limited solely by the predilections of those who happen at the time to be members of this court."

Thomas has also distinguished himself from Scalia by seeking more strongly to buttress state authority. He has emphasized that the Constitution's authority flows from "the consent of the people of each individual state, not the consent of the undifferentiated people of the nation as a whole."

This accent on states' rights was evident in a case earlier this term when only Thomas fully dissented from a voting rights decision that he believed too broadly interpreted a federal law targeting discrimination at the polls. "The section's interference with state sovereignty is quite drastic," he complained.

In another example of Thomas's narrower reading of federal law, he and Scalia were on opposite sides when the court interpreted a statute intended to guarantee equal educational opportunities for disabled schoolchildren. Scalia voted with the majority in the March case to find that the federal disabilities law requires public schools to provide a wide variety of medical care for children with severe handicaps.

Thomas dissented with Justice Anthony M. Kennedy. "Congress enacted [the law] to increase the educational opportunities available to disabled children, not to provide medical care for them," Thomas wrote. "[W]e must . . . avoid saddling the states with obligations that they did not anticipate."

Because Scalia did not write separately in any of those three recent cases—on welfare, voting rights and disabled children—it is impossible to compare directly his thinking with Thomas's. But differences between the two were visible when they both dissented from an April ruling that said defendants who plead guilty do not lose their right to remain silent during a sentencing hearing and that judges cannot use their silence against them. Scalia wrote the main opinion for the four dissenting justices, attempting to discredit the case law on which the majority relied. But Thomas also wrote a separate opinion that went still further, suggesting that an earlier case should be overturned altogether. The "so-called penalty" of having one's silence used adversely, Thomas wrote, "lacks any constitutional significance."

Some legal experts observe that Thomas's willingness to give voice to his solitary views recalls Rehnquist's position on the

court in the 1970s and Scalia's in the late 1980s, before Thomas came on. He's at a point, said Troy and other observers, where he is comfortable enough to express his singular views but not so frustrated with writing alone that he is prepared to compromise.

"Thomas comes to it more as an outsider," said Alan Meese, a William and Mary law professor, who has followed the writings of Scalia and Thomas. "He probably says when he looks at [an earlier ruling], 'My God, we said that? That's loony.'"

Mr. HELMS. Mr. President, it is abundantly clear that more judges like Clarence Thomas on the Supreme Court * * *. As further proof, I offer the disastrous decision of the Supreme Court—from which Justice Thomas sensibly dissented—in the case of *Davis v. Monroe County School Board*. By a 5-4 margin, the Supreme Court held that public schools can be held liable under federal law for failing to stop so-called sexual harassment on the part of school children.

Exactly what constitutes sexual harassment on the part of children is not defined by the Court, Mr. President. Moreover, what constitutes the vague "deliberate indifference" standard that public school administrators must now avoid is anyone's guess. The meaning will no doubt be haggled over in countless frivolous lawsuits in federal court that will impose unnecessary financial costs on beleaguered school districts.

As the cacophony countless exhortations to spend ever-increasing amounts of money on federal education programs continue, Mr. President, should we not also address the financial problems federal laws cause to local school boards in our increasingly litigious society? For if more distinguished judges like Clarence Thomas are not present to rein in lawsuit-happy interest groups (e.g. the National Women's Law Center, which brought this case in the first place), we will find even the most trivial aspects of children's regrettable but predictable boorishness regulated by federal judges.

Playground teasing and immature behavior does not require a federal lawsuit, Mr. President; it may require a good spanking. Unfortunately, we often find that reasonable discipline measures result in legal action as well. Pity the taxpayer who pays the bill, Mr. President—and pity the students and teachers who must navigate this baffling legal minefield.

So thank Heaven for Clarence Thomas, who is doing his level best to hold the line against foolish decisions. We must hope the Senate will soon act to rectify the devastating financial effects frivolous lawsuits are imposing on school boards and local taxpayers across the country.●

VIOLENT AND REPEAT JUVENILE ACCOUNTABILITY AND REHABILITATION ACT OF 1999

On May 20, 1999, the Senate passed S. 254, the Violent and Repeat Juvenile Accountability and Rehabilitation Act of 1999. The text of the bill follows:

S. 254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Severability.

TITLE I—JUVENILE JUSTICE REFORM

- Sec. 101. Surrender to State authorities.
- Sec. 102. Treatment of Federal juvenile offenders.
- Sec. 103. Definitions.
- Sec. 104. Notification after arrest.
- Sec. 105. Release and detention prior to disposition.
- Sec. 106. Speedy trial.
- Sec. 107. Dispositional hearings.
- Sec. 108. Use of juvenile records.
- Sec. 109. Implementation of a sentence for juvenile offenders.
- Sec. 110. Magistrate judge authority regarding juvenile defendants.
- Sec. 111. Federal sentencing guidelines.
- Sec. 112. Study and report on Indian tribal jurisdiction.

TITLE II—JUVENILE GANGS

- Sec. 201. Solicitation or recruitment of persons in criminal street gang activity.
- Sec. 202. Increased penalties for using minors to distribute drugs.
- Sec. 203. Penalties for use of minors in crimes of violence.
- Sec. 204. Criminal street gangs.
- Sec. 205. High intensity interstate gang activity areas.
- Sec. 206. Increasing the penalty for using physical force to tamper with witnesses, victims, or informants.
- Sec. 207. Authority to make grants to prosecutors' offices to combat gang crime and youth violence.
- Sec. 208. Increase in offense level for participation in crime as a gang member.
- Sec. 209. Interstate and foreign travel or transportation in aid of criminal gangs.
- Sec. 210. Prohibitions relating to firearms.
- Sec. 211. Clone pagers.

TITLE III—JUVENILE CRIME CONTROL, ACCOUNTABILITY, AND DELINQUENCY PREVENTION

- Subtitle A—Reform of the Juvenile Justice and Delinquency Prevention Act of 1974
- Sec. 301. Findings; declaration of purpose; definitions.
- Sec. 302. Juvenile crime control and prevention.
- Sec. 303. Runaway and homeless youth.
- Sec. 304. National Center for Missing and Exploited Children.
- Sec. 305. Transfer of functions and savings provisions.
- Subtitle B—Accountability for Juvenile Offenders and Public Protection Incentive Grants
- Sec. 321. Block grant program.
- Sec. 322. Pilot program to promote replication of recent successful juvenile crime reduction strategies.
- Sec. 323. Repeal of unnecessary and duplicative programs.
- Sec. 324. Extension of Violent Crime Reduction Trust Fund.
- Sec. 325. Reimbursement of States for costs of incarcerating juvenile aliens.

Subtitle C—Alternative Education and Delinquency Prevention

Sec. 331. Alternative education.

Subtitle D—Parenting as Prevention

Sec. 341. Short title.

Sec. 342. Establishment of program.

Sec. 343. National Parenting Support and Education Commission.

Sec. 344. State and local parenting support and education grant program.

Sec. 345. Grants to address the problem of violence related stress to parents and children.

TITLE IV—VOLUNTARY MEDIA AGREEMENTS FOR CHILDREN'S PROTECTION

Subtitle A—Children and the Media.

Sec. 401. Short title.

Sec. 402. Findings.

Sec. 403. Purposes; construction.

Sec. 404. Exemption of voluntary agreements on guidelines for certain entertainment material from applicability of antitrust laws.

Sec. 405. Exemption of activities to ensure compliance with ratings and labeling systems from applicability of antitrust laws.

Sec. 406. Definitions.

Subtitle B—Other Matters.

Sec. 411. Study of marketing practices of motion picture, recording, and video/personal computer game industries.

TITLE V—GENERAL FIREARM PROVISIONS

Sec. 501. Special licensees; special registrations.

Sec. 502. Clarification of authority to conduct firearm transactions at gun shows.

Sec. 503. "Instant check" gun tax and gun owner privacy.

Sec. 504. Effective date.

TITLE VI—RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

Sec. 601. Penalties for unlawful acts by juveniles.

Sec. 602. Effective date.

TITLE VII—ASSAULT WEAPONS

Sec. 701. Short title.

Sec. 702. Ban on importing large capacity ammunition feeding devices.

Sec. 703. Definition of large capacity ammunition feeding device.

Sec. 704. Effective date.

TITLE VIII—EFFECTIVE GUN LAW ENFORCEMENT

Subtitle A—Criminal Use of Firearms by Felons

Sec. 801. Short title.

Sec. 802. Findings.

Sec. 803. Criminal Use of Firearms by Felons Program.

Sec. 804. Annual reports.

Sec. 805. Authorization of appropriations.

Subtitle B—Apprehension and Treatment of Armed Violent Criminals

Sec. 811. Apprehension and procedural treatment of armed violent criminals.

Subtitle C—Youth Crime Gun Interdiction

Sec. 821. Youth crime gun interdiction initiative.

Subtitle D—Gun Prosecution Data

Sec. 831. Collection of gun prosecution data.

Subtitle E—Firearms Possession by Violent Juvenile Offenders

Sec. 841. Prohibition on firearms possession by violent juvenile offenders.

Subtitle F—Juvenile Access to Certain Firearms

Sec. 851. Penalties for firearm violations involving juveniles.

Subtitle G—General Firearm Provisions

Sec. 861. National instant criminal background check system improvements.

TITLE IX—ENHANCED PENALTIES

Sec. 901. Straw purchases.

Sec. 902. Stolen firearms.

Sec. 903. Increase in penalties for crimes involving firearms.

Sec. 904. Increased penalties for distributing drugs to minors.

Sec. 905. Increased penalty for drug trafficking in or near a school or other protected location.

TITLE X—CHILD HANDGUN SAFETY

Sec. 1001. Short title.

Sec. 1002. Purposes.

Sec. 1003. Firearms safety.

Sec. 1004. Effective date.

TITLE XI—SCHOOL SAFETY AND VIOLENCE PREVENTION

Sec. 1101. School safety and violence prevention.

Sec. 1102. Study.

Sec. 1103. School uniforms.

Sec. 1104. Transfer of school disciplinary records.

Sec. 1105. School violence research.

Sec. 1106. National character achievement award.

Sec. 1107. National Commission on Character Development.

Sec. 1108. Juvenile access to treatment.

Sec. 1109. Background checks.

Sec. 1110. Drug tests.

Sec. 1111. Sense of the Senate.

TITLE XII—TEACHER LIABILITY PROTECTION ACT

Sec. 1201. Short title.

Sec. 1202. Findings and purpose.

Sec. 1203. Preemption and election of State nonapplicability.

Sec. 1204. Limitation on liability for teachers.

Sec. 1205. Liability for noneconomic loss.

Sec. 1206. Definitions.

Sec. 1207. Effective date.

TITLE XIII—VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

Sec. 1301. Short title.

Sec. 1302. Purpose.

Sec. 1303. Findings.

Sec. 1304. Definitions.

Sec. 1305. Program authorized.

Sec. 1306. Application.

Sec. 1307. Selection priorities.

Sec. 1308. Authorization of appropriations.

TITLE XIV—PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION

Sec. 1401. Purpose.

Sec. 1402. Authorization of appropriations.

Sec. 1403. School-based programs.

Sec. 1404. After school programs.

Sec. 1405. General provisions.

TITLE XV—VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999

Sec. 1501. Short title.

Sec. 1502. Elimination of convicted offender DNA backlog.

Sec. 1503. DNA identification of Federal, District of Columbia, and military violent offenders.

TITLE XVI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

Sec. 1601. Prohibition on firearms possession by violent juvenile offenders.

Sec. 1602. Safe students.

Sec. 1603. Study of marketing practices of the firearms industry.

Sec. 1604. Provision of Internet filtering or screening software by certain Internet service providers.

Sec. 1605. Application of section 923 (j) and (m).

Sec. 1606. Constitutionality of memorial services and memorials at public schools.

Sec. 1607. Twenty-first Amendment enforcement.

Sec. 1608. Interstate shipment and delivery of intoxicating liquors.

Sec. 1609. Disclaimer on materials produced, procured or distributed from funding authorized by this Act.

Sec. 1610. Aimee's Law.

Sec. 1611. Drug tests and locker inspections.

Sec. 1612. Waiver for local match requirement under community policing program.

Sec. 1613. Carjacking offenses.

Sec. 1614. Special forfeiture of collateral profits of crime.

Sec. 1615. Caller identification services to elementary and secondary schools as part of universal service obligation.

Sec. 1616. Parent leadership model.

Sec. 1617. National media campaign against violence.

Sec. 1618. Victims of terrorism.

Sec. 1619. Truth-in-sentencing incentive grants.

Sec. 1620. Application of provision relating to a sentence of death for an act of animal enterprise terrorism.

Sec. 1621. Prohibitions relating to explosive materials.

Sec. 1622. District judges for districts in the States of Arizona, Florida, and Nevada.

Sec. 1623. Behavioral and social science research on youth violence.

Sec. 1624. Sense of the Senate regarding mentoring programs.

Sec. 1625. Families and Schools Together program.

Sec. 1626. Amendments relating to violent crime in Indian country and areas of exclusive Federal jurisdiction.

Sec. 1627. Federal Judiciary Protection Act of 1999.

Sec. 1628. Local enforcement of local alcohol prohibitions that reduce juvenile crime in remote Alaska villages.

Sec. 1629. Rule of Construction.

Sec. 1630. Bounty hunter accountability and quality assistance.

Sec. 1631. Assistance for unincorporated neighborhood watch programs.

Sec. 1632. Findings and sense of Congress.

Sec. 1633. Prohibition on promoting violence on Federal property.

Sec. 1634. Provisions relating to pawn shops and special licensees.

Sec. 1635. Extension of Brady background checks to gun shows.

Sec. 1636. Appropriate interventions and services; clarification of Federal law.

Sec. 1637. Safe schools.

Sec. 1638. School counseling.

Sec. 1639. Criminal prohibition on distribution of certain information relating to explosives, destructive devices, and weapons of mass destruction.

Subtitle B—James Guelff Body Armor Act

Sec. 1641. Short title.

Sec. 1642. Findings.

Sec. 1643. Definitions.

Sec. 1644. Amendment of sentencing guidelines with respect to body armor.

Sec. 1645. Prohibition of purchase, use, or possession of body armor by violent felons.

- Sec. 1646. Donation of Federal surplus body armor to State and local law enforcement agencies.
- Sec. 1647. Additional findings; purpose.
- Sec. 1648. Matching grant programs for law enforcement bullet resistant equipment and for video cameras.
- Sec. 1649. Sense of Congress.
- Sec. 1650. Technology development.
- Sec. 1651. Matching grant program for law enforcement armor vests.
- Subtitle C—Animal Enterprise Terrorism and Ecoterrorism
- Sec. 1652. Enhancement of penalties for animal enterprise terrorism.
- Sec. 1653. National animal terrorism and ecoterrorism incident clearing-house.
- Subtitle D—Jail-Based Substance Abuse
- Sec. 1654. Jail-based substance abuse treatment programs.
- Subtitle E—Safe School Security
- Sec. 1655. Short title.
- Sec. 1656. Establishment of School Security Technology Center.
- Sec. 1657. Grants for local school security programs.
- Sec. 1658. Safe and secure school advisory report.
- Subtitle F—Internet Prohibitions
- Sec. 1661. Short title.
- Sec. 1662. Findings; purpose.
- Sec. 1663. Prohibitions on uses of the Internet.
- Sec. 1664. Effective date.
- Subtitle G—Partnerships for High-Risk Youth
- Sec. 1671. Short title.
- Sec. 1672. Findings.
- Sec. 1673. Purposes.
- Sec. 1674. Establishment of demonstration project.
- Sec. 1675. Eligibility.
- Sec. 1676. Uses of funds.
- Sec. 1677. Authorization of appropriations.
- Subtitle H—National Youth Crime Prevention
- Sec. 1681. Short title.
- Sec. 1682. Purposes.
- Sec. 1683. Establishment of National Youth Crime Prevention Demonstration Project.
- Sec. 1684. Eligibility.
- Sec. 1685. Uses of funds.
- Sec. 1686. Reports.
- Sec. 1687. Definitions.
- Sec. 1688. Authorization of appropriations.
- Subtitle I—National Youth Violence Commission
- Sec. 1691. Short title.
- Sec. 1692. National Youth Violence Commission.
- Sec. 1693. Duties of the Commission.
- Sec. 1694. Powers of the Commission.
- Sec. 1695. Commission personnel matters.
- Sec. 1696. Authorization of appropriations.
- Sec. 1697. Termination of the Commission.
- Subtitle J—School Safety
- Sec. 1698. Short title.
- Sec. 1699. Amendments to the Individuals with Disabilities Education Act.

SEC. 2. FINDINGS AND PURPOSES.

- (a) FINDINGS.—Congress finds that—
- (1) at the outset of the 20th century, the States adopted a separate justice system for juvenile offenders;
- (2) violent crimes committed by juveniles, such as homicide, rape, and robbery, were an unknown phenomenon then, but the rate at which juveniles commit such crimes has escalated astronomically since that time;

(3) in 1994—

(A) the number of persons arrested overall for murder in the United States decreased by 5.8 percent, but the number of persons who are less than 15 years of age arrested for murder increased by 4 percent; and

(B) the number of persons arrested for all violent crimes increased by 1.3 percent, but the number of persons who are less than 15 years of age arrested for violent crimes increased by 9.2 percent, and the number of persons less than 18 years of age arrested for such crimes increased by 6.5 percent;

(4) from 1985 to 1996, the number of persons arrested for all violent crimes increased by 52.3 percent, but the number of persons under age 18 arrested for violent crimes rose by 75 percent;

(5) the number of juvenile offenders is expected to undergo a massive increase during the first 2 decades of the twenty-first century, culminating in an unprecedented number of violent offenders who are less than 18 years of age;

(6) the rehabilitative model of sentencing for juveniles, which Congress rejected for adult offenders when Congress enacted the Sentencing Reform Act of 1984, is inadequate and inappropriate for dealing with many violent and repeat juvenile offenders;

(7) the Federal Government should encourage the States to experiment with progressive solutions to the escalating problem of juveniles who commit violent crimes and who are repeat offenders, including prosecuting such offenders as adults, but should not impose specific strategies or programs on the States;

(8) an effective strategy for reducing violent juvenile crime requires greater collection of investigative data and other information, such as fingerprints and DNA evidence, as well as greater sharing of such information—

(A) among Federal, State, and local agencies, including the courts; and

(B) among the law enforcement, educational, and social service systems;

(9) data regarding violent juvenile offenders should be made available to the adult criminal justice system if recidivism by criminals is to be addressed adequately;

(10) holding juvenile proceedings in secret denies victims of crime the opportunity to attend and be heard at such proceedings, helps juvenile offenders to avoid accountability for their actions, and shields juvenile proceedings from public scrutiny and accountability;

(11) the injuries and losses suffered by the victims of violent crime are no less painful or devastating because the offender is a juvenile; and

(12) the prevention, investigation, prosecution, adjudication, and punishment of criminal offenses committed by juveniles, and the rehabilitation and correction of juvenile offenders are, and should remain, primarily the responsibility of the States, to be carried out without interference from the Federal Government.

(b) PURPOSES.—The purposes of this Act are—

(1) to reform Federal juvenile justice programs and policies in order to promote the emergence of juvenile justice systems in which the paramount concerns are providing for the safety of the public and holding juvenile wrongdoers accountable for their actions, while providing the wrongdoer a genuine opportunity for self-reform;

(2) to revise the procedures in Federal court that are applicable to the prosecution of juvenile offenders; and

(3) to encourage and promote, consistent with the ideals of federalism, adoption of policies by the States to ensure that the victims of violent crimes committed by juvenile

receive the same level of justice as do victims of violent crimes that are committed by adults.

SEC. 3. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE I—JUVENILE JUSTICE REFORM

SEC. 101. SURRENDER TO STATE AUTHORITIES.

Section 5001 of title 18, United States Code, is amended by striking the first undersigned paragraph and inserting the following:

“Whenever any person who is less than 18 years of age is been arrested and charged with the commission of an offense (or an act of delinquency that would be an offense were it committed by an adult) punishable in any court of the United States or of the District of Columbia, the United States Attorney for the district in which such person has been arrested may forego prosecution pursuant to section 5032(a)(2) if, after investigation by the United States Attorney, it appears that—

“(1) such person has committed an act that is also an offense or an act of delinquency under the law of any State or the District of Columbia;

“(2) such State or the District of Columbia, as applicable, can and will assume jurisdiction over such juvenile and will take such juvenile into custody and deal with the juvenile in accordance with the law of such State or the District of Columbia, as applicable; and

“(3) it is in the best interests of the United States and of the juvenile offender.”.

SEC. 102. TREATMENT OF FEDERAL JUVENILE OFFENDERS.

(a) IN GENERAL.—Section 5032 of title 18, United States Code, is amended to read as follows:

“§5032. Delinquency proceedings in district courts; juveniles tried as adults; transfer for other criminal prosecution

“(a) IN GENERAL.—

“(1) DELINQUENCY PROCEEDINGS IN DISTRICT COURTS.—A juvenile who is alleged to have committed a Federal offense shall, except as provided in paragraph (2), be tried in the appropriate district court of the United States—

“(A) in the case of an offense described in subsection (c), and except as provided in subsection (i), if the juvenile was not less than 14 years of age at the time of the offense, as an adult at the discretion of the United States Attorney in the appropriate jurisdiction, upon certification by that United States Attorney (which certification shall not be subject to review in or by any court, except as provided in subsection (d)(2)) that—

“(i) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction; or

“(ii) the ends of justice otherwise so require;

“(B) in the case of a felony offense that is not described in subsection (c), and except as provided in subsection (i), if the juvenile was not less than 14 years of age at the time of the offense, as an adult, upon certification by the Attorney General (which certification shall not be subject to review in or by any court, except as provided in subsection (d)(2)) that—

“(i) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction; or

“(ii) the ends of justice otherwise so require;

“(C) in the case of a juvenile who has, on a prior occasion, been tried and convicted as an adult under this section, as an adult; and
 “(D) in all other cases, as a juvenile.

“(2) REFERRAL BY UNITED STATES ATTORNEY; APPLICATION TO CONCURRENT JURISDICTION.—

“(A) IN GENERAL.—If the United States Attorney in the appropriate jurisdiction (or in the case of an offense under paragraph (1)(B), the Attorney General), declines prosecution of an offense under this section, the matter may be referred to the appropriate legal authorities of the State or Indian tribe with jurisdiction over both the offense and the juvenile.

“(B) APPLICATION TO CONCURRENT JURISDICTION.—The United States Attorney in the appropriate jurisdiction (or, in the case of an offense under paragraph (1)(B), the Attorney General), in cases in which both the Federal Government and a State or Indian tribe have penal provisions that criminalize the conduct at issue and both have jurisdiction over the juvenile, shall exercise a presumption in favor of referral pursuant to subparagraph (A), unless the United States Attorney pursuant to paragraph (1)(A) (or the Attorney General pursuant to paragraph (1)(B)) certifies (which certification shall not be subject to review in or by any court) that—

“(i) the prosecuting authority or the juvenile court or other appropriate court of the State or Indian tribe refuses, declines, or will refuse or will decline to assume jurisdiction over the conduct or the juvenile; and

“(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

“(C) DEFINITION.—In this subsection, the term ‘Indian tribe’ has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

“(b) JOINDER; LESSER INCLUDED OFFENSES.—In a prosecution under this section, a juvenile may be prosecuted and convicted as an adult for any offense that is properly joined under the Federal Rules of Criminal Procedure with an offense described in subsection (c), and may also be convicted of a lesser included offense.

“(c) OFFENSES DESCRIBED.—An offense is described in this subsection if it is a Federal offense that—

“(1) is a serious violent felony or a serious drug offense (as those terms are defined in section 3559(c), except that section 3559(c)(3) does not apply to this subsection); or

“(2) is a conspiracy or an attempt to commit an offense described in paragraph (1).

“(d) WAIVER TO JUVENILE STATUS IN CERTAIN CASES; LIMITATIONS ON JUDICIAL REVIEW.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, a determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (a)(1) shall not be reviewable in any court.

“(2) DETERMINATION BY COURT ON TRIAL AS ADULT OF CERTAIN JUVENILE.—In any prosecution of a juvenile under subsection (a)(1)(A) if the juvenile was less than 16 years of age at the time of the offense, or under subsection (a)(1)(B), upon motion of the defendant and after a hearing, the court in which criminal charges have been filed shall determine whether to issue an order to provide for the transfer of the defendant to juvenile status for the purposes of proceeding against the defendant or for referral under subsection (a).

“(3) TIME REQUIREMENTS.—A motion by a defendant under paragraph (2) shall not be considered unless that motion is filed not later than 30 days after the date on which the defendant—

“(A) appears through counsel to answer an indictment; or

“(B) expressly waives the right to counsel and elects to proceed pro se.

“(4) PROHIBITION.—The court shall not order the transfer of a defendant to juvenile status under paragraph (2) unless the defendant establishes by a preponderance of the evidence or information that removal to juvenile status would be in the interest of justice. In making a determination under paragraph (2), the court may consider—

“(A) the nature of the alleged offense, including the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities;

“(B) whether prosecution of the juvenile as an adult is necessary to protect property or public safety;

“(C) the age and social background of the juvenile;

“(D) the extent and nature of the prior criminal or delinquency record of the juvenile;

“(E) the intellectual development and psychological maturity of the juvenile;

“(F) the nature of any treatment efforts and the response of the juvenile to those efforts; and

“(G) the availability of programs designed to treat any identified behavioral problems of the juvenile.

“(5) STATUS OF ORDERS.—

“(A) IN GENERAL.—An order of the court made in ruling on a motion by a defendant to transfer a defendant to juvenile status under this subsection shall not be a final order for the purpose of enabling an appeal, except that an appeal by the United States shall lie to a court of appeals pursuant to section 3731 from an order of a district court removing a defendant to juvenile status.

“(B) APPEALS.—Upon receipt of a notice of appeal of an order under this paragraph, a court of appeals shall hear and determine the appeal on an expedited basis.

“(6) INADMISSIBILITY OF EVIDENCE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no statement made by a defendant during or in connection with a hearing under this subsection shall be admissible against the defendant in any criminal prosecution.

“(B) EXCEPTIONS.—The prohibition under subparagraph (A) shall apply, except—

“(i) for impeachment purposes; or

“(ii) in a prosecution for perjury or giving a false statement.

“(7) RULES.—The rules concerning the receipt and admissibility of evidence under this subsection shall be the same as prescribed in section 3142(f).

“(e) APPLICABLE PROCEDURES.—Any prosecution in a district court of the United States under this section—

“(1) in the case of a juvenile tried as an adult under subsection (a), shall proceed in the same manner as is required by this title and by the Federal Rules of Criminal Procedure in any proceeding against an adult; and

“(2) in all other cases, shall proceed in accordance with this chapter, unless the juvenile has requested in writing, upon advice of counsel, to be proceeded against as an adult.

“(f) APPLICATION OF LAWS.—

“(1) APPLICABILITY OF SENTENCING PROVISIONS.—

“(A) IN GENERAL.—Except as otherwise provided in this chapter, and subject to subparagraph (C) of this paragraph, in any case in which a juvenile is prosecuted in a district court of the United States as an adult, the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable

in the case of an adult, except that no person shall be subject to the death penalty for an offense committed before the person attains the age of 18 years.

“(B) STATUS AS ADULT.—No juvenile sentenced to a term of imprisonment shall be released from custody on the basis that the juvenile has attained the age of 18 years.

“(C) APPLICABLE GUIDELINES.—Each juvenile tried as an adult shall be sentenced in accordance with the Federal sentencing guidelines promulgated under section 994(z) of title 28, United States Code, once such guidelines are promulgated and take effect.

“(2) APPLICABILITY OF MANDATORY RESTITUTION PROVISIONS TO CERTAIN JUVENILES.—If a juvenile is tried as an adult for any offense to which the mandatory restitution provisions of sections 3663A, 2248, 2259, 2264, and 2323 apply, those sections shall apply to that juvenile in the same manner and to the same extent as those provisions apply to adults.

“(g) OPEN PROCEEDINGS.—

“(1) IN GENERAL.—Any offense tried or adjudicated in a district court of the United States under this section shall be open to the general public, in accordance with rules 10, 26, 31(a), and 53 of the Federal Rules of Criminal Procedure, unless good cause is established by the moving party or is otherwise found by the court, for closure.

“(2) STATUS ALONE INSUFFICIENT.—The status of the defendant as a juvenile, absent other factors, shall not constitute good cause for purposes of this subsection.

“(h) AVAILABILITY OF RECORDS.—

“(1) IN GENERAL.—In making a determination concerning the arrest or prosecution of a juvenile in a district court of the United States under this section, the United States Attorney of the appropriate jurisdiction, or, as appropriate, the Attorney General, shall have complete access to the prior Federal juvenile records of the subject juvenile and, to the extent permitted by State law, the prior State juvenile records of the subject juvenile.

“(2) CONSIDERATION OF ENTIRE RECORD.—In any case in which a juvenile is found guilty or adjudicated delinquent in an action under this section, the district court responsible for imposing sentence shall have complete access to the prior Federal juvenile records of the subject juvenile and, to the extent permitted under State law, the prior State juvenile records of the subject juvenile. At sentencing, the district court shall consider the entire available prior juvenile record of the subject juvenile.

“(i) APPLICATION TO INDIAN COUNTRY.—Notwithstanding sections 1152 and 1153, certification under subparagraph (A) or (B) of subsection (a)(1) shall not be made nor granted with respect to a juvenile who is subject to the criminal jurisdiction of an Indian tribal government if the juvenile is less than 15 years of age at the time of offense and is alleged to have committed an offense for which there would be Federal jurisdiction based solely on commission of the offense in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place where the alleged offense was committed has, before the occurrence of the alleged offense, notified the Attorney General in writing of its election that prosecution as an adult may take place under this section.”.

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 403 of title 18, United States Code, is amended by striking the item relating to section 5032 and inserting the following:

“5032. Delinquency proceedings in district courts; juveniles tried as adults; transfer for other criminal prosecution.”.

(2) ADULT SENTENCING.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

“(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS YOUNGER THAN 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for, or convicted of, a serious violent felony or a serious drug offense (as those terms are defined in section 3559(c)).

“(h) TREATMENT OF JUVENILE CRIMINAL HISTORY IN FEDERAL SENTENCING.—

“(1) IN GENERAL.—

“(A) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, the United States Sentencing Commission (referred to in this subsection as the ‘Commission’) shall amend the Federal sentencing guidelines to provide that, in determining the criminal history score under the Federal sentencing guidelines for any adult offender or any juvenile offender being sentenced as an adult, prior juvenile convictions and adjudications for offenses described in paragraph (2) shall receive a score similar to that which the defendant would have received if those offenses had been committed by the defendant as an adult, if any portion of the sentence for the offense was imposed or served within 15 years after the commencement of the instant offense.

“(B) REVIEWS.—The Commission shall review the criminal history treatment of juvenile adjudications or convictions for offenses other than those described in paragraph (2) to determine whether the treatment should be adjusted as described in subparagraph (A), and make any amendments to the Federal sentencing guidelines as necessary to make whatever adjustments the Commission concludes are necessary to implement the results of the review.

“(2) OFFENSES DESCRIBED.—The offenses described in this paragraph include any—

“(A) crime of violence;

“(B) controlled substance offense;

“(C) other offense for which the defendant received a sentence or disposition of imprisonment of 1 year or more; and

“(D) other offense punishable by a term of imprisonment of more than 1 year for which the defendant was prosecuted as an adult.

“(3) DEFINITIONS.—The Federal sentencing guidelines described in paragraph (1) shall define the terms ‘crime of violence’ and ‘controlled substance offense’ in substantially the same manner as those terms are defined in Guideline Section 4B1.2 of the November 1, 1995, Guidelines Manual.

“(4) JUVENILE ADJUDICATIONS.—In carrying out this subsection, the Commission—

“(A) shall assign criminal history points for juvenile adjudications based principally on the nature of the acts committed by the juvenile; and

“(B) may provide for some adjustment of the score in light of the length of sentence the juvenile received.

“(5) EMERGENCY AUTHORITY.—The Commission shall promulgate the Federal sentencing guidelines and amendments under this subsection as soon as practicable, and in any event not later than 90 days after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that authority had not expired, except

that the Commission shall submit to Congress the emergency guidelines or amendments promulgated under this section, and shall set an effective date for those guidelines or amendments not earlier than 30 days after their submission to Congress.

“(6) CAREER OFFENDER DETERMINATION.—Pursuant to its authority under section 994 of title 28, the Commission shall amend the Federal sentencing guidelines to provide for inclusion, in any determination regarding whether a juvenile or adult defendant is a career offender under section 994(h) of title 28, and any computation of the sentence that any defendant found to be a career offender should receive, of any act for which the defendant was previously convicted or adjudicated delinquent as a juvenile that would be a felony covered by that section if it had been committed by the defendant as an adult.”.

SEC. 103. DEFINITIONS.

Section 5031 of title 18, United States Code, is amended to read as follows:

“§ 5031. Definitions

“In this chapter:

“(1) ADULT INMATE.—The term ‘adult inmate’ means an individual who has attained the age of 18 years and who is in custody for, awaiting trial on, or convicted of criminal charges committed while an adult or an act of juvenile delinquency committed while a juvenile.

“(2) JUVENILE.—The term ‘juvenile’ means—

“(A) a person who has not attained the age of 18 years; or

“(B) for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained the age of 21 years.

“(3) JUVENILE DELINQUENCY.—The term ‘juvenile delinquency’ means the violation of a law of the United States committed by a person before the eighteenth birthday of that person, if the violation—

“(A) would have been a crime if committed by an adult; or

“(B) is a violation of section 922(x).

“(4) PROHIBITED PHYSICAL CONTACT.—

“(A) IN GENERAL.—The term ‘prohibited physical contact’ means—

“(i) any physical contact between a juvenile and an adult inmate; and

“(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

“(B) EXCLUSION.—The term does not include supervised proximity between a juvenile and an adult inmate that is brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

“(5) SUSTAINED ORAL COMMUNICATION.—

“(A) IN GENERAL.—The term ‘sustained oral communication’ means the imparting or interchange of speech by or between a juvenile and an adult inmate.

“(B) EXCEPTION.—The term does not include—

“(i) communication that is accidental or incidental; or

“(ii) sounds or noises that cannot reasonably be considered to be speech.

“(6) STATE.—The term ‘State’ includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 4506(e))).

“(7) VIOLENT JUVENILE.—The term ‘violent juvenile’ means any juvenile who is alleged to have committed, has been adjudicated delinquent for, or has been convicted of an offense that, if committed by an adult, would be a crime of violence (as defined in section 16).”.

SEC. 104. NOTIFICATION AFTER ARREST.

Section 5033 of title 18, United States Code, is amended—

(1) in the first sentence, by striking “immediately notify the Attorney General and” and inserting the following: “immediately, or as soon as practicable thereafter, notify the United States Attorney of the appropriate jurisdiction and shall promptly take reasonable steps to notify”; and

(2) in the second sentence of the second undesignated paragraph, by inserting before the period at the end the following: “, and the juvenile shall not be subject to detention under conditions that permit prohibited physical contact with adult inmates or in which the juvenile and an adult inmate can engage in sustained oral communication”.

SEC. 105. RELEASE AND DETENTION PRIOR TO DISPOSITION.

(a) DUTIES OF MAGISTRATE.—Section 5034 of title 18, United States Code, is amended—

(1) by striking “The magistrate shall insure” and inserting the following:

“(a) IN GENERAL.—

“(1) REPRESENTATION BY COUNSEL.—The magistrate shall ensure”; and

(2) by striking “The magistrate may appoint” and inserting the following:

“(2) GUARDIAN AD LITEM.—The magistrate may appoint”; and

(3) by striking “If the juvenile” and inserting the following:

“(b) RELEASE PRIOR TO DISPOSITION.—Except as provided in subsection (c), if the juvenile”; and

(4) by adding at the end the following:

“(c) RELEASE OF CERTAIN JUVENILES.—A juvenile who is to be tried as an adult pursuant to section 5032 shall be released pending trial only in accordance with the applicable provisions of chapter 207. The release shall be conducted in the same manner and shall be subject to the same terms, conditions, and sanctions for violation of a release condition as provided for an adult under chapter 207.

“(d) PENALTY FOR AN OFFENSE COMMITTED WHILE ON RELEASE.—

“(1) IN GENERAL.—A juvenile alleged to have committed, while on release under this section, an offense that, if committed by an adult, would be a Federal criminal offense, shall be subject to prosecution under section 5032.

“(2) APPLICABILITY OF CERTAIN PENALTIES.—Section 3147 shall apply to a juvenile who is to be tried as an adult pursuant to section 5032 for an offense committed while on release under this section.”.

(b) DETENTION PRIOR TO DISPOSITION.—Section 5035 of title 18, United States Code, is amended—

(1) by striking “A juvenile” and inserting the following:

“(a) IN GENERAL.—Except as provided in subsection (b), a juvenile”; and

(2) in subsection (a), as redesignated—

(A) in the third sentence, by striking “regular contact” and inserting “prohibited physical contact or sustained oral communication”; and

(B) after the fourth sentence, by inserting the following: “To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.”; and

(3) by adding at the end the following:

“(b) DETENTION OF CERTAIN JUVENILES.—

“(1) IN GENERAL.—A juvenile who is to be tried as an adult pursuant to section 5032 shall be subject to detention in accordance

with chapter 207 in the same manner, to the same extent, and subject to the same terms and conditions as an adult would be subject to under that chapter.

“(2) EXCEPTION.—A juvenile shall not be detained or confined in any institution in which the juvenile has prohibited physical contact or sustained oral communication with adult inmates. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.”.

SEC. 106. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended—

(1) by inserting “who is to be proceeded against as a juvenile pursuant to section 5032 and” after “If an alleged delinquent”;

(2) by striking “thirty” and inserting “70”;

and

(3) by striking “the court,” and all that follows through the end of the section and inserting the following: “the court. The periods of exclusion under section 3161(h) shall apply to this section. In determining whether an information should be dismissed with or without prejudice, the court shall consider the seriousness of the alleged act of juvenile delinquency, the facts and circumstances of the case that led to the dismissal, and the impact of a prosecution on the administration of justice.”.

SEC. 107. DISPOSITIONAL HEARINGS.

Section 5037 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—

“(1) DISPOSITIONAL HEARING.—

“(A) IN GENERAL.—In a proceeding under section 5032(a)(1)(D), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e).

“(B) PREDISPOSITION REPORT.—A predisposition report shall be prepared by the probation officer, who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the predisposition report, and victims or, in appropriate cases, their official representatives, shall be provided the opportunity to make a statement to the court in person or to present any information in relation to the disposition.

“(2) ACTIONS OF COURT AFTER HEARING.—After a dispositional hearing under paragraph (1), after considering any pertinent policy statements promulgated by the United States Sentencing Commission pursuant to section 994 of title 28, and in conformance with any guidelines promulgated by the United States Sentencing Commission pursuant to section 994(z)(1)(B) of title 28, the court shall—

“(A) place the juvenile on probation or commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult; and

“(B) enter an order of restitution pursuant to section 3663.”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting “or supervised release” after “probation”;

(B) by striking “extend—” and all that follows through “The provisions” and inserting the following: “extend, in the case of a juvenile, beyond the maximum term of probation that would be authorized by section 3561, or beyond the maximum term of supervised re-

lease authorized by section 3583, if the juvenile had been tried and convicted as an adult. The provisions dealing with supervised release set forth in section 3583 and the provisions”;

(C) in the last sentence, by inserting “or supervised release” after “on probation”;

and

(3) in subsection (c), by striking “may not extend—” and all that follows through “Section 3624” and inserting the following: “may not extend beyond the earlier of the 26th birthday of the juvenile or the termination date of the maximum term of imprisonment, exclusive of any term of supervised release, that would be authorized if the juvenile had been tried and convicted as an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile attains the age of 18 years. Section 3624”.

SEC. 108. USE OF JUVENILE RECORDS.

Section 5038 of title 18, United States Code, is amended to read as follows:

“§ 5038. Use of juvenile records

“(a) IN GENERAL.—Throughout a juvenile delinquency proceeding under section 5032 or 5037, the records of such proceeding shall be safeguarded from disclosure to unauthorized persons, and shall only be released to the extent necessary for purposes of—

“(1) compliance with section 5032(h);

“(2) docketing and processing by the court;

“(3) responding to an inquiry received from another court of law;

“(4) responding to an inquiry from an agency preparing a presentence report for another court;

“(5) responding to an inquiry from a law enforcement agency, if the request for information is related to the investigation of a crime or a position within that agency or analysis requested by the Attorney General;

“(6) responding to a written inquiry from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court;

“(7) responding to an inquiry from an agency considering the person for a position immediately and directly affecting national security;

“(8) responding to an inquiry from any victim of such juvenile delinquency or, if the victim is deceased, from a member of the immediate family of the victim, related to the final disposition of such juvenile by the court in accordance with section 5032 or 5037, as applicable; and

“(9) communicating with a victim of such juvenile delinquency or, in appropriate cases, with the official representative of a victim, in order to—

“(A) apprise the victim or representative of the status or disposition of the proceeding;

“(B) effectuate any other provision of law; or

“(C) assist in the allocution at disposition of the victim or the representative of the victim.

“(b) RECORDS OF ADJUDICATION.—

“(1) TRANSMISSION TO FBI.—Upon an adjudication of delinquency under section 5032 or 5037, the court shall transmit to the Director of the Federal Bureau of Investigation a record of such adjudication.

“(2) MAINTAINING RECORDS.—The Director of the Federal Bureau of Investigation shall maintain, in the central repository of the Federal Bureau of Investigation, in accordance with the established practices and policies relating to adult criminal history records of the Federal Bureau of Investigation—

“(A) a fingerprint supported record of the Federal adjudication of delinquency of any juvenile who commits an act that, if com-

mitted by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sexual molestation of a child, or a conspiracy or attempt to commit any such offense, that is equivalent to, and maintained and disseminated in the same manner and for the same purposes, as are adult criminal history records for the same offenses; and

“(B) a fingerprint supported record of the Federal adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would be any felony offense (other than an offense described in subparagraph (A)) that is equivalent to, and maintained and disseminated in the same manner, as are adult criminal history records for the same offenses—

“(i) for use by and within the criminal justice system for the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, sentencing, disposition, correctional supervision, or rehabilitation of an accused person, criminal offender, or juvenile delinquent; and

“(ii) for purposes of responding to an inquiry from an agency considering the subject of the record for a position or clearance immediately and directly affecting national security.

“(3) AVAILABILITY OF RECORDS TO SCHOOLS IN CERTAIN CIRCUMSTANCES.—Notwithstanding paragraph (2), the Director of the Federal Bureau of Investigation shall make an adjudication record of a juvenile maintained pursuant to subparagraph (A) or (B) of that paragraph, or conviction record described in subsection (d), available to an official of an elementary, secondary, or post-secondary school, in appropriate circumstances (as defined by and under rules issued by the Attorney General), if—

“(A) the subject of the record is a student enrolled at the school, or a juvenile who seeks, intends, or is instructed to enroll at that school;

“(B) the school official is subject to the same standards and penalties under applicable Federal and State law relating to the handling and disclosure of information contained in juvenile adjudication records as are employees of law enforcement and juvenile justice agencies in the State; and

“(C) information contained in the record is not used for the sole purpose of denying admission.

“(c) NOTIFICATION OF RIGHTS.—A district court of the United States that exercises jurisdiction over a juvenile shall notify the juvenile, and a parent or guardian of the juvenile, in writing, and in clear and nontechnical language, of the rights of the juvenile relating to the adjudication record of the juvenile. Any juvenile may petition the court after a period of 5 years to have a record relating to such juvenile and described in this section (except a record relating to an offense described in subsection (b)(2)(A)) removed from the Federal Bureau of Investigation database if that juvenile can establish by clear and convincing evidence that the juvenile is no longer a danger to the community.

“(d) RECORDS OF JUVENILES TRIED AS ADULTS.—In any case in which a juvenile is tried as an adult in Federal court, the Federal criminal record of the juvenile shall be made available in the same manner as is applicable to the records of adult defendants.”.

SEC. 109. IMPLEMENTATION OF A SENTENCE FOR JUVENILE OFFENDERS.

(a) IN GENERAL.—Section 5039 of title 18, United States Code, is amended to read as follows:

“§ 5039. Implementation of a sentence

“(a) IN GENERAL.—Except as otherwise provided in this chapter, the sentence for a juvenile who is adjudicated delinquent or found

guilty of an offense under any proceeding in a district court of the United States under section 5032 shall be carried out in the same manner as for an adult defendant.

“(b) SENTENCES OF IMPRISONMENT, PROBATION, AND SUPERVISED RELEASE.—Subject to subsection (d), the implementation of a sentence of imprisonment is governed by subchapter C of chapter 229 and, if the sentence includes a term of probation or supervised release, by subchapter A of chapter 229.

“(c) SENTENCES OF FINES AND ORDERS OF RESTITUTION; SPECIAL ASSESSMENTS.—

“(1) IN GENERAL.—A sentence of a fine, an order of restitution, or a special assessment under section 3013 shall be implemented and collected in the same manner as for an adult defendant.

“(2) PROHIBITION.—The parent, guardian, or custodian of a juvenile sentenced to pay a fine may not be made liable for such payment by any court.

“(d) SEGREGATION OF JUVENILES; CONDITIONS OF CONFINEMENT.—

“(1) IN GENERAL.—No juvenile committed for incarceration, whether pursuant to an adjudication of delinquency or conviction for an offense, to the custody of the Attorney General may, before the juvenile attains the age of 18 years, be placed or retained in any jail or correctional institution in which the juvenile has prohibited physical contact with adult inmate or can engage in sustained oral communication with adult inmates. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

“(2) REQUIREMENTS.—Each juvenile who is committed for incarceration shall be provided with—

“(A) adequate food, heat, light, sanitary facilities, bedding, clothing, and recreation; and

“(B) as appropriate, counseling, education, training, and medical care (including necessary psychiatric, psychological, or other care or treatment).

“(3) COMMITMENT TO FOSTER HOME OR COMMUNITY-BASED FACILITY.—Except in the case of a juvenile who is found guilty of a violent felony or who is adjudicated delinquent for an offense that would be a violent felony if the juvenile had been prosecuted as an adult, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community if that commitment is—

“(A) practicable;

“(B) in the best interest of the juvenile; and

“(C) consistent with the safety of the community.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 403 of title 18, United States Code, is amended by striking the item relating to section 5039 and inserting the following:

“5039. Implementation of a sentence.”.

SEC. 110. MAGISTRATE JUDGE AUTHORITY REGARDING JUVENILE DEFENDANTS.

Section 3401(g) of title 18, United States Code, is amended—

(1) in the second sentence, by inserting after “magistrate judge may, in any” the following: “class A misdemeanor or any”; and

(2) in the third sentence, by striking “, except that no” and all that follows before the period at the end of the subsection.

SEC. 111. FEDERAL SENTENCING GUIDELINES.

(a) APPLICATION OF GUIDELINES TO CERTAIN JUVENILE DEFENDANTS.—Section 994(h) of title 28, United States Code, is amended by inserting “, or in which the defendant is a juvenile who is tried as an adult,” after “old or older”.

(b) GUIDELINES FOR JUVENILE CASES.—

(1) IN GENERAL.—Section 994 of title 28, United States Code, is amended by adding at the end the following:

“(z) GUIDELINES FOR JUVENILE CASES.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, the Commission, by affirmative vote of not less than 4 members of the Commission, and pursuant to its rules and regulations and consistent with all pertinent provisions of any Federal statute, shall promulgate and distribute to all courts of the United States and to the United States Probation System—

“(A) guidelines, as described in this section, for use by a sentencing court in determining the sentence to be imposed in a criminal case if the defendant committed the offense as a juvenile, and is tried as an adult pursuant to section 5032 of title 18, United States Code; and

“(B) guidelines, as described in this section, for use by a court in determining the sentence to be imposed on a juvenile adjudicated delinquent pursuant to section 5032 of title 18, United States Code, and sentenced pursuant to a dispositional hearing under section 5037 of title 18, United States Code.

“(2) DETERMINATIONS.—In carrying out this subsection, the Commission shall make the determinations required by subsection (a)(1) and promulgate the policy statements and guidelines required by paragraphs (2) and (3) of subsection (a).

“(3) CONSIDERATIONS.—In addition to any other considerations required by this section, the Commission, in promulgating guidelines—

“(A) pursuant to paragraph (1)(A), shall presume the appropriateness of adult sentencing provisions, but may make such adjustments to sentence lengths and to provisions governing downward departures from the guidelines as reflect the specific interests and circumstances of juvenile defendants; and

“(B) pursuant to paragraph (1)(B), shall ensure that the guidelines—

“(i) reflect the broad range of sentencing options available to the court under section 5037 of title 18, United States Code; and

“(ii) effectuate a policy of an accountability-based juvenile justice system that provides substantial and appropriate sanctions, that are graduated to reflect the severity or repeated nature of violations, for each delinquent act, and reflect the specific interests and circumstances of juvenile defendants.

“(4) REVIEW PERIOD.—The review period specified by subsection (p) applies to guidelines promulgated pursuant to this subsection and any amendments to those guidelines.”.

(2) TECHNICAL CORRECTION TO ASSURE COMPLIANCE OF SENTENCING GUIDELINES WITH PROVISIONS OF ALL FEDERAL STATUTES.—Section 994(a) of title 28, United States Code, is amended by striking “consistent with all pertinent provisions of this title and title 18, United States Code,” and inserting “consistent with all pertinent provisions of any Federal statute”.

SEC. 112. STUDY AND REPORT ON INDIAN TRIBAL JURISDICTION.

Not later than 18 months after the date of enactment of this Act, the Attorney General shall conduct a study of the juvenile justice systems of Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(b)(e))) and shall report to the Chairman and Ranking Member of the Committee on the Judiciary and the Committee on Indian Affairs of the Senate and the Chairman and Ranking Member of the Committee on the

Judiciary of the House of Representatives on—

(1) the extent to which tribal governments are equipped to adjudicate felonies, misdemeanors, and acts of delinquency committed by juveniles subject to tribal jurisdiction; and

(2) the need for and benefits from expanding the jurisdiction of tribal courts and the authority to impose the same sentences that can be imposed by Federal or State courts on such juveniles.

TITLE II—JUVENILE GANGS

SEC. 201. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL STREET GANG ACTIVITY.

(a) PROHIBITED ACTS.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

“§ 522. Recruitment of persons to participate in criminal street gang activity

“(a) PROHIBITED ACT.—It shall be unlawful for any person, to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent that the person being recruited, solicited, induced, commanded or caused to be or remain a member of such gang participate in an offense described in section 521(c) of this title.

“(b) PENALTIES.—Any person who violates subsection (a) shall—

“(1) if the person recruited, solicited, induced, commanded, or caused—

“(A) is a minor, be imprisoned not less than 4 years and not more than 10 years, fined in accordance with this title, or both; or

“(B) is not a minor, be imprisoned not less than 1 year and not more than 10 years, fined in accordance with this title, or both; and

“(2) be liable for any costs incurred by the Federal Government or by any State or local government for housing, maintaining, and treating the minor until the minor attains the age of 18 years.

“(c) DEFINITIONS.—In this section:

“(1) CRIMINAL STREET GANG.—The term ‘criminal street gang’ has the meaning given the term in section 521.

“(2) MINOR.—The term ‘minor’ means a person who is younger than 18 years of age.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 26 of title 18, United States Code, is amended by adding at the end the following:

“522. Recruitment of persons to participate in criminal street gang activity.”.

SEC. 202. INCREASED PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking “one year” and inserting “3 years”; and

(2) in subsection (c), by striking “one year” and inserting “5 years”.

SEC. 203. PENALTIES FOR USE OF MINORS IN CRIMES OF VIOLENCE.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

“§ 25. Use of minors in crimes of violence

“(a) PENALTIES.—Except as otherwise provided by law, whoever, being not less than 18 years of age, knowingly and intentionally uses a minor to commit a Federal offense that is a crime of violence, or to assist in avoiding detection or apprehension for such an offense, shall—

“(1) be subject to 2 times the maximum imprisonment and 2 times the maximum fine that would otherwise be imposed for the offense; and

“(2) for second or subsequent convictions under this subsection, be subject to 3 times the maximum imprisonment and 3 times the maximum fine that would otherwise be imposed for the offense.

“(b) DEFINITIONS.—In this section:

“(1) CRIME OF VIOLENCE.—The term ‘crime of violence’ has the meaning given the term in section 16 of this title.

“(2) MINOR.—The term ‘minor’ means a person who is less than 18 years of age.

“(3) USES.—The term ‘uses’ means employs, hires, persuades, induces, entices, or coerces.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

“25. Use of minors in crimes of violence.”.

SEC. 204. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Section 521 of title 18, United States Code, is amended—

(1) in subsection (a), in the second undesignated paragraph—

(A) by striking “5” and inserting “3”;

(B) by inserting “, whether formal or informal” after “or more persons”; and

(C) in subparagraph (A), by inserting “or activities” after “purposes”;

(2) in subsection (b), by inserting after “10 years” the following: “and such person shall be subject to the forfeiture prescribed in section 412 of the Controlled Substances Act (21 U.S.C. 853)”;

(3) in subsection (c)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon;

(C) by adding at the end the following:

“(3) that is a violation of section 522 (relating to the recruitment of persons to participate in criminal gang activity);

“(4) that is a violation of section 844, 875, or 876 (relating to extortion and threats), section 1084 (relating to gambling), section 1955 (relating to gambling), or chapter 73 (relating to obstruction of justice);

“(5) that is a violation of section 1956 (relating to money laundering), to the extent that the violation of such section is related to a Federal or State offense involving a controlled substance (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

“(6) that is a violation of section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, or 1328) (relating to alien smuggling); and

“(7) a conspiracy, attempt, or solicitation to commit an offense described in paragraphs (1) through (6).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3663(c)(4) of title 18, United States Code, is amended by striking “chapter 46” and inserting “section 521, chapter 46.”.

SEC. 205. HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.

(a) DEFINITIONS.—In this section:

(1) GOVERNOR.—The term “Governor” means a Governor of a State or the Mayor of the District of Columbia.

(2) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREA.—The term “high intensity interstate gang activity area” means an area within a State that is designated as a high intensity interstate gang activity area under subsection (b)(1).

(3) STATE.—The term “State” means a State of the United States or the District of Columbia.

(b) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.—

(1) DESIGNATION.—The Attorney General, upon consultation with the Secretary of the

Treasury and the Governors of appropriate States, may designate as a high intensity interstate gang activity area a specified area that is located—

(A) within a State; or

(B) in more than 1 State.

(2) ASSISTANCE.—In order to provide Federal assistance to a high intensity interstate gang activity area, the Attorney General may—

(A) facilitate the establishment of a regional task force, consisting of Federal, State, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal activities of gangs and gang members in the high intensity interstate gang activity area; and

(B) direct the detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to the high intensity interstate gang activity area.

(3) CRITERIA FOR DESIGNATION.—In considering an area (within a State or within more than 1 State) for designation as a high intensity interstate gang activity area under this section, the Attorney General shall consider—

(A) the extent to which gangs from the area are involved in interstate or international criminal activity;

(B) the extent to which the area is affected by the criminal activity of gang members who—

(i) are located in, or have relocated from, other States; or

(ii) are located in, or have immigrated (legally or illegally) from, foreign countries;

(C) the extent to which the area is affected by the criminal activity of gangs that originated in other States or foreign countries;

(D) the extent to which State and local law enforcement agencies have committed resources to respond to the problem of criminal gang activity in the area, as an indication of their determination to respond aggressively to the problem;

(E) the extent to which a significant increase in the allocation of Federal resources would enhance local response to gang-related criminal activities in the area; and

(F) any other criteria that the Attorney General considers to be appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$100,000,000 for each of fiscal years 1999 through 2004, to be used in accordance with paragraph (2).

(2) USE OF FUNDS.—Of amounts made available under paragraph (1) in each fiscal year—

(A) 60 percent shall be used to carry out subsection (b)(2); and

(B) 40 percent shall be used to make grants for community-based programs to provide crime prevention and intervention services that are designed for gang members and at-risk youth in areas designated pursuant to this section as high intensity interstate gang activity areas.

(3) REQUIREMENT.—

(A) IN GENERAL.—The Attorney General shall ensure that not less than 10 percent of amounts made available under paragraph (1) in each fiscal year are used to assist rural States affected as described in subparagraphs (B) and (C) of subsection (b)(3).

(B) DEFINITION OF RURAL STATE.—In this paragraph, the term “rural State” has the meaning given the term in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b)).

SEC. 206. INCREASING THE PENALTY FOR USING PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “as provided in paragraph (2)” and inserting “as provided in paragraph (3)”;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

“(2) USE OF PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.—Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

“(A) influence, delay, or prevent the testimony of any person in an official proceeding;

“(B) cause or induce any person to—

“(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

“(ii) alter, destroy, mutilate, or conceal an object with intent to impair the object’s integrity or availability for use in an official proceeding;

“(iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

“(iv) be absent from an official proceeding to which such person has been summoned by legal process; or

“(C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).”; and

(D) in paragraph (3), as redesignated, by striking subparagraph (B) and inserting the following:

“(B) in the case of—

“(i) an attempt to murder; or

“(ii) the use of physical force against any person;

imprisonment for not more than 20 years.”;

(2) in subsection (b), by striking “or physical force”; and

(3) by adding at the end the following:

“(j) CONSPIRACY.—Whoever conspires to commit any offense under this section or section 1513 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.”.

SEC. 207. AUTHORITY TO MAKE GRANTS TO PROSECUTORS’ OFFICES TO COMBAT GANG CRIME AND YOUTH VIOLENCE.

(a) IN GENERAL.—Section 31702 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) to allow the hiring of additional prosecutors, so that more cases can be prosecuted and backlogs reduced;

“(6) to provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

“(7) to provide funding to assist prosecutors with funding for technology, equipment, and training to assist prosecutors in reducing the incidence of, and increase the successful identification and speed of prosecution of young violent offenders; and

“(8) to provide funding to assist prosecutors in their efforts to engage in community prosecution, problem solving, and conflict resolution techniques through collaborative efforts with police, school officials, probation officers, social service agencies, and community organizations.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 31707 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subtitle, \$50,000,000 for 2000 through 2004.”.

SEC. 208. INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS A GANG MEMBER.

(a) **DEFINITION OF CRIMINAL STREET GANG.**—In this section, the term “criminal street gang” has the meaning given that term in section 521(a) of title 18, United States Code, as amended by section 204 of this Act.

(b) **AMENDMENT OF SENTENCING GUIDELINES.**—

(1) **IN GENERAL.**—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for any Federal offense described in section 521(c) of title 18, United States Code as amended by section 204 of this Act, if the offense was both committed in connection with, or in furtherance of, the activities of a criminal street gang and the defendant was a member of the criminal street gang at the time of the offense.

(2) **FACTORS TO BE CONSIDERED.**—In determining an appropriate enhancement under this section, the United States Sentencing Commission shall give great weight to the seriousness of the offense, the offender's relative position in the criminal gang, and the risk of death or serious bodily injury to any person posed by the offense.

(c) **CONSTRUCTION WITH OTHER GUIDELINES.**—The amendment made by subsection (b) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

SEC. 209. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL GANGS.

(a) **TRAVEL ACT AMENDMENT.**—Section 1952 of title 18, United States Code, is amended to read as follows:

“§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

“(a) **PROHIBITED CONDUCT AND PENALTIES.**—

“(1) **IN GENERAL.**—Whoever—

“(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

“(i) distribute the proceeds of any unlawful activity; or

“(ii) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and

“(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), performs, attempts to perform, or conspires to perform an act described in clause (i) or (ii) of subparagraph (A);

shall be fined under this title, imprisoned not more than 10 years, or both.

“(2) **CRIMES OF VIOLENCE.**—Whoever—

“(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to commit any crime of violence to further any unlawful activity; and

“(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), commits, attempts to commit, or conspires to commit any crime of violence to further any unlawful activity;

shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be sentenced to death or be imprisoned for any term of years or for life.

“(b) **DEFINITIONS.**—In this section:

“(1) **CONTROLLED SUBSTANCE.**—The term ‘controlled substance’ has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

“(2) **STATE.**—The term ‘State’ includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

“(3) **UNLAWFUL ACTIVITY.**—The term ‘unlawful activity’ means—

“(A) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances, or prostitution offenses in violation of the laws of the State in which the offense is committed or of the United States;

“(B) extortion, bribery, arson, burglary if the offense involves property valued at not less than \$10,000, assault with a deadly weapon, assault resulting in bodily injury, shooting at an occupied dwelling or motor vehicle, or retaliation against or intimidation of witnesses, victims, jurors, or informants, in violation of the laws of the State in which the offense is committed or of the United States;

“(C) the use of bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding; or

“(D) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 31.”.

(b) **AMENDMENT OF SENTENCING GUIDELINES.**—

(1) **IN GENERAL.**—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines to provide an appropriate increase in the offense levels for traveling in interstate or foreign commerce in aid of unlawful activity.

(2) **UNLAWFUL ACTIVITY DEFINED.**—In this subsection, the term “unlawful activity” has the meaning given that term in section 1952(b) of title 18, United States Code, as amended by this section.

(3) **SENTENCING ENHANCEMENT FOR RECRUITMENT ACROSS STATE LINES.**—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for a person who, in violating section 522 of title 18, United States Code (as added by section 201 of this Act), recruits, solicits, induces, commands, or causes another person residing in another State to be or to remain a member of a criminal street gang, or crosses a State line with the intent to recruit, solicit, induce, command, or cause another person to be or to remain a member of a criminal street gang.

SEC. 210. PROHIBITIONS RELATING TO FIREARMS.

(a) **SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL PREDICATES.**—Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) in clause (i), by striking “or” at the end;

(2) in clause (ii), by adding “or” at the end; and

(3) by adding at the end the following:

“(iii) any act of juvenile delinquency that, if committed by an adult, would be an offense described in clause (i) or (ii);”.

(b) **TRANSFER OF FIREARMS TO MINORS FOR USE IN CRIME.**—Section 924(h) of title 18, United States Code, is amended by inserting “and if the transferee is a person who is under 18 years of age, imprisoned not less than 3 years,” after “10 years,”.

SEC. 211. CLONE PAGERS.

(a) **IN GENERAL.**—Section 2511(2)(h) of title 18, United States Code, is amended by striking clause (i) and inserting the following:

“(i) to use a pen register, trap and trace device, or clone pager, as those terms are defined in chapter 206 of this title (relating to pen registers, trap and trace devices, and clone pagers); or”;

(b) **EXCEPTION.**—Section 3121 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—Except as provided in this section, no person may install or use a pen register, trap and trace device, or clone pager without first obtaining a court order under section 3123 or 3129 of this title, or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).”;

(2) in subsection (b), by striking “a pen register or a trap and trace device” and inserting “a pen register, trap and trace device, or clone pager”; and

(3) by striking the section heading and inserting the following:

“§ 3121. General prohibition on pen register, trap and trace device, and clone pager use; exception”.

(c) **ASSISTANCE.**—Section 3124 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

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

“(c) **CLONE PAGER.**—Upon the request of an attorney for the Government or an officer of a law enforcement agency authorized to use a clone pager under this chapter, a provider of electronic communication service shall furnish to such investigative or law enforcement officer all information, facilities, and technical assistance necessary to accomplish the use of the clone pager unobtrusively and with a minimum of interference with the services that the person so ordered by the court provides to the subscriber, if such assistance is directed by a court order, as provided in section 3129(b)(2) of this title.”; and

(3) by striking the section heading and inserting the following:

“§ 3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager”.

(d) **EMERGENCY INSTALLATIONS.**—Section 3125 of title 18, United States Code, is amended—

(1) by striking “pen register or a trap and trace device” and “pen register or trap and trace device” each place they appear and inserting “pen register, trap and trace device, or clone pager”; and

(2) in subsection (a), by striking “an order approving the installation or use is issued in accordance with section 3123 of this title” and inserting “an application is made for an order approving the installation or use in accordance with section 3122 or section 3128 of this title”;

(3) in subsection (b), by adding at the end the following: “If such application for the

use of a clone pager is denied, or in any other case in which the use of the clone pager is terminated without an order having been issued, an inventory shall be served as provided for in section 3129(e) of this title.”; and

(4) by striking the section heading and inserting the following:

“§3125. Emergency installation and use of pen register, trap and trace device, and clone pager”.

(e) REPORTS.—Section 3126 of title 18, United States Code, is amended—

(1) by striking “pen register orders and orders for trap and trace devices” and inserting “orders for pen registers, trap and trace devices, and clone pagers”; and

(2) by striking the section heading and inserting the following:

“§3126. Reports concerning pen registers, trap and trace devices, and clone pagers”.

(f) DEFINITIONS.—Section 3127 of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “or” at the end; and

(B) by striking subparagraph (B) and inserting the following:

“(B) with respect to an application for the use of a pen register or trap and trace device, a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or a trap and trace device; or

“(C) with respect to an application for the use of a clone pager, a court of general criminal jurisdiction of a State authorized by the law of that State to issue orders authorizing the use of a clone pager;”;

(2) in paragraph (5), by striking “and” at the end;

(3) in paragraph (6), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(7) the term ‘clone pager’ means a numeric display device that receives communications intended for another numeric display paging device.”.

(g) APPLICATIONS.—Chapter 206 of title 18, United States Code, is amended by adding at the end the following:

“§3128. Application for an order for use of a clone pager

“(a) APPLICATION.—

“(1) FEDERAL REPRESENTATIVES.—Any attorney for the Government may apply to a court of competent jurisdiction for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

“(2) STATE REPRESENTATIVES.—A State investigative or law enforcement officer may, if authorized by a State statute, apply to a court of competent jurisdiction of such State for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

“(b) CONTENTS OF APPLICATION.—An application under subsection (a) of this section shall include—

“(1) the identity of the attorney for the Government or the State law enforcement or investigative officer making the application and the identity of the law enforcement agency conducting the investigation;

“(2) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

“(3) a description of the numeric display paging device to be cloned;

“(4) a description of the offense to which the information likely to be obtained by the clone pager relates;

“(5) the identity, if known, of the person who is subject of the criminal investigation; and

“(6) an affidavit or affidavits, sworn to before the court of competent jurisdiction, es-

tablishing probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

“§3129. Issuance of an order for use of a clone pager

“(a) IN GENERAL.—Upon an application made under section 3128 of this title, the court shall enter an ex parte order authorizing the use of a clone pager within the jurisdiction of the court if the court finds that the application has established probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

“(b) CONTENTS OF AN ORDER.—An order issued under this section—

“(1) shall specify—

“(A) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

“(B) the numeric display paging device to be cloned;

“(C) the identity, if known, of the subscriber to the pager service; and

“(D) the offense to which the information likely to be obtained by the clone pager relates; and

“(2) shall direct, upon the request of the applicant, the furnishing of information, facilities, and technical assistance necessary to use the clone pager under section 3124 of this title.

“(c) TIME PERIOD AND EXTENSIONS.—

“(1) IN GENERAL.—An order issued under this section shall authorize the use of a clone pager for a period not to exceed 30 days. Such 30-day period shall begin on the earlier of the day on which the investigative or law enforcement officer first begins use of the clone pager under the order or the tenth day after the order is entered.

“(2) EXTENSIONS.—Extensions of an order issued under this section may be granted, but only upon an application for an order under section 3128 of this title and upon the judicial finding required by subsection (a). An extension under this paragraph shall be for a period not to exceed 30 days.

“(3) REPORT.—Within a reasonable time after the termination of the period of a clone pager order or any extensions thereof under this subsection, the applicant shall report to the issuing court the number of numeric pager messages acquired through the use of the clone pager during such period.

“(d) NONDISCLOSURE OF EXISTENCE OF CLONE PAGER.—An order authorizing the use of a clone pager shall direct that—

“(1) the order shall be sealed until otherwise ordered by the court; and

“(2) the person who has been ordered by the court to provide assistance to the applicant may not disclose the existence of the clone pager or the existence of the investigation to the listed subscriber, or to any other person, until otherwise ordered by the court.

“(e) NOTIFICATION.—

“(1) IN GENERAL.—Within a reasonable time, not later than 90 days after the date of termination of the period of a clone pager order or any extensions thereof, the issuing judge shall cause to be served, on the individual or individuals using the numeric display paging device that was cloned, an inventory including notice of—

“(A) the fact of the entry of the order or the application;

“(B) the date of the entry and the period of clone pager use authorized, or the denial of the application; and

“(C) whether or not information was obtained through the use of the clone pager.

“(2) POSTPONEMENT.—Upon an ex-parte showing of good cause, a court of competent

jurisdiction may in its discretion postpone the serving of the notice required by this subsection.”.

(h) CLERICAL AMENDMENTS.—The table of sections for chapter 206 of title 18, United States Code, is amended—

(1) by striking the item relating to section 3121 and inserting the following:

“3121. General prohibition on pen register, trap and trace device, and clone pager use; exception.”;

(2) by striking the items relating to sections 3124, 3125, and 3126 and inserting the following:

“3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager.

“3125. Emergency installation and use of pen register, trap and trace device, and clone pager.

“3126. Reports concerning pen registers, trap and trace devices, and clone pagers.”; and

(3) by adding at the end the following:

“3128. Application for an order for use of a clone pager.

“3129. Issuance of an order for use of a clone pager”.

(i) CONFORMING AMENDMENT.—Section 704(a) of the Communications Act of 1934 (47 U.S.C. 605(a)) is amended by striking “chapter 119,” and inserting “chapters 119 and 206 of”.

TITLE III—JUVENILE CRIME CONTROL, ACCOUNTABILITY, AND DELINQUENCY PREVENTION

Subtitle A—Reform of the Juvenile Justice and Delinquency Prevention Act of 1974

SEC. 301. FINDINGS; DECLARATION OF PURPOSE; DEFINITIONS.

Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended to read as follows:

“TITLE I—FINDINGS AND DECLARATION OF PURPOSE

“SEC. 101. FINDINGS.

“Congress makes the following findings:

“(1) During the past decade, the United States has experienced an alarming increase in arrests of adolescents for murder, assault, and weapons offenses.

“(2) In 1994, juveniles accounted for 1 in 5 arrests for violent crimes, including murder, robbery, aggravated assault, and rape, including 514 such arrests per 100,000 juveniles 10 through 17 years of age.

“(3) Understaffed and overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities no longer adequately address the changing nature of juvenile crime, protect the public, or correct youth offenders.

“(4) The juvenile justice system has proven inadequate to meet the needs of society and the needs of children who may be at risk of becoming delinquents are not being met.

“(5) Existing programs and policies have not adequately responded to the particular threats that drugs, alcohol abuse, violence, and gangs pose to the youth of the Nation.

“(6) Projected demographic increases in the number of youth offenders require reexamination of current prosecution and incarceration policies for serious violent youth offenders and crime prevention policies.

“(7) State and local communities require assistance to deal comprehensively with the problems of juvenile delinquency.

“(8) Existing Federal programs have not provided the States with necessary flexibility, nor have these programs provided the coordination, resources, and leadership required to meet the crisis of youth violence.

“(9) Overlapping and uncoordinated Federal programs have created a multitude of

Federal funding streams to States and units of local government, that have become a barrier to effective program coordination, responsive public safety initiatives, and the provision of comprehensive services for children and youth.

“(10) Violent crime by juveniles constitutes a growing threat to the national welfare that requires an immediate and comprehensive governmental response, combining flexibility and coordinated evaluation.

“(11) The role of the Federal Government should be to encourage and empower communities to develop and implement policies to protect adequately the public from serious juvenile crime as well as implement quality prevention programs that work with at-risk juveniles, their families, local public agencies, and community-based organizations.

“(12) A strong partnership among law enforcement, local government, juvenile and family courts, schools, public recreation agencies, businesses, philanthropic organizations, families, and the religious community, can create a community environment that supports the youth of the Nation in reaching their highest potential and reduces the destructive trend of juvenile crime.

“SEC. 102. PURPOSE AND STATEMENT OF POLICY.

“(a) IN GENERAL.—The purposes of this Act are to—

“(1) empower States and communities to develop and implement comprehensive programs that support families, reduce risk factors, and prevent serious youth crime and juvenile delinquency;

“(2) protect the public and to hold juveniles accountable for their acts;

“(3) encourage and promote, consistent with the ideals of federalism, the adoption by the States of policies recognizing the rights of victims in the juvenile justice system, and ensuring that the victims of violent crimes committed by juveniles receive the same level of justice as do the victims of violent crimes committed by adults;

“(4) provide for the thorough and ongoing evaluation of all federally funded programs addressing juvenile crime and delinquency;

“(5) provide technical assistance to public and private nonprofit entities that protect public safety, administer justice and corrections to delinquent youth, or provide services to youth at risk of delinquency, and their families;

“(6) establish a centralized research effort on the problems of youth crime and juvenile delinquency, including the dissemination of the findings of such research and all related data;

“(7) establish a Federal assistance program to deal with the problems of runaway and homeless youth;

“(8) assist States and units of local government in improving the administration of justice for juveniles;

“(9) assist the States and units of local government in reducing the level of youth violence and juvenile delinquency;

“(10) assist States and units of local government in promoting public safety by supporting juvenile delinquency prevention and control activities;

“(11) encourage and promote programs designed to keep in school juvenile delinquents expelled or suspended for disciplinary reasons;

“(12) assist States and units of local government in promoting public safety by encouraging accountability for acts of juvenile delinquency;

“(13) assist States and units of local government in promoting public safety by improving the extent, accuracy, availability and usefulness of juvenile court and law enforcement records and the openness of the juvenile justice system;

“(14) assist States and units of local government in promoting public safety by encouraging the identification of violent and hardcore juveniles;

“(15) assist States and units of local government in promoting public safety by providing resources to States to build or expand juvenile detention facilities;

“(16) provide for the evaluation of federally assisted juvenile crime control programs, and the training necessary for the establishment and operation of such programs;

“(17) ensure the dissemination of information regarding juvenile crime control programs by providing a national clearinghouse; and

“(18) provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs.

“(b) STATEMENT OF POLICY.—It is the policy of Congress to provide resources, leadership, and coordination to—

“(1) combat youth violence and to prosecute and punish effectively violent juvenile offenders;

“(2) enhance efforts to prevent juvenile crime and delinquency; and

“(3) improve the quality of juvenile justice in the United States.

“SEC. 103. DEFINITIONS.

“In this Act:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Office of Juvenile Crime Control and Prevention, appointed in accordance with section 201.

“(2) ADULT INMATE.—The term ‘adult inmate’ means an individual who—

“(A) has reached the age of full criminal responsibility under applicable State law; and

“(B) has been arrested and is in custody for, awaiting trial on, or convicted of criminal charges.

“(3) BOOT CAMP.—The term ‘boot camp’ means a residential facility (excluding a private residence) at which there are provided—

“(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training;

“(B) regular, remedial, special, and vocational education;

“(C) counseling and treatment for substance abuse and other health and mental health problems;

“(D) supervision by properly screened staff, who are trained and experienced in working with juveniles or young adults, in highly structured, disciplined surroundings, characteristic of a military environment; and

“(E) participation in community service programs, such as counseling sessions, mentoring, community service, or restitution projects, and a comprehensive aftercare plan developed through close coordination with Federal, State, and local agencies, and in cooperation with business and private organizations, as appropriate.

“(4) BUREAU OF JUSTICE ASSISTANCE.—The term ‘Bureau of Justice Assistance’ means the bureau established by section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741).

“(5) BUREAU OF JUSTICE STATISTICS.—The term ‘Bureau of Justice Statistics’ means the bureau established by section 302(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732).

“(6) COLLOCATED FACILITIES.—The term ‘collocated facilities’ means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.

“(7) COMBINATION.—The term ‘combination’ as applied to States or units of local government means any grouping or joining to-

gether of such States or units for the purpose of preparing, developing, or implementing a juvenile crime control and delinquency prevention plan.

“(8) COMMUNITY-BASED.—The term ‘community-based’ facility, program, or service means a small, open group home or other suitable place located near the juvenile’s home or family and programs of community supervision and service that maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

“(9) COMPREHENSIVE AND COORDINATED SYSTEM OF SERVICES.—The term ‘comprehensive and coordinated system of services’ means a system that—

“(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

“(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

“(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

“(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency.

“(10) CONSTRUCTION.—The term ‘construction’ means erection of new buildings or acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects’ fees but not the cost of acquisition of land for buildings).

“(11) FEDERAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PROGRAM.—The term ‘Federal juvenile crime control, prevention, and juvenile offender accountability program’ means any Federal program a primary objective of which is the prevention of juvenile crime or reduction of the incidence of arrest, the commission of criminal acts or acts of delinquency, violence, the use of alcohol or illegal drugs, or the involvement in gangs among juveniles.

“(12) GENDER-SPECIFIC SERVICES.—The term ‘gender-specific services’ means services designed to address needs unique to the gender of the individual to whom such services are provided.

“(13) GRADUATED SANCTIONS.—The term ‘graduated sanctions’ means an accountability-based juvenile justice system that protects the public, and holds juvenile delinquents accountable for acts of delinquency by providing substantial and appropriate sanctions that are graduated in such a manner as to reflect (for each act of delinquency or offense) the severity or repeated nature of that act or offense, and in which there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender.

“(14) HOME-BASED ALTERNATIVE SERVICES.—The term ‘home-based alternative services’ means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention.

“(15) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation,

or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(16) JUVENILE.—The term ‘juvenile’ means a person who has not attained the age of 18 years who is subject to delinquency proceedings under applicable State law.

“(17) JUVENILE POPULATION.—The term ‘juvenile population’ means the population of a State under 18 years of age.

“(18) JAIL OR LOCKUP FOR ADULTS.—The term ‘jail or lockup for adults’ means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

“(A) pending the filing of a charge of violating a criminal law;

“(B) awaiting trial on a criminal charge; or

“(C) convicted of violating a criminal law.

“(19) JUVENILE DELINQUENCY PROGRAM.—The term ‘juvenile delinquency program’ means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including—

“(A) drug and alcohol abuse programs;

“(B) the improvement of the juvenile justice system; and

“(C) any program or activity that is designed to reduce known risk factors for juvenile delinquent behavior, by providing activities that build on protective factors for, and develop competencies in, juveniles to prevent and reduce the rate of delinquent juvenile behavior.

“(20) LAW ENFORCEMENT AND CRIMINAL JUSTICE.—The term ‘law enforcement and criminal justice’ means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

“(21) NATIONAL INSTITUTE OF JUSTICE.—The term ‘National Institute of Justice’ means the institute established by section 202(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3721).

“(22) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

“(23) OFFICE.—The term ‘Office’ means the Office of Juvenile Crime Control and Prevention established under section 201.

“(24) OFFICE OF JUSTICE PROGRAMS.—The term ‘Office of Justice Programs’ means the office established by section 101 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711).

“(25) OUTCOME OBJECTIVE.—The term ‘outcome objective’ means an objective that relates to the impact of a program or initiative, that measures the reduction of high risk behaviors, such as incidence of arrest, the commission of criminal acts or acts of delinquency, failure in school, violence, the use of alcohol or illegal drugs, involvement of youth gangs, violent and unlawful acts of animal cruelty, and teenage pregnancy, among youth in the community.

“(26) PROCESS OBJECTIVE.—The term ‘process objective’ means an objective that re-

lates to the manner in which a program or initiative is carried out, including—

“(A) an objective relating to the degree to which the program or initiative is reaching the target population; and

“(B) an objective relating to the degree to which the program or initiative addresses known risk factors for youth problem behaviors and incorporates activities that inhibit the behaviors and that build on protective factors for youth.

“(27) PROHIBITED PHYSICAL CONTACT.—

“(A) IN GENERAL.—The term ‘prohibited physical contact’ means—

“(i) any physical contact between a juvenile and an adult inmate; and

“(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

“(B) EXCLUSION.—The term does not include supervised proximity between a juvenile and an adult inmate that is brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

“(28) RELATED COMPLEX OF BUILDINGS.—The term ‘related complex of buildings’ means 2 or more buildings that share—

“(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

“(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28, Code of Federal Regulations, as in effect on December 10, 1996.

“(29) SECURE CORRECTIONAL FACILITY.—The term ‘secure correctional facility’ means any public or private residential facility that—

“(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

“(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

“(30) SECURE DETENTION FACILITY.—The term ‘secure detention facility’ means any public or private residential facility that—

“(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

“(B) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

“(31) SERIOUS CRIME.—The term ‘serious crime’ means criminal homicide, rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, drug trafficking, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony.

“(32) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(33) STATE OFFICE.—The term ‘State office’ means an office designated by the chief executive officer of a State to carry out this title, as provided in section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757).

“(34) SUSTAINED ORAL COMMUNICATION.—

“(A) IN GENERAL.—The term ‘sustained oral communication’ means the imparting or interchange of speech by or between an adult inmate and a juvenile.

“(B) EXCEPTION.—The term does not include—

“(i) communication that is accidental or incidental; or

“(ii) sounds or noises that cannot reasonably be considered to be speech.

“(35) TREATMENT.—The term ‘treatment’ includes medical and other rehabilitative services designed to protect the public, including any services designed to benefit addicts and other users by—

“(A) eliminating their dependence on alcohol or other addictive or nonaddictive drugs; or

“(B) controlling or reducing their dependence and susceptibility to addiction or use.

“(36) UNIT OF LOCAL GOVERNMENT.—The term ‘unit of local government’ means—

“(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

“(B) any law enforcement district or judicial enforcement district that—

“(i) is established under applicable State law; and

“(ii) has the authority to, in a manner independent of other State entities, establish a budget and raise revenues;

“(C) an Indian tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

“(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

“(i) the District of Columbia; or

“(ii) any Trust Territory of the United States.

“(37) VALID COURT ORDER.—The term ‘valid court order’ means a court order given by a juvenile court judge to a juvenile—

“(A) who was brought before the court and made subject to such order; and

“(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States.

“(38) VIOLENT CRIME.—The term ‘violent crime’ means—

“(A) murder or nonnegligent manslaughter, forcible rape, or robbery; or

“(B) aggravated assault committed with the use of a firearm.

“(39) YOUTH.—The term ‘youth’ means an individual who is not less than 6 years of age and not more than 17 years of age.”.

SEC. 302. JUVENILE CRIME CONTROL AND PREVENTION.

(a) IN GENERAL.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended to read as follows:

“TITLE II—JUVENILE CRIME CONTROL AND PREVENTION

“PART A—OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION

“SEC. 201. ESTABLISHMENT OF OFFICE.

“(a) IN GENERAL.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of Juvenile Crime Control and Prevention.

“(b) ADMINISTRATOR.—

“(1) IN GENERAL.—The Office shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile delinquency prevention and crime control programs.

“(2) REGULATIONS.—The Administrator may prescribe regulations consistent with this Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or

deny all grants and contracts from, and applications for, amounts made available under this title.

“(3) RELATIONSHIP TO ATTORNEY GENERAL.—The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have with the Attorney General.

“(c) DEPUTY ADMINISTRATOR.—There shall be in the Office a Deputy Administrator, who shall be appointed by the Attorney General. The Deputy Administrator shall perform such functions as the Administrator may assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.

“(d) ASSOCIATE ADMINISTRATOR.—

“(1) IN GENERAL.—There shall be in the Office an Associate Administrator, who shall be appointed by the Administrator, and who shall be treated as a career reserved position within the meaning of section 3132 of title 5, United States Code.

“(2) DUTIES.—The duties of the Associate Administrator shall include keeping Congress, other Federal agencies, outside organizations, and State and local government officials informed about activities carried out by the Office.

“(e) DELEGATION AND ASSIGNMENT.—

“(1) IN GENERAL.—Except as otherwise expressly prohibited by law or otherwise provided by this title, the Administrator may—

“(A) delegate any of the functions of the Administrator, and any function transferred or granted to the Administrator after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, to such officers and employees of the Office as the Administrator may designate; and

“(B) authorize successive redelegations of such functions as may be necessary or appropriate.

“(2) RESPONSIBILITY.—No delegation of functions by the Administrator under this subsection or under any other provision of this title shall relieve the Administrator of responsibility for the administration of such functions.

“(f) REORGANIZATION.—The Administrator may allocate or reallocate any function transferred among the officers of the Office, and establish, consolidate, alter, or discontinue such organizational entities in that Office as may be necessary or appropriate.

“SEC. 202. PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS.

“(a) IN GENERAL.—The Administrator may select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in the Administrator and to prescribe their functions.

“(b) OFFICERS.—The Administrator may select, appoint, and employ not to exceed 4 officers and to fix their compensation at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code.

“(c) DETAIL OF FEDERAL PERSONNEL.—Upon the request of the Administrator, the head of any Federal agency may detail, on a reimbursable basis, any of its personnel to the Administrator to assist the Administrator in carrying out the functions of the Administrator under this title.

“(d) SERVICES.—The Administrator may obtain services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the rate now or hereafter payable under section 5376 of title 5, United States Code.

“SEC. 203. VOLUNTARY SERVICE.

“The Administrator may accept and employ, in carrying out the provisions of this

Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

“SEC. 204. NATIONAL PROGRAM.

“(a) NATIONAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PLAN.—

“(1) IN GENERAL.—Subject to the general authority of the Attorney General, the Administrator shall develop objectives, priorities, and short- and long-term plans, and shall implement overall policy and a strategy to carry out such plan, for all Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities relating to improving juvenile crime control, the rehabilitation of juvenile offenders, the prevention of juvenile crime, and the enhancement of accountability by offenders within the juvenile justice system in the United States.

“(2) CONTENTS OF PLANS.—

“(A) IN GENERAL.—Each plan described in paragraph (1) shall—

“(i) contain specific, measurable goals and criteria for reducing the incidence of crime and delinquency among juveniles, improving juvenile crime control, and ensuring accountability by offenders within the juvenile justice system in the United States, and shall include criteria for any discretionary grants and contracts, for conducting research, and for carrying out other activities under this title;

“(ii) provide for coordinating the administration of programs and activities under this title with the administration of all other Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities, including proposals for joint funding to be coordinated by the Administrator;

“(iii) provide a detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, the time served by juveniles in custody, and the trends demonstrated by such data;

“(iv) provide a description of the activities for which amounts are expended under this title;

“(v) provide specific information relating to the attainment of goals set forth in the plan, including specific, measurable standards for assessing progress toward national juvenile crime reduction and juvenile offender accountability goals; and

“(vi) provide for the coordination of Federal, State, and local initiatives for the reduction of youth crime, preventing delinquency, and ensuring accountability for juvenile offenders.

“(B) SUMMARY AND ANALYSIS.—Each summary and analysis under subparagraph (A)(iii) shall set out the information required by clauses (i), (ii), and (iii) of this subparagraph separately for juvenile non-offenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

“(i) the types of offenses with which the juveniles are charged;

“(ii) the ages of the juveniles;

“(iii) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lock-ups;

“(iv) the length of time served by juveniles in custody; and

“(v) the number of juveniles who died or who suffered serious bodily injury while in

custody and the circumstances under which each juvenile died or suffered such injury.

“(C) DEFINITION OF SERIOUS BODILY INJURY.—In this paragraph, the term ‘serious bodily injury’ means bodily injury involving extreme physical pain or the impairment of a function of a bodily member, organ, or mental faculty that requires medical intervention such as surgery, hospitalization, or physical rehabilitation.

“(3) ANNUAL REVIEW.—The Administrator shall annually—

“(A) review each plan submitted under this subsection;

“(B) revise the plans, as the Administrator considers appropriate; and

“(C) not later than March 1 of each year, present the plans to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives.

“(b) DUTIES OF ADMINISTRATOR.—In carrying out this title, the Administrator shall—

“(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile crime control, prevention, and juvenile offender accountability programs, and Federal policies regarding juvenile crime and justice, including policies relating to juveniles prosecuted or adjudicated in the Federal courts;

“(2) implement and coordinate Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities among Federal departments and agencies and between such programs and activities and other Federal programs and activities that the Administrator determines may have an important bearing on the success of the entire national juvenile crime control, prevention, and juvenile offender accountability effort including, in consultation with the Director of the Office of Management and Budget listing annually those programs to be considered Federal juvenile crime control, prevention, and juvenile accountability programs for the following fiscal year;

“(3) serve as a single point of contact for States, units of local government, and private entities to apply for and coordinate the use of and access to all Federal juvenile crime control, prevention, and juvenile offender accountability programs;

“(4) provide for the auditing of grants provided pursuant to this title;

“(5) collect, prepare, and disseminate useful data regarding the prevention, correction, and control of juvenile crime and delinquency, and issue, not less frequently than once each calendar year, a report on successful programs and juvenile crime reduction methods utilized by States, localities, and private entities;

“(6) ensure the performance of comprehensive rigorous independent scientific evaluations, each of which shall—

“(A) be independent in nature, and shall employ rigorous and scientifically valid standards and methodologies; and

“(B) include measures of outcome and process objectives, such as reductions in juvenile crime, youth gang activity, youth substance abuse, and other high risk factors, as well as increases in protective factors that reduce the likelihood of delinquency and criminal behavior;

“(7) involve consultation with appropriate authorities in the States and with appropriate private entities in the development, review, and revision of the plans required by subsection (a) and in the development of policies relating to juveniles prosecuted or adjudicated in the Federal courts;

“(8) provide technical assistance to the States, units of local government, and private entities in implementing programs funded by grants under this title;

“(9) provide technical and financial assistance to an organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to carry out activities under this paragraph, if such an organization agrees to carry out activities that include—

“(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

“(B) disseminating information, data, standards, advanced techniques, and programs models developed through the Institute and through programs funded under section 261; and

“(C) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

“(10) provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to assist such organization to carry out the functions specified under subparagraph (A).

“(A) To be eligible to receive such assistance such organization shall agree to carry out activities that include—

“(i) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups; and

“(ii) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 261.

“(c) INFORMATION, REPORTS, STUDIES, AND SURVEYS FROM OTHER AGENCIES.—The Administrator through the general authority of the Attorney General, may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile crime control, prevention, and juvenile offender accountability program to provide the Administrator with such information and reports, and to conduct such studies and surveys, as the Administrator determines to be necessary to carry out the purposes of this title.

“(d) UTILIZATION OF SERVICES AND FACILITIES OF OTHER AGENCIES; REIMBURSEMENT.—The Administrator, through the general authority of the Attorney General, may utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

“(e) COORDINATION OF FUNCTIONS OF ADMINISTRATOR AND SECRETARY OF HEALTH AND HUMAN SERVICES.—All functions of the Administrator shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III.

“(f) ANNUAL JUVENILE DELINQUENCY DEVELOPMENT STATEMENTS.—

“(1) IN GENERAL.—Each Federal agency that administers a Federal juvenile crime control, prevention, and juvenile offender accountability program shall annually submit to the Administrator a juvenile crime control, prevention, and juvenile offender accountability development statement.

“(2) CONTENTS.—Each development statement submitted under paragraph (1) shall contain such information, data, and analyses as the Administrator may require. Such analyses shall include an analysis of the extent to which the program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile crime control, prevention, and juvenile offender accountability, prevention, and

offender accountability, prevention, and treatment goals and policies.

“(3) REVIEW AND COMMENT.—

“(A) IN GENERAL.—The Administrator shall review and comment upon each juvenile crime control, prevention, and juvenile offender accountability development statement transmitted to the Administrator under paragraph (1).

“(B) INCLUSION IN OTHER DOCUMENTATION.—The development statement transmitted under paragraph (1), together with the comments of the Administrator under subparagraph (A), shall be—

“(i) included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation that significantly affects juvenile crime control, prevention, and juvenile offender accountability; and

“(ii) made available for promulgation to and use by State and local government officials, and by nonprofit organizations involved in delinquency prevention programs.

“(g) JOINT FUNDING.—Notwithstanding any other provision of law, if funds are made available by more than 1 Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile crime control, prevention, or juvenile offender accountability program or activity—

“(1) any 1 of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced; and

“(2) in such a case, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in those regulations) that is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

“SEC. 205. JUVENILE DELINQUENCY PREVENTION CHALLENGE GRANT PROGRAM.

“(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to eligible States in accordance with this part for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

“(1) educational projects or supportive services for delinquent or other juveniles—

“(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

“(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

“(C) to assist in identifying learning difficulties (including learning disabilities);

“(D) to prevent unwarranted and arbitrary suspensions and expulsions;

“(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

“(F) that assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other disabled juveniles;

“(G) that develop locally coordinated policies and programs among education, juvenile justice, public recreation, and social service agencies; or

“(H) to provide services to juveniles with serious mental and emotional disturbances (SED) who are in need of mental health services;

“(2) projects that provide support and treatment to—

“(A) juveniles who are at risk of delinquency because they are the victims of child abuse or neglect; and

“(B) juvenile offenders who are victims of child abuse or neglect and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

“(3) to develop, implement or operate projects for the prevention or reduction of truancy through partnerships between local education agencies, local law enforcement, and, as appropriate, other community groups;

“(4) projects that support State and local programs to prevent juvenile delinquency by providing for—

“(A) assessments by qualified mental health professionals of incarcerated juveniles who are suspected of being in need of mental health services;

“(B) the development of individualized treatment plans for juveniles determined to be in need of mental health services pursuant to assessments under subparagraph (A);

“(C) the inclusion of discharge plans for incarcerated juveniles determined to be in need of mental health services; and

“(D) requirements that all juveniles receiving psychotropic medication be under the care of a licensed mental health professional;

“(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, public recreation staff, and adults working for community-based organizations and agencies) who are properly screened and trained and that—

“(A) the State establish criteria to assess the quality of those one-on-one mentoring projects;

“(B) the Administrator develop an annual report on the best mentoring practices in those projects; and

“(C) the State choose exemplary projects, designated Gold Star Mentoring Projects, to receive preferential access to funding;

“(6) community-based projects and services (including literacy and social service programs) that work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to remain in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

“(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances, giving priority to juveniles who have been arrested for an alleged act of juvenile delinquency or adjudicated delinquent;

“(8) projects that leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

“(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects, including youth violence courts targeted to juveniles aged 14 and younger;

“(10) comprehensive juvenile justice and delinquency prevention projects that meet

the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, child abuse and neglect courts, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, public recreation agencies, and private nonprofit agencies offering services to juveniles;

"(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

"(12) delinquency prevention activities that involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

"(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

"(14) family strengthening activities, such as mutual support groups for parents and their children and postadoption services for families who adopt children with special needs;

"(15) adoptive parent recruitment activities targeted at recruiting permanent adoptive families for older children and children with special needs in the foster care system who are at risk of entering the juvenile justice system;

"(16) projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers;

"(17) partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: Caring, citizenship, fairness, respect, responsibility and trustworthiness;

"(18) programs for positive youth development that provide youth at risk of delinquency with—

"(A) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

"(B) safe places and structured activities during nonschool hours;

"(C) a healthy start;

"(D) a marketable skill through effective education; and

"(E) an opportunity to give back through community service;

"(19) projects that use neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

"(20) programs designed and operated to provide eligible offenders with an alternative to adjudication that emphasizes restorative justice;

"(21) projects that expand the use of probation officers—

"(A) particularly for the purpose of permitting nonviolent juvenile offenders, including status offenders, to remain at home with their families as an alternative to detention; and

"(B) to ensure that juveniles follow the terms of their probation; and

"(22) projects that provide for initial intake screening, which may include drug testing, of each juvenile taken into custody—

"(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

"(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses.

"(b) ELIGIBILITY OF STATES.—

"(1) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit to the Administrator an application that contains the following:

"(A) An assurance that the State will use—

"(i) not more than 5 percent of such grant, in the aggregate, for—

"(I) the costs incurred by the State to carry out this part; and

"(II) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

"(ii) the remainder of such grant to make grants under subsection (c).

"(B) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

"(C) An assurance that such application was prepared after consultation with and participation by—

"(i) community-based organizations that carry out programs, projects, or activities to prevent juvenile delinquency; and

"(ii) police, sheriff, prosecutors, State or local probation services, juvenile courts, schools, public recreation agencies, businesses, and religious affiliated fraternal, nonprofit, and social service organizations involved in crime prevention.

"(D) An assurance that each eligible entity described in subsection (c)(1) that receives an initial grant under subsection (c) to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under subsection (a) by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

"(E) An assurance that each eligible entity described in subsection (c)(1) that receives a grant to carry out a project or activity under subsection (c) has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions to fund the project or activity, except that the Administrator may for good cause reduce the matching requirement to 33½ percent for economically disadvantaged communities.

"(F) An assurance that projects or activities funded by a grant under subsection (a) shall be carried out through or in coordination with a court with a juvenile crime or delinquency docket.

"(G) An assurance that of the grant funds remaining after administrative costs are deducted consistent with subparagraph (A)—

"(i) not less than 80 percent shall be used for the purposes designated in paragraphs (1) through (18) of subsection (a); and

"(ii) not less than 20 percent shall be used for the purposes in paragraphs (19) through (22) of subsection (a).

"(H) Such other information as the Administrator may reasonably require by rule.

"(2) APPROVAL OF APPLICATIONS.—

"(A) APPROVAL REQUIRED.—Subject to subparagraph (A), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of paragraph (1).

"(B) LIMITATION.—The Administrator may not approve such application (including

amendments to such application) for a fiscal year unless—

"(i)(I) the State submitted a plan under section 222 for such fiscal year; and

"(II) such plan is approved by the Administrator for such fiscal year; or

"(ii) the Administrator waives the application of clause (i) to such State for such fiscal year, after finding good cause for such a waiver.

"(c) GRANTS FOR LOCAL PROJECTS.—

"(1) SELECTION FROM AMONG APPLICATIONS.—

"(A) IN GENERAL.—Using a grant received under subsection (a), a State may make grants to eligible entities whose applications are received by the State in accordance with paragraph (2) to carry out projects and activities described in subsection (a).

"(B) SPECIAL CONSIDERATION.—For purposes of making such grants, the State shall give special consideration to eligible entities that—

"(i) propose to carry out such projects in geographical areas in which there is—

"(I) a disproportionately high level of serious crime committed by juveniles; or

"(II) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

"(ii)(I) agree to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

"(II) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

"(iii) state the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

"(2) RECEIPT OF APPLICATIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), a unit of local government shall submit to the State simultaneously all applications that are—

"(i) timely received by such unit from eligible entities; and

"(ii) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

"(B) DIRECT SUBMISSION.—If an application submitted to such unit by an eligible entity satisfies the requirements specified in clauses (i) and (ii) of subparagraph (A), such entity may submit such application directly to the State.

"(d) ELIGIBILITY OF ENTITIES.—

"(1) ELIGIBILITY.—Subject to paragraph (2) and except as provided in paragraph (3), to be eligible to receive a grant under subsection (c), a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), local recreation agency, nonprofit private organization (including a faith-based organization), unit of local government, or social service provider, and/or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of local government an application that contains the following:

"(A) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a

kind described in 1 or more of paragraphs (1) through (22) of subsection (a) as specified in, such application.

“(B) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

“(C) A statement identifying the research (if any) such entity relied on in preparing such application.

“(2) REVIEW AND SUBMISSION OF APPLICATIONS.—Except as provided in paragraph (3), an entity shall not be eligible to receive a grant under subsection (c) unless—

“(A) such entity submits to a unit of local government an application that—

“(i) satisfies the requirements specified in subsection (a); and

“(ii) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

“(B) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

“(3) LIMITATION.—If an entity that receives a grant under subsection (c) to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.

“(e) REPORTING REQUIREMENT.—Not later than 180 days after the last day of each fiscal year, the Administrator shall submit to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate a report, which shall—

“(1) describe activities and accomplishments of grant activities funded under this section;

“(2) describe procedures followed to disseminate grant activity products and research findings;

“(3) describe activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention;

“(4) identify successful approaches and making the recommendations for future activities to be conducted under this section; and

“(5) describe, on a State-by-State basis, the total amount of matching contributions made by States and eligible entities for activities funded under this section.

“(f) RESEARCH AND EVALUATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), of the amount made available to carry out this section in each fiscal year, the Administrator shall use the lesser of 5 percent or \$5,000,000 for research, statistics, and evaluation activities carried out in conjunction with the grant programs under this section.

“(2) EXCEPTION.—No amount shall be available as provided in paragraph (1) for a fiscal year, if amounts are made available for that fiscal year for the National Institute of Justice for evaluation research of juvenile delinquency programs pursuant to subsection (b)(6) or (c)(6) of section 313.

“SEC. 206. GRANTS TO YOUTH ORGANIZATIONS.

“(a) GRANT PROGRAM.—The Administrator may make grants to Indian tribes (as defined

in section 4(e) of the Indian Self-Determination and Education Assistance Act) and national, Statewide, or community-based, nonprofit organizations in crime prone areas, (such as Boys and Girls Clubs, Police Athletic Leagues, 4-H Clubs, YWCA, YMCA, Big Brothers and Big Sisters, and Kids 'N Kops programs) for the purposes of—

“(1) providing constructive activities to youth during after school hours, weekends, and school vacations;

“(2) providing supervised activities in safe environments to youth in those areas, including activities through parks and other recreation areas; and

“(3) providing anti-alcohol and other drug education to prevent alcohol and other drug abuse among youth.

“(b) APPLICATIONS.—

“(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the governing body of the Indian tribe or the chief operating officer of a national, Statewide, or community-based nonprofit organization shall submit an application to the Administrator, in such form and containing such information as the Administrator may reasonably require.

“(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

“(A) a request for a grant to be used for the purposes of this section;

“(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

“(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

“(D) written assurances that all activities funded under this section will be supervised by an appropriate number of responsible adults;

“(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs; and

“(F) any additional statistical or financial information that the Administrator may reasonably require.

“(c) GRANT AWARDS.—In awarding grants under this section, the Administrator shall consider—

“(1) the ability of the applicant to provide the intended services;

“(2) the history and establishment of the applicant in providing youth activities; and

“(3) the extent to which services will be provided in crime prone areas, including efforts to achieve an equitable geographic distribution of the grant awards.

“(d) ALLOCATION.—Of the amounts made available to carry out this section—

“(1) 20 percent shall be for grants to national or Statewide nonprofit organizations; and

“(2) 80 percent shall be for grants to community-based, nonprofit organizations.

“(e) CONTINUED AVAILABILITY.—Amounts made available under this section shall remain available until expended.

“SEC. 207. GRANTS TO INDIAN TRIBES.

“(a) IN GENERAL.—From the amount reserved under section 208(b) in each fiscal year, the Administrator shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 205 and part B.

“(b) APPLICATIONS.—

“(1) IN GENERAL.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Administrator an application in such form and containing such information as the Administrator may by regulation require.

“(2) PLANS.—Each application submitted under paragraph (1) shall include a plan for conducting projects described in section 205(a), which plan shall—

“(A) provide evidence that the Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

“(B) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted by the Indian tribe in the area under the jurisdiction of the Indian tribe with assistance provided by the grant;

“(C) provide for fiscal control and accounting procedures that—

“(i) are necessary to ensure the prudent use, proper disbursement, and accounting of funds received under this section; and

“(ii) are consistent with the requirements of subparagraph (B); and

“(D) comply with the requirements of section 222(a) (except that such subsection relates to consultation with a State advisory group) and with the requirements of section 222(c); and

“(E) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably prescribe to ensure the effectiveness of the grant program under this section.

“(c) FACTORS FOR CONSIDERATION.—In awarding grants under this section, the Administrator shall consider—

“(1) the resources that are available to each applicant that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

“(2) for each Indian tribe that receives assistance under such a grant—

“(A) the relative juvenile population; and

“(B) who will be served by the assistance provided by the grant.

“(d) GRANT AWARDS.—

“(1) IN GENERAL.—

“(A) COMPETITIVE AWARDS.—Except as provided in paragraph (2), the Administrator shall annually award grants under this section on a competitive basis. The Administrator shall enter into a grant agreement with each grant recipient under this section that specifies the terms and conditions of the grant.

“(B) PERIOD OF GRANT.—The period of each grant awarded under this section shall be 2 years.

“(2) EXCEPTION.—In any case in which the Administrator determines that a grant recipient under this section has performed satisfactorily during the preceding year in accordance with an applicable grant agreement, the Administrator may—

“(A) waive the requirement that the recipient be subject to the competitive award process described in paragraph (1)(A); and

“(B) renew the grant for an additional grant period (as specified in paragraph (1)(B)).

“(3) MODIFICATIONS OF PROCESSES.—The Administrator may prescribe requirements to provide for appropriate modifications to the plan preparation and application process specified in subsection (b) for an application for a renewal grant under paragraph (2)(B).

“(e) REPORTING REQUIREMENT.—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

“(f) MATCHING REQUIREMENT.—Funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian

lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

“(g) TECHNICAL ASSISTANCE.—From the amount reserved under section 208(b) in each fiscal year, the Administrator may reserve 1 percent for the purpose of providing technical assistance to recipients of grants under this section.

“SEC. 208. ALLOCATION OF GRANTS.

“(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the amount allocated under section 291 to carry out section 205 in each fiscal year shall be allocated to the States as follows:

“(1) 0.5 percent shall be allocated to each eligible State.

“(2) The amount remaining after the allocation under subparagraph (A) shall be allocated among eligible States as follows:

“(A) 50 percent of such amount shall be allocated proportionately based on the juvenile population in the eligible States.

“(B) 50 percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

“(b) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amounts allocated under section 291 to carry out section 205 and part B in each fiscal year—

“(1) the Administrator shall reserve an amount equal to the amount which all Indian tribes that qualify for a grant under section 207 would collectively be entitled, if such tribes were collectively treated as a State for purposes of subsection (a); and

“(2) the Administrator shall reserve 5 percent to make grants to States under section 209.

“(c) EXCEPTION.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than \$75,000 and not more than \$100,000.

“(d) ADMINISTRATIVE COSTS.—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

“SEC. 209. CONFIDENTIAL REPORTING OF INDIVIDUALS SUSPECTED OF IMMINENT SCHOOL VIOLENCE.

“(a) IN GENERAL.—Grants under this section shall be known as ‘CRISIS Grants’.

“(b) AUTHORITY TO MAKE GRANTS.—From the amounts reserved by the Administrator under section 208(b)(2), the Administrator shall make a grant to each State in an amount determined under subsection (d), for use in accordance with subsection (c).

“(c) USE OF GRANT AMOUNTS.—Amounts made available to a State under a grant under this section may be used by the State—

“(1) to support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

“(2) to ensure proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (1);

“(3) to assist in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (1), including the utilization of Internet web-pages or resources;

“(4) to enhance State efforts to offer appropriate counseling services to individuals who call a hotline described in paragraph (1) threatening to do harm to themselves or others; and

“(5) to further State efforts to publicize the services offered by the hotlines described in paragraph (1) and to encourage individuals to utilize those services.

“(d) ALLOCATION TO STATES.—The total amount reserved to carry out this section in each fiscal year shall be allocated to each State based on the proportion of the population of the State that is less than 18 years of age.

“PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

“SEC. 221. AUTHORITY TO MAKE GRANTS AND CONTRACTS.

“(a) IN GENERAL.—The Administrator may make grants to States and units of local government, or combinations thereof, to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

“(b) TRAINING AND TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—With not to exceed 2 percent of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and enter into contracts with public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local governments (and combinations thereof), and local private agencies to facilitate compliance with section 222 and implementation of the State plan approved under section 222(c).

“(2) ELIGIBLE RECIPIENTS.—Grants may be made and contracts may be entered into under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such training and technical assistance. In providing such training and technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 222(a)(1).

“SEC. 222. STATE PLANS.

“(a) IN GENERAL.—In order to receive formula grants under this part, a State shall submit a plan, developed in consultation with the State Advisory Group established by the State under subsection (b)(2)(A), for carrying out its purposes applicable to a 3-year period. A portion of any allocation of formula grants to a State shall be available to develop a State plan or for other activities associated with such State plan which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position. The State shall submit annual performance reports to the Administrator, each of which shall describe progress in implementing programs contained in the original plan, and amendments necessary to update the plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations that the Administrator shall prescribe, such plan shall—

“(1) designate a State agency as the sole agency for supervising the preparation and administration of the plan;

“(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

“(3) provide for the active consultation with and participation of units of local government, or combinations thereof, in the development of a State plan that adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies, including religious organizations;

“(4) to the extent feasible and consistent with paragraph (5), provide for an equitable distribution of the assistance received with the State, including rural areas;

“(5) require that the State or unit of local government that is a recipient of amounts under this part distributes those amounts intended to be used for the prevention of juvenile delinquency and reduction of incarceration, to the extent feasible, in proportion to the amount of juvenile crime committed within those regions and communities;

“(6) provide assurances that youth coming into contact with the juvenile justice system are treated equitably on the basis of gender, race, family income, and disability;

“(7)(A) provide for—

“(i) an analysis of juvenile crime and delinquency problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State;

“(ii) an indication of the manner in which the programs relate to other similar State or local programs that are intended to address the same or similar problems; and

“(iii) a plan for the concentration of State efforts, which shall coordinate all State juvenile crime control, prevention, and delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile crime control and delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

“(B) contain—

“(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

“(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

“(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;

“(8) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;

“(9) provide for the development of an adequate research, training, and evaluation capacity within the State;

“(10) provide that not less than 75 percent of the funds available to the State under section 221, other than funds made available to the State advisory group under this section,

whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

“(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization, including—

“(i) for youth who need temporary placement: crisis intervention, shelter, and after-care; and

“(ii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

“(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;

“(C) comprehensive juvenile crime control and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, public recreation agencies, and private nonprofit agencies offering youth services;

“(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

“(E) educational programs or supportive services for delinquent or other juveniles—

“(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

“(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and

“(iii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—

“(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

“(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

“(F) expanding the use of probation officers—

“(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

“(ii) to ensure that juveniles follow the terms of their probation;

“(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;

“(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;

“(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the

part of gangs whose membership is substantially composed of youth;

“(J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

“(K) boot camps for juvenile offenders;

“(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;

“(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;

“(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

“(O) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete treatment of such juveniles and the preservation of their families;

“(P) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts;

“(Q) programs designed to prevent and reduce hate crimes committed by juveniles;

“(R) court supervised initiatives that address the illegal possession of firearms by juveniles; and

“(S) programs for positive youth development that provide delinquent youth and youth at-risk of delinquency with—

“(i) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

“(ii) safe places and structured activities during nonschool hours;

“(iii) a healthy start;

“(iv) a marketable skill through effective education; and

“(v) an opportunity to give back through community service;

“(11) shall provide that—

“(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

“(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

“(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

“(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

“(B) juveniles—

“(i) who are not charged with any offense; and

“(ii) who are—

“(I) aliens; or

“(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;

“(12) provide that—

“(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of

paragraph (11) will not be detained or confined in any institution in which they have prohibited physical contact or sustained oral communication with adult inmates; and

“(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles;

“(13) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

“(A) juveniles who are accused of non-status offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

“(i) for processing or release;

“(ii) while awaiting transfer to a juvenile facility; or

“(iii) in which period such juveniles make a court appearance;

“(B) juveniles who are accused of non-status offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

“(i) in which—

“(I) such juveniles do not have prohibited physical contact or sustained oral communication with adult inmates; and

“(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles; and

“(ii) that—

“(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

“(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

“(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

“(C) juveniles who are accused of non-status offenses and who are detained or confined in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

“(i) such jail or lockup—

“(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

“(II) has no existing acceptable alternative placement available;

“(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph and the parent has the right to revoke such consent at any time;

“(iii) the juvenile has counsel, and the counsel representing such juvenile has an opportunity to present the juvenile's position regarding the detention or confinement involved to the court before the court finds that such detention or confinement is in the best interest of such juvenile and approves such detention or confinement; and

“(iv) detaining or confining such juvenile in accordance with this subparagraph is—

“(I) approved in advance by a court with competent jurisdiction;

“(II) required to be reviewed periodically, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays),

by such court for the duration of detention or confinement, which review may be in the presence of the juvenile; and

“(III) for a period preceding the sentencing (if any) of such juvenile;

“(14) provide assurances that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members, when possible, and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

“(15) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

“(16) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

“(17) provide reasonable assurances that Federal funds made available under this part for any period shall be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and shall in no event replace such State, local, and other non-Federal funds;

“(18) provide that the State agency designated under paragraph (1) will, not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that the agency considers necessary;

“(19) provide assurances that the State or each unit of local government that is a recipient of amounts under this part require that any person convicted of a sexual act or sexual contact involving any other person who has not attained the age of 18 years, and who is not less than 4 years younger than such convicted person, be tested for the presence of any sexually transmitted disease and that the results of such test be provided to the victim or to the family of the victim as well as to any court or other government agency with primary authority for sentencing the person convicted for the commission of the sexual act or sexual contact (as those terms are defined in paragraphs (2) and (3), respectively, of section 2246 of title 18, United States Code) involving a person not having attained the age of 18 years;

“(20) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

“(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

“(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

“(C) not later than 48 hours during which such juvenile is so held—

“(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

“(ii) such court shall conduct a hearing to determine—

“(I) whether there is reasonable cause to believe that such juvenile violated such order; and

“(II) the appropriate placement of such juvenile pending disposition of the violation alleged;

“(21) specify a percentage, if any, of funds received by the State under section 221 that the State will reserve for expenditure by the State to provide incentive grants to units of local government that reduce the case load of probation officers within such units;

“(22) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court;

“(23) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 50 percent of funds received by the State under this section, other than funds made available to the State advisory group, shall be expended—

“(A) through programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan; and

“(B) through programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof;

“(24) provide for the establishment of youth tribunals and peer ‘juries’ in school districts in the State to promote zero tolerance policies with respect to misdemeanor offenses, acts of juvenile delinquency, and other antisocial behavior occurring on school grounds, including truancy, vandalism, underage drinking, and underage tobacco use;

“(25) provide for projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers;

“(26) provide assurances that—

“(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

“(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

“(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;

“(27) to the extent that segments of the juvenile population are shown to be detained or confined in secure detention facilities, secure correctional facilities, jails, and lock-ups, to a greater extent than the proportion of these groups in the general juvenile population, address prevention efforts designed to reduce such disproportionate confinement, without requiring the release or the failure to detain any individual; and

“(28) demonstrate that the State has in effect a policy or practice that requires State or local law enforcement agencies to—

“(A) present before a judicial officer any juvenile who unlawfully possesses a firearm in a school; and

“(B) detain such juvenile in an appropriate juvenile facility or secure community-based

placement for not less than 24 hours for appropriate evaluation, upon a finding by the judicial officer that the juvenile may be a danger to himself or herself, to other individuals, or to the community in which that juvenile resides.

“(b) APPROVAL BY STATE AGENCY.—

“(1) STATE AGENCY.—The State agency designated under subsection (a)(1) shall approve the State plan and any modification thereof prior to submission of the plan to the Administrator.

“(2) STATE ADVISORY GROUP.—

“(A) ESTABLISHMENT.—The State advisory group referred to in subsection (a) shall be known as the ‘State Advisory Group’. The State Advisory Group shall consist of representatives from both the private and public sector, each of whom shall be appointed for a term of not more than 6 years. The State shall ensure that members of the State Advisory Group shall have experience in the area of juvenile delinquency prevention, the prosecution of juvenile offenders, the treatment of juvenile delinquency, the investigation of juvenile crimes, or the administration of juvenile justice programs, and shall include not less than 1 prosecutor and not less than 1 judge from a court with a juvenile crime or delinquency docket. The chairperson of the State Advisory Group shall not be a full-time employee of the Federal Government or the State government.

“(B) CONSULTATION.—

“(i) IN GENERAL.—The State Advisory Group established under subparagraph (A) shall—

“(I) participate in the development and review of the State plan under this section before submission to the supervisory agency for final action; and

“(II) be afforded an opportunity to review and comment, not later than 30 days after the submission to the State Advisory Group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under subsection (a)(1).

“(ii) AUTHORITY.—The State Advisory Group shall report to the chief executive officer and the legislature of the State on an annual basis regarding recommendations related to the State’s compliance under this section.

“(C) FUNDING.—From amounts reserved for administrative costs, the State may make available to the State Advisory Group such sums as may be necessary to assist the State Advisory Group in adequately performing its duties under this paragraph.

“(c) COMPLIANCE WITH STATUTORY REQUIREMENTS.—

“(1) IN GENERAL.—If a State fails to comply with any of the applicable requirements of paragraph (11), (12), (13), (27), or (28) of subsection (a) in any fiscal year beginning after September 30, 2000, the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 10 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

“(A) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

“(B) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.

“(2) WAIVER.—The Administrator may, upon request by a State showing good cause, waive the application of this subsection with respect to such State.

“SEC. 223. ALLOCATION OF GRANTS.

“(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the amount allocated under

section 291 to carry out this part in each fiscal year that remains after reservation under section 208(b) for that fiscal year shall be allocated to the States as follows:

“(1) 0.5 percent shall be allocated to each eligible State.

“(2) The amount remaining after the allocation under clause (1) shall be allocated proportionately based on the juvenile population in the eligible States.

“(b) **SYSTEM SUPPORT GRANTS.**—Of the amount allocated under section 291 to carry out this part in each fiscal year that remains after reservation under section 208(b) for that fiscal year, up to 10 percent may be available for use by the Administrator to provide—

“(1) training and technical assistance consistent with the purposes authorized under sections 204, 205, and 221;

“(2) direct grant awards and other support to develop, test, and demonstrate new approaches to improving the juvenile justice system and reducing, preventing, and abating delinquent behavior, juvenile crime, and youth violence;

“(3) for research and evaluation efforts to discover and test methods and practices to improve the juvenile justice system and reduce, prevent, and abate delinquent behavior, juvenile crime, and youth violence; and

“(4) information, including information on best practices, consistent with purposes authorized under sections 204, 205, and 221.

“(c) **EXCEPTION.**—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than \$75,000 and not more than \$100,000.

“(d) **ADMINISTRATIVE COSTS.**—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

“PART C—NATIONAL PROGRAMS

“SEC. 241. ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION.

“(a) **IN GENERAL.**—There is established within the National Institute of Justice a National Institute for Juvenile Crime Control and Delinquency Prevention, the purpose of which shall be to provide—

“(1) through the National Institute of Justice, for the rigorous and independent evaluation of the delinquency and youth violence prevention programs funded under this title; and

“(2) funding for new research, through the National Institute of Justice, on the nature, causes, and prevention of juvenile violence and juvenile delinquency.

“(b) **ADMINISTRATION.**—The National Institute for Juvenile Crime Control and Delinquency Prevention shall be under the supervision and direction of the Director of the National Institute of Justice (referred to in this part as the ‘Director’), in consultation with the Administrator.

“(c) **COORDINATION.**—The activities of the National Institute for Juvenile Crime Control and Delinquency Prevention shall be coordinated with the activities of the National Institute of Justice.

“(d) **DUTIES OF THE INSTITUTE.**—

“(1) **IN GENERAL.**—The Administrator shall transfer appropriated amounts to the National Institute of Justice, or to other Federal agencies, for the purposes of new research and evaluation projects funded by the National Institute for Juvenile Crime Control and Delinquency Prevention, and for evaluation of discretionary programs of the Office of Juvenile Crime Control and Prevention.

“(2) **REQUIREMENTS.**—Each evaluation and research study funded with amounts transferred under paragraph (1) shall—

“(A) be independent in nature;

“(B) be awarded competitively; and

“(C) employ rigorous and scientifically recognized standards and methodologies, including peer review by nonapplicants.

“(e) **POWERS OF THE INSTITUTE.**—In addition to the other powers, express and implied, the National Institute for Juvenile Crime Control and Delinquency Prevention may—

“(1) request any Federal agency to supply such statistics, data, program reports, and other material as the National Institute for Juvenile Crime Control and Delinquency Prevention deems necessary to carry out its functions;

“(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

“(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

“(4) make grants and enter into contracts with public or private agencies, organizations, or individuals for the partial performance of any functions of the National Institute for Juvenile Crime Control and Delinquency Prevention; and

“(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter payable under section 5376 of title 5, United States Code, and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

“(f) **INFORMATION FROM FEDERAL AGENCIES.**—A Federal agency that receives a request from the National Institute for Juvenile Crime Control and Delinquency Prevention under subsection (e)(1) may cooperate with the National Institute for Juvenile Crime Control and Delinquency Prevention and shall, to the maximum extent practicable, consult with and furnish information and advice to the National Institute for Juvenile Crime Control and Delinquency Prevention.

“SEC. 242. INFORMATION FUNCTION.

“The Administrator, in consultation with the Director, shall—

“(1) on a continuing basis, review reports, data, and standards relating to the juvenile justice system in the United States;

“(2) serve as an information bank by collecting systematically and synthesizing the knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency; and

“(3) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs (including drug and alcohol programs and gender-specific programs) and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

“SEC. 242A. STATISTICAL ANALYSIS.

“The Administrator, under the supervision of the Assistant Attorney General for the Office of Justice Programs, and in consultation with the Director, may—

“(1) transfer funds to and enter into agreements with the Bureau of Justice Statistics

or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, to another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile crime, the juvenile justice system, and youth violence, and for other purposes, consistent with the Violent and Repeat Juvenile Offender Accountability Act of 1999; and

“(2) plan and identify, in consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of each grant made or contract or other agreement entered into under this title.

“SEC. 243. RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS.

“(a) **IN GENERAL.**—The Administrator, acting through the National Institute for Juvenile Crime Control and Delinquency Prevention, as appropriate, may—

“(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods that show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

“(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

“(3) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

“(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

“(B) assist in the provision by the Administrator of best practices of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

“(4) encourage the development of programs that, in addition to helping youth take responsibility for their behavior, through control and incarceration, if necessary, provide therapeutic intervention such as providing skills;

“(5) encourage the development and establishment of programs to enhance the States’ ability to identify chronic serious and violent juvenile offenders who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;

“(6) prepare, in cooperation with education institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to prevention of and intervention with juvenile violence and delinquency and the improvement of juvenile justice systems, including—

“(A) evaluations of programs and interventions designed to prevent youth violence and juvenile delinquency;

“(B) assessments and evaluations of the methodological approaches to evaluating the effectiveness of interventions and programs

designed to prevent youth violence and juvenile delinquency;

“(C) studies of the extent, nature, risk, and protective factors, and causes of youth violence and juvenile delinquency;

“(D) comparisons of youth adjudicated and treated by the juvenile justice system compared to juveniles waived to and adjudicated by the adult criminal justice system (including incarcerated in adult, secure correctional facilities);

“(E) recommendations with respect to effective and ineffective primary, secondary, and tertiary prevention interventions, including for which juveniles, and under what circumstances (including circumstances connected with the staffing of the intervention), prevention efforts are effective and ineffective; and

“(F) assessments of risk prediction systems of juveniles used in making decisions regarding pretrial detention;

“(7) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency;

“(8) disseminate pertinent data and studies to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency; and

“(9) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

“(A) all aspects of juveniles as victims and offenders;

“(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

“(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

“(b) PUBLIC DISCLOSURE.—The Administrator or the Director, as appropriate, shall make available to the public—

“(1) the results of research, demonstration, and evaluation activities referred to in subsection (a)(8);

“(2) the data and studies referred to in subsection (a)(9); and

“(3) regular reports regarding each State's objective measurements of youth violence, such as the number, rate, and trend of homicides committed by youths.

“SEC. 244. TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.

“The Administrator may—

“(1) provide technical assistance and training assistance to Federal, State, and local governments and to courts, public and private agencies, institutions, and individuals in the planning, establishment, funding, operation, and evaluation of juvenile delinquency programs;

“(2) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are working with or preparing to work with juveniles, juvenile offenders (including juveniles who commit hate crimes), and their families;

“(3) develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, prosecutors, and defense attorneys, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

“(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies that work directly with juveniles and juvenile offenders; and

“(5) provide technical assistance and training to assist States and units of general local government.

“SEC. 245. ESTABLISHMENT OF TRAINING PROGRAM.

“(a) IN GENERAL.—The Administrator shall establish a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency, including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles. In carrying out this program the Administrator may make use of available State and local services, equipment, personnel, facilities, and the like.

“(b) QUALIFICATIONS FOR ENROLLMENT.—Enrollees in the training program established under this section shall be drawn from law enforcement and correctional personnel (including volunteer lay personnel), teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, persons associated with law-related education, public recreation personnel, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.

“SEC. 246. REPORT ON STATUS OFFENDERS.

“Not later than September 1, 2002, the Administrator, through the National Institute of Justice, shall—

“(1) conduct a study on the effect of incarceration on status offenders compared to similarly situated individuals who are not placed in secure detention in terms of the continuation of their inappropriate or illegal conduct, delinquency, or future criminal behavior, and evaluating the safety of status offenders placed in secure detention; and

“(2) submit to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate and the Chairman and Ranking Member of the Committee on Education and the Workforce of the House of Representatives a report on the results of the study conducted under paragraph (1).

“SEC. 247. CONSIDERATIONS FOR APPROVAL OF APPLICATIONS.

“(a) IN GENERAL.—Any agency, institution, or individual seeking to receive a grant, or enter into a contract, under section 243, 244, or 245 shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator or the Director, as appropriate, may prescribe.

“(b) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator or the Director, as appropriate, each application for assistance under section 243, 244, or 245 shall—

“(1) set forth a program for carrying out 1 or more of the purposes set forth in section 243, 244, or 245, and specifically identify each such purpose such program is designed to carry out;

“(2) provide that such program shall be administered by or under the supervision of the applicant;

“(3) provide for the proper and efficient administration of such program;

“(4) provide for regular evaluation of such program; and

“(5) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title.

“(c) FACTORS FOR CONSIDERATION.—In determining whether or not to approve applications for grants and for contracts under this part, the Administrator or the Director, as appropriate, shall consider—

“(1) whether the project uses appropriate and rigorous methodology, including appro-

priate samples, control groups, psychometrically sound measurement, and appropriate data analysis techniques;

“(2) the experience of the principal and co-principal investigators in the area of youth violence and juvenile delinquency;

“(3) the protection offered human subjects in the study, including informed consent procedures; and

“(4) the cost-effectiveness of the proposed project.

“(d) SELECTION PROCESS.—

“(1) IN GENERAL.—

“(A) COMPETITIVE PROCESS.—Subject to subparagraph (B), programs selected for assistance through grants or contracts under section 243, 244, or 245 shall be selected through a competitive process, which shall be established by the Administrator or the Director, as appropriate, by rule. As part of such a process, the Administrator or the Director, as appropriate, shall announce in the Federal Register—

“(i) the availability of funds for such assistance;

“(ii) the general criteria applicable to the selection of applicants to receive such assistance; and

“(iii) a description of the procedures applicable to submitting and reviewing applications for such assistance.

“(B) WAIVER.—The competitive process described in subparagraph (A) shall not be required if the Administrator or the Director, as appropriate, makes a written determination waiving the competitive process with respect to a program to be carried out in an area with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists.

“(2) REVIEW PROCESS.—

“(A) IN GENERAL.—Programs selected for assistance through grants and contracts under this part shall be selected after a competitive process that provides potential grantees and contractors with not less than 90 days to submit applications for funds. Applications for funds shall be reviewed through a formal peer review process by qualified scientists with expertise in the fields of criminology, juvenile delinquency, sociology, psychology, research methodology, evaluation research, statistics, and related areas. The peer review process shall conform to the process used by the National Institutes of Health, the National Institute of Justice, or the National Science Foundation.

“(B) ESTABLISHMENT OF PROCESS.—Such process shall be established by the Administrator or the Director, as appropriate, in consultation with the Directors and other appropriate officials of the National Science Foundation and the National Institute of Mental Health. Before implementation of such process, the Administrator or the Director, as appropriate, shall submit such process to such Directors, each of whom shall prepare and furnish to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

“(3) EMERGENCY EXPEDITED CONSIDERATION.—In establishing the process required under paragraphs (1) and (2), the Administrator or the Director, as appropriate, shall provide for emergency expedited consideration of a proposed program if the Administrator or the Director, as appropriate, determines such action to be necessary in order to avoid a delay that would preclude carrying out the program.

“(e) EFFECT OF POPULATION.—A city shall not be denied assistance under section 243, 244, or 245 solely on the basis of its population.

“(f) NOTIFICATION PROCESS.—Notification of grants and contracts made under sections 243, 244, and 245 (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator or the Director, as appropriate, to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate.

“SEC. 248. STUDY OF VIOLENT ENTERTAINMENT.

“(a) REQUIREMENT.—The National Institutes of Health shall conduct a study of the effects of violent video games and music on child development and youth violence.

“(b) ELEMENTS.—The study under subsection (a) shall address—

“(1) whether, and to what extent, violence in video games and music adversely affects the emotional and psychological development of juveniles; and

“(2) whether violence in video games and music contributes to juvenile delinquency and youth violence.

“PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

“SEC. 251. DEFINITION OF JUVENILE.

“In this part, the term ‘juvenile’ means an individual who has not attained the age of 22 years.

“SEC. 252. GANG-FREE SCHOOLS AND COMMUNITIES.

“(a) IN GENERAL.—

“(1) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

“(A) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

“(i) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

“(ii) education, recreation, and social services designed to address the social and developmental needs of juveniles that such juveniles would otherwise seek to have met through membership in gangs;

“(iii) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

“(iv) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

“(v) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

“(B) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

“(C) To target elementary school students, with the purpose of steering students away from gang involvement.

“(D) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

“(E) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

“(F) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools that will assist such schools in maintaining a safe environment conducive to learning.

“(G) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

“(H) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substance analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)) by juveniles, provided through State and local health and social services agencies.

“(I) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

“(J) To provide services authorized in this section at a special location in a school or housing project or other appropriate site.

“(K) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

“(2) From not more than 15 percent of the total amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

“(A) to conduct research on issues related to juvenile gangs;

“(B) to evaluate the effectiveness of programs and activities funded under paragraph (1); and

“(C) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this section.

“(b) APPROVAL OF APPLICATIONS.—

“(1) IN GENERAL.—Any agency, organization, or institution seeking to receive a grant, or to enter into a contract, under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

“(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

“(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a) and specifically identify each such purpose such program or activity is designed to carry out;

“(B) provide that such program or activity shall be administered by or under the supervision of the applicant;

“(C) provide for the proper and efficient administration of such program or activity;

“(D) provide for regular evaluation of such program or activity;

“(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

“(F) describe how such program or activity is coordinated with programs, activities, and services available locally under part B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

“(G) certify that the applicant has requested the State planning agency to review and comment on such application and summarize the responses of such State planning agency to such request;

“(H) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

“(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

“(3) PRIORITY.—In reviewing applications for grants and contracts under this section, the Administrator shall give priority to applications—

“(A) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

“(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

“(C) for assistance for programs and activities that—

“(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

“(ii) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

“SEC. 253. COMMUNITY-BASED GANG INTERVENTION.

“(a) IN GENERAL.—The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

“(1) to reduce the participation of juveniles in the illegal activities of gangs;

“(2) to develop regional task forces involving State, local, and community-based organizations to coordinate the disruption of gangs and the prosecution of juvenile gang members and to curtail interstate activities of gangs; and

“(3) to facilitate coordination and cooperation among—

“(A) local education, juvenile justice, employment, recreation, and social service agencies; and

“(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

“(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

“(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring,

boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

“(B) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

“(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—Programs and activities for which grants and contracts are to be made under this section may include—

“(1) the hiring of additional State and local prosecutors, and the establishment and operation of programs, including multijurisdictional task forces, for the disruption of gangs and the prosecution of gang members;

“(2) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

“(3) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

“(4) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

“(5) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)), by juveniles, provided through State and local health and social services agencies;

“(6) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

“(7) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

“(c) APPROVAL OF APPLICATIONS.—

“(1) IN GENERAL.—Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

“(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

“(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a) and specifically identify each such purpose such program or activity is designed to carry out;

“(B) provide that such program or activity shall be administered by or under the supervision of the applicant;

“(C) provide for the proper and efficient administration of such program or activity;

“(D) provide for regular evaluation of such program or activity;

“(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

“(F) describe how such program or activity is coordinated with programs, activities, and services available locally under part B of this title and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

“(G) certify that the applicant has requested the State planning agency to review and comment on such application and sum-

marize the responses of such State planning agency to such request;

“(H) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

“(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

“(3) PRIORITY.—In reviewing applications for grants and contracts under subsection (a), the Administrator shall give priority to applications—

“(A) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

“(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

“(C) for assistance for programs and activities that—

“(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

“(ii) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

“SEC. 254. PRIORITY.

“In making grants under this part, the Administrator shall give priority to funding programs and activities described in subsections (a)(2) and (b)(1) of section 253.

“PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

“SEC. 261. GRANTS AND PROJECTS.

“(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to, and enter into contracts with, States, units of local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

“(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

“SEC. 262. GRANTS FOR TRAINING AND TECHNICAL ASSISTANCE.

“The Administrator may make grants to, and enter into contracts with, public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

“SEC. 263. ELIGIBILITY.

“To be eligible to receive assistance pursuant to a grant or contract under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof, shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

“SEC. 264. REPORTS.

“Each recipient of assistance pursuant to a grant or contract under this part shall sub-

mit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which the assistance was provided.

“PART F—MENTORING

“SEC. 271. MENTORING.

“The purposes of this part are to, through the use of mentors for at-risk youth—

“(1) reduce juvenile delinquency and gang participation;

“(2) improve academic performance; and

“(3) reduce the dropout rate.

“SEC. 272. DEFINITIONS.

“In this part—

“(1) the term ‘at-risk youth’ means a youth at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities; and

“(2) the term ‘mentor’ means a person who works with an at-risk youth on a one-to-one basis, providing a positive role model for the youth, establishing a supportive relationship with the youth, and providing the youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the youth to become a responsible adult.

“SEC. 273. GRANTS.

“(a) LOCAL EDUCATIONAL GRANTS.—The Administrator shall make grants to local education agencies and nonprofit organizations to establish and support programs and activities for the purpose of implementing mentoring programs that—

“(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, elders in Alaska Native villages, and adults working for community-based organizations and agencies; and

“(2) are intended to achieve 1 or more of the following goals:

“(A) Provide general guidance to at-risk youth.

“(B) Promote personal and social responsibility among at-risk youth.

“(C) Increase at-risk youth’s participation in and enhance their ability to benefit from elementary and secondary education.

“(D) Discourage at-risk youth’s use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

“(E) Discourage involvement of at-risk youth in gangs.

“(F) Encourage at-risk youth’s participation in community service and community activities.

“(b) FAMILY-TO-FAMILY MENTORING GRANTS.—

“(1) DEFINITIONS.—In this subsection:

“(A) FAMILY-TO-FAMILY MENTORING PROGRAM.—The term ‘family-to-family mentoring program’ means a mentoring program that—

“(i) utilizes a 2-tier mentoring approach that matches volunteer families with at-risk families allowing parents to directly work with parents and children to work directly with children; and

“(ii) has an afterschool program for volunteer and at-risk families.

“(B) POSITIVE ALTERNATIVES PROGRAM.—The term ‘positive alternatives program’ means a positive youth development and family-to-family mentoring program that emphasizes drug and gang prevention components.

“(C) QUALIFIED POSITIVE ALTERNATIVES PROGRAM.—The term ‘qualified positive alternatives program’ means a positive alternatives program that has established a family-to-family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

“(2) **AUTHORITY.**—The Administrator shall make and enter into contracts with a qualified positive alternatives program.

“SEC. 274. REGULATIONS AND GUIDELINES.

“(a) **PROGRAM GUIDELINES.**—The Administrator shall issue program guidelines to implement this part. The program guidelines shall be effective only after a period for public notice and comment.

“(b) **MODEL SCREENING GUIDELINES.**—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

“SEC. 275. USE OF GRANTS.

“(a) **PERMITTED USES.**—Grants awarded under this part shall be used to implement mentoring programs, including—

“(1) hiring of mentoring coordinators and support staff;

“(2) recruitment, screening, and training of adult mentors;

“(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and

“(4) such other purposes as the Administrator may reasonably prescribe by regulation.

“(b) **PROHIBITED USES.**—Grants awarded pursuant to this part shall not be used—

“(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

“(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the grantee's operations;

“(3) to support litigation of any kind; or

“(4) for any other purpose reasonably prohibited by the Administrator by regulation.

“SEC. 276. PRIORITY.

“(a) **IN GENERAL.**—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

“(1) serve at-risk youth in high crime areas;

“(2) have 60 percent or more of their youth eligible to receive funds under the Elementary and Secondary Education Act of 1965; and

“(3) have a considerable number of youths who drop out of school each year.

“(b) **OTHER CONSIDERATIONS.**—In making grants under this part, the Administrator shall give consideration to—

“(1) the geographic distribution (urban and rural) of applications;

“(2) the quality of a mentoring plan, including—

“(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or post-secondary education; and

“(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

“(3) the capability of the applicant to effectively implement the mentoring plan.

“SEC. 277. APPLICATIONS.

“An application for assistance under this part shall include—

“(1) information on the youth expected to be served by the program;

“(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

“(3) An assurance that no mentor or mentoring family will be assigned a number of youths that would undermine their ability to be an effective mentor and ensure a one-to-one relationship with mentored youths;

“(4) an assurance that projects operated in secondary schools will provide youth with a

variety of experiences and support, including—

“(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

“(B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;

“(C) assistance with homework assignments; and

“(D) exposure to experiences that youth might not otherwise encounter;

“(5) an assurance that projects operated in elementary schools will provide youth with—

“(A) academic assistance;

“(B) exposure to new experiences and activities that youth might not encounter on their own; and

“(C) emotional support;

“(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, with provision for a new mentor assignment if the relationship is not beneficial to the youth;

“(7) the method by which mentors and youth will be recruited to the project;

“(8) the method by which prospective mentors will be screened; and

“(9) the training that will be provided to mentors.

“SEC. 278. GRANT CYCLES.

“Each grant under this part shall be made for a 3-year period.

“SEC. 279. FAMILY MENTORING PROGRAM.

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘cooperative extension services’ has the meaning given that term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103);

“(2) the term ‘family mentoring program’ means a mentoring program that—

“(A) utilizes a 2-tier mentoring approach that uses college age or young adult mentors working directly with at-risk youth and uses retirement-age couples working with the parents and siblings of at-risk youth; and

“(B) has a local advisory board to provide direction and advice to program administrators; and

“(3) the term ‘qualified cooperative extension service’ means a cooperative extension service that has established a family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

“(b) **MODEL PROGRAM.**—The Administrator, in cooperation with the Secretary of Agriculture, shall make a grant to a qualified cooperative extension service for the purpose of expanding and replicating family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

“(c) **ESTABLISHMENT OF NEW FAMILY MENTORING PROGRAMS.**—

“(1) **IN GENERAL.**—The Administrator, in cooperation with the Secretary of Agriculture, may make 1 or more grants to cooperative extension services for the purpose of establishing family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

“(2) **MATCHING REQUIREMENT AND SOURCE OF MATCHING FUNDS.**—

“(A) **IN GENERAL.**—The amount of a grant under this subsection may not exceed 35 percent of the total costs of the program funded by the grant.

“(B) **SOURCE OF MATCH.**—Matching funds for grants under this subsection may be derived from amounts made available to a State under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), except that the total amount derived from Federal sources may not exceed 70 percent of the

total cost of the program funded by the grant.

“SEC. 280. CAPACITY BUILDING.

“(a) **MODEL PROGRAM.**—The Administrator may make a grant to a qualified national organization with a proven history of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

“(b) **ESTABLISHMENT OF NEW CAPACITY BUILDING PROGRAMS.**—

“(1) **IN GENERAL.**—The Administrator may make one or more grants to national organizations with proven histories of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

“(2) **MATCHING REQUIREMENT AND SOURCE OF MATCHING FUNDS.**—

“(A) **IN GENERAL.**—The amount of a grant under this subsection may not exceed 50 percent of the total cost of the programs funded by the grant.

“(B) **SOURCE OF MATCH.**—Matching funds for grants under this subsection must be derived from a private agency, institution or business.

“PART G—ADMINISTRATIVE PROVISIONS

“SEC. 291. AUTHORIZATION OF APPROPRIATIONS.

“(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this title, and to carry out part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), \$1,100,000,000 for each of fiscal years 1999 through 2004.

“(b) **ALLOCATION OF APPROPRIATIONS.**—Of the amount made available under subsection (a) for each fiscal year—

“(1) \$500,000,000 shall be for programs under sections 1801 and 1803 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), of which \$50,000,000 shall be for programs under section 1803;

“(2) \$75,000,000 shall be for grants for juvenile criminal history records upgrades pursuant to section 1802 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.);

“(3) \$200,000,000 shall be for programs under section 205 of part A of this title;

“(4) \$200,000,000 shall be for programs under part B of this title;

“(5) \$40,000,000 shall be for prevention programs under part C of this title—

“(A) of which \$20,000,000 shall be for evaluation research of primary, secondary, and tertiary juvenile delinquency programs; and

“(B) \$2,000,000 shall be for the study required by section 248;

“(6) \$20,000,000 shall be for programs under parts D and E of this title; and

“(7) \$20,000,000 shall be for programs under part F of this title, of which \$3,000,000 shall be for programs under section 279 and \$3,000,000 for programs under section 280.

“(c) **SOURCE OF SUMS.**—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

“(d) **ADMINISTRATION AND OPERATIONS.**—There is authorized to be appropriated for the administration and operation of the Office of Juvenile Crime Control and Prevention such sums as may be necessary for each of fiscal years 1999 through 2004.

“(e) **AVAILABILITY OF FUNDS.**—Amounts made available pursuant to this section and allocated in accordance with this title in any fiscal year shall remain available until expended.

"SEC. 292. RELIGIOUS NONDISCRIMINATION; RESTRICTIONS ON USE OF AMOUNTS; PENALTIES.

"(a) RELIGIOUS NONDISCRIMINATION.—The provisions of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply to a State or local government exercising its authority to distribute grants to applicants under this title.

"(b) RESTRICTIONS ON THE USE OF AMOUNTS.—

"(1) EXPERIMENTATION ON INDIVIDUALS.—

"(A) IN GENERAL.—No amounts made available to carry out this title may be used for any biomedical or behavior control experimentation on individuals or any research involving such experimentation.

"(B) DEFINITION OF BEHAVIOR CONTROL.—In this paragraph, the term 'behavior control'—

"(i) means any experimentation or research employing methods that—

"(I) involve a substantial risk of physical or psychological harm to the individual subject; and

"(II) are intended to modify or alter criminal and other antisocial behavior, including aversive conditioning therapy, drug therapy, chemotherapy (except as part of routine clinical care), physical therapy of mental disorders, electroconvulsive therapy, or physical punishment; and

"(ii) does not include a limited class of programs generally recognized as involving no such risk, including methadone maintenance and certain substance abuse treatment programs, psychological counseling, parent training, behavior contracting, survival skills training, restitution, or community service, if safeguards are established for the informed consent of subjects (including parents or guardians of minors).

"(2) PROHIBITION AGAINST PRIVATE AGENCY USE OF AMOUNTS IN CONSTRUCTION.—

"(A) IN GENERAL.—No amount made available to any private agency or institution, or to any individual, under this title (either directly or through a State office) may be used for construction.

"(B) EXCEPTION.—The restriction in clause (i) shall not apply to any juvenile program in which training or experience in construction or renovation is used as a method of juvenile accountability or rehabilitation.

"(3) LOBBYING.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no amount made available under this title to any public or private agency, organization or institution, or to any individual shall be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device intended or designed to influence a Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or other legislation, or any referendum, initiative, constitutional amendment, or any other procedure of Congress, any State legislature, any local council, or any similar governing body.

"(B) EXCEPTION.—This paragraph does not preclude the use of amounts made available under this title in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved.

"(4) LEGAL ACTION.—No amounts made available under this title to any public or private agency, organization, institution, or to any individual, shall be used in any way directly or indirectly to file an action or otherwise take any legal action against any Federal, State, or local agency, institution, or employee.

"(c) PENALTIES.—

"(1) IN GENERAL.—If any amounts are used for the purposes prohibited in either paragraph (3) or (4) of subsection (b), or in violation of subsection (a)—

"(A) funding for the agency, organization, institution, or individual at issue shall be immediately discontinued in whole or in part; and

"(B) the agency, organization, institution, or individual using amounts for the purpose prohibited in paragraph (3) or (4) of subsection (b), or in violation of subsection (a), shall be liable for reimbursement of all amounts granted to the individual or entity for the fiscal year for which the amounts were granted.

"(2) LIABILITY FOR EXPENSES AND DAMAGES.—In relation to a violation of subsection (b)(4), the individual filing the lawsuit or responsible for taking the legal action against the Federal, State, or local agency or institution, or individual working for the Government, shall be individually liable for all legal expenses and any other expenses of the Government agency, institution, or individual working for the Government, including damages assessed by the jury against the Government agency, institution, or individual working for the Government, and any punitive damages.

"SEC. 293. ADMINISTRATIVE PROVISIONS.

"(a) AUTHORITY OF ADMINISTRATOR.—The Office shall be administered by the Administrator under the general authority of the Attorney General.

"(b) APPLICABILITY OF CERTAIN CRIME CONTROL PROVISIONS.—Sections 809(c), 811(a), 811(b), 811(c), 812(a), 812(b), and 812(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d(c), 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b), 3789g(d)) shall apply with respect to the administration of and compliance with this title, except that for purposes of this Act—

"(1) any reference to the Office of Justice Programs in such sections shall be considered to be a reference to the Assistant Attorney General who heads the Office of Justice Programs; and

"(2) the term 'this title' as it appears in such sections shall be considered to be a reference to this title.

"(c) APPLICABILITY OF CERTAIN OTHER CRIME CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply with respect to the administration of and compliance with this title, except that, for purposes of this title—

"(1) any reference to the Attorney General, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, or the Director of the Bureau of Justice Assistance shall be considered to be a reference to the Administrator;

"(2) any reference to the Office of Justice Programs, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be considered to be a reference to the Office of Juvenile Crime Control and Prevention; and

"(3) the term 'this title' as it appears in those sections shall be considered to be a reference to this title.

"(d) RULES, REGULATIONS, AND PROCEDURES.—The Administrator may, after appropriate consultation with representatives of States and units of local government, and an opportunity for notice and comment in accordance with subchapter II of chapter 5 of title 5, United States Code, establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the

Office and as are consistent with the purpose of this Act.

"(e) WITHHOLDING.—The Administrator shall initiate such proceedings as the Administrator determines to be appropriate if the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds that—

"(1) the program or activity for which the grant or contract involved was made has been so changed that the program or activity no longer complies with this title; or

"(2) in the operation of such program or activity there is failure to comply substantially with any provision of this title."

(b) REPEAL.—Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.) is repealed.

SEC. 303. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking "accurate reporting of the problem nationally and to develop" and inserting "an accurate national reporting system to report the problem, and to assist in the development of"; and

(2) by striking paragraph (8) and inserting the following:

"(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;"

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GRANTS FOR CENTERS AND SERVICES.—

"(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services."

(2) in subsection (b)(2), by striking "the Trust Territory of the Pacific Islands,"; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking "paragraph (6)" and inserting "paragraph (7)";

(B) in paragraph (10), by striking "and" at the end;

(C) in paragraph (11), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth

at risk of family separation, who participate in the project; and

“(ii) the services provided to such youth by the project.”; and

(2) by striking subsections (c) and (d) and inserting the following:

“(C) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

“(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

“(2) provide backup personnel for on-street staff;

“(3) provide initial and periodic training of staff who provide such services; and

“(4) conduct outreach activities for runaway and homeless youth, and street youth.

“(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

“(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

“(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

“(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

“(4) provide initial and periodic training of staff who provide home-based services; and

“(5) ensure that—

“(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

“(B) staff providing such services will receive qualified supervision.

“(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

“(1) a description of—

“(A) the types of such services that the applicant proposes to provide;

“(B) the objectives of such services; and

“(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

“(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.”.

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

“SEC. 313. APPROVAL OF APPLICATIONS.

“(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

“(1) the geographical distribution in such State of the proposed services under this

part for which all grant applicants request approval; and

“(2) which areas of such State have the greatest need for such services.

“(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

“(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

“(2) eligible applicants that request grants of less than \$200,000.”.

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-1) is amended—

“(1) in the section heading, by striking “PURPOSE AND”;

(2) in subsection (a), by striking “(a)”;

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)(9)) is amended by inserting “, and the services provided to such youth by such project,” after “such project”.

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-21) is amended to read as follows:

“SEC. 341. COORDINATION.

“With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

“(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

“(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.”.

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-23) is amended—

(1) in the section heading, by inserting “EVALUATION,” after “RESEARCH”;

(2) in subsection (a), by inserting “evaluation,” after “research”;

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) ASSISTANCE TO POTENTIAL GRANTEEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(j) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

“SEC. 381. REPORTS.

“(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

“(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

“(A) alleviating the problems of runaway and homeless youth;

“(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

“(C) strengthening family relationships and encouraging stable living conditions for such youth; and

“(D) assisting such youth to decide upon a future course of action; and

“(2) in the case of projects funded under part B—

“(A) the number and characteristics of homeless youth served by such projects;

“(B) the types of activities carried out by such projects;

“(C) the effectiveness of such projects in alleviating the problems of homeless youth;

“(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

“(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

“(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

“(G) activities and programs planned by such projects for the following fiscal year.

“(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

“(1) the evaluations performed by the Secretary under section 386; and

“(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.”.

(k) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

“SEC. 386. EVALUATION AND INFORMATION.

“(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

“(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

“(2) collecting additional information for the report required by section 383; and

“(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

“(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.”.

(l) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

“SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—

“(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.

“(2) ALLOCATION.—

“(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

“(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

“(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

“(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated

under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.”.

(m) **SEXUAL ABUSE PREVENTION PROGRAM.**—(1) **AUTHORITY FOR PROGRAM.**—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

“PART E—SEXUAL ABUSE PREVENTION PROGRAM

“SEC. 351. AUTHORITY TO MAKE GRANTS.

“(a) **IN GENERAL.**—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

“(b) **PRIORITY.**—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.”.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (1) of this section, is amended by adding at the end the following:

“(4) **PART E.**—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.”.

(n) **DEFINITIONS.**—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (k) of this section, the following:

“SEC. 387. DEFINITIONS.

“In this title:

“(1) **DRUG ABUSE EDUCATION AND PREVENTION SERVICES.**—The term ‘drug abuse education and prevention services’—

“(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

“(B) may include—

“(i) individual, family, group, and peer counseling;

“(ii) drop-in services;

“(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

“(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

“(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

“(2) **HOME-BASED SERVICES.**—The term ‘home-based services’—

“(A) means services provided to youth and their families for the purpose of—

“(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

“(ii) assisting runaway youth to return to their families; and

“(B) includes services that are provided in the residences of families (to the extent practicable), including—

“(i) intensive individual and family counseling; and

“(ii) training relating to life skills and parenting.

“(3) **HOMELESS YOUTH.**—The term ‘homeless youth’ means an individual—

“(A) who is—

“(i) not more than 21 years of age; and

“(ii) for the purposes of part B, not less than 16 years of age;

“(B) for whom it is not possible to live in a safe environment with a relative; and

“(C) who has no other safe alternative living arrangement.

“(4) **STREET-BASED SERVICES.**—The term ‘street-based services’—

“(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

“(B) may include—

“(i) identification of and outreach to runaway and homeless youth, and street youth;

“(ii) crisis intervention and counseling;

“(iii) information and referral for housing;

“(iv) information and referral for transitional living and health care services;

“(v) advocacy, education, and prevention services related to—

“(I) alcohol and drug abuse;

“(II) sexual exploitation;

“(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

“(IV) physical and sexual assault.

“(5) **STREET YOUTH.**—The term ‘street youth’ means an individual who—

“(A) is—

“(i) a runaway youth; or

“(ii) indefinitely or intermittently a homeless youth; and

“(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

“(6) **TRANSITIONAL LIVING YOUTH PROJECT.**—The term ‘transitional living youth project’ means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

“(7) **YOUTH AT RISK OF SEPARATION FROM THE FAMILY.**—The term ‘youth at risk of separation from the family’ means an individual—

“(A) who is less than 18 years of age; and

“(B)(i) who has a history of running away from the family of such individual;

“(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

“(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.”.

(o) **REDESIGNATION OF SECTIONS.**—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, and 385, respectively.

(p) **TECHNICAL AMENDMENTS.**—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking “With” and all that follows through “the Secretary”, and inserting “The Secretary”; and

(2) in section 344(a)(1), by striking “With” and all that follows through “the Secretary”, and inserting “The Secretary”.

SEC. 304. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) **FINDINGS.**—Section 402 of the Missing Children’s Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(9) for 14 years, the National Center for Missing and Exploited Children has—

“(A) served as the national resource center and clearinghouse congressionally mandated

under the provisions of the Missing Children’s Assistance Act of 1984; and

“(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

“(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

“(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming ‘the 911 for the Internet’;

“(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction (‘CA’) flag to provide the Center immediate notification in the most serious cases, resulting in 642 ‘CA’ notifications to the Center and helping the Center to have its highest recovery rate in history;

“(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

“(14) from its inception in 1984 through March 31, 1998, the Center has—

“(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1-800-THE-LOST) and currently averages 700 calls per day;

“(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

“(C) disseminated 15,491,344 free publications to citizens and professionals; and

“(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

“(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 ‘hits’ every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

“(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

“(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

“(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions,

and providing greater support to parents in the United States;

“(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

“(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

“(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.”

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) the term ‘Center’ means the National Center for Missing and Exploited Children.”

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

“(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

“(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

“(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

“(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714-11);

“(B) operate the official national resource center and information clearinghouse for missing and exploited children;

“(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

“(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

“(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

“(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

“(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

“(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the

prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

“(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, \$10,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.

“(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

“(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnappings, and the number of children who are recovered each year; and

“(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.”

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting “the Center and with” before “public agencies”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking “1997 through 2001” and inserting “2000 through 2004”.

SEC. 305. TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—In this section, unless otherwise provided or indicated by the context:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Office of Juvenile Crime Control and Prevention established by operation of subsection (b).

(2) ADMINISTRATOR OF THE OFFICE.—The term “Administrator of the Office” means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(3) BUREAU OF JUSTICE ASSISTANCE.—The term “Bureau of Justice Assistance” means the bureau established under section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

(4) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term “agency” by section 551(1) of title 5, United States Code.

(5) FUNCTION.—The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(6) OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION.—The term “Office of Juvenile Crime Control and Prevention” means the office established by operation of subsection (b).

(7) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—The term “Office of Juvenile Justice and Delinquency Prevention” means the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, established by section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974, as in effect on the day before the date of enactment of this Act.

(8) OFFICE.—The term “office” includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Office of Juvenile Crime Control and Prevention all functions that

the Administrator of the Office exercised before the date of enactment of this Act (including all related functions of any officer or employee of the Office of Juvenile Justice and Delinquency Prevention), and authorized after the date of enactment of this Act, relating to carrying out the Juvenile Justice and Delinquency Prevention Act of 1974.

(c) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other amounts employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Office of Juvenile Crime Control and Prevention.

(2) UNEXPENDED AMOUNTS.—Any unexpended amounts transferred pursuant to this subsection shall be used only for the purposes for which the amounts were originally authorized and appropriated.

(d) INCIDENTAL TRANSFERS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget, at such time or times as the Director of that Office shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other amounts held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this section.

(2) TERMINATION OF AFFAIRS.—The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(e) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day before the date of enactment of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Office of Juvenile Crime Control and Prevention to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(3) TRANSITION RULE.—The incumbent Administrator of the Office as of the date immediately preceding the date of enactment of this Act shall continue to serve as Administrator after the date of enactment of this Act until such time as the incumbent resigns, is relieved of duty by the President, or an Administrator is appointed by the President, by and with the advice and consent of the Senate.

(f) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that are in effect at the time this section takes effect, or were final before the date of enactment of this Act and are to become effective on or after the date of enactment of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—

(A) IN GENERAL.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Office of Juvenile Justice and Delinquency Prevention on the date on which this section takes effect, with respect to functions transferred by this section but such proceedings and applications shall be continued.

(B) ORDERS; APPEALS; PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(C) DISCONTINUANCE OR MODIFICATION.—Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this paragraph had not been enacted.

(3) SUITS NOT AFFECTED.—This section shall not affect suits commenced before the date of enactment of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Office of Juvenile Justice and Delinquency Prevention, or by or against any individual in the official capacity of such individual as an officer of the Office of Juvenile Justice and Delinquency Prevention, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Office of Juvenile Justice and Delinquency Prevention relating to a function transferred under this section may be continued, to the extent authorized by this section, by the Office of Juvenile Justice and Delinquency Prevention with the same effect as if this section had not been enacted.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the authority under section 242A or 243 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by this Act.

(g) TRANSITION.—The Administrator may utilize—

(1) the services of such officers, employees, and other personnel of the Office of Juvenile

Justice and Delinquency Prevention with respect to functions transferred to the Office of Juvenile Crime Control and Prevention by this section; and

(2) amounts appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(h) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Administrator of the Office of Juvenile Justice and Delinquency Prevention with regard to functions transferred by operation of subsection (b), shall be considered to refer to the Administrator of the Office of Juvenile Crime Control and Prevention; and

(2) the Office of Juvenile Justice and Delinquency Prevention with regard to functions transferred by operation of subsection (b), shall be considered to refer to the Office of Juvenile Crime Control and Prevention.

(i) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 5315 of title 5, United States Code, is amended by striking “Administrator, Office of Juvenile Justice and Delinquency Prevention” and inserting “Administrator, Office of Juvenile Crime Control and Prevention”.

(2) Section 4351(b) of title 18, United States Code, is amended by striking “Office of Juvenile Justice and Delinquency Prevention” and inserting “Office of Juvenile Crime Control and Prevention”.

(3) Subsections (a)(1) and (c) of section 3220 of title 39, United States Code, are each amended by striking “Office of Juvenile Justice and Delinquency Prevention” each place it appears and inserting “Office of Juvenile Crime Control and Prevention”.

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking “Office of Juvenile Justice and Delinquency Prevention” and inserting “Office of Juvenile Crime Control and Prevention”.

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking “Office of Juvenile Justice and Delinquency Prevention” each place it appears and inserting “Office of Juvenile Crime Control and Prevention”.

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b)(1) by striking “262, 293, and 296 of subpart II of title II” and inserting “299B and 299E”;

(B) in section 214A(c)(1) by striking “262, 293, and 296 of subpart II of title II” and inserting “299B and 299E”;

(C) in sections 217 and 222 by striking “Office of Juvenile Justice and Delinquency Prevention” each place it appears and inserting “Office of Juvenile Crime Control and Prevention”; and

(D) in section 223(c) by striking “section 262, 293, and 296” and inserting “sections 262, 299B, and 299E”.

(7) The Missing Children’s Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking “Justice and Delinquency Prevention” and inserting “Crime Control and Delinquency Prevention”; and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking “section 313” and inserting “section 331”.

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking “sections 262, 293, and 296 of subpart II of title II” and inserting “sections 299B and 299E”; and

(B) in section 223(c) by striking “section 262, 293, and 296 of title II” and inserting “sections 299B and 299E”.

(j) REFERENCES.—In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Prevention.

Subtitle B—Accountability for Juvenile Offenders and Public Protection Incentive Grants

SEC. 321. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

“PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

“SEC. 1801. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Attorney General shall make, subject to the availability of appropriations, grants to States for use by States and units of local government in planning, establishing, operating, coordinating, and evaluating projects, directly or through grants and contracts with public and private agencies, for the development of more effective investigation, prosecution, and punishment (including the imposition of graduated sanctions) of crimes or acts of delinquency committed by juveniles, programs to improve the administration of justice for and ensure accountability by juvenile offenders, and programs to reduce the risk factors (such as truancy, drug or alcohol use, and gang involvement) associated with juvenile crime or delinquency.

“(b) USE OF GRANTS.—Grants under this section may be used by States and units of local government—

“(1) for programs to enhance the identification, investigation, prosecution, and punishment of juvenile offenders, such as—

“(A) the utilization of graduated sanctions;

“(B) the utilization of short-term confinement of juvenile offenders;

“(C) the incarceration of violent juvenile offenders for extended periods of time;

“(D) the hiring of juvenile public defenders, juvenile judges, juvenile probation officers, and juvenile correctional officers to implement policies to control juvenile crime and violence and ensure accountability of juvenile offenders; and

“(E) the development and implementation of coordinated, multi-agency systems for—

“(i) the comprehensive and coordinated booking, identification, and assessment of juveniles arrested or detained by law enforcement agencies, including the utilization of multi-agency facilities such as juvenile assessment centers; and

“(ii) the coordinated delivery of support services for juveniles who have had or are at risk for contact with the juvenile or criminal systems, including utilization of court-established local service delivery councils;

“(2) for programs that require juvenile offenders to make restitution to the victims of offenses committed by those juvenile offenders, including programs designed and operated to further the goal of providing eligible offenders with an alternative to adjudication that emphasizes restorative justice;

“(3) for programs that require juvenile offenders to attend and successfully complete school or vocational training as part of a sentence imposed by a court;

“(4) for programs that require juvenile offenders who are parents to demonstrate parental responsibility by working and paying child support;

“(5) for programs that seek to curb or punish truancy;

“(6) for programs designed to collect, record, retain, and disseminate information

useful in the identification, prosecution, and sentencing of juvenile offenders, such as criminal history information, fingerprints, DNA tests, and ballistics tests;

“(7) for the development and implementation of coordinated multijurisdictional or multiagency programs for the identification, control, supervision, prevention, investigation, and treatment of the most serious juvenile offenses and offenders, popularly known as a ‘SHOCAP Program’ (Serious Habitual Offenders Comprehensive Action Program);

“(8) for the development and implementation of coordinated multijurisdictional or multiagency programs for the identification, control, supervision, prevention, investigation, and disruption of youth gangs;

“(9) for the construction or remodeling of short- and long-term facilities for juvenile offenders;

“(10) for the development and implementation of technology, equipment, training programs for juvenile crime control, for law enforcement officers, judges, prosecutors, probation officers, and other court personnel who are employed by State and local governments, in furtherance of the purposes identified in this section;

“(11) for partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: Caring, citizenship, fairness, respect, responsibility and trustworthiness;

“(12) for programs to seek to target, curb and punish adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime, including programs that specifically provide for additional punishments or sentence enhancements for adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime;

“(13) for juvenile prevention programs (including curfews, youth organizations, anti-drug, and anti-alcohol programs, anti-gang programs, and after school programs and activities);

“(14) for juvenile drug and alcohol treatment programs;

“(15) for school counseling and other school-base prevention programs;

“(16) for programs that drug test juveniles who are arrested, including follow-up testings; and

“(17) for programs for—

“(A) providing cross-training, jointly with the public mental health system, for State juvenile court judges, public defenders, prosecutors, and mental health and substance abuse agency representatives with respect to the appropriate use of effective, community-based alternatives to juvenile justice or mental health system institutional placements; or

“(B) providing training for State juvenile probation officers and community mental health and substance abuse program representatives on appropriate linkages between probation programs and mental health community programs, specifically focusing on the identification of mental disorders and substance abuse addiction in juveniles on probation, effective treatment interventions for those disorders, and making appropriate contact with mental health and substance abuse case managers and programs in the community, in order to ensure that juveniles on probation receive appropriate access to mental health and substance abuse treatment programs and services.

“(C) REQUIREMENTS.—To be eligible to receive an incentive grant under this section, a State shall submit to the Attorney General an application, in such form as shall be prescribed by the Attorney General, which shall

contain assurances that, not later than 1 year after the date on which the State submits such application—

“(1) the State has established or will establish a system of graduated sanctions for juvenile offenders that ensures appropriate sanctions, which are graduated to reflect the severity or repeated nature of violations, for each act of delinquency;

“(2) the State has established or will establish a policy of drug testing (including followup testing) juvenile offenders upon their arrest for any offense within an appropriate category of offenses designated by the chief executive officer of the State; and

“(3) the State has an established policy recognizing the rights and needs of victims of crimes committed by juveniles.

“(d) ALLOCATION AND DISTRIBUTION OF STATE GRANTS.—

“(1) IN GENERAL.—

“(A) STATE AND LOCAL DISTRIBUTION.—Subject to subparagraph (B), of amounts made available to the State, 30 percent may be retained by the State for use pursuant to paragraph (2) and 70 percent shall be reserved by the State for local distribution pursuant to paragraph (3).

“(B) SPECIAL RULE.—The Attorney General may waive the requirements of this paragraph with respect to any State in which the criminal and juvenile justice services for delinquent or other youth are organized primarily on a statewide basis, in which case not more than 50 percent of funds shall be made available to all units of local government in that State pursuant to paragraph (3).

“(2) OTHER DISTRIBUTION.—Of amounts retained by the State under paragraph (1)—

“(A) not less than 50 percent shall be designated for—

“(i) programs pursuant to paragraph (1) or (9) of subsection (b), except that if the State designates any amounts for purposes of construction or remodeling of short- or long-term facilities pursuant to subsection (b)(9), such amounts shall constitute not more than 50 percent of the estimated construction or remodeling cost and that no funds expended pursuant to this subparagraph may be used for the incarceration of any offender who was more than 21 years of age at the time of the offense, and no funds expended pursuant to this subparagraph may be used for construction, renovation, or expansion of facilities for such offenders, except that funds may be used to construct juvenile facilities collocated with adult facilities; or

“(ii) drug testing upon arrest for any offense within the category of offenses designated pursuant to subsection (c)(3), and intensive supervision thereafter pursuant to programs under subsection (b)(7) and subsection (c)(3); and

“(B) not less than 25 percent shall be used for the purposes set forth in paragraph (13), (14), or (15) of subsection (b).

“(3) LOCAL ELIGIBILITY AND DISTRIBUTION.—

“(A) IN GENERAL.—

“(i) LOCAL DISTRIBUTION SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has laws or policies and programs that comply with the eligibility requirements of subsection (c).

“(ii) COORDINATED LOCAL EFFORT.—Prior to receiving a grant under this section, a unit of local government shall certify that it has or will establish a coordinated enforcement plan for reducing juvenile crime within the jurisdiction of the unit of local government, developed by a juvenile crime enforcement coalition, such coalition consisting of individuals within the jurisdiction representing the police, sheriff, prosecutor, State or local

probation services, juvenile court, schools, business, and religious affiliated, fraternal, nonprofit, or social service organizations involved in crime prevention.

“(B) SPECIAL RULE.—The requirements of subparagraph (A) shall apply to an eligible unit that receives funds from the Attorney General under subparagraph (H), except that information that would otherwise be submitted to the State shall be submitted to the Attorney General.

“(C) LOCAL DISTRIBUTION.—From amounts reserved for local distribution under paragraph (1), the State shall allocate to such units of local government an amount that bears the same ratio to the aggregate amount of such funds as—

“(i) the sum of—

“(I) the product of—

“(aa) two-thirds; multiplied by

“(bb) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

“(II) the product of—

“(aa) one-third; multiplied by

“(bb) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

“(ii) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

“(D) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

“(E) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

“(F) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditure for a unit of local government is insufficient or inaccurate, the State shall—

“(i) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

“(ii) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditure for the relevant years for the unit of local government.

“(G) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN \$5,000.—If, under this section, a unit of local government is allocated less than \$5,000 for a payment period, the amount allocated shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

“(H) DIRECT GRANTS TO ELIGIBLE UNITS.—

“(i) IN GENERAL.—If a State does not qualify or apply for a grant under this section, by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 70 percent of the allocation that the State would have received for grants under this section under subsection (e) for such fiscal year to provide grants to eligible units that meet the requirements for funding under subparagraph (A).

“(ii) AWARD BASIS.—In addition to the qualification requirements for direct grants for eligible units the Attorney General may use the average amount allocated by the States to like governmental units as a basis for awarding grants under this section.

“(I) ALLOCATION BY UNITS OF LOCAL GOVERNMENT.—Of the total amount made available

under this section to a unit of local government for a fiscal year, not less than 25 percent shall be used for the purposes set forth in paragraph (13), (14), or (15) of subsection (b), and not less than 50 percent shall be designated for—

“(i) paragraph (1) or (9) of subsection (b), except that, if amounts are allocated for purposes of construction or remodeling of short- or long-term facilities pursuant to subsection (b)(9)—

“(I) the unit of local government shall coordinate such expenditures with similar State expenditures;

“(II) Federal funds shall constitute not more than 50 percent of the estimated construction or remodeling cost; and

“(III) no funds expended pursuant to this clause may be used for the incarceration of any offender who was more than 21 years of age at the time of the offense or for construction, renovation, or expansion of facilities for such offenders, except that funds may be used to construct juvenile facilities collocated with adult facilities, including separate buildings for juveniles and separate juvenile wings, cells, or areas collocated within an adult jail or lockup; or

“(ii) drug testing upon arrest for any offense within the category of offenses designated pursuant to subsection (c)(3), and intensive supervision thereafter pursuant to programs under subsection (b)(7) and subsection (c)(3).

“(4) NONSUPPLANTATION.—Amounts made available under this section to the States (or units of local government in the State) shall not be used to supplant State or local funds (or in the case of Indian tribal governments, to supplant amounts provided by the Bureau of Indian Affairs) but shall be used to increase the amount of funds that would in the absence of amounts received under this section, be made available from a State or local source, or in the case of Indian tribal governments, from amounts provided by the Bureau of Indian Affairs.

“(e) ALLOCATION OF GRANTS AMONG QUALIFYING STATES; RESTRICTIONS ON USE.—

“(1) ALLOCATION.—Amounts made available under this section shall be allocated as follows:

“(A) 0.5 percent shall be allocated to each eligible State.

“(B) The amount remaining after the allocation under subparagraph (A) shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

“(2) RESTRICTIONS ON USE.—Amounts made available under this section shall be subject to the restrictions of subsections (a) and (b) of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974, except that the penalties in section 292(c) of such Act do not apply.

“(f) GRANTS TO INDIAN TRIBES.—

“(1) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amounts appropriated pursuant to section 291 of the Juvenile Justice and Delinquency Prevention Act of 1974, for each fiscal year, the Attorney General shall reserve an amount equal to the amount to which all Indian tribes eligible to receive a grant under paragraph (3) would collectively be entitled, if such tribes were collectively treated as a State to carry out this subsection.

“(2) GRANTS TO INDIAN TRIBES.—From the amounts reserved under paragraph (1), the Attorney General shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 1801.

“(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney

General may by regulation require. The requirements of subsection (c) apply to grants under this subsection.

“SEC. 1802. JUVENILE CRIMINAL HISTORY GRANTS.

“(a) IN GENERAL.—The Attorney General, through the Director of the Bureau of Justice Statistics and with consultation and coordination with the Office of Justice Programs and the Attorney General, upon application from a State (in such form and containing such information as the Attorney General may reasonably require) shall make a grant to each eligible State to be used by the State exclusively for purposes of meeting the eligibility requirements of subsection (b).

“(b) ELIGIBILITY.—A State is eligible for a grant under subsection (a) if its application provides assurances that, not later than 3 years after the date on which such application is submitted, the State will—

“(1) maintain, at the adult State central repository in accordance with the State's established practices and policies relating to adult criminal history records—

“(A) a fingerprint supported record of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sexual molestation of a child, or a conspiracy or attempt to commit any such offense (all as defined by State law), that is equivalent to, and maintained and disseminated in the same manner and for the same purposes as are adult criminal history records for the same offenses, except that the record may include a notation of expungement pursuant to State law; and

“(B) a fingerprint supported record of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would be a felony other than a felony described in subparagraph (A) that is equivalent to, and maintained and disseminated in the same manner for any criminal justice purpose as are adult criminal history records for the same offenses, except that the record may include a notation of expungement pursuant to State law; and

“(2) will establish procedures by which an official of an elementary, secondary, and post-secondary school may, in appropriate circumstances (as defined by applicable State law), gain access to the juvenile adjudication record of a student enrolled at the school, or a juvenile who seeks, intends, or is instructed to enroll at that school, if—

“(A) the official is subject to the same standards and penalties under applicable Federal and State law relating to the handling and disclosure of information contained in juvenile adjudication records as are employees of law enforcement and juvenile justice agencies in the State; and

“(B) information contained in the juvenile adjudication record may not be used for the purpose of making an admission determination.

“(c) VALIDITY OF CERTAIN JUDGMENTS.—Nothing in this section shall require States, in order to qualify for grants under this title, to modify laws concerning the status of any adjudication of juvenile delinquency or judgment of conviction under the law of the State that entered the judgment.

“(d) DEFINITIONS.—In this section—

“(1) the term ‘criminal justice purpose’ means the use by and within the criminal justice system for the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, sentencing, disposition, correctional supervision, or rehabilitation of accused persons, criminal offenders, or juvenile delinquents; and

“(2) the term ‘expungement’ means the nullification of the legal effect of the conviction or adjudication to which the record applies.

“SEC. 1803. GRANTS TO COURTS FOR STATE JUVENILE JUSTICE SYSTEMS.

“(a) IN GENERAL.—The Attorney General may make grants in accordance with this section to States and units of local government to assist State and local courts with juvenile offender dockets.

“(b) GRANT PURPOSES.—Grants under this section may be used—

“(1) for technology, equipment, and training for judges, probation officers, and other court personnel to implement an accountability-based juvenile justice system that provides substantial and appropriate sanctions that are graduated in such manner as to reflect (for each delinquent act or criminal offense) the severity or repeated nature of that act or offense;

“(2) to hire additional judges, probation officers, other necessary court personnel, victims counselors, and public defenders for juvenile courts or adult courts with juvenile offender dockets, including courts with specialized juvenile drug offense or juvenile firearms offense dockets to reduce juvenile court backlogs, and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

“(3) to provide funding to enable juvenile courts and juvenile probation officers to address drug, gang, and youth violence problems more effectively; and

“(4) to provide funds to—

“(A) effectively supervise and monitor juvenile offenders sentenced to probation or parole; and

“(B) enforce conditions of probation and parole imposed on juvenile offenders, including drug testing and payment of restitution.

“(c) APPLICATION.—

“(1) IN GENERAL.—Each State or unit of local government that applies for a grant under this section shall submit an application to the Attorney General, in such form and containing such information as the Attorney General may reasonably require.

“(2) REQUIREMENTS.—In submitting an application for a grant under this part, a State or unit of local government shall provide assurances that the State or unit of local government will—

“(A) give priority to the prosecution of violent juvenile offenders;

“(B) seek to reduce any backlogs in juvenile justice cases and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

“(C) give adequate consideration to the rights and needs of victims of juvenile offenders; and

“(D) use amounts received under this section to supplement (and not supplant) State and local resources.

“(d) ALLOCATION OF GRANTS.—

“(1) IN GENERAL.—

“(A) ALLOCATION TO STATES.—

“(i) IN GENERAL.—In awarding grants under this part, the Attorney General may award grants provided for a State (including units of local government in that State) an aggregate amount equal to 0.75 percent of the amount made available to the Attorney General by appropriations for this section made pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (reduced by amounts reserved under subsection (e)).

“(ii) ADJUSTMENT.—If the Attorney General determines that an insufficient number of applications have been submitted for a

State, the Attorney General may adjust the aggregate amount awarded for a State under clause (i).

“(B) REMAINING AMOUNTS.—Of the adjusted amounts available to the Attorney General to carry out the grant program under this section referred to in subparagraph (A) that remain after the Attorney General distributes the amounts specified in that subparagraph (referred to in this subparagraph as the ‘remaining amount’) the Attorney General may award an additional aggregate amount to each State (including any political subdivision thereof) that (or with respect to which a political subdivision thereof) submits an application that is approved by the Attorney General under this section that bears the same ratio to the remaining amount as the population of juveniles residing in that State bears to the population of juveniles residing in all States.

“(2) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that the distribution of grant amounts made available for a State (including units of local government in that State) under this section is made on an equitable geographic basis, to ensure that—

“(A) an equitable amount of available funds are directed to rural areas, including those jurisdictions serving smaller urban and rural communities located along interstate transportation routes that are adversely affected by interstate criminal gang activity, such as illegal drug trafficking; and

“(B) the amount allocated to a State is equitably divided between the State, counties, and other units of local government to reflect the relative responsibilities of each such unit of local government.

“(e) ADMINISTRATION; TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The Attorney General may reserve for each fiscal year not more than 2 percent of amounts appropriated for this section pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974—

“(A) for the administration of this section; and

“(B) for the provision of technical assistance to recipients of or applicants for grant awards under this section.

“(2) CARRYOVER PROVISION.—Any amounts reserved for any fiscal year pursuant to paragraph (1) that are not expended during that fiscal year shall remain available until expended, except that any amount reserved under this subsection for the succeeding fiscal year from amounts made available by appropriations shall be reduced by an amount equal to the amount that remains available.

“(f) AVAILABILITY OF FUNDS.—Any grant amounts awarded under this section shall remain available until expended.”.

SEC. 322. PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.

(a) PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.—

(1) ESTABLISHMENT.—The Attorney General (or a designee of the Attorney General), in conjunction with the Secretary of the Treasury (or the designee of the Secretary), shall establish a pilot program (referred to in this section as the “program”) to encourage and support communities that adopt a comprehensive approach to suppressing and preventing violent juvenile crime patterned after successful State juvenile crime reduction strategies.

(2) PROGRAM.—In carrying out the program, the Attorney General shall—

(A) make and track grants to grant recipients (referred to in this section as “coalitions”);

(B) in conjunction with the Secretary of the Treasury, provide for technical assistance and training, data collection, and dissemination of relevant information; and

(C) provide for the general administration of the program.

(3) ADMINISTRATION.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall appoint or designate an Administrator (referred to in this section as the “Administrator”) to carry out the program.

(4) PROGRAM AUTHORIZATION.—To be eligible to receive an initial grant or a renewal grant under this section, a coalition shall meet each of the following criteria:

(A) COMPOSITION.—The coalition shall consist of 1 or more representatives of—

(i) the local police department or sheriff's department;

(ii) the local prosecutors' office;

(iii) the United States Attorney's office;

(iv) the Federal Bureau of Investigation;

(v) the Bureau of Alcohol, Tobacco and Firearms;

(vi) State or local probation officers;

(vii) religious affiliated or fraternal organizations involved in crime prevention;

(viii) schools;

(ix) parents or local grass roots organizations such as neighborhood watch groups;

(x) local recreation agencies; and

(xi) social service agencies involved in crime prevention.

(B) OTHER PARTICIPANTS.—If possible, in addition to the representatives from the categories listed in subparagraph (A), the coalition shall include—

(i) representatives from the business community; and

(ii) researchers who have studied criminal justice and can offer technical or other assistance.

(C) COORDINATED STRATEGY.—A coalition shall submit to the Attorney General, or the Attorney General's designee, a comprehensive plan for reducing violent juvenile crime. To be eligible for consideration, a plan shall—

(i) ensure close collaboration among all members of the coalition in suppressing and preventing juvenile crime;

(ii) place heavy emphasis on coordinated enforcement initiatives, such as Federal and State programs that coordinate local police departments, prosecutors, and local community leaders to focus on the suppression of violent juvenile crime involving gangs;

(iii) ensure that there is close collaboration between police and probation officers in the supervision of juvenile offenders, such as initiatives that coordinate the efforts of parents, school officials, and police and probation officers to patrol the streets and make home visits to ensure that offenders comply with the terms of their probation;

(iv) ensure that a program is in place to trace all firearms seized from crime scenes or offenders in an effort to identify illegal gun traffickers; and

(v) ensure that effective crime prevention programs are in place, such as programs that provide after-school safe havens and other opportunities for at-risk youth to escape or avoid gang or other criminal activity, and to reduce recidivism.

(D) ACCOUNTABILITY.—A coalition shall—

(i) establish a system to measure and report outcomes consistent with common indicators and evaluation protocols established by the Administrator and that receives the approval of the Administrator; and

(ii) devise a detailed model for measuring and evaluating the success of the plan of the coalition in reducing violent juvenile crime, and provide assurances that the plan will be evaluated on a regular basis to assess progress in reducing violent juvenile crime.

(5) GRANT AMOUNTS.—

(A) IN GENERAL.—The Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

(B) NONSUPPLANTING REQUIREMENT.—A coalition seeking funds shall provide reasonable assurances that funds made available under this program to States or units of local government shall be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for programs described in this section, and shall in no event replace such State, local, or other non-Federal funds.

(C) SUSPENSION OF GRANTS.—If a coalition fails to continue to meet the criteria set forth in this section, the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

(D) RENEWAL GRANTS.—Subject to subparagraph (D), the Administrator may award a renewal grant to grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year, during the 4-year period following the period of the initial grant.

(E) LIMITATION.—The amount of a grant award under this section may not exceed \$300,000 for a fiscal year.

(6) PERMITTED USE OF FUNDS.—A coalition receiving funds under this section may expend such Federal funds on any use or program that is contained in the plan submitted to the Administrator.

(7) CONGRESSIONAL CONSULTATION.—

(A) IN GENERAL.—Two years after the date of implementation of the program established in this section, the Comptroller General of the United States shall submit to Congress a report reviewing the effectiveness of the program in suppressing and reducing violent juvenile crime in the participating communities.

(B) CONTENTS OF REPORT.—The report submitted under subparagraph (A) shall include—

(i) an analysis of each community participating in the program, along with information regarding the plan undertaken in the community, and the effectiveness of the plan in reducing violent juvenile crime; and

(ii) recommendations regarding the efficacy of continuing the program.

(b) INFORMATION COLLECTION AND DISSEMINATION WITH RESPECT TO COALITIONS.—

(1) COALITION INFORMATION.—For the purpose of audit and examination, the Attorney General—

(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this section; and

(B) may periodically request information from a coalition to ensure that the coalition meets the applicable criteria.

(2) REPORTING.—The Attorney General shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a coalition and expedite any application for a renewal grant made under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2000 through 2003.

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated pursuant to this subsection may be derived from the Violent Crime Reduction Trust Fund.

SEC. 323. REPEAL OF UNNECESSARY AND DUPLICATIVE PROGRAMS.

(a) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—

(1) TITLE III.—Title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13741 et seq.) is amended by striking subtitles A through C, and subtitles G through S.

(2) TITLE XXVII.—Title XXVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14191 et seq.) is repealed.

(b) REFORM OF GREAT PROGRAM.—Section 32401(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921(a)) is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) SELECTION OF COMMUNITIES.—

“(A) IN GENERAL.—Each community identified for a GREAT project referred to in paragraph (1) shall be selected by the Secretary of the Treasury on the basis of—

“(i) the level of gang activity and youth violence in the area in which the community is located;

“(ii) the number of schools in the community in which training would be provided under the project;

“(iii) the number of students who would receive the training referred to in clause (ii) in schools referred to in that clause; and

“(iv) a written description from officials of the community explaining the manner in which funds made available to the community under this section would be allocated.

“(B) EQUITABLE SELECTION.—The Secretary of the Treasury shall ensure that—

“(i) communities are identified and selected for GREAT projects under this subsection on an equitable geographic basis (except that this clause shall not be construed to require the termination of any projects selected prior to the beginning of fiscal year 1999); and

“(ii) the communities referred to in clause (i) include rural communities.”; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking “50 percent” and inserting “85 percent”; and

(B) in subparagraph (B), by striking “50 percent” and inserting “15 percent”.

SEC. 324. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 31001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

“(1) for fiscal year 2001, \$6,025,000,000;

“(2) for fiscal year 2002, \$6,169,000,000;

“(3) for fiscal year 2003, \$6,316,000,000;

“(4) for fiscal year 2004, \$6,458,000,000; and

“(5) for fiscal year 2005, \$6,616,000,000.”.

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 31001 the following:

“SEC. 31002. DISCRETIONARY LIMITS.

“For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term ‘discretionary spending limit’ means—

“(1) with respect to fiscal year 2001—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

“(B) for the violent crime reduction category: \$6,025,000,000 in new budget authority and \$5,718,000,000 in outlays;

“(2) with respect to fiscal year 2002—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

“(B) for the violent crime reduction category: \$6,169,000,000 in new budget authority and \$6,020,000,000 in outlays; and

“(3) with respect to fiscal year 2003—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

“(B) for the violent crime reduction category: \$6,316,000,000 in new budget authority and \$6,161,000,000 in outlays;

“(4) with respect to fiscal year 2004—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

“(B) for the violent crime reduction category: \$6,458,000 in new budget authority and \$6,303,000,000 in outlays; and

“(5) with respect to fiscal year 2005—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

“(B) for the violent crime reduction category: \$6,616,000 in new budget authority and \$6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.”.

SEC. 325. REIMBURSEMENT OF STATES FOR COSTS OF INCARCERATING JUVENILE ALIENS.

(a) IN GENERAL.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a), by inserting “or illegal juvenile alien who has been adjudicated delinquent and committed to a juvenile correctional facility by such State or locality” before the period;

(2) in subsection (b), by inserting “(including any juvenile alien who has been adjudicated delinquent and has been committed to a correctional facility)” before “who is in the United States unlawfully”; and

(3) by adding at the end the following:

“(f) JUVENILE ALIEN DEFINED.—In this section, the term ‘juvenile alien’ means an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act) who has been adjudicated delinquent and committed to a correctional facility by a State or locality as a juvenile offender.”.

(b) ANNUAL REPORT.—Section 332 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1366) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) the number of illegal juvenile aliens that are committed to State or local juvenile correctional facilities, including the type of offense committed by each juvenile.”.

(c) CONFORMING AMENDMENT.—Section 241(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(B)) is amended—

(1) by striking “or” at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting “; or”; and

(3) by adding at the end the following:

“(iv) is a juvenile alien with respect to whom section 501 of the Immigration Reform and Control Act of 1986 applies.”.

Subtitle C—Alternative Education and Delinquency Prevention

SEC. 331. ALTERNATIVE EDUCATION.

Part D of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6421 et seq.) is amended by adding at the end the following:

“Subpart 4—Alternative Education Demonstration Project Grants

“SEC. 1441. PROGRAM AUTHORITY.

“(a) GRANTS.—

“(1) IN GENERAL.—From amounts appropriated under section 1443, the Secretary, in consultation with the Administrator, shall make grants to State educational agencies or local educational agencies for not less than 10 demonstration projects that enable the agencies to develop models for and carry out alternative education for at-risk youth.

“(2) CONSTRUCTION.—Nothing in this subpart shall be construed to affect the requirements of the Individuals with Disabilities Education Act.

“(b) DEMONSTRATION PROJECTS.—

“(1) PARTNERSHIPS.—Each agency receiving a grant under this subpart may enter into a partnership with a private sector entity to provide alternative educational services to at-risk youth.

“(2) REQUIREMENTS.—Each demonstration project assisted under this subpart shall—

“(A) accept for alternative education at-risk or delinquent youth who are referred by a local school or by a court with a juvenile delinquency docket and who—

“(i) have demonstrated a pattern of serious and persistent behavior problems in regular schools;

“(ii) are at risk of dropping out of school;

“(iii) have been convicted of a criminal offense or adjudicated delinquent for an act of juvenile delinquency, and are under a court’s supervision; or

“(iv) have demonstrated that continued enrollment in a regular classroom—

“(I) poses a physical threat to other students; or

“(II) inhibits an atmosphere conducive to learning; and

“(B) provide for accelerated learning, in a safe, secure, and disciplined environment, including—

“(i) basic curriculum focused on mastery of essential skills, including targeted instruction in basic skills required for secondary school graduation; and

“(ii) emphasis on—

“(I) personal, academic, social, and workplace skills; and

“(II) behavior modification.

“(c) APPLICABILITY.—Except as provided in subsections (c) and (e) of section 1442, the provisions of section 1401(c), 1402, and 1431, and subparts 1 and 2, shall not apply to this subpart.

“(d) DEFINITION OF ADMINISTRATOR.—In this subpart, the term ‘Administrator’ means the Administrator of the Office of Juvenile Crime Control and Prevention of the Department of Justice.

“SEC. 1442. APPLICATIONS; GRANTEE SELECTION.

“(a) APPLICATIONS.—Each State educational agency and local educational agency seeking a grant under this subpart shall submit an application in such form, and containing such information, as the Secretary,

in consultation with the Administrator, may reasonably require.

“(b) SELECTION OF GRANTEES.—

“(1) IN GENERAL.—The Secretary shall select State educational agencies and local educational agencies to receive grants under this subpart on an equitable geographic basis, including selecting agencies that serve urban, suburban, and rural populations.

“(2) MINIMUM.—The Secretary shall award a grant under this subpart to not less than 1 agency serving a population with a significant percentage of Native Americans.

“(3) PRIORITY.—In awarding grants under this subpart, the Secretary may give priority to State educational agencies and local educational agencies that demonstrate in the application submitted under subsection (a) that the State has a policy of equitably distributing resources among school districts in the State.

“(c) QUALIFICATIONS.—To qualify for a grant under this subpart, a State educational agency or local educational agency shall—

“(1) in the case of a State educational agency, have submitted a State plan under section 1414(a) that is approved by the Secretary;

“(2) in the case of a local educational agency, have submitted an application under section 1423 that is approved by the State educational agency;

“(3) certify that the agency will comply with the restrictions of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974;

“(4) explain the educational and juvenile justice needs of the community to be addressed by the demonstration project;

“(5) provide a detailed plan to implement the demonstration project; and

“(6) provide assurances and an explanation of the agency's ability to continue the program funded by the demonstration project after the termination of Federal funding under this subpart.

“(d) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—Grant funds provided under this subpart shall not constitute more than 35 percent of the cost of the demonstration project funded.

“(2) SOURCE OF FUNDS.—Matching funds for grants under this subpart may be derived from amounts available under section 205, or part B of title II, of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) to the State in which the demonstration project will be carried out, except that the total share of funds derived from Federal sources shall not exceed 50 percent of the cost of the demonstration project.

“(e) PROGRAM EVALUATION.—

“(1) IN GENERAL.—Each State educational agency or local educational agency that receives a grant under this subpart shall evaluate the demonstration project assisted under this subpart in the same manner as programs are evaluated under section 1431. In addition, the evaluation shall include—

“(A) an evaluation of the effect of the alternative education project on order, discipline, and an effective learning environment in regular classrooms;

“(B) an evaluation of the project's effectiveness in improving the skills and abilities of at-risk students assigned to alternative education, including an analysis of the academic and social progress of such students; and

“(C) an evaluation of the project's effectiveness in reducing juvenile crime and delinquency, including—

“(i) reductions in incidents of campus crime in relevant school districts, compared with school districts not included in the project; and

“(ii) reductions in recidivism by at-risk students who have juvenile justice system involvement and are assigned to alternative education.

“(2) EVALUATION BY THE SECRETARY.—The Secretary, in cooperation with the Administrator, shall comparatively evaluate each of the demonstration projects funded under this subpart, including an evaluation of the effectiveness of private sector educational services, and shall report the findings of the evaluation to the Committee on Education and the Workforce of the House of Representatives and the Committees on the Judiciary and Health, Education, Labor and Pensions of the Senate not later than June 30, 2005.

“SEC. 1443. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart \$15,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.”

Subtitle D—Parenting as Prevention

SEC. 341. SHORT TITLE.

This subtitle shall be cited as the “Parenting as Prevention Act”.

SEC. 342. ESTABLISHMENT OF PROGRAM.

The Secretary of Health and Human Services, in consultation with the Attorney General, the Secretary of Education, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, and the Secretary of Defense shall establish a parenting support and education program as provided in sections 343, 344, and 345.

SEC. 343. NATIONAL PARENTING SUPPORT AND EDUCATION COMMISSION.

(a) ESTABLISH COMMISSION.—The Secretary of Health and Human Services shall establish a National Parenting Support and Education Commission (hereinafter referred to as the “Commission”) to identify the best practices for parenting and to provide practical parenting advice for parents and caregivers based on the best available research data. She shall provide the Commission with necessary staff and other resources to fulfill its duties.

(b) MEMBERSHIP OF COMMISSION.—The Secretary shall appoint the Commission after consultation with the cabinet members identified in section 342. The Commission shall consist of the following members—

- (1) an adolescent representative;
- (2) a parent representative;
- (3) an expert in brain research;
- (4) experts in child development, youth development, early childhood education, primary education, and secondary education;
- (5) an expert in children's mental health;
- (6) an expert on children's health and nutrition;
- (7) an expert on child abuse prevention, diagnosis, and treatment;
- (8) a representative of parenting support programs;
- (9) a representative of parenting education;
- (10) a representative from law enforcement;
- (11) an expert on firearm safety programs;
- (12) a representative from a nonprofit organization that delivers services to children and their families which may include a faith based organization; and
- (13) such other representatives as the Secretary deems necessary.

(c) DUTIES OF COMMISSION.—The Commission shall—

- (1) identify best parenting practices for parents and caregivers of young children on topics including but not limited to brain stimulation, developing healthy attachments and social relationships, anger management and conflict resolution, character development, discipline, controlling access to television and other entertainment in-

cluding computers, firearms safety, mental health, health care and nutrition including breastfeeding, encouraging reading and lifelong learning habits, and recognition and treatment of developmental and behavioral problems;

(2) identify best parenting practices of adolescents and pre-adolescents on topics including but not limited to methods of addressing peer pressure with respect to underage drinking, sexual relations, illegal drug use, and other negative behavior; developing healthy social and family relationships; exercising discipline; controlling access to television and other entertainment including computers, video games, and movies; firearm safety; encouraging success in school; and other issues of concern to parents of adolescents;

(3) identify best parenting practices and resources available for parents and caregivers of children with special needs including fetal alcohol syndrome, fetal alcohol effect, mental illness, autism, retardation, learning disabilities, behavioral disorders, chronic illness, and physical disabilities; and

(4) review existing parenting support and education programs and the data evaluating them and make recommendations to the Secretary and the Congress on which are most effective and should receive Federal support within 18 months of appointment.

(d) PUBLIC HEARINGS AND TESTIMONY.—The Commission shall conduct four public hearings, shall solicit and receive testimony from national experts and national organizations, shall conduct a comprehensive review of academic and other research literature, and shall seek information from the Governors on existing brain development and parenting programs which have been most successful.

(e) PUBLICATION OF MATERIALS.—If not otherwise available, the Commission shall prepare materials which may include written material, videotapes, CD's, and other audio and visual material on best parenting practices and shall make them available for distribution to parents, caregivers, and others through State and local government programs, hospitals, maternity centers, and other health care providers, adoption agencies, schools, public housing units, child care centers, and social service providers. If such materials are already available, the Commission may print, reproduce, and distribute such materials.

(f) REPORTING REQUIREMENT.—The Commission shall prepare and submit a report of its findings and recommendations to the Secretary and the Congress no later than 18 months after appointment.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated in fiscal year 2000 such sums as may be necessary to support the work of the Commission and to produce and distribute the materials described in subsection (e). Such sum shall remain available until expended. Any fund appropriated pursuant to this section shall remain available until expended.

SEC. 344. STATE AND LOCAL PARENTING SUPPORT AND EDUCATION GRANT PROGRAM.

(a) STATE ALLOTMENTS.—The Secretary shall make allotments to eligible States to support parenting support and training programs. Each State shall receive an amount that bears the same relationship to the amount appropriated as the total number of children in the State bears to the total number of children in all States, but no State shall receive less than one-half of one percent of the state allocation. From the amounts provided to each State with Indian or Alaska Native populations exceeding two percent of its total statewide population, the Governor shall set aside two percent for Indian tribes as that term is defined in section

4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as amended; 25 U.S.C. 450b(e)) which shall be distributed based on the percentage of Indian children in each tribe except that with respect to Alaska, the funds shall be distributed to the nonprofit entities described in section 419(4)(B) of the Social Security Act pursuant to section 103 of Public Law 104-193 (110 Stat. 2159, 2160; 42 U.S.C. 619(4)(B)) which shall be allocated based on the percentage of Alaska Native children in each region.

(b) **STATE PARENTING SUPPORT AND EDUCATION COUNCIL.**—To be eligible to receive Federal funding, the Governor of each State shall appoint a State Parenting Support and Education Council (hereinafter referred to as the "Council") which shall include parent representatives, representatives of the State government, bipartisan representation from the State legislature, representatives from local communities, and interested children's organizations, except that the Governor may designate an existing entity that includes such groups. The Council shall conduct a needs and resources assessment of parenting support and education programs in the State to determine where programs are lacking or inadequate and identify what additional programs are needed and which programs require additional resources. It shall consider the findings and recommendations of the Parenting Commission in making those determinations. Upon completion of the assessment, the Council may consider grant applications from the State to provide statewide programs, from local communities including schools, and from nonprofit service providers including faith based organizations.

(c) **GRANTS.**—Grants may be made for:

(1) Parenting support to promote early brain development and childhood development and education including—

(A) assistance to schools to offer classroom instruction on brain stimulation, child development, and early childhood education;

(B) distribution of materials developed by the Commission or another entity that reflect best parenting practices;

(C) development and distribution of referral information on programs and services available to children and families at the local level, including eligibility criteria;

(D) voluntary hospital visits for postpartum women and in-home visits for families with infants, toddlers, or newly adopted children to provide hands-on training and one-on-one instruction on brain stimulation, child development, and early childhood education;

(E) parenting education programs including training with respect to the best parenting practices identified in subsection (c).

(2) Parenting support for adolescents and youth including funds for services and support for parents and other caregivers of young people being served by a range of education, social service, mental health, health, runaway and homeless youth programs. Programs may include the Boys and Girls Club, YMCA and YWCA, after school programs, 4-H programs, or other community based organizations. Eligible activities may include parent-caregiver support groups, peer support groups, parent education classes, seminars or discussion groups on problems facing adolescents, advocates and mentors to help parents understand and work with schools, the courts, and various treatment programs.

(3) Parenting support and education resource centers including—

(A) development of parenting resource centers which may serve as a single point of contact for the provision of comprehensive services available to children and their families including Federal, State, and local governmental and nonprofit services available to children. Such services may include child

care, respite care, pediatric care, child abuse prevention programs, nutrition programs, parent training, infant and child CPR and safety training programs, caregiver training and education, and other related programs;

(B) a national toll free anonymous parent hotline with 24 hour a day consultation and advice including referral to local community based services;

(C) respite care for parents with children with special needs, single mothers, and at-risk youth.

(d) **REPORTING.**—Each entity that receives a grant under this section shall submit a report every 2 years to the Council describing the program it has developed, the number of parents and children served, and the success of the program using specific performance measures.

(e) **ADMINISTRATIVE COSTS.**—Not more than 5 percent of the amounts received by a State may be used to pay for the administrative expenses of the Council in implementing the grant program.

(f) **SUPPLEMENT NOT SUPPLANT.**—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for parenting support and education programs.

(g) **AUTHORIZATION OF FUNDS.**—There is authorized to be appropriated such sums as are necessary for fiscal year 2000 and subsequent fiscal years.

SEC. 345. GRANTS TO ADDRESS THE PROBLEM OF VIOLENCE RELATED STRESS TO PARENTS AND CHILDREN.

(a) **FINDINGS.**—The Congress finds that a child's brain is wired between the ages of 0-3. A child's ability to learn, develop healthy family and social relationships, resist peer pressure, and control violent impulses depends on the quality and quantity of brain stimulation he receives. Research shows that children exposed to negative brain stimulation in the form of physical and sexual abuse and violence in the family or community causes the brain to be miswired making it difficult for the child to be successful in life. Intervention early in a child's life to correct the miswiring is much more successful than adult rehabilitation efforts.

(b) **IN GENERAL.**—The Secretary shall award grants, enter into contracts or cooperative agreements to public and nonprofit private entities, as well as to Indian tribes, Native Hawaiians, and Alaska Native nonprofit corporations to establish national and regional centers of excellence on psychological trauma response and to identify the best practices for treating psychiatric and behavioral disorders resulting from children witnessing or experiencing such stress.

(c) **PRIORITIES.**—In awarding grants, contracts or cooperative agreements under subsection (a) related to the identifying best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school, and community violence, and disasters.

(d) **GEOGRAPHICAL DISTRIBUTION.**—The Secretary shall ensure that grants, contracts, or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

(e) **EVALUATION.**—The Secretary shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan as part of his application for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

(f) **DURATION OF AWARDS.**—With respect to a grant, contract or cooperative agreement under this section, the period during which payments under such an award will be made to the recipient may not be less than 3 years. Such grants, contract or agreement may be renewed.

(g) **REPORT.**—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 2000 and subsequent fiscal years.

TITLE IV—VOLUNTARY MEDIA AGREEMENTS FOR CHILDREN'S PROTECTION

Subtitle A—Children and the Media

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Children's Protection Act of 1999".

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) Television is seen and heard in nearly every United States home and is a uniquely pervasive presence in the daily lives of Americans. The average American home has 2.5 televisions, and a television is turned on in the average American home 7 hours every day.

(2) Television plays a particularly significant role in the lives of children. Figures provided by Nielsen Research show that children between the ages of 2 years and 11 years spend an average of 21 hours in front of a television each week.

(3) Television has an enormous capability to influence perceptions, especially those of children, of the values and behaviors that are common and acceptable in society.

(4) The influence of television is so great that its images and messages often can be harmful to the development of children. Social science research amply documents a strong correlation between the exposure of children to televised violence and a number of behavioral and psychological problems.

(5) Hundreds of studies have proven conclusively that children who are consistently exposed to violence on television have a higher tendency to exhibit violent and aggressive behavior, both as children and later in life.

(6) Such studies also show that repeated exposure to violent programming causes children to become desensitized to and more accepting of real-life violence and to grow more fearful and less trusting of their surroundings.

(7) A growing body of social science research indicates that sexual content on television can also have a significant influence on the attitudes and behaviors of young viewers. This research suggests that heavy exposure to programming with strong sexual content contributes to the early commencement of sexual activity among teenagers.

(8) Members of the National Association of Broadcasters (NAB) adhered for many years to a comprehensive code of conduct that was based on an understanding of the influence exerted by television and on a widely held sense of responsibility for using that influence carefully.

(9) This code of conduct, the Television Code of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) "In selecting program subjects and themes, great care must be exercised to be

sure that the treatment and presentation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity.”.

(B) “Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the sound, balanced development of children to help them achieve a sense of the world at large and informed adjustments to their society.”.

(C) “Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.”.

(D) “The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly, but with sensitivity.”.

(E) “Above and beyond the requirements of the law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner.”.

(10) The National Association of Broadcasters abandoned the code of conduct in 1983 after three provisions of the code restricting the sale of advertising were challenged by the Department of Justice on antitrust grounds and a Federal district court issued a summary judgment against the National Association of Broadcasters regarding one of the provisions on those grounds. However, none of the programming standards of the code were challenged.

(11) While the code of conduct was in effect, its programming standards were never found to have violated any antitrust law.

(12) Since the National Association of Broadcasters abandoned the code of conduct, programming standards on broadcast and cable television have deteriorated dramatically.

(13) In the absence of effective programming standards, public concern about the impact of television on children, and on society as a whole, has risen substantially. Polls routinely show that more than 80 percent of Americans are worried by the increasingly graphic nature of sex, violence, and vulgarity on television and by the amount of programming that openly sanctions or glorifies criminal, antisocial, and degrading behavior.

(14) At the urging of Congress, the television industry has taken some steps to respond to public concerns about programming standards and content. The broadcast television industry agreed in 1992 to adopt a set of voluntary guidelines designed to “proscribe gratuitous or excessive portrayals of violence”. Shortly thereafter, both the broadcast and cable television industries agreed to conduct independent studies of the violent content in their programming and make those reports public.

(15) In 1996, the television industry as a whole made a commitment to develop a comprehensive rating system to label programming that may be harmful or inappropriate for children. That system was implemented at the beginning of 1999.

(16) Despite these efforts to respond to public concern about the impact of television on children, millions of Americans, especially

parents with young children, remain angry and frustrated at the sinking standards of television programming, the reluctance of the industry to police itself, and the harmful influence of television on the well-being of the children and the values of the United States.

(17) The Department of Justice issued a ruling in 1993 indicating that additional efforts by the television industry to develop and implement voluntary programming guidelines would not violate the antitrust laws. The ruling states that “such activities may be likened to traditional standard setting efforts that do not necessarily restrain competition and may have significant pro-competitive benefits Such guidelines could serve to disseminate valuable information on program content to both advertisers and television viewers. Accurate information can enhance the demand for, and increase the output of, an industry’s products or services.”.

(18) The Children’s Television Act of 1990 (Public Law 101-437) states that television broadcasters in the United States have a clear obligation to meet the educational and informational needs of children.

(19) Several independent analyses have demonstrated that the television broadcasters in the United States have not fulfilled their obligations under the Children’s Television Act of 1990 and have not noticeably expanded the amount of educational and informational programming directed at young viewers since the enactment of that Act.

(20) The popularity of video and personal computer (PC) games is growing steadily among children. Although most popular video and personal computer games are educational or harmless in nature, many of the most popular are extremely violent. One recent study by Strategic Record Research found that 64 percent of teenagers played video or personal computer games on a regular basis. Other surveys of children as young as elementary school age found that almost half of them list violent computer games among their favorites.

(21) Violent video games often present violence in a glamorized light. Game players are often cast in the role of shooter, with points scored for each “kill”. Similarly, advertising for such games often touts violent content as a selling point—the more graphic and extreme, the better.

(22) As the popularity and graphic nature of such video games grows, so do their potential to negatively influence impressionable children.

(23) Music is another extremely pervasive and popular form of entertainment. American children and teenagers listen to music more than any other demographic group. The Journal of American Medicine reported that between the 7th and 12th grades the average teenager listens to 10,500 hours of rock or rap music, just slightly less than the entire number of hours spent in the classroom from kindergarten through high school.

(24) Teens are among the heaviest purchasers of music, and are most likely to favor music genres that depict, and often appear to glamorize violence.

(25) Music has a powerful ability to influence perceptions, attitudes, and emotional state. The use of music as therapy indicates its potential to increase emotional, psychological, and physical health. That influence can be used for ill as well.

SEC. 403. PURPOSES; CONSTRUCTION.

(a) PURPOSES.—The purposes of this subtitle are to permit the entertainment industry—

(1) to work collaboratively to respond to growing public concern about television pro-

gramming, movies, video games, Internet content, and music lyrics, and the harmful influence of such programming, movies, games, content, and lyrics on children;

(2) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(3) to implement the guidelines in a manner that alleviates the negative impact of television programming, movies, video games, Internet content, and music lyrics on the development of children in the United States and stimulates the development and broadcast of educational and informational programming for such children.

(b) CONSTRUCTION.—This subtitle may not be construed as—

(1) providing the Federal Government with any authority to restrict television programming, movies, video games, Internet content, or music lyrics that is in addition to the authority to restrict such programming, movies, games, content, or lyrics under law as of the date of the enactment of this Act; or

(2) approving any action of the Federal Government to restrict such programming, movies, games, content, or lyrics that is in addition to any actions undertaken for that purpose by the Federal Government under law as of such date.

SEC. 404. EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTITRUST LAWS.

(a) EXEMPTION.—Subject to subsection (b), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed—

(1) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing violence, sexual content, criminal behavior, or other subjects that are not appropriate for children; or

(2) to promote telecast material that is educational, informational, or otherwise beneficial to the development of children.

(b) LIMITATION.—The exemption provided in subsection (a) shall not apply to any joint discussion, consideration, review, action, or agreement which—

(1) results in a boycott of any person; or

(2) concerns the purchase or sale of advertising, including (without limitation) restrictions on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

SEC. 405. EXEMPTION OF ACTIVITIES TO ENSURE COMPLIANCE WITH RATINGS AND LABELING SYSTEMS FROM APPLICABILITY OF ANTITRUST LAWS.

(a) EXEMPTION FROM ANTITRUST LAWS.—

(1) IN GENERAL.—The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement between or among persons in the motion picture, recording, or video game industry for the purpose of and limited to the development or enforcement of voluntary guidelines, procedures, and mechanisms designed to ensure compliance by persons and entities described in paragraph (2) with ratings and labeling systems to identify and limit dissemination of sexual, violent, or other indecent material to children.

(2) PERSONS AND ENTITIES DESCRIBED.—A person or entity described in this paragraph is a person or entity that is—

(A) engaged in the retail sales of motion pictures, recordings, or video games; or

(B) a theater owner or operator, video game arcade owner or operator, or other person or entity that makes available the viewing, listening, or use of a motion picture, recording, or video game to a member of the general public for compensation.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Antitrust Division of the Department of Justice, in conjunction with the Federal Trade Commission, shall submit to Congress a report on—

(1) the extent to which the motion picture, recording, and video game industry have developed or enforced guidelines, procedures, or mechanisms to ensure compliance by persons and entities described in subsection (b)(2) with ratings or labeling systems which identify and limit dissemination of sexual, violent, or other indecent material to children; and

(2) the extent to which Federal or State antitrust laws preclude those industries from developing and enforcing the guidelines described in subsection (b)(1).

SEC. 406. DEFINITIONS.

In this subtitle:

(1) ANTITRUST LAWS.—The term “antitrust laws” has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(2) INTERNET.—The term “Internet” means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(3) MOVIES.—The term “movies” means motion pictures.

(4) PERSON IN THE ENTERTAINMENT INDUSTRY.—The term “person in the entertainment industry” means a television network, any entity which produces or distributes television programming (including motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television networks, the Interactive Digital Software Association, any entity which produces or distributes video games, the Recording Industry Association of America, and any entity which produces or distributes music, and includes any individual acting on behalf of such person.

(5) TELECAST.—The term “telecast” means any program broadcast by a television broadcast station or transmitted by a cable television system.

Subtitle B—Other Matters

SEC. 411. STUDY OF MARKETING PRACTICES OF MOTION PICTURE, RECORDING, AND VIDEO/PERSONAL COMPUTER GAME INDUSTRIES.

(a) STUDY.—

(1) IN GENERAL.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the motion picture, recording, and video/personal computer game industries.

(2) ISSUES EXAMINED.—In conducting the study under paragraph (1), the Commission and the Attorney General shall examine—

(A) the extent to which the motion picture, recording, and video/personal computer industries target the marketing of violent, sexually explicit, or other unsuitable material to minors, including whether such content is advertised or promoted in media outlets in which minors comprise a substantial percentage of the audience;

(B) the extent to which retail merchants, movie theaters, or others who engage in the sale or rental for a fee of products of the motion picture, recording, and video/personal computer industries—

(i) have policies to restrict the sale, rental, or viewing to minors of music, movies, or video/personal computer games that are deemed inappropriate for minors under the applicable voluntary industry rating or labeling systems; and

(ii) have procedures compliant with such policies;

(C) whether and to what extent the motion picture, recording, and video/personal computer industries require, monitor, or encourage the enforcement of their respective voluntary rating or labeling systems by industry members, retail merchants, movie theaters, or others who engage in the sale or rental for a fee of the products of such industries;

(D) whether any of the marketing practices examined may violate Federal law; and

(E) whether and to what extent the motion picture, recording, and video/personal computer industries engage in actions to educate the public on the existence, use, or efficacy of their voluntary rating or labeling systems.

(3) FACTORS FOR DETERMINATION.—In determining whether the products of the motion picture, recording, or video/personal computer industries are violent, sexually explicit, or otherwise unsuitable for minors for the purposes of paragraph (2)(A), the Commission and the Attorney General shall consider the voluntary industry rating or labeling systems of the industry concerned as in effect on the date of the enactment of this Act.

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

(c) AUTHORITY.—For the purposes of the study conducted under subsection (a), the Commission may use its authority under section 6(b) of the Federal Trade Commission Act to require the filing of reports or answers in writing to specific questions, as well as to obtain information, oral testimony, documentary material, or tangible things.

TITLE V—GENERAL FIREARM PROVISIONS

SEC. 501. SPECIAL LICENSEES; SPECIAL REGISTRATIONS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(35) GUN SHOW.—The term ‘gun show’ means a gun show or event described in section 923(j).

“(36) SPECIAL LICENSE.—The term ‘special license’ means a license issued under section 923(m).

“(37) SPECIAL LICENSEE.—The term ‘special licensee’ means a person to whom a special license has been issued.

“(38) SPECIAL REGISTRANT.—The term ‘special registrant’ means a person to whom a special registration has been issued.

“(39) SPECIAL REGISTRATION.—The term ‘special registration’ means a registration issued under section 923(m).”.

(b) SPECIAL LICENSES; SPECIAL REGISTRATION.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

“(m) SPECIAL LICENSES; SPECIAL REGISTRATIONS.—

“(1) SPECIAL LICENSES.—

“(A) APPLICATION.—A person who—

“(i) is engaged in the business of dealing in firearms by—

“(I) buying or selling firearms solely or primarily at gun shows; or

“(II) buying or selling firearms as part of a gunsmith or firearm repair business or the conduct of other activity that, absent this subsection, would require a license under this chapter; and

“(ii) desires to have access to the National Instant Check System; may submit to the Secretary an application for a special license.

“(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph—

“(i) requires a license for conduct that did not require a license before the date of enactment of this subsection; or

“(ii) diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition, make repairs, or engage in any other conduct or activity, that was otherwise lawful to engage in without a license before the date of enactment of this subsection.

“(C) CONTENTS.—An application under subparagraph (A) shall—

“(i) contain a certification by the applicant that—

“(I) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d)(1);

“(II)(aa) the applicant conducts the firearm business primarily or solely at gun shows, and the applicant has premises (or a designated portion of premises) that may be inspected under this chapter from which the applicant conducts business (or intends to establish such premises) within a reasonable period of time; or

“(bb) the applicant conducts the firearm business from a premises (or a designated portion of premises) of a gunsmith or firearms repair business (or intends to establish such premises within a reasonable period of time); and

“(III) the firearm business to be conducted under the license—

“(aa) is not engaged in business for regularly buying and selling firearms from the applicant's premises;

“(bb) will be engaged in the buying or selling of firearms only—

“(AA) primarily or solely for a firearm business at gun shows; or

“(BB) as part of a gunsmith or firearm repair business;

“(cc) shall be conducted in accordance with all dealer recordkeeping required under this chapter for a dealer; and

“(dd) shall be subject to inspection under this chapter, including the special licensee's (or a designated portion of the premises), pursuant to the provisions in this chapter applicable to dealers;

“(ii) include a photograph and fingerprints of the applicant; and

“(iii) be in such form as the Secretary shall by regulation promulgate.

“(D) COMPLIANCE WITH STATE OR LOCAL LAW.—

“(i) IN GENERAL.—An applicant under subparagraph (A) shall not be required to certify or demonstrate that any firearm business to be conducted from the premises or elsewhere, to the extent permitted under this subsection, is or will be done in accordance with State or local law regarding the carrying on of a general business or commercial activity, including compliance with zoning restrictions.

“(ii) DUTY TO COMPLY.—The issuance of a special license does not relieve an applicant or licensee, as a matter of State or local law, from complying with State or local law described in clause (i).

“(E) APPROVAL.—

“(i) IN GENERAL.—The Secretary shall approve an application under subparagraph (A) if the application meets the requirements of subparagraph (D).

“(ii) **ISSUANCE OF LICENSE.**—On approval of the application and payment by the applicant of a fee prescribed for dealers under this section, the Secretary shall issue to the applicant a license which, subject to the provisions of this chapter and other applicable provisions of law, entitles the licensee to conduct business during the 3-year period that begins on the date on which the license is issued.

“(iii) **TIMING.**—

“(I) **IN GENERAL.**—The Secretary shall approve or disapprove an application under subparagraph (A) not later than 60 days after the Secretary receives the application.

“(II) **FAILURE TO ACT.**—If the Secretary fails to approve or disapprove an application within the time specified by subclause (I), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to act.

“(2) **SPECIAL REGISTRANTS.**—

“(A) **IN GENERAL.**—A person who is not licensed under this chapter (other than a licensed collector) and who wishes to perform instant background checks for the purposes of meeting the requirements of section 922(t) at a gun show may submit to the Secretary an application for a special registration.

“(B) **CONTENTS.**—An application under subparagraph (A) shall—

“(i) contain a certification by the applicant that—

“(I) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d)(1); and

“(II)(aa) any gun show at which the applicant will conduct instant checks under the special registration will be a show that is not prohibited by State or local law; and

“(bb) instant checks will be conducted only at gun shows that are conducted in accordance with Federal, State, and local law;

“(ii) include a photograph and fingerprints of the applicant; and

“(iii) be in such form as the Secretary shall by regulation promulgate.

“(C) **APPROVAL.**—

“(i) **IN GENERAL.**—The Secretary shall approve an application under subparagraph (A) if the application meets the requirements of subparagraph (B).

“(ii) **ISSUANCE OF REGISTRATION.**—On approval of the application and payment by the applicant of a fee of \$100 for 3 years, and upon renewal of valid registration a fee of \$50 for 3 years, the Secretary shall issue to the applicant a special registration, and notify the Attorney General of the United States of the issuance of the special registration.

“(iii) **PERMITTED ACTIVITY.**—Under a special registration, a special registrant may conduct instant check screening during the 3-year period that begins with the date on which the registration is issued.

“(D) **TIMING.**—

“(i) **IN GENERAL.**—The Secretary shall approve or deny an application under subparagraph (A) not later than 60 days after the Secretary receives the application.

“(ii) **FAILURE TO ACT.**—If the Secretary fails to approve or disapprove an application under subparagraph (A) within the time specified by clause (i), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to act.

“(E) **USE OF SPECIAL REGISTRANTS.**—

“(i) **IN GENERAL.**—A person not licensed under this chapter who desires to transfer a firearm at a gun show in the person's State of residence to another person who is a resident of the same State, may use (but shall not be required to use) the services of a special registrant to determine the eligibility of the prospective transferee to possess a firearm by having the transferee provide the special registrant at the gun show, on a special and limited-purpose form that the Sec-

retary shall prescribe for use by a special registrant—

“(I) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local places of business of the prospective transferee); and

“(II) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C).

“(ii) **ACTION BY THE SPECIAL REGISTRANT.**—The special registrant shall—

“(I) make inquiry of the national instant background check system (or as the Attorney General shall arrange, with the appropriate State point of contact agency for each jurisdiction in which the special registrant intends to offer services) concerning the prospective transferee in accordance with the established procedures for making such inquiries;

“(II) receive the response from the system;

“(III) indicate the response on both a portion of the inquiry form for the records of the special registrant and on a separate form to be provided to the prospective transferee;

“(IV) provide the response to the transferor; and

“(V) follow the procedures established by the Secretary and the Attorney General for advising a person undergoing an instant background check on the meaning of a response, and any appeal rights, if applicable.

“(iii) **RECORDKEEPING.**—A special registrant shall—

“(I) keep all records or documents that the special registrant collected pursuant to clause (ii) during the gun show; and

“(II) transmit the records to the Secretary when the special registration is no longer valid, expires, or is revoked.

“(iv) **NO OTHER REQUIREMENTS.**—Except for the requirements stated in this section, a special registrant is not subject to any of the requirements imposed on licensees by this chapter, including those in section 922(t) and paragraphs (1)(A) and (3)(A) of subsection (g) with respect to the proposed transfer of a firearm.

“(3) **NO CAUSE OF ACTION OR STANDARD OF CONDUCT.**—

“(A) **IN GENERAL.**—Nothing in this subsection—

“(i) creates a cause of action against any special registrant or any other person, including the transferor, for any civil liability; or

“(ii) establishes any standard of care.

“(B) **EVIDENCE.**—Notwithstanding any other provision of law, except to give effect to the provisions of paragraph (3)(vi), evidence regarding the use or nonuse by a transferor of the services of a special registrant under this paragraph shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a civil action brought on any theory for harm caused by a product or by negligence.

“(4) **IMMUNITY.**—

“(A) **DEFINITION.**—In this paragraph:

“(i) **IN GENERAL.**—The term ‘qualified civil liability action’ means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party.

“(ii) **EXCLUSIONS.**—The term ‘qualified civil liability action’ shall not include an action—

“(B) **IMMUNITY.**—Notwithstanding any other provision of law, a person who is—

“(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

“(ii) a licensee or special licensee who acquires a firearm at a gun show from a non-

licensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

“(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii);

shall be entitled to immunity from civil liability action as described in subparagraph (B).

“(C) **PROSPECTIVE ACTIONS.**—A qualified civil liability action may not be brought in any Federal or State court—

“(i) brought against a transferor convicted under section 922(h), or a comparable State felony law, by a person directly harmed by the transferee's criminal conduct, as defined in section 922(h); or

“(ii) brought against a transferor for negligent entrustment or negligence per se.

“(D) **DISMISSAL OF PENDING ACTIONS.**—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.

“(5) **REVOCATION.**—A special license or special registration shall be subject to revocation under procedures provided for revocation of licensees in this chapter.”.

(b) **PENALTIES.**—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(7) **SPECIAL LICENSEES; SPECIAL REGISTRANTS.**—Whoever knowingly violates section 923(m)(1) shall be fined under this title, imprisoned not more than 5 years, or both.”.

SEC. 502. CLARIFICATION OF AUTHORITY TO CONDUCT FIREARM TRANSACTIONS AT GUN SHOWS.

Section 923 of title 18, United States Code, is amended by striking subsection (j) and inserting the following:

“(j) **GUN SHOWS.**—

“(1) **IN GENERAL.**—A licensed importer, licensed manufacturer, or licensed dealer may, under regulations promulgated by the Secretary, conduct business at a temporary location, other than the location specified on the license, described in paragraph (2).

“(2) **TEMPORARY LOCATION.**—

“(A) **IN GENERAL.**—A temporary location referred to in paragraph (1) is a location for a gun show, or for an event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

“(B) **LOCATIONS OUT OF STATE.**—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (3) of this subsection.

“(C) **QUALIFIED GUN SHOWS OR EVENTS.**—A gun show or an event shall qualify as a temporary location if—

“(i) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

“(ii) the gun show or event has 20 percent or more firearm exhibitors out of all exhibitors.

“(D) **FIREARM EXHIBITOR.**—The term ‘firearm exhibitor’ means an exhibitor who displays 1 or more firearms (as defined by section 921(a)(3)) and offers such firearms for sale or trade at the gun show or event.

“(3) **RECORDS.**—Records of receipt and disposition of firearms transactions conducted at a temporary location—

“(A) shall include the location of the sale or other disposition;

“(B) shall be entered in the permanent records of the licensee; and

“(C) shall be retained at the location premises specified on the license.

“(4) VEHICLES.—Nothing in this subsection authorizes a licensee to conduct business in or from any motorized or towed vehicle.

“(5) NO SEPARATE FEE.—Notwithstanding subsection (a), a separate fee shall not be required of a licensee with respect to business conducted under this subsection.

“(6) INSPECTIONS AND EXAMINATIONS.—

“(A) AT A TEMPORARY LOCATION.—Any inspection or examination of inventory or records under this chapter by the Secretary at a temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at the temporary location.

“(B) NO REQUIREMENT.—Nothing in this subsection authorizes the Secretary to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license.

“(7) NO EFFECT ON OTHER RIGHTS.—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of this subsection, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.”.

SEC. 503. “INSTANT CHECK” GUN TAX AND GUN OWNER PRIVACY.

(a) PROHIBITION OF GUN TAX.—

(1) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

“§540B. Prohibition of background check fee

“(a) IN GENERAL.—No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a)(3) of title 18).

“(b) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney’s fee.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540A the following:

“540B. Prohibition of background check fee.”.

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“§931. Gun owner privacy and ownership rights

“(a) IN GENERAL.—Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States shall—

“(1) perform any national instant criminal background check on any person through the system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) (referred to in this section as the “system”) if the system does not require and result in the immediate destruction of all information, in any form whatsoever or

through any medium, concerning the person if the person is determined, through the use of the system, not to be prohibited by subsection (g) or (n) of section 922 or by State law from receiving a firearm; or

“(2) continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

“(A) the National Instant Check System index complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

“(B) does not invoke the exceptions under subsection (j)(2) or paragraph (2) or (3) of subsection (k) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter.

“(b) APPLICABILITY.—Subsection (a)(1) does not apply to the retention or transfer of information relating to—

“(1) any unique identification number provided by the national instant criminal background check system pursuant to section 922(t)(1)(B)(i) of title 18, United States Code; or

“(2) the date on which that number is provided.

“(c) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney’s fee.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“931. Gun owner privacy and ownership rights.”.

(c) PROVISION RELATING TO PAWN AND OTHER TRANSACTIONS.—

(1) REPEAL.—Section 655 of title VI of the Treasury and General Governmental Appropriations Act, 1999 (112 Stat. 2681–530) is repealed.

(2) RETURN OF FIREARM.—Section 922(t)(1) of title 18, United States Code, is amended by inserting “(other than the return of a firearm to the person from whom it was received)” before “to any other person”.

SEC. 504. EFFECTIVE DATE.

(a) SECTIONS 501 AND 502.—The amendments made by sections 501 and 502 shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) SECTION 503.—The amendments made by section 503 take effect on the date of enactment of this Act, except that the amendment made by subsection (a) of that section takes effect on October 1, 1999.

TITLE VI—RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

SEC. 601. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.

(a) JUVENILE WEAPONS PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking “Whoever” at the beginning of the first sentence, and inserting in lieu thereof, “Except as provided in paragraph (6) of this subsection, whoever”; and

(2) in paragraph (6), by amending it to read as follows:

“(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

“(i) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation, if—

“(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

“(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense; or

“(ii) a juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

“(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

“(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in the commission of a violent felony.

“(B) A person other than a juvenile who knowingly violates section 922(x)—

“(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

“(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

“(C) For purposes of this paragraph a ‘violent felony’ means conduct as described in section 924(e)(2)(B) of this title.

“(D) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under clause (ii) of paragraph (A), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile reaches the age of 18 years.”.

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922(x) of title 18, United States Code, is amended to read as follows:

“(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

“(A) a handgun;

“(B) ammunition that is suitable for use only in a handgun;

“(C) a semiautomatic assault weapon; or

“(D) a large capacity ammunition feeding device.

“(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

“(A) a handgun;

“(B) ammunition that is suitable for use only in a handgun;

“(C) a semiautomatic assault weapon; or

“(D) a large capacity ammunition feeding device.

“(3) This subsection does not apply to—

“(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile or to the possession or

use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile—

“(i) if the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon are possessed and used by the juvenile—

“(I) in the course of employment,

“(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

“(III) for target practice,

“(IV) for hunting, or

“(V) for a course of instruction in the safe and lawful use of a firearm;

“(ii) clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

“(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

“(II) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

“(III) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault rifle with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

“(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the line of duty;

“(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile; or

“(D) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

“(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned

to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

“(5) For purposes of this subsection, the term ‘juvenile’ means a person who is less than 18 years of age.

“(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

“(B) The court may use the contempt power to enforce subparagraph (A).

“(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

“(7) For purposes of this subsection only, the term ‘large capacity ammunition feeding device’ has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.”

SEC. 602. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

TITLE VII—ASSAULT WEAPONS

SEC. 701. SHORT TITLE.

This Act may be cited as the “Juvenile Assault Weapon Loophole Closure Act of 1999”.

SEC. 702. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “(1) Except as provided in paragraph (2)” and inserting “(1)(A) Except as provided in subparagraph (B)”;

(2) in paragraph (2), by striking “(2) Paragraph (1)” and inserting “(B) Subparagraph (A)”;

(3) by inserting before paragraph (3) the following new paragraph (2):

“(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.”; and

(4) in paragraph (4)—

(A) by striking “(1)” each place it appears and inserting “(1)(A)”; and

(B) by striking “(2)” and inserting “(1)(B)”.

SEC. 703. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking “manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994”.

SEC. 704. EFFECTIVE DATE.

This title and the amendments made by this title except sections 702 and 703 shall take effect 180 days after the date of enactment of this Act.

TITLE VIII—EFFECTIVE GUN LAW ENFORCEMENT

Subtitle A—Criminal Use of Firearms by Felons

SEC. 801. SHORT TITLE.

This subtitle may be referred to as the “Criminal Use of Firearms by Felons (CUFF) Act”.

SEC. 802. FINDINGS.

Congress finds the following:

(1) Tragedies such as those occurring recently in the communities of Pearl, Mississippi, Paducah, Kentucky, Jonesboro, Arkansas, Springfield, Oregon, and Littleton, Colorado are terrible reminders of the vulnerability of innocent individuals to random and senseless acts of criminal violence.

(2) The United States Congress has responded to the problem of gun violence by

passing numerous criminal statutes and by supporting the development of law enforcement programs designed both to punish the criminal misuse of weapons and also to deter individuals from undertaking illegal acts.

(3) In 1988, the Administration initiated an innovative program known as Project Achilles. The concept behind the initiative was that the illegal possession of firearms was the Achilles heel or the area of greatest vulnerability of criminals. By aggressively prosecuting criminals with guns in Federal court, the offenders were subject to stiffer penalties and expedited prosecutions. The Achilles program was particularly effective in removing the most violent criminals from our communities.

(4) In 1991, the Administration expanded its efforts to remove criminals with guns from our streets with Project Triggerlock. Triggerlock continued the ideas formulated in the Achilles program and committed the Department of Justice resources to the prosecution effort. Under the program, every United States Attorney was directed to form special teams of Federal, State, and local investigators to look for gang and drug cases that could be prosecuted as Federal weapon violations. Congress appropriated additional funds to allow a large number of new law enforcement officers and Federal prosecutors to target these gun and drug offenders. In 1992, approximately 7048 defendants were prosecuted under this initiative.

(5) Since 1993, the number of “Project Triggerlock” type gun prosecutions pursued by the Department of Justice has fallen to approximately 3807 prosecutions in 1998. This is a decline of over 40 percent in Federal prosecutions of criminals with guns.

(6) The threat of criminal prosecution in the Federal criminal justice system works to deter criminal behavior because the Federal system is known for speedier trials and longer prison sentences.

(7) The deterrent effect of Federal gun prosecutions has been demonstrated recently by successful programs, such as “Project Exile” in Richmond, Virginia, which resulted in a 22 percent decrease in violent crime since 1994.

(8) The Department of Justice's failure to prosecute the criminal use of guns under existing Federal law undermines the significant deterrent effect that these laws are meant to produce.

(9) The Department of Justice already possesses a vast array of Federal criminal statutes that, if used aggressively to prosecute wrongdoers, would significantly reduce both the threat of, and the incidence of, criminal gun violence.

(10) As an example, the Department of Justice has the statutory authority in section 922(q) of title 18, United States Code, to prosecute individuals who bring guns to school zones. Although the Administration stated that over 6,000 students were expelled last year for bringing guns to school, the Justice Department reports prosecuting only 8 cases under section 922(q) in 1998.

(11) The Department of Justice is also empowered under section 922(x) of title 18, United States Code, to prosecute adults who transfer handguns to juveniles. In 1998, the Department of Justice reports having prosecuted only 6 individuals under this provision.

(12) The Department of Justice's utilization of existing prosecutorial power is 1 of the most significant steps that can be taken to reduce the number of criminal acts involving guns, and represents a better response to the problem of criminal violence than the enactment of new, symbolic laws, which, if current Departmental trends hold, would likely be underutilized.

SEC. 803. CRIMINAL USE OF FIREARMS BY FELONS PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General and the Secretary of the Treasury shall establish in the jurisdictions specified in subsection (d) a program that meets the requirements of subsections (b) and (c). The program shall be known as the "Criminal Use of Firearms by Felons (CUFF) Program".

(b) PROGRAM ELEMENTS.—Each program established under subsection (a) shall, for the jurisdiction concerned—

(1) provide for coordination with State and local law enforcement officials in the identification of violations of Federal firearms laws;

(2) provide for the establishment of agreements with State and local law enforcement officials for the referral to the Bureau of Alcohol, Tobacco, and Firearms and the United States Attorney for prosecution of persons arrested for violations of section 922(a)(6), 922(g)(1), 922(g)(2), 922(g)(3), 922(j), 922(q), 922(k), or 924(c) of title 18, United States Code, or section 5861(d) or 5861(h) of the Internal Revenue Code of 1986, relating to firearms;

(3) require that the United States Attorney designate not less than 1 Assistant United States Attorney to prosecute violations of Federal firearms laws;

(4) provide for the hiring of agents for the Bureau of Alcohol, Tobacco, and Firearms to investigate violations of the provisions referred to in paragraph (2) and section 922(a)(5) of title 18, United States Code, relating to firearms; and

(5) ensure that each person referred to the United States Attorney under paragraph (2) be charged with a violation of the most serious Federal firearm offense consistent with the act committed.

(c) PUBLIC EDUCATION CAMPAIGN.—As part of the program for a jurisdiction, the United States Attorney shall carry out, in cooperation with local civic, community, law enforcement, and religious organizations, an extensive media and public outreach campaign focused in high-crime areas to—

(1) educate the public about the severity of penalties for violations of Federal firearms laws; and

(2) encourage law-abiding citizens to report the possession of illegal firearms to authorities.

(d) COVERED JURISDICTIONS.—The jurisdictions specified in this subsection are the following 25 jurisdictions:

(1) The 10 jurisdictions with a population equal to or greater than 100,000 persons that had the highest total number of violent crimes according to the FBI uniform crime report for 1998.

(2) The 15 jurisdictions with such a population, other than the jurisdictions covered by paragraph (1), with the highest per capita rate of violent crime according to the FBI uniform crime report for 1998.

SEC. 804. ANNUAL REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of Senate and House of Representatives a report containing the following information:

(1) The number of Assistant United States Attorneys hired under the program under this subtitle during the year preceding the year in which the report is submitted in order to prosecute violations of Federal firearms laws in Federal court.

(2) The number of individuals indicted for such violations during that year by reason of the program.

(3) The increase or decrease in the number of individuals indicted for such violations

during that year by reason of the program when compared with the year preceding that year.

(4) The number of individuals held without bond in anticipation of prosecution by reason of the program.

(5) To the extent information is available, the average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

SEC. 805. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the program under section 803 \$50,000,000 for fiscal year 2000, of which—

(1) \$40,000,000 shall be used for salaries and expenses of Assistant United States Attorneys and Bureau of Alcohol, Tobacco, and Firearms agents; and

(2) \$10,000,000 shall be available for the public relations campaign required by subsection (c) of that section.

(b) USE OF FUNDS.—

(1) The Assistant United States Attorneys hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall prosecute violations of Federal firearms laws in accordance with section 803(b)(3).

(2) The Bureau of Alcohol, Tobacco, and Firearms agents hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall, to the maximum extent practicable, concentrate their investigations on violations of Federal firearms laws in accordance with section 803(b)(4).

(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 803(c) should, to the maximum extent practicable, be matched with State or local funds or private donations.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts made available under subsection (a), there is authorized to be appropriated to the Administrative Office of the United States Courts such sums as may be necessary to carry out this subtitle.

Subtitle B—Apprehension and Treatment of Armed Violent Criminals**SEC. 811. APPREHENSION AND PROCEDURAL TREATMENT OF ARMED VIOLENT CRIMINALS.**

(a) PRETRIAL DETENTION FOR POSSESSION OF FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.—Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking "and" at the end of subparagraph (C) and inserting "or"; and

(3) by adding at the end the following:

"(D) an offense that is a violation of section 842(i) or 922(g) (relating to possession of explosives or firearms by convicted felons); and"

(b) FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.—Section 924(a)(2) of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(A) Except as provided in subparagraph (B), any person who"; and

(2) by adding at the end the following:

"(B) Notwithstanding any other provision of law, the court shall not grant a probationary sentence to a person who has more than 1 previous conviction for a violent felony or a serious drug offense, committed under different circumstances."

Subtitle C—Youth Crime Gun Interdiction**SEC. 821. YOUTH CRIME GUN INTERDICTION INITIATIVE.**

(a) IN GENERAL.—

(1) EXPANSION OF NUMBER OF CITIES.—The Secretary of the Treasury shall endeavor to

expand the number of cities and counties directly participating in the Youth Crime Gun Interdiction Initiative (in this section referred to as the "YCGII") to 75 cities or counties by October 1, 2000, to 150 cities or counties by October 1, 2002, and to 250 cities or counties by October 1, 2003.

(2) SELECTION.—Cities and counties selected for participation in the YCGII shall be selected by the Secretary of the Treasury and in consultation with Federal, State and local law enforcement officials.

(b) IDENTIFICATION OF INDIVIDUALS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, utilizing the information provided by the YCGII, facilitate the identification and prosecution of individuals illegally trafficking firearms to prohibited individuals.

(2) SHARING OF INFORMATION.—The Secretary of the Treasury shall share information derived from the YCGII with State and local law enforcement agencies through online computer access, as soon as such capability is available.

(c) GRANT AWARDS.—

(1) IN GENERAL.—The Secretary of the Treasury shall award grants (in the form of funds or equipment) to States, cities, and counties for purposes of assisting such entities in the tracing of firearms and participation in the YCGII.

(2) USE OF GRANT FUNDS.—Grants made under this part shall be used to—

(A) hire or assign additional personnel for the gathering, submission and analysis of tracing data submitted to the Bureau of Alcohol, Tobacco and Firearms under the YCGII;

(B) hire additional law enforcement personnel for the purpose of identifying and arresting individuals illegally trafficking firearms; and

(C) purchase additional equipment, including automatic data processing equipment and computer software and hardware, for the timely submission and analysis of tracing data.

Subtitle D—Gun Prosecution Data**SEC. 831. COLLECTION OF GUN PROSECUTION DATA.**

(a) REPORT TO CONGRESS.—On February 1, 2000, and on February 1 of each year thereafter, the Attorney General shall submit to the Committees on the Judiciary and on Appropriations of the Senate and the House of Representatives a report of information gathered under this section during the fiscal year that ended on September 30 of the preceding year.

(b) SUBJECT OF ANNUAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall require each component of the Department of Justice, including each United States Attorney's Office, to furnish for the purposes of the report described in subsection (a), information relating to any case presented to the Department of Justice for review or prosecution, in which the objective facts of the case provide probable cause to believe that there has been a violation of section 922 of title 18, United States Code.

(c) ELEMENTS OF ANNUAL REPORT.—With respect to each case described in subsection (b), the report submitted under subsection (a) shall include information indicating—

(1) whether in any such case, a decision has been made not to charge an individual with a violation of section 922 of title 18, United States Code, or any other violation of Federal criminal law;

(2) in any case described in paragraph (1), the reason for such failure to seek or obtain a charge under section 922 of title 18, United States Code;

(3) whether in any case described in subsection (b), an indictment, information, or

other charge has been brought against any person, or the matter is pending;

(4) whether, in the case of an indictment, information, or other charge described in paragraph (3), the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code;

(5) in any case described in paragraph (4) in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, whether a plea agreement of any kind has been entered into with such charged individual;

(6) whether any plea agreement described in paragraph (5) required that the individual plead guilty, to enter a plea of nolo contendere, or otherwise caused a court to enter a conviction against that individual for a violation of section 922 of title 18, United States Code;

(7) in any case described in paragraph (6) in which the plea agreement did not require that the individual plead guilty, enter a plea of nolo contendere, or otherwise cause a court to enter a conviction against that individual for a violation of section 922 of title 18, United States Code, identification of the charges to which that individual did plead guilty, and the reason for the failure to seek or obtain a conviction under that section;

(8) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, the result of any trial of such charges (guilty, not guilty, mistrial); and

(9) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document did not contain a count or counts alleging a violation of section 922 of title 18, United States Code, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial).

Subtitle E—Firearms Possession by Violent Juvenile Offenders

SEC. 841. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting “(A)” after “(20)”;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

“(B) For purposes of subsections (d) and (g) of section 922, the term ‘act of violent juvenile delinquency’ means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3)(A) shall not apply to this subparagraph).”;

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking “What constitutes” and all that follows through “this chapter,” and inserting the following:

“(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of

violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter.”.

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking “or” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; or”; and

(C) by inserting after paragraph (9) the following:

“(10) has committed an act of violent juvenile delinquency.”;

(2) in subsection (g)—

(A) in paragraph (8), by striking “or” at the end;

(B) in paragraph (9), by striking the comma at the end and inserting “; or”; and

(C) by inserting after paragraph (9) the following:

“(10) who has committed an act of violent juvenile delinquency.”.

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

Subtitle F—Juvenile Access to Certain Firearms

SEC. 851. PENALTIES FOR FIREARM VIOLATIONS INVOLVING JUVENILES.

(a) PENALTIES FOR FIREARM VIOLATIONS BY JUVENILES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking “Whoever” and inserting “Except as provided in paragraph (6), whoever”; and

(2) by striking paragraph (6) and inserting the following:

“(6) TRANSFER TO OR POSSESSION BY A JUVENILE.—

“(A) DEFINITIONS OF VIOLENT FELONY.—In this paragraph—

“(i) the term ‘juvenile’ has the meaning given the term in section 922(x); and

“(ii) the term ‘violent felony’ has the meaning given the term in subsection (e)(2)(B).

“(B) POSSESSION BY A JUVENILE.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), a juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 5 years, or both.

“(ii) PROBATION.—Unless clause (iii) applies and unless a juvenile fails to comply with a condition of probation, the juvenile may be sentenced to probation on appropriate conditions if—

“(I) the offense with which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

“(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

“(iii) SCHOOL ZONES.—A juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

“(I) the offense of which the juvenile is charged is possession of a handgun, ammuni-

tion, or semiautomatic assault weapon in violation of section 922(x)(2); and

“(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony.

“(C) TRANSFER TO A JUVENILE.—A person other than a juvenile who knowingly violates section 922(x)—

“(i) shall be fined under this title, imprisoned not less than 1 year and not more than 5 years, or both; or

“(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, or semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title and imprisoned not less than 10 and not more than 20 years.

“(D) CASES IN UNITED STATES DISTRICT COURT.—Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under subparagraph (B)(iii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult.

“(E) NO RELEASE AT AGE 18.—No juvenile sentenced to a term of imprisonment shall be released from custody solely for the reason that the juvenile has reached the age of 18 years.”.

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922 of title 18, United States Code, is amended by striking subsection (x) and inserting the following:

“(x) JUVENILES.—

“(1) DEFINITION OF JUVENILE.—In this subsection, the term ‘juvenile’ means a person who is less than 18 years of age.

“(2) TRANSFER TO JUVENILES.—It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

“(A) a handgun;

“(B) ammunition that is suitable for use only in a handgun; or

“(C) a semiautomatic assault weapon.

“(3) POSSESSION BY A JUVENILE.—It shall be unlawful for any person who is a juvenile to knowingly possess—

“(A) a handgun;

“(B) ammunition that is suitable for use only in a handgun; or

“(C) a semiautomatic assault weapon.

“(4) APPLICABILITY.—

“(A) IN GENERAL.—This subsection does not apply to—

“(i) if the conditions stated in subparagraph (B) are met, a temporary transfer of a handgun, ammunition, or semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, or semiautomatic assault weapon by a juvenile if the handgun, ammunition, or semiautomatic assault weapon is possessed and used by the juvenile—

“(I) in the course of employment;

“(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch);

“(III) for target practice;

“(IV) for hunting; or

“(V) for a course of instruction in the safe and lawful use of a handgun;

“(ii) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, or semiautomatic assault weapon in the line of duty;

“(iii) a transfer by inheritance of title (but not possession) of handgun, ammunition, or semiautomatic assault weapon to a juvenile; or

“(iv) the possession of a handgun, ammunition, or semiautomatic assault weapon taken in lawful defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

“(B) TEMPORARY TRANSFERS.—Clause (i) shall apply if—

“(i) the juvenile’s possession and use of a handgun, ammunition, or semiautomatic assault weapon under this paragraph are in accordance with State and local law; and

“(ii)(I)(aa) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile, at all times when a handgun, ammunition, or semiautomatic assault weapon is in the possession of the juvenile, has in the juvenile’s possession the prior written consent of the juvenile’s parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

“(bb) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in item (aa) is to take place, the firearm is unloaded and in a locked container or case, and during the transportation by the juvenile of the firearm, directly from the place at which such an activity took place to the transferor, the firearm is unloaded and in a locked container or case; or

“(II) with respect to ranching or farming activities as described in subparagraph (A)(i)(II)—

“(aa) a juvenile possesses and uses a handgun, ammunition, or semiautomatic assault weapon with the prior written approval of the juvenile’s parent or legal guardian;

“(bb) the approval is on file with an adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

“(cc) the adult is directing the ranching or farming activities of the juvenile.

“(5) INNOCENT TRANSFERORS.—A handgun, ammunition, or semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation under this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when the handgun, ammunition, or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

“(6) ATTENDANCE BY PARENT OR LEGAL GUARDIAN AS CRIMINAL PROCEEDINGS.—In a prosecution of a violation of this subsection, the court—

“(A) shall require the presence of a juvenile defendant’s parent or legal guardian at all proceedings;

“(B) may use the contempt power to enforce subparagraph (A); and

“(C) may excuse attendance of a parent or legal guardian of a juvenile defendant for good cause.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

Subtitle G—General Firearm Provisions

SEC. 861. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IMPROVEMENTS.

(a) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—The Attorney General shall expedite—

(A) not later than 90 days after the date of enactment of this section, a study of the feasibility of developing—

“(i) a single fingerprint convicted offender database in the Federal criminal records system maintained by the Federal Bureau of Investigation; and

(ii) procedures under which a licensed firearm dealer may voluntarily transmit to the National Instant Check System a single digitalized fingerprint for prospective firearms transferees;

(B) the provision of assistance to States, under the Crime Identification Technology Act of 1998 (112 Stat. 1871), in gaining access to records in the National Instant Check System disclosing the disposition of State criminal cases; and

(C) development of a procedure for the collection of data identifying persons that are prohibited from possessing a firearm by section 922(g) of title 18, United States Code, including persons adjudicated as a mental defective, persons committed to a mental institution, and persons subject to a domestic violence restraining order.

(2) CONSIDERATIONS.—In developing procedures under paragraph (1), the Attorney General shall consider the privacy needs of individuals.

(b) COMPATIBILITY OF BALLISTICS INFORMATION SYSTEMS.—The Attorney General and the Secretary of the Treasury shall ensure the integration and interoperability of ballistics identification systems maintained by the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, and Firearms through the National Integrated Ballistics Information Network.

(c) FORENSIC LABORATORY INSPECTION.—The Attorney General shall provide financial assistance to the American Academy of Forensic Science Laboratory Accreditation Board to be used to facilitate forensic laboratory inspection activities.

(d) RELIEF FROM DISABILITY DATABASE.—Section 925(c) of title 18, United States Code, is amended—

(1) by striking “(c) A person” and inserting the following:

“(c) RELIEF FROM DISABILITIES.—

“(1) IN GENERAL.—A person”; and

(2) by adding at the end the following:

“(2) DATABASE.—The Secretary shall establish a database, accessible through the National Instant Check System, identifying persons who have been granted relief from disability under paragraph (1).”.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2000—

(1) to pay the costs of the Federal Bureau of Investigation in operating the National Instant Check System, \$68,000,000;

(2) for payments to States that act as points of contact for access to the National Instant Check System, \$40,000,000;

(3) to carry out subsection (a)(1), \$40,000,000;

(4) to carry out subsection (a)(3), \$25,000,000;

(5) to carry out subsection (b), \$1,150,000; and

(6) to carry out subsection (c), \$1,000,000.

(f) INCREASED AUTHORIZATION.—Section 102(e)(1) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(1)) is amended by striking “this section” and all that follows and inserting “this section—

“(A) \$250,000,000 for fiscal year 1999;

“(B) \$350,000,000 for each of fiscal years 2000 through 2003.”.

TITLE IX—ENHANCED PENALTIES

SEC. 901. STRAW PURCHASES.

(a) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony, shall be—

“(i) fined under this title, imprisoned not more than 15 years, or both; or

“(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

“(B) In this paragraph—

“(i) the term ‘juvenile’ has the meaning given the term in section 922(x); and

“(ii) the term ‘violent felony’ has the meaning given the term in subsection (e)(2)(B).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 902. STOLEN FIREARMS.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “(i), (j),”; and

(B) by adding at the end the following:

“(8) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.”;

(2) in subsection (1)(1), by striking by striking “10 years, or both” and inserting “15 years, or both”; and

(3) in subsection (1), by striking “10 years, or both” and inserting “15 years, or both”.

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

SEC. 903. INCREASE IN PENALTIES FOR CRIMES INVOLVING FIREARMS.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A)—

(A) in clause (iii), by striking “10 years.” and inserting “12 years; and”; and

(B) by adding at the end the following:

“(iv) if the firearm is used to injure another person, be sentenced to a term of imprisonment of not less than 15 years.”; and

(2) in subsection (h), by striking “imprisoned not more than 10 years” and inserting “imprisoned not less than 5 years and not more than 10 years”.

SEC. 904. INCREASED PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking “one year” and inserting “3 years”; and

(2) in subsection (b), by striking “one year” and inserting “5 years”.

SEC. 905. INCREASED PENALTY FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking “one year” and inserting “3 years”; and

(2) in subsection (b), by striking “three years” each place that term appears and inserting “5 years”.

TITLE X—CHILD HANDGUN SAFETY

SEC. 1001. SHORT TITLE.

This title may be cited as the “Safe Handgun Storage and Child Handgun Safety Act of 1999”.

SEC. 1002. PURPOSES.

The purposes of this title are as follows:

(1) To promote the safe storage and use of handguns by consumers.

(2) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one of the circumstances provided for in the Youth Handgun Safety Act.

(3) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 1003. FIREARMS SAFETY.

(a) UNLAWFUL ACTS.—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

“(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under the provisions of this chapter, unless the transferee is provided with a secure gun storage or safety device, as described in section 921(a)(35) of this chapter, for that handgun.

“(2) EXCEPTIONS.—Paragraph (1) does not apply to the—

“(A)(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

“(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

“(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

“(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

“(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e): *Provided*, That the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

“(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

“(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court. The term ‘qualified civil liability action’ means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, where—

“(i) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

“(ii) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device.

A ‘qualified civil liability action’ shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.”

(b) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking “or (f)” and inserting “(f), or (p)”; and

(2) by adding at the end the following:

“(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

“(1) IN GENERAL.—

“(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

“(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

“(ii) subject the licensee to a civil penalty in an amount equal to not more than \$2,500.

“(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

“(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.”

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this title shall be construed to—

(A) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this title shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

SEC. 1004. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

TITLE XI—SCHOOL SAFETY AND VIOLENCE PREVENTION**SEC. 1101. SCHOOL SAFETY AND VIOLENCE PREVENTION.**

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

“PART I—SCHOOL SAFETY AND VIOLENCE PREVENTION**“SEC. 14851. SCHOOL SAFETY AND VIOLENCE PREVENTION.**

“Notwithstanding any other provision of titles IV and VI, funds made available under such titles may be used for—

“(1) training, including in-service training, for school personnel (including custodians and bus drivers), with respect to—

“(A) identification of potential threats, such as illegal weapons and explosive devices;

“(B) crisis preparedness and intervention procedures; and

“(C) emergency response;

“(2) training for parents, teachers, school personnel and other interested members of

the community regarding the identification and responses to early warning signs of troubled and violent youth;

“(3) innovative research-based delinquency and violence prevention programs, including—

“(A) school anti-violence programs; and

“(B) mentoring programs;

“(4) comprehensive school security assessments;

“(5) purchase of school security equipment and technologies, such as—

“(A) metal detectors;

“(B) electronic locks; and

“(C) surveillance cameras;

“(6) collaborative efforts with community-based organizations, including faith-based organizations, statewide consortia, and law enforcement agencies, that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school aged children;

“(7) providing assistance to States, local educational agencies, or schools to establish school uniform policies;

“(8) school resource officers, including community policing officers; and

“(9) other innovative, local responses that are consistent with reducing incidents of school violence and improving the educational atmosphere of the classroom.”

SEC. 1102. STUDY.

(a) STUDY.—The Comptroller General shall carry out a study regarding school safety issues, including examining—

(1) incidents of school-based violence in the United States;

(2) impediments to combating school-based violence, including local, state, and Federal education and law enforcement impediments;

(3) promising initiatives for addressing school-based violence;

(4) crisis preparedness of school personnel;

(5) preparedness of local, State, and Federal law enforcement to address incidents of school-based violence; and

(6) evaluating current school violence prevention programs.

(b) REPORT.—The Comptroller General shall prepare and submit to Congress a report regarding the results of the study conducted under paragraph (1).

SEC. 1103. SCHOOL UNIFORMS.

Part E of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8891 et seq.) is amended by adding at the end the following:

“SEC. 14515. SCHOOL UNIFORMS.

“(a) CONSTRUCTION.—Nothing in this Act shall be construed to prohibit any State, local educational agency, or school from establishing a school uniform policy.

“(b) FUNDING.—Notwithstanding any other provision of law, funds provided under titles IV and VI may be used for establishing a school uniform policy.”

SEC. 1104. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended by adding after section 14603 (20 U.S.C. 8923) the following:

“SEC. 14604. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

“(a) NONAPPLICATION OF PROVISIONS.—The provisions of this section shall not apply to any disciplinary records transferred from a private, parochial, or other nonpublic school, person, institution, or other entity, that provides education below the college level.

“(b) DISCIPLINARY RECORDS.—Not later than 2 years after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, each State receiving Federal funds under this Act shall provide an assurance to

the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, full-time or part-time, in the school.

SEC. 1105. SCHOOL VIOLENCE RESEARCH.

The Attorney General shall establish at the National Center for Rural Law Enforcement in Little Rock, Arkansas, a research center that shall serve as a resource center or clearinghouse for school violence research. The research center shall conduct, compile, and publish school violence research and otherwise conduct activities related to school violence research, including—

(1) the collection, categorization, and analysis of data from students, schools, communities, parents, law enforcement agencies, medical providers, and others for use in efforts to improve school security and otherwise prevent school violence;

(2) the identification and development of strategies to prevent school violence; and

(3) the development and implementation of curricula designed to assist local educational agencies and law enforcement agencies in the prevention of or response to school violence.

SEC. 1106. NATIONAL CHARACTER ACHIEVEMENT AWARD.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to individuals under the age of 18, on behalf of the Congress, a National Character Achievement Award, consisting of medal of appropriate design, with ribbons and appurtenances, honoring those individuals for distinguishing themselves as a model of good character.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall design and strike a medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) ELIGIBILITY.—

(1) IN GENERAL.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall establish procedures for processing recommendations to be forwarded to the President for awarding National Character Achievement Award under subsection (a).

(2) RECOMMENDATIONS BY SCHOOL PRINCIPALS.—At a minimum, the recommendations referred to in paragraph (1) shall contain the endorsement of the principal (or equivalent official) of the school in which the individual under the age of 18 is enrolled.

SEC. 1107. NATIONAL COMMISSION ON CHARACTER DEVELOPMENT.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Character Development (referred to in this section as the "Commission").

(b) MEMBERSHIP.—

(1) APPOINTING AUTHORITY.—The Commission shall consist of 36 members, of whom—

(A) 12 shall be appointed by the President;

(B) 12 shall be appointed by the Speaker of the House of Representatives; and

(C) 12 shall be appointed by the President pro tempore of the Senate, on the recommendation of the majority and minority leaders of the Senate.

(2) COMPOSITION.—The President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall each appoint as members of the Commission—

(A) 1 parent;

(B) 1 student;

(C) 2 representatives of the entertainment industry (including the segments of the industry relating to audio, video, and multimedia entertainment);

(D) 2 members of the clergy;

(E) 2 representatives of the information or technology industry;

(F) 1 local law enforcement official;

(G) 2 individuals who have engaged in academic research with respect to the impact of cultural influences on child development and juvenile crime; and

(H) 1 representative of a grassroots organization engaged in community and child intervention programs.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall study and make recommendations with respect to the impact of current cultural influences (as of the date of the study) on the process of developing and instilling the key aspects of character, which include trustworthiness, honesty, integrity, an ability to keep promises, loyalty, respect, responsibility, fairness, a caring nature, and good citizenship.

(2) REPORTS.—

(A) INTERIM REPORTS.—The Commission shall submit to the President and Congress such interim reports relating to the study as the Commission considers to be appropriate.

(B) FINAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit a final report to the President and Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study, together with recommendations for such legislation and administrative actions as the Commission considers to be appropriate.

(d) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(g) PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2000 and 2001.

SEC. 1108. JUVENILE ACCESS TO TREATMENT.

(a) COORDINATED JUVENILE SERVICES GRANTS.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after section 205 the following:

"SEC. 205A. COORDINATED JUVENILE SERVICES GRANTS.

"(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, working in conjunction with the Center for Substance Abuse of the Substance Abuse and Mental Health Services Administration, may make grants to a consortium within a State of State or local juvenile justice agencies or State or local substance abuse and mental health agencies, and child service agencies to coordinate the delivery of services to children among these agencies. Any public agency may serve as the lead entity for the consortium.

"(b) USE OF FUNDS.—A consortium described in subsection (a) that receives a grant under this section shall use the grant for the establishment and implementation of programs that address the service needs of adolescents with substance abuse or mental health treatment problems, including those who come into contact with the justice system by requiring the following:

"(1) Collaboration across child serving systems, including juvenile justice agencies, relevant public and private substance abuse and mental health treatment providers, and State or local educational entities and welfare agencies.

"(2) Appropriate screening and assessment of juveniles.

"(3) Individual treatment plans.

"(4) Significant involvement of juvenile judges where appropriate.

"(c) APPLICATION FOR COORDINATED JUVENILE SERVICES GRANT.—

"(1) IN GENERAL.—A consortium described in subsection (a) desiring to receive a grant under this section shall submit an application containing such information as the Administrator may prescribe.

"(2) CONTENTS.—In addition to guidelines established by the Administrator, each application submitted under paragraph (1) shall provide—

"(A) certification that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

"(B) for the regular evaluation of the program funded by the grant and describe the methodology that will be used in evaluating the program;

"(C) assurances that the proposed program or activity will not supplant similar programs and activities currently available in the community; and

"(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

"(3) FEDERAL SHARE.—The Federal share of a grant under this section shall not exceed 75 percent of the cost of the program.

"(d) REPORT.—Each recipient of a grant under this section during a fiscal year shall submit to the Attorney General a report regarding the effectiveness of programs established with the grant on the date specified by the Attorney General.

“(e) FUNDING.—Grants under this section shall be considered an allowable use under section 205(a) and subtitle B.”.

SEC. 1109. BACKGROUND CHECKS.

Section 5(9) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(9)) is amended—

(1) in subparagraph (A)(i), by inserting “(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)” before the semicolon; and

(2) in subparagraph (B)(i), by inserting “(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)” before the semicolon.

SEC. 1110. DRUG TESTS.

(a) SHORT TITLE.—This section may be cited as the “School Violence Prevention Act”.

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking “and” after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

“(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test; and”.

SEC. 1111. SENSE OF THE SENATE.

It is the sense of the Senate that States receiving Federal elementary and secondary education funding should require local educational agencies to conduct, for each of their employees (regardless of when hired) and prospective employees, a nationwide background check for the purpose of determining whether the employee has been convicted of a crime that bears upon his fitness to have responsibility for the safety or well-being of children, to serve in the particular capacity in which he is (or is to be) employed, or otherwise to be employed at all thereby.

TITLE XII—TEACHER LIABILITY PROTECTION ACT

SEC. 1201. SHORT TITLE.

This title may be cited as the “Teacher Liability Protection Act of 1999”.

SEC. 1202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appro-

priate educational environment is an appropriate subject of Federal legislation because—

(A) the national scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of the children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

SEC. 1203. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NON-APPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 1204. LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (d), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(c) NO EFFECT ON LIABILITY OF SCHOOL OR GOVERNMENTAL ENTITY.—Nothing in this section shall be construed to affect the liability of any school or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher

liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 1205. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of

fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 1206. DEFINITIONS.

For purposes of this title:

(1) **ECONOMIC LOSS.**—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) **HARM.**—The term "harm" includes physical, nonphysical, economic, and non-economic losses.

(3) **NONECONOMIC LOSSES.**—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) **SCHOOL.**—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) **STATE.**—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) **TEACHER.**—The term "teacher" means a teacher, instructor, principal, administrator, or other educational professional, that works in a school.

SEC. 1207. EFFECTIVE DATE.

(a) **IN GENERAL.**—This title shall take effect 90 days after the date of enactment of this Act.

(b) **APPLICATION.**—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

TITLE XIII—VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

SEC. 1301. SHORT TITLE.

This title may be cited as the "Violence Prevention Training for Early Childhood Educators Act".

SEC. 1302. PURPOSE.

The purpose of this title is to provide grants to institutions that carry out early childhood education training programs to enable the institutions to include violence prevention training as part of the preparation of individuals pursuing careers in early childhood development and education.

SEC. 1303. FINDINGS.

Congress makes the following findings:

(1) Aggressive behavior in early childhood is the single best predictor of aggression in later life.

(2) Aggressive and defiant behavior predictive of later delinquency is increasing among our Nation's youngest children. Without prevention efforts, higher percentages of juveniles are likely to become violent juvenile offenders.

(3) Research has demonstrated that aggression is primarily a learned behavior that develops through observation, imitation, and

direct experience. Therefore, children who experience violence as victims or as witnesses are at increased risk of becoming violent themselves.

(4) In a study at a Boston city hospital, 1 out of every 10 children seen in the primary care clinic had witnessed a shooting or a stabbing before the age of 6, with 50 percent of the children witnessing in the home and 50 percent of the children witnessing in the streets.

(5) A study in New York found that children who had been victims of violence within their families were 24 percent more likely to report violent behavior as adolescents, and adolescents who had grown up in families where partner violence occurred were 21 percent more likely to report violent delinquency than individuals not exposed to violence.

(6) Aggression can become well-learned and difficult to change by the time a child reaches adolescence. Early childhood offers a critical period for overcoming risk for violent behavior and providing support for prosocial behavior.

(7) Violence prevention programs for very young children yield economic benefits. By providing health and stability to the individual child and the child's family, the programs may reduce expenditures for medical care, special education, and involvement with the judicial system.

(8) Primary prevention can be effective. When preschool teachers teach young children interpersonal problem-solving skills and other forms of conflict resolution, children are less likely to demonstrate problem behaviors.

(9) There is evidence that family support programs in families with children from birth through 5 years of age are effective in preventing delinquency.

SEC. 1304. DEFINITIONS.

In this title:

(1) **AT-RISK CHILD.**—The term "at-risk child" means a child who has been affected by violence through direct exposure to child abuse, other domestic violence, or violence in the community.

(2) **EARLY CHILDHOOD EDUCATION TRAINING PROGRAM.**—The term "early childhood education training program" means a program that—

(A)(i) trains individuals to work with young children in early child development programs or elementary schools; or

(ii) provides professional development to individuals working in early child development programs or elementary schools;

(B) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider; and

(C) leads to a bachelor's degree or an associate's degree, a certificate for working with young children (such as a Child Development Associate's degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.

(3) **ELEMENTARY SCHOOL.**—The term "elementary school" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(4) **VIOLENCE PREVENTION.**—The term "violence prevention" means—

(A) preventing violent behavior in children;

(B) identifying and preventing violent behavior in at-risk children; or

(C) identifying and ameliorating violent behavior in children who act out violently.

SEC. 1305. PROGRAM AUTHORIZED.

(a) **GRANT AUTHORITY.**—The Secretary of Education is authorized to award grants to

institutions that carry out early childhood education training programs and have applications approved under section 1306 to enable the institutions to provide violence prevention training as part of the early childhood education training program.

(b) **AMOUNT.**—The Secretary of Education shall award a grant under this title in an amount that is not less than \$500,000 and not more than \$1,000,000.

(c) **DURATION.**—The Secretary of Education shall award a grant under this title for a period of not less than 3 years and not more than 5 years.

SEC. 1306. APPLICATION.

(a) **APPLICATION REQUIRED.**—Each institution desiring a grant under this title shall submit to the Secretary of Education an application at such time, in such manner, and accompanied by such information as the Secretary of Education may require.

(b) **CONTENTS.**—Each application shall—

(1) describe the violence prevention training activities and services for which assistance is sought;

(2) contain a comprehensive plan for the activities and services, including a description of—

(A) the goals of the violence prevention training program;

(B) the curriculum and training that will prepare students for careers which are described in the plan;

(C) the recruitment, retention, and training of students;

(D) the methods used to help students find employment in their fields;

(E) the methods for assessing the success of the violence prevention training program; and

(F) the sources of financial aid for qualified students;

(3) contain an assurance that the institution has the capacity to implement the plan; and

(4) contain an assurance that the plan was developed in consultation with agencies and organizations that will assist the institution in carrying out the plan.

SEC. 1307. SELECTION PRIORITIES.

The Secretary of Education shall give priority to awarding grants to institutions carrying out violence prevention programs that include 1 or more of the following components:

(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).

(2) Preparation to engage in community outreach or collaboration with other services in the community.

(3) Preparation to use conflict resolution training with children.

(4) Preparation to work in economically disadvantaged communities.

(5) Recruitment of economically disadvantaged students.

(6) Carrying out programs of demonstrated effectiveness in the type of training for which assistance is sought, including programs funded under section 596 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

SEC. 1308. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title \$15,000,000 for each of the fiscal years 2000 through 2004.

TITLE XIV—PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION

SEC. 1401. PURPOSE.

The purpose of this title is to support the work of community-based organizations, local educational agencies, and schools in providing children and youth with alternatives to delinquency through strong

school-based and after school programs that—

- (1) are organized around character education;
- (2) reduce delinquency, school discipline problems, and truancy; and
- (3) improve student achievement, overall school performance, and youths' positive involvement in their community.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

- (1) \$15,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out school-based programs under section 1403; and
- (2) \$10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the after school programs under section 1404.

(b) SOURCE OF FUNDING.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

SEC. 1403. SCHOOL-BASED PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to schools, or local educational agencies that enter into a partnership with a school, to support the development of character education programs in the schools in order to—

- (1) reduce delinquency, school discipline problems, and truancy; and
- (2) improve student achievement, overall school performance, and youths' positive involvement in their community.

(b) APPLICATIONS.—Each school or local educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(1) CONTENTS.—Each application shall include—

(A) a description of the community to be served and the needs that will be met with the program in that community;

(B) a description of how the program will reach youth at-risk of delinquency;

(C) a description of the activities to be assisted, including—

(i) how parents, teachers, students, and other members of the community will be involved in the design and implementation of the program;

(ii) the character education program to be implemented, including methods of teacher training and parent education that will be used or developed; and

(iii) how the program will coordinate activities assisted under this section with other youth serving activities in the larger community;

(D) a description of the goals of the program;

(E) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(F) an assurance that the school or local educational agency will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 1404. AFTER SCHOOL PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to community-based organizations to enable the organizations to provide youth with alternative activities, in the after school or out of school hours, that include a strong character education component.

(b) ELIGIBLE COMMUNITY-BASED ORGANIZATIONS.—The Secretary only shall award a grant under this section to a community-based organization that has a demonstrated capacity to provide after school or out of school programs to youth, including youth

serving organizations, businesses, and other community groups.

(c) APPLICATIONS.—Each community-based organization desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(1) a description of the community to be served and the needs that will be met with the program in that community;

(2) a description of how the program will identify and recruit at-risk youth for participation in the program, and will provide continuing support for their participation;

(3) a description of the activities to be assisted, including—

(A) how parents, students, and other members of the community will be involved in the design and implementation of the program;

(B) how character education will be incorporated into the program; and

(C) how the program will coordinate activities assisted under this section with activities of schools and other community-based organizations;

(4) a description of the goals of the program;

(5) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(6) an assurance that the community-based organization will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 1405. GENERAL PROVISIONS.

(a) DURATION.—Each grant under this title shall be awarded for a period of not to exceed 5 years.

(b) PLANNING.—A school, local educational agency or community-based organization may use grant funds provided under this title for not more than 1 year for the planning and design of the program to be assisted.

(c) SELECTION OF GRANTEES.—

(1) CRITERIA.—The Secretary, in consultation with the Attorney General, shall select, through a peer review process, community-based organizations, schools, and local educational agencies to receive grants under this title on the basis of the quality of the applications submitted and taking into consideration such factors as—

(A) the quality of the activities to be assisted;

(B) the extent to which the program fosters in youth the elements of character and reaches youth at-risk of delinquency;

(C) the quality of the plan for measuring and assessing the success of the program;

(D) the likelihood the goals of the program will be realistically achieved;

(E) the experience of the applicant in providing similar services; and

(F) the coordination of the program with larger community efforts in character education.

(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this title in a manner that ensures, to the extent practicable, that programs assisted under this title serve different areas of the United States, including urban, suburban and rural areas, and serve at-risk populations.

(d) USE OF FUNDS.—Grant funds under this title shall be used to support the work of community-based organizations, schools, or local educational agencies in providing children and youth with alternatives to delinquency through strong school-based, after school, or out of school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

(d) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this Act have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) CHARACTER EDUCATION.—The term "character education" means an organized educational program that works to reinforce core elements of character, including caring, civic virtue and citizenship, justice and fairness, respect, responsibility, and trustworthiness.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

TITLE XV—VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999

SEC. 1501. SHORT TITLE.

This title may be cited as the "Violent Offender DNA Identification Act of 1999".

SEC. 1502. ELIMINATION OF CONVICTED OFFENDER DNA BACKLOG.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, and after consultation with representatives of State and local forensic laboratories, shall develop a voluntary plan to assist State and local forensic laboratories in performing DNA analyses of DNA samples collected from convicted offenders.

(2) OBJECTIVE.—The objective of the plan developed under paragraph (1) shall be to effectively eliminate the backlog of convicted offender DNA samples awaiting analysis in State or local forensic laboratory storage, including samples that need to be reanalyzed using upgraded methods, in an efficient, expeditious manner that will provide for their entry into the Combined DNA Indexing System (CODIS).

(b) PLAN CONDITIONS.—The plan developed under subsection (a) shall—

(1) require that each laboratory performing DNA analyses satisfy quality assurance standards and utilize state-of-the-art testing methods, as set forth by the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice; and

(2) require that each DNA sample collected and analyzed be accessible only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) IMPLEMENTATION OF PLAN.—Subject to the availability of appropriations under subsection (d), the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, shall implement the plan developed pursuant to subsection (a) with State and local forensic laboratories that elect to participate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this

section \$15,000,000 for each of fiscal years 2000 and 2001.

SEC. 1503. DNA IDENTIFICATION OF FEDERAL, DISTRICT OF COLUMBIA, AND MILITARY VIOLENT OFFENDERS.

(a) **EXPANSION OF DNA IDENTIFICATION INDEX.**—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended to read as follows:

“(2) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include information on DNA identification records and analyses related to criminal offenses and acts of juvenile delinquency under Federal law, the Uniform Code of Military Justice, and the District of Columbia Code, in accordance with section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).”.

(b) **INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.**—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1), by striking “persons convicted of crimes” and inserting “individuals convicted of criminal offenses or adjudicated delinquent for acts of juvenile delinquency, including qualifying offenses (as defined in subsection (d)(1))”;

(2) in subsection (b)(2), by striking “, at regular intervals of not to exceed 180 days,” and inserting “semiannual”; and

(3) by adding at the end the following:

“(d) **INCLUSION OF DNA INFORMATION RELATING TO VIOLENT OFFENDERS.**—

“(1) **DEFINITIONS.**—In this subsection—

“(A) the term ‘crime of violence’ has the meaning given such term in section 924(c)(3) of title 18, United States Code; and

“(B) the term ‘qualifying offense’ means a criminal offense or act of juvenile delinquency included on the list established by the Director of the Federal Bureau of Investigation under paragraph (2)(A)(i).

“(2) **REGULATIONS.**—

“(A) **IN GENERAL.**—Not later than 90 days after the date of enactment of this subsection, and at the discretion of the Director thereafter, the Director of the Federal Bureau of Investigation, in consultation with the Director of the Bureau of Prisons, the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), and the Chief of Police of the Metropolitan Police Department of the District of Columbia, shall by regulation establish—

“(i) a list of qualifying offenses; and

“(ii) standards and procedures for—

“(I) the analysis of DNA samples collected from individuals convicted of or adjudicated delinquent for a qualifying offense;

“(II) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in subclause (I); and

“(III) with respect to juveniles, the expungement of DNA identification records and DNA analyses described in subclause (II) from the index established by this section in any circumstance in which the underlying adjudication for the qualifying offense has been expunged.

“(B) **OFFENSES INCLUDED.**—The list established under subparagraph (A)(i) shall include—

“(i) each criminal offense or act of juvenile delinquency under Federal law that—

“(I) constitutes a crime of violence; or

“(II) in the case of an act of juvenile delinquency, would, if committed by an adult, constitute a crime of violence;

“(ii) each criminal offense under the District of Columbia Code that constitutes a crime of violence; and

“(iii) any other felony offense under Federal law or the District of Columbia Code, as determined by the Director of the Federal Bureau of Investigation.

“(3) **FEDERAL OFFENDERS.**—

“(A) **COLLECTION OF SAMPLES FROM FEDERAL PRISONERS.**—

“(i) **IN GENERAL.**—Beginning 180 days after the date of enactment of this subsection, the Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who, before or after this subsection takes effect, has been convicted of or adjudicated delinquent for a qualifying offense.

“(ii) **TIME AND MANNER.**—The Director of the Bureau of Prisons shall specify the time and manner of collection of DNA samples under this subparagraph.

“(B) **COLLECTION OF SAMPLES FROM FEDERAL OFFENDERS ON SUPERVISED RELEASE, PAROLE, OR PROBATION.**—

“(i) **IN GENERAL.**—Beginning 180 days after the date of enactment of this subsection, the agency responsible for the supervision under Federal law of an individual on supervised release, parole, or probation (other than an individual described in paragraph (4)(B)(i)) shall collect a DNA sample from each individual who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

“(ii) **TIME AND MANNER.**—The Director of the Administrative Office of the United States Courts shall specify the time and manner of collection of DNA samples under this subparagraph.

“(4) **DISTRICT OF COLUMBIA OFFENDERS.**—

“(A) **OFFENDERS IN CUSTODY OF DISTRICT OF COLUMBIA.**—

“(i) **IN GENERAL.**—The Government of the District of Columbia may—

“(I) identify 1 or more categories of individuals who are in the custody of, or under supervision by, the District of Columbia, from whom DNA samples should be collected; and

“(II) collect a DNA sample from each individual in any category identified under clause (i).

“(ii) **DEFINITION.**—In this subparagraph, the term ‘individuals in the custody of, or under supervision by, the District of Columbia’—

“(I) includes any individual in the custody of, or under supervision by, any agency of the Government of the District of Columbia; and

“(II) does not include an individual who is under the supervision of the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997.

“(B) **OFFENDERS ON SUPERVISED RELEASE, PROBATION, OR PAROLE.**—

“(i) **IN GENERAL.**—Beginning 180 days after the date of enactment of this subsection, the Director of the Court Services and Offender Supervision Agency for the District of Columbia, or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997, as appropriate, shall collect a DNA sample from each individual under the supervision of the Agency or Trustee, respectively, who is on supervised release, parole, or probation and who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

“(ii) **TIME AND MANNER.**—The Director or the Trustee, as appropriate, shall specify the time and manner of collection of DNA samples under this subparagraph.

“(5) **WAIVER; COLLECTION PROCEDURES.**—Notwithstanding any other provision of this subsection, a person or agency responsible for the collection of DNA samples under this subsection may—

“(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected such a sample from the individual under this subsection or subsection (e); and

“(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

“(e) **INCLUSION OF DNA INFORMATION RELATING TO VIOLENT MILITARY OFFENDERS.**—

“(1) **IN GENERAL.**—Not later than 120 days after the date of enactment of this subsection, the Secretary of Defense shall prescribe regulations that—

“(A) specify categories of conduct punishable under the Uniform Code of Military Justice (referred to in this subsection as ‘qualifying military offenses’) that are comparable to qualifying offenses (as defined in subsection (d)(1)); and

“(B) set forth standards and procedures for—

“(i) the analysis of DNA samples collected from individuals convicted of a qualifying military offense; and

“(ii) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in clause (i).

“(2) **COLLECTION OF SAMPLES.**—

“(A) **IN GENERAL.**—Beginning 180 days after the date of enactment of this subsection, the Secretary of Defense shall collect a DNA sample from each individual under the jurisdiction of the Secretary of a military department who has, before or after this subsection takes effect, been convicted of a qualifying military offense.

“(B) **TIME AND MANNER.**—The Secretary of Defense shall specify the time and manner of collection of DNA samples under this paragraph.

“(3) **WAIVER; COLLECTION PROCEDURES.**—Notwithstanding any other provision of this subsection, the Secretary of Defense may—

“(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected or will collect such a sample from the individual under subsection (d); and

“(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

“(f) **CRIMINAL PENALTY.**—

“(1) **IN GENERAL.**—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (d) who fails to cooperate in the collection of that sample shall be—

“(A) guilty of a class A misdemeanor; and

“(B) punished in accordance with title 18, United States Code.

“(2) **MILITARY OFFENDERS.**—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (e) who fails to cooperate in the collection of that sample may be punished as a court martial may direct as a violation of the Uniform Code of Military Justice.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated—

“(1) to the Department of Justice to carry out subsection (d) of this section (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such subsection, as determined by the Attorney General) and section 3(d) of the Violent Offender DNA Identification Act of 1999—

“(A) \$6,600,000 for fiscal year 2000; and

“(B) such sums as may be necessary for each of fiscal years 2001 through 2004;

“(2) to the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), such sums as may be necessary for each of fiscal years 2000 through 2004; and

“(3) to the Department of Defense to carry out subsection (e)—

“(A) \$600,000 for fiscal year 2000; and

“(B) \$300,000 for each of fiscal years 2001 through 2004.”.

(C) CONDITIONS OF RELEASE.—

(1) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (7), by striking “and” at the end;

(B) in paragraph (8), by striking the period at the end and inserting “; and”; and

(C) by inserting after paragraph (8) the following:

“(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).”.

(2) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting before “The court shall also order” the following: “The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).”.

(3) CONDITIONS OF RELEASE GENERALLY.—If the collection of a DNA sample from an individual on probation, parole, or supervised release pursuant to a conviction or adjudication of delinquency under the law of any jurisdiction (including an individual on parole pursuant to chapter 311 of title 18, United States Code, as in effect on October 30, 1997) is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and the sample has not otherwise been collected, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

(d) REPORT AND EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs of the Department of Justice and the Director of the Federal Bureau of Investigation, shall—

(1) conduct an evaluation to—

(A) identify criminal offenses, including offenses other than qualifying offenses (as defined in section 210304(d)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(d)(1)), as added by this section) that, if serving as a basis for the mandatory collection of a DNA sample under section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) or under State law, are likely to yield DNA matches, and the relative degree of such likelihood with respect to each such offense; and

(B) determine the number of investigations aided (including the number of suspects cleared), and the rates of prosecution and conviction of suspects identified through DNA matching; and

(2) submit to Congress a report describing the results of the evaluation under paragraph (1).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANTS.—Section 503(a)(12)(C) of title I

of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking “, at regular intervals of not to exceed 180 days,” and inserting “semiannual”.

(2) DNA IDENTIFICATION GRANTS.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk-2(3)) is amended by striking “, at regular intervals not exceeding 180 days,” and inserting “semiannual”.

(3) FEDERAL BUREAU OF INVESTIGATION.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking “, at regular intervals of not to exceed 180 days,” and inserting “semiannual”.

TITLE XVI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1601. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting “(A)” after “(20)”;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

“(B) For purposes of subsections (d) and (g) of section 922, the term ‘act of violent juvenile delinquency’ means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3) shall not apply to this subparagraph).”; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking “What constitutes” and all that follows through “this chapter,” and inserting the following:

“(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter.”.

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking “or” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; or”; and

(C) by inserting after paragraph (9) the following:

“(10) has committed an act of violent juvenile delinquency.”; and

(2) in subsection (g)—

(A) in paragraph (8), by striking “or” at the end;

(B) in paragraph (9), by striking the comma at the end and inserting “; or”; and

(C) by inserting after paragraph (9) the following:

“(10) who has committed an act of violent juvenile delinquency.”.

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies

to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

SEC. 1602. SAFE STUDENTS.

(a) SHORT TITLE.—This section may be cited as the “Safe Students Act.”

(b) PURPOSE.—It is the purpose of this section to maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs.

(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, award grants to local education agencies and to law enforcement agencies to assist in the planning, establishing, operating, coordinating and evaluating of school violence prevention and school safety programs.

(d) APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (c), an entity shall—

(A) be a local education agency or a law enforcement agency; and

(B) prepare and submit to the Attorney General an application at such time, in such manner and containing such information as the Attorney General may require, including—

(i) a detailed explanation of the intended uses of funds provided under the grant; and

(ii) a written assurance that the schools to be served under the grant will have a zero tolerance policy in effect for drugs, alcohol, weapons, truancy and juvenile crime on school campuses.

(2) PRIORITY.—The Attorney General shall give priority in awarding grants under this section to applications that have been submitted jointly by a local education agency and a law enforcement agency.

(e) ALLOWABLE USES OF FUNDS.—Amounts received under a grant under this section shall be used for innovative, local responses, consistent with the purposes of this Act, which may include—

(1) training, including in-service training, for school personnel, custodians and bus drivers in—

(A) the identification of potential threats (such as illegal weapons and explosive devices);

(B) crisis preparedness and intervention procedures; and

(C) emergency response;

(2) training of interested parents, teachers and other school and law enforcement personnel in the identification and responses to early warning signs of troubled and violent youth;

(3) innovative research-based delinquency and violence prevention programs, including mentoring programs;

(4) comprehensive school security assessments;

(5) the purchase of school security equipment and technologies such as metal detectors, electronic locks, surveillance cameras;

(6) collaborative efforts with law enforcement agencies, community-based organizations (including faith-based organizations) that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school age children;

(7) providing assistance to families in need for the purpose of purchasing required school uniforms;

(8) school resource officers, including community police officers; and

(9) community policing in and around schools.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, \$200,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.

(g) **REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Attorney General shall prepare and submit to the appropriate committees of Congress a report concerning the manner in which grantees have used amounts received under a grant under this section.

SEC. 1603. STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.

(a) **IN GENERAL.**—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry, with respect to children.

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

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

SEC. 1604. PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) **REQUIREMENT TO PROVIDE.**—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) **SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.**—

(1) **SURVEYS.**—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers.

(2) **FREQUENCY.**—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) **FEES.**—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) **APPLICABILITY.**—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) **INTERNET SERVICE PROVIDER DEFINED.**—In this section, the term “Internet service provider” means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

SEC. 1605. APPLICATION OF SECTION 923 (j) AND (m).

Notwithstanding any other provision of this Act, section 923 of title 18, United States Code, as amended by this Act, shall be applied by amending in subsections (j) and (m) the following:

(1) In subsection (j) amend—

(A) paragraph (2) (A), (B) and (C) to read as follows:

“(A) **IN GENERAL.**—A temporary location referred to in paragraph (1) is a location for a gun show, or event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

“(B) **LOCATIONS OUT OF STATE.**—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (7) of this subsection.

“(C) **QUALIFIED GUN SHOWS OR EVENTS.**—A gun show or an event shall qualify as a temporary location if—

“(i) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

“(ii) the gun show or event has—

“(I) 20 percent or more firearm exhibitors out of all exhibitors; or

“(II) 10 or more firearms exhibitors.”.

(B) paragraph (3)(C) to read as follows:

“(C) shall be retained at the premises specified on the license.”; and

(C) paragraph (7) to read as follows:

“(7) **NO EFFECT ON OTHER RIGHTS.**—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of the Firearms Owners’ Protection Act, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.”.

(2) In subsection (m), amend—

(A) paragraph (2)(E)(i) to read as follows:

“(i) **IN GENERAL.**—A person not licensed under this section who desires to transfer a firearm at a gun show in his State of residence to another person who is a resident of the same State, and not licensed under this section, shall only make such a transfer through a licensee who can conduct an instant background check at the gun show, or directly to the prospective transferee if an

instant background check is first conducted by a special registrant at the gun show on the prospective transferee. For any instant background check conducted at a gun show, the time period stated in section 922(t)(1)(B)(ii) of this chapter shall be 24 hours in a calendar day since the licensee contacted the system. If the services of a special registrant are used to determine the firearms eligibility of the prospective transferee to possess a firearm, the transferee shall provide the special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

“(I) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local places of business of the prospective transferee); and

“(II) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C).”; and

(B) paragraph (4) to read as follows:

“(4) **IMMUNITY.**—

“(A) **DEFINITION.**—In this paragraph:

“(i) **IN GENERAL.**—The term ‘qualified civil liability action’ means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party.

“(ii) **EXCLUSIONS.**—The term ‘qualified civil liability action’ shall not include an action—

“(I) brought against a transferor convicted under section 924(h), or a comparable State felony law, by a person directly harmed by the transferee’s criminal conduct, as defined in section 924(h); or

“(II) brought against a transferor for negligent entrustment or negligence per se.

“(B) **IMMUNITY.**—Notwithstanding any other provision of law, a person who is—

“(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

“(ii) a licensee or special licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

“(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii);

shall be entitled to immunity from civil liability action as described in subparagraphs (C) and (D).

“(C) **PROSPECTIVE ACTIONS.**—A qualified civil liability action may not be brought in any Federal or State court.

“(D) **DISMISSAL OF PENDING ACTIONS.**—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.”.

SEC. 1606. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) **FINDINGS.**—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial that is placed on the campus of a public school in order to honor the memory of any person slain on that campus a part of which includes religious symbols, motifs, or sayings does not

violate the First Amendment to the Constitution of the United States.

(b) **LAWSUITS.**—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fees and costs, notwithstanding any other provision of law, and

(2) the Attorney General of the United States is authorized to provide legal assistance to the school district or other governmental entity that is defending the legality of such memorial service.

SEC. 1607. TWENTY-FIRST AMENDMENT ENFORCEMENT.

(a) **SHIPMENT OF INTOXICATING LIQUOR INTO STATE IN VIOLATION OF STATE LAW.**—The Act entitled "An Act divesting intoxicating liquors of their interstate character in certain cases", approved March 1, 1913 (commonly known as the "Webb-Kenyon Act") (27 U.S.C. 122) is amended by adding at the end the following:

"SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

"(a) **DEFINITIONS.**—In this section—

"(1) the term 'attorney general' means the attorney general or other chief law enforcement officer of a State, or the designee thereof;

"(2) the term 'intoxicating liquor' means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

"(3) the term 'person' means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

"(4) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"(b) **ACTION BY STATE ATTORNEY GENERAL.**—If the attorney general of a State has reasonable cause to believe that a person is engaged in, is about to engage in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction or other order) against the person, as the attorney general determines to be necessary to—

"(1) restrain the person from engaging, or continuing to engage, in the violation; and

"(2) enforce compliance with the State law.

"(c) **FEDERAL JURISDICTION.**—

"(1) **IN GENERAL.**—The district courts of the United States shall have jurisdiction over any action brought under this section.

"(2) **VENUE.**—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code.

"(d) **REQUIREMENTS FOR INJUNCTIONS AND ORDERS.**—

"(1) **IN GENERAL.**—In any action brought under this section, upon a proper showing by the attorney general of the State, the court shall issue a preliminary or permanent injunction or other order without requiring the posting of a bond.

"(2) **NOTICE.**—No preliminary or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party.

"(3) **FORM AND SCOPE OF ORDER.**—Any preliminary or permanent injunction or other order entered in an action brought under this section shall—

"(A) set forth the reasons for the issuance of the order;

"(B) be specific in terms;

"(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts to be restrained; and

"(D) be binding only upon—

"(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

"(ii) persons in active cooperation or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

"(e) **CONSOLIDATION OF HEARING WITH TRIAL ON MERITS.**—

"(1) **IN GENERAL.**—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order under this section, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application.

"(2) **ADMISSIBILITY OF EVIDENCE.**—If the court does not order the consolidation of a trial on the merits with a hearing on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order that would be admissible at the trial on the merits shall become part of the record of the trial and shall not be required to be received again at the trial.

"(f) **NO RIGHT TO TRIAL BY JURY.**—An action brought under this section shall be tried before the court.

"(g) **ADDITIONAL REMEDIES.**—

"(1) **IN GENERAL.**—A remedy under this section is in addition to any other remedies provided by law.

"(2) **STATE COURT PROCEEDINGS.**—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law."

SEC. 1608. INTERSTATE SHIPMENT AND DELIVERY OF INTOXICATING LIQUORS.

Chapter 59 of title 18, United States Code, is amended—

(1) in section 1263—

(A) by inserting "a label on the shipping container that clearly and prominently identifies the contents as alcoholic beverages, and a" after "accompanied by"; and

(B) by inserting "and requiring upon delivery the signature of a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made," after "contained therein."; and

(2) in section 1264, by inserting "or to any person other than a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made," after "consignee."

SEC. 1609. DISCLAIMER ON MATERIALS PRODUCED, PROCURED OR DISTRIBUTED FROM FUNDING AUTHORIZED BY THIS ACT.

(a) All materials produced, procured, or distributed, in whole or in part, as a result of Federal funding authorized under this Act for expenditure by Federal, State or local governmental recipients or other nongovernmental entities shall have printed thereon the following language:

"This material has been printed, procured or distributed, in whole or in part, at the expense of the Federal Government. Any person who objects to the accuracy of the material, to the completeness of the material, or to the representations made within the material, including objections related to this material's characterization of religious beliefs, are encouraged to direct their comments to the office of the Attorney General of the United States."

(b) All materials produced, procured, or distributed using funds authorized under this Act shall have printed thereon, in addition

to the language contained in paragraph (a), a complete address for an office designated by the Attorney General to receive comments from members of the public.

(c) The office designated under paragraph (b) by the Attorney General to receive comments shall, every six months, prepare an accurate summary of all comments received by the office. This summary shall include details about the number of comments received and the specific nature of the concerns raised within the comments, and shall be provided to the Chairmen of the Senate and House Judiciary Committees, the Senate and House Education Committees, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives. Further, the comments received shall be retained by the office and shall be made available to any member of the general public upon request.

SEC. 1610. AIMEE'S LAW.

(a) **SHORT TITLE.**—This section may be cited as "Aimee's Law".

(b) **DEFINITIONS.**—In this section:

(1) **DANGEROUS SEXUAL OFFENSE.**—The term "dangerous sexual offense" means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) **MURDER.**—The term "murder" has the meaning given the term under applicable State law.

(3) **RAPE.**—The term "rape" has the meaning given the term under applicable State law.

(4) **SEXUAL ABUSE.**—The term "sexual abuse" has the meaning given the term under applicable State law.

(5) **SEXUALLY EXPLICIT CONDUCT.**—The term "sexually explicit conduct" has the meaning given the term under applicable State law.

(c) **REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.**—

(1) **PENALTY.**—

(A) **SINGLE STATE.**—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(B) **MULTIPLE STATES.**—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(C) **STATE DESCRIBED.**—A State is described in this subparagraph if—

(i) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(ii) the average term of imprisonment imposed by the State on individuals convicted

of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) **STATE APPLICATIONS.**—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) **SOURCE OF FUNDS.**—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) **CONSTRUCTION.**—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) **EXCEPTION.**—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) **COLLECTION OF RECIDIVISM DATA.**—

(1) **IN GENERAL.**—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) **REPORT.**—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

SEC. 1611. DRUG TESTS AND LOCKER INSPECTIONS.

(a) **SHORT TITLE.**—This section may be cited as the “School Violence Prevention Act”.

(b) **AMENDMENT.**—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking “and” after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

“(10) consistent with the fourth amendment to the Constitution of the United

States, testing a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and”.

SEC. 1612. WAIVER FOR LOCAL MATCH REQUIREMENT UNDER COMMUNITY POLICING PROGRAM.

Section 1701(i) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by adding at the end of the first sentence the following:

“The Attorney General shall waive the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity that hires law enforcement officers for placement in public schools by a jurisdiction that demonstrates financial need or hardship.”.

SEC. 1613. CARJACKING OFFENSES.

Section 2119 of title 18, United States Code, is amended by striking “, with the intent to cause death or serious bodily harm”.

SEC. 1614. SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME.

Section 3681 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—

“(1) **FORFEITURE OF PROCEEDS.**—Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense described in paragraph (2), and after notice to any interested party, the court shall order the defendant to forfeit all or any part of proceeds received or to be received by the defendant, or a transferee of the defendant, from a contract relating to the transfer of a right or interest of the defendant in any property described in paragraph (3), if the court determines that—

“(A) the interests of justice or an order of restitution under this title so require;

“(B) the proceeds (or part thereof) to be forfeited reflect the enhanced value of the property attributable to the offense; and

“(C) with respect to a defendant convicted of an offense against a State—

“(i) the property at issue, or the proceeds to be forfeited, have travelled in interstate or foreign commerce or were derived through the use of an instrumentality of interstate or foreign commerce; and

“(ii) the attorney general of the State has declined to initiate a forfeiture action with respect to the proceeds to be forfeited.

“(2) **OFFENSES DESCRIBED.**—An offense is described in this paragraph if it is—

“(A) an offense under section 794 of this title;

“(B) a felony offense against the United States or any State; or

“(C) a misdemeanor offense against the United States or any State resulting in physical harm to any individual.

“(3) **PROPERTY DESCRIBED.**—Property is described in this paragraph if it is any property, tangible or intangible, including any—

“(A) evidence of the offense;

“(B) instrument of the offense, including any vehicle used in the commission of the offense;

“(C) real estate where the offense was committed;

“(D) document relating to the offense;

“(E) photograph or audio or video recording relating to the offense;

“(F) clothing, jewelry, furniture, or other personal property relating to the offense;

“(G) movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind depicting the offense or otherwise relating to the offense;

“(H) expression of the thoughts, opinions, or emotions of the defendant regarding the offense; or

“(I) other property relating to the offense.”.

SEC. 1615. CALLER IDENTIFICATION SERVICES TO ELEMENTARY AND SECONDARY SCHOOLS AS PART OF UNIVERSAL SERVICE OBLIGATION.

(a) **CLARIFICATION.**—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by inserting after “under subsection (c)(3),” the following: “including caller identification services with respect to elementary and secondary schools.”.

(b) **OUTREACH.**—The Federal Communications Commission shall take appropriate actions to notify elementary and secondary schools throughout the United States of—

(1) the availability of caller identification services as part of the services that are within the definition of universal service under section 254(h)(1)(B) of the Communications Act of 1934; and

(2) the procedures to be used by such schools in applying for such services under that section.

SEC. 1616. PARENT LEADERSHIP MODEL.

(a) **IN GENERAL.**—The Administrator of the Office of Juvenile Crime Control and Prevention is authorized to make a grant to a national organization to provide training, technical assistance, best practice strategies, program materials and other necessary support for a mutual support, parental leadership model proven to prevent child abuse and juvenile delinquency.

(b) **AUTHORIZATION.**—There are authorized to be appropriated out of the Violent Crime Trust Fund, \$3,000,000.

SEC. 1617. NATIONAL MEDIA CAMPAIGN AGAINST VIOLENCE.

There is authorized to be appropriated to the National Crime Prevention Council not to exceed \$25,000,000, to be expended without fiscal-year limitation, for a 2-year national media campaign, to be conducted in consultation with national, statewide or community based youth organizations, Boys and Girls Clubs of America, and to be targeted to parents (and other caregivers) and to youth, to reduce and prevent violent criminal behavior by young Americans: *Provided*, That none of such funds may be used—(1) to propose, influence, favor, or oppose any change in any statute, rule, regulation, treaty, or other provision of law; (2) for any partisan political purpose; (3) to feature any elected officials, persons seeking elected office, cabinet-level officials, or Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213; or (4) in any way that otherwise would violate section 1913 of title 18 of the United States Code: *Provided further*, That, for purposes hereof, “violent criminal behavior by young Americans” means behavior, by minors residing in the United States (or in any jurisdiction under the sovereign jurisdiction thereof), that both is illegal under Federal, State, or local law, and involves acts or threats of physical violence, physical injury, or physical harm: *Provided further*, That not to exceed 10 percent of the funds appropriated pursuant to this authorization shall be used to commission an objective accounting, from a licensed and certified public accountant, using generally-accepted accounting principles, of the funds appropriated pursuant to this authorization and of any other funds or in-kind donations spent or used in the campaign, and an objective evaluation both of the impact and cost-effectiveness of the campaign and of the campaign-related activities of the Council and the Clubs, which accounting and evaluation shall be submitted by the Council to the Committees on Appropriations and the Judiciary of each House of Congress by not later than 9 months after the conclusion of the campaign.

SEC. 1618. VICTIMS OF TERRORISM.

(a) IN GENERAL.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended to read as follows:

“SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘eligible crime victim compensation program’ means a program that meets the requirements of section 1402(b);

“(2) the term ‘eligible crime victim assistance program’ means a program that meets the requirements of section 1404(b);

“(3) the term ‘public agency’ includes any Federal, State, or local government or non-profit organization; and

“(4) the term ‘victim’—

“(A) means an individual who is citizen or employee of the United States, and who is injured or killed as a result of a terrorist act or mass violence, whether occurring within or outside the United States; and

“(B) includes, in the case of an individual described in subparagraph (A) who is deceased, the family members of the individual.

“(b) GRANTS AUTHORIZED.—The Director may make grants, as provided in either section 1402(d)(4)(B) or 1404—

“(1) to States, which shall be used for eligible crime victim compensation programs and eligible crime victim assistance programs for the benefit of victims; and

“(2) to victim service organizations, and public agencies that provide emergency or ongoing assistance to victims of crime, which shall be used to provide, for the benefit of victims—

“(A) emergency relief (including compensation, assistance, and crisis response) and other related victim services; and

“(B) training and technical assistance for victim service providers.

“(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supplant any compensation available under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.”

(b) APPLICABILITY.—The amendment made by this section applies to any terrorist act or mass violence occurring on or after December 20, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

SEC. 1619. TRUTH-IN-SENTENCING INCENTIVE GRANTS.

(a) QUALIFICATION DATE.—Section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704(a)(3)) is amended by striking “on April 26, 1996” and inserting “on or after April 26, 1996.”

(b) MINIMUM AMOUNT.—Section 20106 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706) is amended by striking subsection (b) and inserting the following:

“(b) FORMULA ALLOCATION.—The amount made available to carry out this section for any fiscal year under section 20104 shall be allocated as follows:

“(1) .75 percent shall be allocated to each State that meets the requirements of section 20104, except that the United States Virgin Islands, America Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent; and

“(2) The amount remaining after the application of paragraph (1) shall be allocated to each State that meets the requirements of section 20104 in the ratio that the average annual number of part 1 violent crimes reported by that State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by States that meet the requirements of section 20104 to the

Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, except that a State may not receive more than 25 percent of the total amount available for such grants.”

SEC. 1620. APPLICATION OF PROVISION RELATING TO A SENTENCE OF DEATH FOR AN ACT OF ANIMAL ENTERPRISE TERRORISM.

Section 3591 of title 18, United States Code (relating to circumstances under which a defendant may be sentenced to death), shall apply to sentencing for a violation of section 43 of title 18, United States Code, as amended by this Act to include the death penalty as a possible punishment.

SEC. 1621. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

“(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

“(1) is less than 21 years of age;

“(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

“(3) is a fugitive from justice;

“(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

“(5) has been adjudicated as a mental defective or has been committed to any mental institution;

“(6) being an alien—

“(A) is illegally or unlawfully in the United States; or

“(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

“(7) has been discharged from the Armed Forces under dishonorable conditions;

“(8) having been a citizen of the United States, has renounced his citizenship;

“(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

“(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

“(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

“(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

“(10) has been convicted in any court of a misdemeanor crime of domestic violence.”

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (i) and inserting the following:

“(i) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport

in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

“(1) is less than 21 years of age;

“(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

“(3) is a fugitive from justice;

“(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

“(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

“(6) being an alien—

“(A) is illegally or unlawfully in the United States; or

“(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

“(7) has been discharged from the Armed Forces under dishonorable conditions;

“(8) having been a citizen of the United States, has renounced his citizenship; or

“(9) is subject to a court order that—

“(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

“(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

“(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

“(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

“(10) has been convicted in any court of a misdemeanor crime of domestic violence.”

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

“(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘alien’ has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

“(B) the term ‘nonimmigrant visa’ has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

“(2) EXCEPTIONS.—Subsections (d)(5)(B) and (i)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

“(A) admitted to the United States for lawful hunting or sporting purposes;

“(B) a foreign military personnel on official assignment to the United States;

“(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

“(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

“(3) WAIVER.—

“(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from

the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842, if—

“(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

“(ii) the Attorney General approves the petition.

“(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

“(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

“(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.”.

SEC. 1622. DISTRICT JUDGES FOR DISTRICTS IN THE STATES OF ARIZONA, FLORIDA, AND NEVADA.

(a) SHORT TITLE.—This section may be cited as the “Emergency Federal Judgeship Act of 1999”.

(b) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the district of Arizona;

(2) 4 additional district judges for the middle district of Florida; and

(3) 2 additional district judges for the district of Nevada.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

“Arizona 11”;

(2) the item relating to Florida in such table is amended to read as follows:

“Florida:

Northern 4

Middle 15

Southern 16”;

and

(3) the item relating to Nevada in such table is amended to read as follows:

“Nevada 6”.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

SEC. 1623. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and non-governmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, \$5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

SEC. 1624. SENSE OF THE SENATE REGARDING MENTORING PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) the well-being of all people of the United States is preserved and enhanced when young people are given the guidance they need to live healthy and productive lives;

(2) adult mentors can play an important role in ensuring that young people become healthy, productive, successful members of society;

(3) at-risk young people with mentors are 46 percent less likely to begin using illegal drugs than at-risk young people without mentors;

(4) at-risk young people with mentors are 27 percent less likely to begin using alcohol than at-risk young people without mentors;

(5) at-risk young people with mentors are 53 percent less likely to skip school than at-risk young people without mentors;

(6) at-risk young people with mentors are 33 percent less likely to hit someone than at-risk young people without mentors;

(7) 73 percent of students with mentors report that their mentors helped raise their goals and expectations; and

(8) there are many employees of the Federal Government who would like to serve as youth or family mentors but are unable to leave their jobs to participate in mentoring programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should issue an Executive Order allowing all employees of the Federal Government to use a maximum of 1 hour each week of excused absence or administrative leave to serve as mentors in youth or family mentoring programs.

SEC. 1625. FAMILIES AND SCHOOLS TOGETHER PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Office of Juvenile Justice and Delinquency in the Department of Justice.

(2) FAST PROGRAM.—The term “FAST program” means a program that addresses the urgent social problems of youth violence and chronic juvenile delinquency by building and enhancing juveniles’ relationships with their families, peers, teachers, school staff, and other members of the community by bringing together parents, schools, and communities to help—

(A) at-risk children identified by their teachers to succeed;

(B) enhance the functioning of families with at-risk children;

(C) prevent alcohol and other drug abuse in the family; and

(D) reduce the stress that their families experience from daily life.

(b) AUTHORIZATION.—In consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services, the Administrator shall carry out a Family and Schools Together program to promote FAST programs.

(c) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services shall develop regulations governing the distribution of the funds for FAST programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$9,000,000 for each of the fiscal years 2000 through 2004.

(2) ALLOCATION.—Of amounts appropriated under paragraph (1)—

(A) 83.33 percent shall be available for the implementation of local FAST programs; and

(B) 16.67 percent shall be available for research and evaluation of FAST programs.

SEC. 1626. AMENDMENTS RELATING TO VIOLENT CRIME IN INDIAN COUNTRY AND AREAS OF EXCLUSIVE FEDERAL JURISDICTION.

(a) ASSAULTS WITH MARITIME AND TERRITORIAL JURISDICTION.—Section 113(a)(3) of title 18, United States Code, is amended by striking “with intent to do bodily harm, and”.

(b) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting “an offense for which the maximum statutory term of imprisonment under section 1363 is greater than 5 years,” after “a felony under chapter 109A,”; and

(2) by adding at the end the following:

“(c) Nothing in this section shall limit the inherent power of an Indian tribe to exercise criminal jurisdiction over any Indian with respect to any offense committed within Indian country, subject to the limitations on punishment under section 202(7) of the Civil Rights Act of 1968 (25 U.S.C. 1302(7)).”.

(c) RACKETEERING ACTIVITY.—Section 1961(1)(A) of title 18, United States Code, is amended by inserting “(or would have been so chargeable except that the act or threat was committed in Indian country, as defined

in section 1151, or in any other area of exclusive Federal jurisdiction)" after "chargeable under State law".

(d) **MANSLAUGHTER WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES.**—Section 1112(b) of title 18, United States Code, is amended by striking "ten years" and inserting "20 years".

(e) **EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.**—The second undesignated paragraph of section 1163 of title 18, United States Code, is amended by striking "so embezzled," and inserting "embezzled,".

SEC. 1627. FEDERAL JUDICIARY PROTECTION ACT OF 1999.

(a) **SHORT TITLE.**—This section may be cited as the "Federal Judiciary Protection Act of 1999".

(b) **ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.**—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "three" and inserting "8"; and

(2) in subsection (b), by striking "ten" and inserting "20".

(c) **INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.**—Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking "five" and inserting "10"; and

(2) by striking "three" and inserting "6".

(d) **MAILING THREATENING COMMUNICATIONS.**—Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both."; and

(3) in subsection (d), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.".

(e) **AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.**—

(1) **IN GENERAL.**—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(2) **FACTORS FOR CONSIDERATION.**—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in paragraph (1)—

(A) any expression of congressional intent regarding the appropriate penalties for the offense;

(B) the range of conduct covered by the offense;

(C) the existing sentences for the offense;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure pun-

ishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(E) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factors that the Commission considers to be appropriate.

SEC. 1628. LOCAL ENFORCEMENT OF LOCAL ALCOHOL PROHIBITIONS THAT REDUCE JUVENILE CRIME IN REMOTE ALASKA VILLAGES.

(a) **CONGRESSIONAL FINDINGS.**—The Congress finds the following:

(1) Villages in remote areas of Alaska lack local law enforcement due to the absence of a tax base to support such services and to small populations that do not secure sufficient funds under existing State and Federal grant program formulas.

(2) State troopers are often unable to respond to reports of violence in remote villages if there is inclement weather, and often only respond in reported felony cases.

(3) Studies conclude that alcohol consumption is strongly linked to the commission of violent crimes in remote Alaska villages and that youth are particularly susceptible to developing chronic criminal behaviors associated with alcohol in the absence of early intervention.

(4) Many remote villages have sought to limit the introduction of alcohol into their communities as a means of early intervention and to reduce criminal conduct among juveniles.

(5) In many remote villages, there is no person with the authority to enforce these local alcohol restrictions in a manner consistent with judicial standards of due process required under the State and Federal constitutions.

(6) Remote Alaska villages are experiencing a marked increase in births and the number of juveniles residing in villages is expected to increase dramatically in the next 5 years.

(7) Adoption of alcohol prohibitions by voters in remote villages represents a community-based effort to reduce juvenile crime, but this local policy choice requires local law enforcement to be effective.

(b) **GRANT OF FEDERAL FUNDS.**—(1) The Attorney General is authorized to provide to the State of Alaska funds for State law enforcement, judicial infrastructure and other costs necessary in remote villages to implement the prohibitions on the sale, importation and possession of alcohol adopted pursuant to State local option statutes.

(2) Funds provided to the State of Alaska under this section shall be in addition to and shall not disqualify the State, local governments, or Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as amended; 25 U.S.C. 450b(e) (1998)) from Federal funds available under other authority.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section—

(A) \$15,000,000 for fiscal year 2000;

(B) \$17,000,000 for fiscal year 2001;

(C) \$18,000,000 for fiscal year 2002.

(2) **SOURCE OF SUMS.**—Amounts authorized to be appropriated under this subsection may be derived from the Violent Crime Reduction Trust Fund.

SEC. 1629. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to create, expand or diminish or in any way affect the jurisdiction of an Indian tribe in the State of Alaska.

SEC. 1630. BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSISTANCE.

(a) **FINDINGS.**—Congress finds that—

(1) bounty hunters, also known as bail enforcement officers or recovery agents, provide law enforcement officers and the courts with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had difficulty in discerning the difference between law enforcement officers and bounty hunters;

(3) the availability of bail as an alternative to the pretrial detention or unsecured release of criminal defendants is important to the effective functioning of the criminal justice system;

(4) the safe and timely return to custody of fugitives who violate bail contracts is an important matter of public safety, as is the return of any other fugitive from justice;

(5) bail bond agents are widely regulated by the States, whereas bounty hunters are largely unregulated;

(6) the public safety requires the employment of qualified, well-trained bounty hunters; and

(7) in the course of their duties, bounty hunters often move in and affect interstate commerce.

(b) **DEFINITIONS.**—In this section—

(1) the term "bail bond agent" means any retail seller of a bond to secure the release of a criminal defendant pending judicial proceedings, unless such person also is self-employed to obtain the recovery of any fugitive from justice who has been released on bail;

(2) the term "bounty hunter"—

(A) means any person whose services are engaged, either as an independent contractor or as an employee of a bounty hunter employer, to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer acting under color of law;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions;

(iv) person while engaged in the performance of official duties as a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code); or

(v) bail bond agent;

(3) the term "bounty hunter employer"—

(A) means any person that—

(i) employs 1 or more bounty hunters; or

(ii) provides, as an independent contractor, for consideration, the services of 1 or more bounty hunters (which may include the services of that person); and

(B) does not include any bail bond agent; and

(4) the term "law enforcement officer" means a public officer or employee authorized under applicable Federal or State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public officer or employee engaged in corrections, parole, or probation functions, or the recovery of any fugitive from justice.

(c) **MODEL GUIDELINES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Attorney General shall develop model guidelines for the State control and regulation of persons employed or applying for employment as bounty hunters. In developing such

guidelines, the Attorney General shall consult with organizations representing—

- (A) State and local law enforcement officers;
- (B) State and local prosecutors;
- (C) the criminal defense bar;
- (D) bail bond agents;
- (E) bounty hunters; and
- (F) corporate sureties.

(2) RECOMMENDATIONS.—The guidelines developed under paragraph (1) shall include recommendations of the Attorney General regarding whether—

(A) a person seeking employment as a bounty hunter should—

- (i) be required to submit to a fingerprint-based criminal background check prior to entering into the performance of duties pursuant to employment as a bounty hunter; or
- (ii) not be allowed to obtain such employment if that person has been convicted of a felony offense under Federal or State law;

(B) bounty hunters and bounty hunter employers should be required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bounty hunter; and

(C) State laws should provide—

(i) for the prohibition on bounty hunters entering any private dwelling, unless the bounty hunter first knocks on the front door and announces the presence of 1 or more bounty hunters; and

(ii) the official recognition of bounty hunters from other States.

(3) EFFECT ON BAIL.—The guidelines published under paragraph (1) shall include an analysis of the estimated effect, if any, of the adoption of the guidelines by the States on—

- (A) the cost and availability of bail; and
- (B) the bail bond agent industry.

(4) NO REGULATORY AUTHORITY.—Nothing in this subsection may be construed to authorize the promulgation of any Federal regulation relating to bounty hunters, bounty hunter employers, or bail bond agents.

(5) PUBLICATION OF GUIDELINES.—The Attorney General shall publish model guidelines developed pursuant to paragraph (1) in the Federal Register.

SEC. 1631. ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) IN GENERAL.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) in paragraph (11), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff's department, in an amount equal to not more than \$1,950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashlights, and other equipment relating to neighborhood watch patrols.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:

“(vi) \$282,625,000 for fiscal year 2000.”; and

(2) in subparagraph (B) by inserting after “(B)” the following: “Of amounts made available to carry out part Q in each fiscal year \$14,625,000 shall be used to carry out section 1701(d)(12).”.

SEC. 1632. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings—

(1) The Nation's highest priority should be to ensure that children begin school ready to learn.

(2) New scientific research shows that the electrical activity of brain cells actually changes the physical structure of the brain itself and that without a stimulating environment, a baby's brain will suffer. At birth, a baby's brain contains 100,000,000,000 neurons, roughly as many nerve cells as there are stars in the Milky Way, but the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains that are 20 to 30 percent smaller than normal for their age.

(3) This scientific research also conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families, and the Nation.

(4) Since more than 50 percent of the mothers of children under the age of 3 now work outside of the home, society must change to provide new supports so young children receive the attention and care that they need.

(5) There are 12,000,000 children under the age of 3 in the United States today and 1 in 4 lives in poverty.

(6) Compared with most other industrialized countries, the United States has a higher infant mortality rate, a higher proportion of low-birth weight babies, and a smaller proportion of babies immunized against childhood diseases.

(7) National and local studies have found a strong link between—

- (A) lack of early intervention for children; and
- (B) increased violence and crime among youth.

(8) The United States will spend more than \$35,000,000,000 over the next 5 years on Federal programs for at-risk or delinquent youth and child welfare programs, which address crisis situations that frequently could have been avoided or made much less severe through good early intervention for children.

(9) Many local communities across the country have developed successful early childhood efforts and with additional resources could expand and enhance opportunities for young children.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal funding for early childhood development collaboratives should be a priority in the Federal budget for fiscal year 2000 and subsequent fiscal years.

SEC. 1633. PROHIBITION ON PROMOTING VIOLENCE ON FEDERAL PROPERTY.

(a) GENERAL RULE.—A Federal department or agency that—

(1) considers a request from an individual or entity for the use of any property, facility, equipment, or personnel of the department or agency, or for any other cooperation from the department or agency, to film a motion picture or television production for commercial purposes; and

(2) makes a determination as to whether granting a request described in paragraph (1) is consistent with—

- (A) United States policy;
- (B) the mission or interest of the department or agency; or
- (C) the public interest;

shall not grant such a request without considering whether such motion picture or television production glorifies or endorses wanton and gratuitous violence.

(b) EXCEPTION.—Subsection (a) shall not apply to—

- (1) any bona fide newsreel or news television production; or
- (2) any public service announcement.

SEC. 1634. PROVISIONS RELATING TO PAWN SHOPS AND SPECIAL LICENSES.

(a) Notwithstanding any other provision of this Act, the repeal heretofore effected by paragraph (1) and the amendment heretofore effected by paragraph (2) of subsection (c) with the heading “Provision Related to Pawn and Other Transactions” of section 503 of title V with the heading “General Firearm Provisions” shall be null and void.

(b) Notwithstanding any other provision of this Act, section 923(m)(1), of title 18, United States Code, as heretofore provided, is amended by adding at the end the following subparagraph:

“(F) COMPLIANCE.—Except as to the State and local planning and zoning requirements for a licensed premises as provided in subparagraph (D), a special licensee shall be subject to all of the provisions of this chapter applicable to dealers, including, but not limited to, the performance of an instant background check.”.

SEC. 1635. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons

do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(35) GUN SHOW.—The term ‘gun show’ means any event—

“(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

“(B) at which—

“(i) not less than 20 percent of the exhibitors are firearm exhibitors;

“(ii) there are not less than 10 firearm exhibitors; or

“(iii) 50 or more firearms are offered for sale, transfer, or exchange.

“(36) GUN SHOW PROMOTER.—The term ‘gun show promoter’ means any person who organizes, plans, promotes, or operates a gun show.

“(37) GUN SHOW VENDOR.—The term ‘gun show vendor’ means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.”

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“§931. Regulation of firearms transfers at gun shows

“(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

“(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

“(2) pays a registration fee, in an amount determined by the Secretary.

“(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

“(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

“(2) before commencement of the gun show, requires each gun show vendor to sign—

“(A) a ledger with identifying information concerning the vendor; and

“(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

“(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

“(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

“(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

“(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

“(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

“(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

“(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

“(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

“(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

“(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

“(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

“(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

“(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

“(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

“(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

“(2) record the transfer on a form specified by the Secretary;

“(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

“(A) of such compliance; and

“(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

“(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

“(A) shall be on a form specified by the Secretary by regulation; and

“(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

“(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

“(A) prepared on a form specified by the Secretary; and

“(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

“(i) the office specified on the form described in subparagraph (A); and

“(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

“(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

“(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

“(1) shall be in a form specified by the Secretary by regulation;

“(2) shall not include the name of or other identifying information relating to the transferee; and

“(3) shall not duplicate information provided in any report required under subsection (e)(4).

“(g) FIREARM TRANSACTION DEFINED.—In this section, the term ‘firearm transaction’—

“(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

“(2) does not include the mere exhibition of a firearm.”

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

“(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

“(i) fined under this title, imprisoned not more than 2 years, or both; and

“(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

“(C) Whoever willfully violates section 931(d), shall be—

“(i) fined under this title, imprisoned not more than 2 years, or both; and

“(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

“(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

“(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

“(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

“(ii) impose a civil fine in an amount equal to not more than \$10,000.”

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

“931. Regulation of firearms transfers at gun shows.”;

and

(B) in the first sentence of section 923(j), by striking “a gun show or event” and inserting “an event”;

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

“(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.”.

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

“(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

“(B) If the violation described in subparagraph (A) is in relation to an offense—

“(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

“(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.”.

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking “subsection (s) or (t) of section 922” and inserting “section 922(s)”;

(B) by adding at the end the following:

“(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.”.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking “and, at the time” and all that follows through “State law”.

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: “, as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer”.

(h) EFFECTIVE DATE.—This section (other than subsection (i)) and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

(i) INAPPLICABILITY OF OTHER PROVISIONS.—Notwithstanding any other provision of this Act, the provisions of the title headed “GENERAL FIREARM PROVISIONS” (as added by the amendment of Mr. Craig number 332) and the provisions of the section headed “APPLICATION OF SECTION 923 (j) AND (m)” (as added by the amendment of Mr. Hatch number 344) shall be null and void.

SEC. 1636. APPROPRIATE INTERVENTIONS AND SERVICES; CLARIFICATION OF FEDERAL LAW.

(a) APPROPRIATE INTERVENTIONS AND SERVICES.—School personnel shall ensure that immediate appropriate interventions and services, including mental health interventions and services, are provided to a child removed from school for any act of violence, including carrying or possessing a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency, in order to—

(1) to ensure that our Nation’s schools and communities are safe; and

(2) maximize the likelihood that such child shall not engage in such behaviors, or such behaviors do not reoccur.

(b) CLARIFICATION OF FEDERAL LAW.—Nothing in Federal law shall be construed—

(1) to prohibit an agency from reporting a crime committed by a child, including a child with a disability, to appropriate authorities; or

(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to a crime committed by a child, including a child with a disability.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to pay the costs of the interventions and services described in subsection (a) such sums as may be necessary for each of the fiscal years 2000 through 2004.

(2) DISTRIBUTION.—The Secretary of Education shall provide for the distribution of the funds made available under paragraph (1)—

(A) to States for a fiscal year in the same manner as the Secretary makes allotments to States under section 4011(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111(b)) for the fiscal year; and

(B) to local educational agencies for a fiscal year in the same manner as funds are distributed to local educational agencies under section 413(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7113(d)(2)) for the fiscal year.

SEC. 1637. SAFE SCHOOLS.

(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

(1) SHORT TITLE.—Section 14601(a) is amended by replacing “Gun-Free” with “Safe”, and “1994” with “1999”.

(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after “determined” the following: “to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or”.

(3) DEFINITIONS.—Section 14601(b)(4) is amended by replacing “Definition” with “Definitions” in the catchline, by replacing “section” in the matter under the catchline with “part”, by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semicolon, and by adding new subparagraphs (B), (C), and (D) as follows:

“(B) the term ‘illegal drug’ means a controlled substance, as defined in section 102(6)

of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

“(C) the term ‘illegal drug paraphernalia’ means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)), except that the first sentence of that section shall be applied by inserting ‘or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)’, before the period.

“(D) the term ‘felonious quantities of an illegal drug’ means any quantity of an illegal drug—

“(i) possession of which quantity would, under Federal, State, or local law, either constitute a felony or indicate an intent to distribute; or

“(ii) that is possessed with an intent to distribute.”.

(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting “illegal drugs or” before “weapons”.

(5) REPEALER.—Section 14601 is amended by striking subsection (f).

(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by replacing “served by” with “under the jurisdiction of”, and by inserting after “who” the following: “is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who”.

(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended by inserting “current” before “policy”, by striking “in effect on October 20, 1994”, by striking all the matter after “schools” and inserting a period thereafter, and by inserting before “engaging” the following: “possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local educational agencies, or”.

(b) COMPLIANCE DATE; REPORTING.—(1) States shall have 2 years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

(2) Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities.

SEC. 1638. SCHOOL COUNSELING.

Section 10102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8002) is amended to read as follows:

“SEC. 10102. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING DEMONSTRATION.

“(a) COUNSELING DEMONSTRATION.—

“(1) IN GENERAL.—The Secretary may award grants under this section to local educational agencies to enable the local educational agencies to establish or expand elementary school counseling programs.

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

“(A) demonstrate the greatest need for new or additional counseling services among the children in the schools served by the applicant;

“(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

“(C) show the greatest potential for replication and dissemination.

“(3) **EQUITABLE DISTRIBUTION.**—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

“(4) **DURATION.**—A grant under this section shall be awarded for a period not to exceed three years.

“(5) **MAXIMUM GRANT.**—A grant under this section shall not exceed \$400,000 for any fiscal year.

“(b) **APPLICATIONS.**—

“(1) **IN GENERAL.**—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(2) **CONTENTS.**—Each application for a grant under this section shall—

“(A) describe the school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

“(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

“(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

“(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

“(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of school counselors, school psychologists, and school social workers;

“(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

“(G) describe how any diverse cultural populations, if applicable, would be served through the program;

“(H) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

“(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

“(c) **USE OF FUNDS.**—

“(1) **IN GENERAL.**—Grant funds under this section shall be used to initiate or expand school counseling programs that comply with the requirements in paragraph (2).

“(2) **PROGRAM REQUIREMENTS.**—Each program assisted under this section shall—

“(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

“(B) use a developmental, preventive approach to counseling;

“(C) increase the range, availability, quantity, and quality of counseling services in

the elementary schools of the local educational agency;

“(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

“(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decision-making, or academic and career planning, or to improve social functioning;

“(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

“(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

“(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

“(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration;

“(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

“(K) ensure a team approach to school counseling by maintaining a ratio in the elementary schools of the local educational agency that does not exceed 1 school counselor to 250 students, 1 school social worker to 800 students, and 1 school psychologist to 1,000 students; and

“(L) ensure that school counselors, school psychologists, or school social workers paid from funds made available under this section spend at least 85 percent of their total worktime at the school in activities directly related to the counseling process and not more than 15 percent of such time on administrative tasks that are associated with the counseling program.

“(3) **REPORT.**—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 14701, but in no case later than January 30, 2003.

“(4) **DISSEMINATION.**—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

“(5) **LIMIT ON ADMINISTRATION.**—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

“(d) **DEFINITIONS.**—For purposes of this section—

“(1) the term ‘school counselor’ means an individual who has documented competence in counseling children and adolescents in a school setting and who—

“(A) possesses State licensure or certification granted by an independent professional regulatory authority;

“(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

“(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

“(2) the term ‘school psychologist’ means an individual who—

“(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has com-

pleted 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

“(B) possesses State licensure or certification in the State in which the individual works; or

“(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board;

“(3) the term ‘school social worker’ means an individual who holds a master's degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and

“(4) the term ‘supervisor’ means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$15,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.”

SEC. 1639. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) **UNLAWFUL CONDUCT.**—Section 842 of title 18, United States Code, is amended by adding at the end the following:

“(p) **DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) The term ‘destructive device’ has the same meaning as in section 921(a)(4).

“(B) The term ‘explosive’ has the same meaning as in section 844(j).

“(C) The term ‘weapon of mass destruction’ has the same meaning as in section 2332a(c)(2).

“(2) **PROHIBITION.**—It shall be unlawful for any person—

“(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

“(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.”

(b) **PENALTIES.**—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “person who violates any of subsections” and inserting the following: “person who—

“(1) violates any of subsections”;

(2) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(2) violates subsection (p)(2) of section 842, shall be fined under this title, imprisoned not more than 20 years, or both.”; and

(4) in subsection (j), by striking “and (i)” and inserting “(i), and (p)”.

Subtitle B—James Guelff Body Armor Act**SEC. 1641. SHORT TITLE.**

This subtitle may be cited as the "James Guelff Body Armor Act of 1999".

SEC. 1642. FINDINGS.

Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;

(3) there is a traffic in body armor moving in or otherwise affecting interstate commerce, and existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(4) recent incidents, such as the murder of San Francisco Police Officer James Guelff by an assailant wearing 2 layers of body armor and a 1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, demonstrate the serious threat to community safety posed by criminals who wear body armor during the commission of a violent crime;

(5) of the approximately 1,200 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest;

(6) the Department of Justice has estimated that 25 percent of State and local police are not issued body armor;

(7) the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies; and

(8) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to enact legislation to regulate interstate commerce that affects the integrity and safety of our communities.

SEC. 1643. DEFINITIONS.

In this subtitle:

(1) **BODY ARMOR.**—The term "body armor" means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(2) **LAW ENFORCEMENT AGENCY.**—The term "law enforcement agency" means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(3) **LAW ENFORCEMENT OFFICER.**—The term "law enforcement officer" means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

SEC. 1644. AMENDMENT OF SENTENCING GUIDELINES WITH RESPECT TO BODY ARMOR.

(a) **SENTENCING ENHANCEMENT.**—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement, increasing the offense level not less than 2 levels, for any offense in which the defendant used body armor.

(b) **APPLICABILITY.**—No amendment made to the Federal Sentencing Guidelines pursuant to this section shall apply if the Federal

offense in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of any person by a law enforcement officer acting under color of the authority of such law enforcement officer.

SEC. 1645. PROHIBITION OF PURCHASE, USE, OR POSSESSION OF BODY ARMOR BY VIOLENT FELONS.

(a) **DEFINITION OF BODY ARMOR.**—Section 921 of title 18, United States Code, is amended by adding at the end the following:

"(35) The term 'body armor' means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment."

(b) **PROHIBITION.**—

(1) **IN GENERAL.**—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§931. Prohibition on purchase, ownership, or possession of body armor by violent felons"

"(a) **IN GENERAL.**—Except as provided in subsection (b), it shall be unlawful for a person to purchase, own, or possess body armor, if that person has been convicted of a felony that is—

"(1) a crime of violence (as defined in section 16); or

"(2) an offense under State law that would constitute a crime of violence under paragraph (1) if it occurred within the special maritime and territorial jurisdiction of the United States.

"(b) **AFFIRMATIVE DEFENSE.**—

"(1) **IN GENERAL.**—It shall be an affirmative defense under this section that—

"(A) the defendant obtained prior written certification from his or her employer that the defendant's purchase, use, or possession of body armor was necessary for the safe performance of lawful business activity; and

"(B) the use and possession by the defendant were limited to the course of such performance.

"(2) **EMPLOYER.**—In this subsection, the term 'employer' means any other individual employed by the defendant's business that supervises defendant's activity. If that defendant has no supervisor, prior written certification is acceptable from any other employee of the business."

(2) **CLERICAL AMENDMENT.**—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"931. Prohibition on purchase, ownership, or possession of body armor by violent felons."

(c) **PENALTIES.**—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7) Whoever knowingly violates section 931 shall be fined under this title, imprisoned not more than 3 years, or both."

SEC. 1646. DONATION OF FEDERAL SURPLUS BODY ARMOR TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) **DEFINITIONS.**—In this section, the terms "Federal agency" and "surplus property" have the meanings given such terms under section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(b) **DONATION OF BODY ARMOR.**—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the head of a Federal agency may donate body armor directly to any State or local law enforcement agency, if such body armor is—

(1) in serviceable condition; and

(2) surplus property.

(c) **NOTICE TO ADMINISTRATOR.**—The head of a Federal agency who donates body armor

under this section shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

(d) **DONATION BY CERTAIN OFFICERS.**—

(1) **DEPARTMENT OF JUSTICE.**—In the administration of this section with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

(A) The Administrator of the Drug Enforcement Administration.

(B) The Director of the Federal Bureau of Investigation.

(C) The Commissioner of the Immigration and Naturalization Service.

(D) The Director of the United States Marshals Service.

(2) **DEPARTMENT OF THE TREASURY.**—In the administration of this section with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

(B) The Commissioner of Customs.

(C) The Director of the United States Secret Service.

SEC. 1647. ADDITIONAL FINDINGS; PURPOSE.

(a) **FINDINGS.**—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet resistant equipment;

(3) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply despite a decrease in the national crime rate, and has concluded that there is a "public safety crisis in Indian country".

(b) **PURPOSE.**—The purpose of this chapter is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet resistant equipment and video cameras.

SEC. 1648. MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT BULLET RESISTANT EQUIPMENT AND FOR VIDEO CAMERAS.

(a) **IN GENERAL.**—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 37961 et seq.) is amended—

(1) by striking the part designation and part heading and inserting the following:

"PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT**"Subpart A—Grant Program For Armor Vests";**

(2) by striking "this part" each place it appears and inserting "this subpart"; and

(3) by adding at the end the following:

"Subpart B—Grant Program For Bullet Resistant Equipment"

"SEC. 2511. PROGRAM AUTHORIZED."

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement officers.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of bullet resistant equipment for law enforcement officers in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for bullet resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.10 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2512. APPLICATIONS."

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice

Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 104-119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

"SEC. 2513. DEFINITIONS."

"In this subpart—

"(1) the term 'equipment' means wind-shield glass, car panels, shields, and protective gear;

"(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

"(4) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(5) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras"

"SEC. 2521. PROGRAM AUTHORIZED."

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant

program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.10 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS."

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

"SEC. 2523. DEFINITIONS."

"In this subpart—

"(1) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-

Determination and Education Assistance Act (25 U.S.C. 450b(e));

“(2) the term ‘law enforcement officer’ means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders;

“(3) the term ‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

“(4) the term ‘unit of local government’ means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.”

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

“(23) There are authorized to be appropriated to carry out part Y—

“(A) \$25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart A of that part;

“(B) \$40,000,000 for each of fiscal years 2000 through 2002 for grants under subpart B of that part; and

“(C) \$25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart C of that part.”

(c) **CLERICAL AMENDMENTS.**—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by striking the item relating to the part heading of part Y and inserting the following:

“PART Y—MATCHING GRANTS PROGRAMS FOR LAW ENFORCEMENT

“SUBPART A—GRANT PROGRAM FOR ARMOR VESTS”; AND

(2) by adding at the end of the matter relating to part Y the following:

“SUBPART B—GRANT PROGRAM FOR BULLET RESISTANT EQUIPMENT

“2511. Program authorized.

“2512. Applications.

“2513. Definitions.

“SUBPART C—GRANT PROGRAM FOR VIDEO CAMERAS

“2521. Program authorized.

“2522. Applications.

“2523. Definitions.”

SEC. 1649. SENSE OF CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under subpart B or C of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this chapter, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 1650. TECHNOLOGY DEVELOPMENT.

Section 202 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

“(e) **BULLET RESISTANT TECHNOLOGY DEVELOPMENT.**—

“(1) **IN GENERAL.**—The Institute is authorized to—

“(A) conduct research and otherwise work to develop new bullet resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

“(B) inventory bullet resistant technologies used in the private sector, in surplus military property, and by foreign countries;

“(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

“(2) **PRIORITY.**—In carrying out this subsection, the Institute shall give priority in testing and engineering surveys to law enforcement partnerships developed in coordination with High Intensity Drug Trafficking Areas.

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$3,000,000 for fiscal years 2000 through 2002.”

SEC. 1651. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 37961(f)) is amended—

(1) by striking “The portion” and inserting the following:

“(1) **IN GENERAL.**—Subject to paragraph (2), the portion”; and

(2) by adding at the end the following:

“(2) **WAIVER.**—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.”

Subtitle C—Animal Enterprise Terrorism and Ecoterrorism

SEC. 1652. ENHANCEMENT OF PENALTIES FOR ANIMAL ENTERPRISE TERRORISM.

Section 43 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A), by striking “under this title” and inserting “consistent with this title or double the amount of damages, whichever is greater”; and

(B) by striking “one year” and inserting “five years”; and

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

“(2) **EXPLOSIVES OR ARSON.**—Whoever in the course of a violation of subsection (a) maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used by the animal enterprise shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both.”; and

(C) in paragraph (3), as so redesignated, by striking “under this title and” and all that follows through the period and inserting “under this title, imprisoned for life or for any term of years, or sentenced to death.”

SEC. 1653. NATIONAL ANIMAL TERRORISM AND ECOTERRORISM INCIDENT CLEARINGHOUSE.

(a) **IN GENERAL.**—The Director shall establish and maintain a national clearinghouse for information on incidents of crime and terrorism—

(1) committed against or directed at any animal enterprise;

(2) committed against or directed at any commercial activity because of the perceived impact or effect of such commercial activity on the environment; or

(3) committed against or directed at any person because of such person's perceived connection with or support of any enterprise or activity described in paragraph (1) or (2).

(b) **CLEARINGHOUSE.**—The clearinghouse established under subsection (a) shall—

(1) accept, collect, and maintain information on incidents described in subsection (a)

that is submitted to the clearinghouse by Federal, State, and local law enforcement agencies, by law enforcement agencies of foreign countries, and by victims of such incidents;

(2) collate and index such information for purposes of cross-referencing; and

(3) upon request from a Federal, State, or local law enforcement agency, or from a law enforcement agency of a foreign country, provide such information to assist in the investigation of an incident described in subsection (a).

(c) **SCOPE OF INFORMATION.**—The information maintained by the clearinghouse for each incident shall, to the extent practicable, include—

(1) the date, time, and place of the incident;

(2) details of the incident;

(3) any available information on suspects or perpetrators of the incident; and

(4) any other relevant information.

(d) **DESIGN OF CLEARINGHOUSE.**—The clearinghouse shall be designed for maximum ease of use by participating law enforcement agencies.

(e) **PUBLICITY.**—The Director shall publicize the existence of the clearinghouse to law enforcement agencies by appropriate means.

(f) **RESOURCES.**—In establishing and maintaining the clearinghouse, the Director may—

(1) through the Attorney General, utilize the resources of any other department or agency of the Federal Government; and

(2) accept assistance and information from private organizations or individuals.

(g) **COORDINATION.**—The Director shall carry out the Director's responsibilities under this section in cooperation with the Director of the Bureau of Alcohol, Tobacco, and Firearms.

(h) **DEFINITIONS.**—In this section:

(1) The term “animal enterprise” has the same meaning as in section 43 of title 18, United States Code.

(2) The term “Director” means the Director of the Federal Bureau of Investigation.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated for fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as are necessary to carry out this section.

Subtitle D—Jail-Based Substance Abuse

SEC. 1654. JAIL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS.

(a) **USE OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANTS TO PROVIDE AFTERCARE SERVICES.**—Section 1901 of part S of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-1) is amended by adding at the end the following:

“(f) **USE OF GRANT AMOUNTS FOR NONRESIDENTIAL AFTERCARE SERVICES.**—A State may use amounts received under this part to provide nonresidential substance abuse treatment aftercare services for inmates or former inmates that meet the requirements of subsection (c), if the chief executive officer of the State certifies to the Attorney General that the State is providing, and will continue to provide, an adequate level of residential treatment services.”

(b) **JAIL-BASED SUBSTANCE ABUSE TREATMENT.**—Part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended by adding at the end the following:

“SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘jail-based substance abuse treatment program’ means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of

a correctional facility set apart from the general population of the correctional facility, if those activities are—

“(A) directed at the substance abuse problems of prisoners; and

“(B) intended to develop the cognitive, behavioral, social, vocational, and other skills of prisoners in order to address the substance abuse and related problems of prisoners; and

“(2) the term ‘local correctional facility’ means any correctional facility operated by a unit of local government.

“(b) AUTHORIZATION.—

“(1) IN GENERAL.—Not less than 10 percent of the total amount made available to a State under section 1904(a) for any fiscal year may be used by the State to make grants to local correctional facilities in the State for the purpose of assisting jail-based substance abuse treatment programs established by those local correctional facilities.

“(2) FEDERAL SHARE.—The Federal share of a grant made by a State under this section to a local correctional facility may not exceed 75 percent of the total cost of the jail-based substance abuse treatment program described in the application submitted under subsection (c) for the fiscal year for which the program receives assistance under this section.

“(c) APPLICATIONS.—

“(1) IN GENERAL.—To be eligible to receive a grant from a State under this section for a jail-based substance abuse treatment program, the chief executive of a local correctional facility shall submit to the State, in such form and containing such information as the State may reasonably require, an application that meets the requirements of paragraph (2).

“(2) APPLICATION REQUIREMENTS.—Each application submitted under paragraph (1) shall include—

“(A) with respect to the jail-based substance abuse treatment program for which assistance is sought, a description of the program and a written certification that—

“(i) the program has been in effect for not less than 2 consecutive years before the date on which the application is submitted; and

“(ii) the local correctional facility will—

“(I) coordinate the design and implementation of the program between local correctional facility representatives and the appropriate State and local alcohol and substance abuse agencies;

“(II) implement (or continue to require) urinalysis or other proven reliable forms of substance abuse testing of individuals participating in the program, including the testing of individuals released from the jail-based substance abuse treatment program who remain in the custody of the local correctional facility; and

“(III) carry out the program in accordance with guidelines, which shall be established by the State, in order to guarantee each participant in the program access to consistent, continual care if transferred to a different local correctional facility within the State;

“(B) written assurances that Federal funds received by the local correctional facility from the State under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available for jail-based substance abuse treatment programs assisted with amounts made available to the local correctional facility under this section; and

“(C) a description of the manner in which amounts received by the local correctional facility from the State under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services provided to the local correctional facility by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

“(d) REVIEW OF APPLICATIONS.—

“(1) IN GENERAL.—Upon receipt of an application under subsection (c), the State shall—

“(A) review the application to ensure that the application, and the jail-based residential substance abuse treatment program for which a grant under this section is sought, meet the requirements of this section; and

“(B) if so, make an affirmative finding in writing that the jail-based substance abuse treatment program for which assistance is sought meets the requirements of this section.

“(2) APPROVAL.—Based on the review conducted under paragraph (1), not later than 90 days after the date on which an application is submitted under subsection (c), the State shall—

“(A) approve the application, disapprove the application, or request a continued evaluation of the application for an additional period of 90 days; and

“(B) notify the applicant of the action taken under subparagraph (A) and, with respect to any denial of an application under subparagraph (A), afford the applicant an opportunity for reconsideration.

“(3) ELIGIBILITY FOR PREFERENCE WITH AFTERCARE COMPONENT.—

“(A) IN GENERAL.—In making grants under this section, a State shall give preference to applications from local correctional facilities that ensure that each participant in the jail-based substance abuse treatment program for which a grant under this section is sought, is required to participate in an aftercare services program that meets the requirements of subparagraph (B), for a period of not less than 1 year following the earlier of—

“(i) the date on which the participant completes the jail-based substance abuse treatment program; or

“(ii) the date on which the participant is released from the correctional facility at the end of the participant's sentence or is released on parole.

“(B) AFTERCARE SERVICES PROGRAM REQUIREMENTS.—For purposes of subparagraph (A), an aftercare services program meets the requirements of this paragraph if the program—

“(i) in selecting individuals for participation in the program, gives priority to individuals who have completed a jail-based substance abuse treatment program;

“(ii) requires each participant in the program to submit to periodic substance abuse testing; and

“(iii) involves the coordination between the jail-based substance abuse treatment program and other human service and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

“(I) educational and job training programs;

“(II) parole supervision programs;

“(III) half-way house programs; and

“(IV) participation in self-help and peer group programs; and

“(iv) assists in placing jail-based substance abuse treatment program participants with appropriate community substance abuse treatment facilities upon release from the correctional facility at the end of a sentence or on parole.

“(e) COORDINATION AND CONSULTATION.—

“(1) COORDINATION.—Each State that makes 1 or more grants under this section in any fiscal year shall, to the maximum extent practicable, implement a statewide communications network with the capacity to track the participants in jail-based substance abuse treatment programs established by local correctional facilities in the State as those participants move between local correctional facilities within the State.

“(2) CONSULTATION.—Each State described in paragraph (1) shall consult with the Attorney General and the Secretary of Health and Human Services to ensure that each jail-based substance abuse treatment program assisted with a grant made by the State under this section incorporates applicable components of comprehensive approaches, including relapse prevention and aftercare services.

“(f) USE OF GRANT AMOUNTS.—

“(1) IN GENERAL.—Each local correctional facility that receives a grant under this section shall use the grant amount solely for the purpose of carrying out the jail-based substance abuse treatment program described in the application submitted under subsection (c).

“(2) ADMINISTRATION.—Each local correctional facility that receives a grant under this section shall carry out all activities relating to the administration of the grant amount, including reviewing the manner in which the amount is expended, processing, monitoring the progress of the program assisted, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

“(3) RESTRICTION.—A local correctional facility may not use any amount of a grant under this section for land acquisition or a construction project.

“(g) REPORTING REQUIREMENT; PERFORMANCE REVIEW.—

“(1) REPORTING REQUIREMENT.—Not later than March 1 of each year, each local correctional facility that receives a grant under this section shall submit to the Attorney General, through the State, a description and evaluation of the jail-based substance abuse treatment program carried out by the local correctional facility with the grant amount, in such form and containing such information as the Attorney General may reasonably require.

“(2) PERFORMANCE REVIEW.—The Attorney General shall conduct an annual review of each jail-based substance abuse treatment program assisted under this section, in order to verify the compliance of local correctional facilities with the requirements of this section.

“(h) NO EFFECT ON STATE ALLOCATION.—Nothing in this section shall be construed to affect the allocation of amounts to States under section 1904(a).”

(c) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended, in the matter relating to part S, by adding at the end the following:

“1906. Jail-based substance abuse treatment.”

Subtitle E—Safe School Security

SEC. 1655. SHORT TITLE.

This subtitle may be cited as the “Safe School Security Act of 1999”.

SEC. 1656. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement, of a center to be known as the “School Security Technology Center”. The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development,

technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school violence, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section—

- (1) \$3,700,000 for fiscal year 2000;
- (2) \$3,800,000 for fiscal year 2001; and
- (3) \$3,900,000 for fiscal year 2002.

SEC. 1657. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

“SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

“(a) IN GENERAL.—

“(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

“(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

“(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

“(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2000, 2001, and 2002.”

SEC. 1658. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

- (1) develop a proposal to further improve school security; and
- (2) submit that proposal to Congress.

Subtitle F—Internet Prohibitions

SEC. 1661. SHORT TITLE.

This subtitle may be cited as the “Internet Firearms and Explosives Advertising Act of 1999”.

SEC. 1662. FINDINGS; PURPOSE.

Congress finds the following:

(1) Citizens have an individual right, under the Second Amendment to the United States Constitution, to keep and bear arms. The Gun Control Act of 1968 and the Firearms Owners Protection Act of 1986 specifically state that it is not the intent of Congress to frustrate the free exercise of that right in enacting Federal legislation. The free exercise of that right includes law abiding firearms owners buying, selling, trading, and collecting guns in accordance with Federal, State, and local laws for whatever lawful use they deem desirable.

(2) The Internet is a powerful information medium, which has and continues to be an

excellent tool to educate citizens on the training, education and safety programs available to use firearms safely and responsibly. It has, and should continue to develop, as a 21st century tool for “e-commerce” and marketing many products, including firearms and sporting goods. Many web sites related to these topics are sponsored in large part by the sporting firearms and hunting community.

(3) It is the intent of Congress that this legislation be applied where the Internet is being exploited to violate the applicable explosives and firearms laws of the United States.

SEC. 1663. PROHIBITIONS ON USES OF THE INTERNET.

(a) In General.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“§931. Criminal firearms and explosives solicitations

“(a)(1) IN GENERAL.—Any person who, in a circumstance described in paragraph (2), knowingly makes, prints, or publishes, or causes to be made, printed, or published, any notice or advertisement seeking or offering to receive, exchange, buy, sell, produce, distribute, or transfer—

“(A) a firearm knowing that such transaction, if carried out as noticed or advertised, would violate subsection (a), (d), (g), or (x) of section 922 of this chapter, or

“(B) explosive materials knowing that such transaction, if carried out as noticed or advertised, would violate subsection (a), (d), and (i) of section 842 of this title, shall be punished as provided under subsection (b).

“(2) The circumstance referred to in paragraph (1) is that—

“(A) such person knows or has reason to know that such notice or advertisement will be transported in interstate or foreign commerce by computer; or

“(B) such notice or advertisement is transported in interstate or foreign commerce by computer.

“(b) PENALTIES.—Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title or imprisoned not more than 1 year, and both, but if such person has one prior conviction under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned for not more than 5 years, but if such person has 2 or more prior convictions under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned not less than 10 years nor more than 20 years. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a juvenile, herein defined as an individual who has not yet attained the age of 18 years, shall be punished by death, or imprisoned for any term of years or for life.

“(c) DEFENSES.—It is an affirmative defense against any proceeding involving this section if the proponent proves by a preponderance of the evidence that—

“(1) the advertisement or notice came from—

“(A) a web site, notice or advertisement operated or created by a person licensed—

“(i) as a manufacturer, importer, or dealer under section 923 of this chapter; or

“(ii) under chapter 40 of this title; and

“(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that sales or transfers of the product or information will be made in

accord with Federal, State and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, additional information that firearms transfers will only be made through a licensee, and that firearms and ammunition transfers are prohibited to felons, fugitives, juveniles and other persons under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; or

“(2) the advertisement or notice came from—

“(A) a web site, notice or advertisement is operated or created by a person not licensed as stated in paragraph (1); and

“(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that the sales or transfers of the product or information—

“(i) will be made in accord with Federal, State and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, that firearms and ammunition transfers are prohibited to felons, fugitives, juveniles and other persons under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; and

“(ii) as a term or condition for posting or listing the firearm for sale or exchange on the web site for a prospective transferor, the web site, advertisement or notice requires that, in the event of any agreement to sell or exchange the firearm pursuant to that posting or listing, the firearm be transferred to that person for disposition through a Federal firearms licensee, where the Gun Control Act of 1968 requires the transfer to be made through a Federal firearms licensee.”

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 930 the following:

“931. Criminal firearms and explosives solicitations.”

SEC. 1664. EFFECTIVE DATE.

The amendments made by sections 1661–1663 shall take effect beginning on the date that is 180 days after the enactment of this Act.

Subtitle G—Partnerships for High-Risk Youth

SEC. 1671. SHORT TITLE.

This subtitle may be cited as the “Partnerships for High-Risk Youth Act”.

SEC. 1672. FINDINGS.

Congress finds that—

(1) violent juvenile crime rates have been increasing in United States schools, causing many high-profile deaths of young, innocent school children;

(2) in 1994, there were 2,700,000 arrests of persons under age 18 (a third of whom were under age 15), up from 1,700,000 in 1991;

(3) while crime is generally down in many urban and suburban areas, crime committed by teenagers has spiked sharply over the past few years;

(4) there is no single solution, or panacea, to the problem of rising juvenile crime;

(5) there will soon be over 34,000,000 teenagers in the United States, which is 26 percent higher than the number of such teenagers in 1990 and the largest number of teenagers in the United States to date;

(6) in order to ensure the safety of youth in the United States, the Nation should begin to explore innovative methods of curbing the rise in violent crime in United States schools, such as use of faith-based and grassroots initiatives; and

(7)(A) a strong partnership among law enforcement, local government, juvenile and family courts, schools, businesses, charitable

organizations, families, and the religious community can create a community environment that supports the youth of the Nation and reduces the occurrence of juvenile crime; and

(B) the development of character and strong moral values will—

(i) greatly decrease the likelihood that youth will fall victim to the temptations of crime; and

(ii) improve the lives and future prospects of high-risk youth and their communities.

SEC. 1673. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a national demonstration project to promote learning about successful youth interventions, with programs carried out by institutions that can identify and employ effective approaches for improving the lives and future prospects of high-risk youth and their communities.

(2) To document best practices for conducting successful interventions for high-risk youth, based on the results of local initiatives.

(3) To produce lessons and data from the operating experience from those local initiatives that will—

(A) provide information to improve policy in the public and private sectors; and

(B) promote the operational effectiveness of other local initiatives throughout the United States.

SEC. 1674. ESTABLISHMENT OF DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to Public-Private Ventures, Inc. to enable Public-Private Ventures, Inc. to award grants to eligible partnerships to pay for the Federal share of the cost of carrying out collaborative intervention programs for high-risk youth, described in section 1676, in the following 12 cities:

- (1) Boston, Massachusetts.
- (2) New York, New York.
- (3) Philadelphia, Pennsylvania.
- (4) Pittsburgh, Pennsylvania.
- (5) Detroit, Michigan.
- (6) Denver, Colorado.
- (7) Seattle, Washington.
- (8) Cleveland, Ohio.
- (9) San Francisco, California.
- (10) Austin, Texas.
- (11) Memphis, Tennessee.
- (12) Indianapolis, Indiana.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be 70 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash.

SEC. 1675. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under section 1674, a partnership—

(1) shall submit an application to Public-Private Ventures Inc. at such time, in such manner, and containing such information as Public-Private Ventures, Inc. may require;

(2) shall enter into a memorandum of understanding with Public-Private Ventures, Inc.; and

(3)(A) shall be a collaborative entity that includes representatives of local government, juvenile detention service providers, local law enforcement, probation officers, youth street workers, and local educational agencies, and religious institutions that have resident-to-membership percentages of at least 40 percent; and

(B) shall serve a city referred to in section 1674(a).

(b) SELECTION CRITERIA.—In making grants under section 1674, Public-Private Ventures, Inc. shall consider—

(1) the ability of a partnership to design and implement a local intervention program for high-risk youth;

(2) the past experience of the partnership, and key participating individuals, in intervention programs for youth and similar community activities; and

(3) the experience of the partnership in working with other community-based organizations.

SEC. 1676. USES OF FUNDS.

(a) PROGRAMS.—

(1) CORE FEATURES.—An eligible partnership that receives a grant under section 1674 shall use the funds made available through the grant to carry out an intervention program with the following core features:

(A) TARGET GROUP.—The program will target a group of youth (including young adults) who—

(i) are at high risk of—

(I) leading lives that are unproductive and negative;

(II) not being self-sufficient; and

(III) becoming incarcerated; and

(ii) are likely to cause pain and loss to other individuals and their communities.

(B) VOLUNTEERS AND MENTORS.—The program will make significant use of volunteers and mentors.

(C) LONG-TERM INVOLVEMENT.—The program will feature activities that promote long-term involvement in the lives of the youth (including young adults).

(2) PERMISSIBLE SERVICES.—The partnership, in carrying out the program, may use funds made available through the grant to provide, directly or through referrals, comprehensive support services to the youth (including young adults).

(b) EVALUATION AND RELATED ACTIVITIES.—Using funds made available through its grant under section 1674, Public-Private Ventures, Inc. shall—

(1) prepare and implement an evaluation design for evaluating the programs that receive grants under section 1674;

(2) conduct a quarterly evaluation of the performance and progress of the programs;

(3) organize and conduct national and regional conferences to promote peer learning about the operational experiences from the programs;

(4) provide technical assistance to the partnerships carrying out the programs, based on the quarterly evaluations; and

(5) prepare and submit to the Attorney General a report that describes the activities of the partnerships and the results of the evaluations.

(c) LIMITATION.—Not more than 20 percent of the funds appropriated under section 1677 for a fiscal year may be used—

(1) to provide comprehensive support services under subsection (a)(2);

(2) to carry out activities under subsection (b); and

(3) to pay for the administrative costs of Public-Private Ventures, Inc., related to carrying out this subtitle.

SEC. 1677. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle \$4,000,000 for each of the fiscal years 2000 through 2004.

Subtitle H—National Youth Crime Prevention

SEC. 1681. SHORT TITLE.

This subtitle may be cited as the “National Youth Crime Prevention Demonstration Act”.

SEC. 1682. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a demonstration project that establishes violence-free zones that would involve successful youth intervention models in partnership with law enforcement, local housing authorities, private foundations, and other public and private partners.

(2) To document best practices based on successful grassroots interventions in cities, including Washington, District of Columbia; Boston, Massachusetts; Hartford, Connecticut; and other cities to develop methodologies for widespread replication.

(3) To increase the efforts of the Department of Justice, the Department of Housing and Urban Development, and other agencies in supporting effective neighborhood mediating approaches.

SEC. 1683. ESTABLISHMENT OF NATIONAL YOUTH CRIME PREVENTION DEMONSTRATION PROJECT.

The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to the National Center for Neighborhood Enterprise (referred to in this subtitle as the “National Center”) to enable the National Center to award grants to grassroots entities in the following 8 cities:

- (1) Washington, District of Columbia.
- (2) Detroit, Michigan.
- (3) Hartford, Connecticut.
- (4) Indianapolis, Indiana.
- (5) Chicago (and surrounding metropolitan area), Illinois.
- (6) San Antonio, Texas.
- (7) Dallas, Texas.
- (8) Los Angeles, California.

SEC. 1684. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a grassroots entity referred to in section 1683 shall submit an application to the National Center to fund intervention models that establish violence-free zones.

(b) SELECTION CRITERIA.—In awarding grants under this subtitle, the National Center shall consider—

(1) the track record of a grassroots entity and key participating individuals in youth group mediation and crime prevention;

(2) the engagement and participation of a grassroots entity with other local organizations; and

(3) the ability of a grassroots entity to enter into partnerships with local housing authorities, law enforcement agencies, and other public entities.

SEC. 1685. USES OF FUNDS.

(a) IN GENERAL.—Funds received under this subtitle may be used for youth mediation, youth mentoring, life skills training, job creation and entrepreneurship, organizational development and training, development of long-term intervention plans, collaboration with law enforcement, comprehensive support services and local agency partnerships, and activities to further community objectives in reducing youth crime and violence.

(b) GUIDELINES.—The National Center will identify local lead grassroots entities in each designated city.

(c) TECHNICAL ASSISTANCE.—The National Center, in cooperation with the Attorney General, shall also provide technical assistance for startup projects in other cities.

SEC. 1686. REPORTS.

The National Center shall submit a report to the Attorney General evaluating the effectiveness of grassroots agencies and other public entities involved in the demonstration project.

SEC. 1687. DEFINITIONS.

In this subtitle:

(1) GRASSROOTS ENTITY.—The term “grassroots entity” means a not-for-profit community organization with demonstrated effectiveness in mediating and addressing youth violence by empowering at-risk youth to become agents of peace and community restoration.

(2) NATIONAL CENTER FOR NEIGHBORHOOD ENTERPRISE.—The term “National Center for

Neighborhood Enterprise" means a not-for-profit organization incorporated in the District of Columbia.

SEC. 1688. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

- (1) \$5,000,000 for fiscal year 2000;
- (2) \$5,000,000 for fiscal year 2001;
- (3) \$5,000,000 for fiscal year 2002;
- (4) \$5,000,000 for fiscal year 2003; and
- (5) \$5,000,000 for fiscal year 2004.

(b) RESERVATION.—The National Center for Neighborhood Enterprise may use not more than 20 percent of the amounts appropriated pursuant to subsection (a) in any fiscal year for administrative costs, technical assistance and training, comprehensive support services, and evaluation of participating grassroots organizations.

Subtitle I—National Youth Violence Commission

SEC. 1691. SHORT TITLE.

This subtitle may be cited as the "National Youth Violence Commission Act".

SEC. 1692. NATIONAL YOUTH VIOLENCE COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Youth Violence Commission (hereinafter referred to in this subtitle as the "Commission"). The Commission shall—

- (1) be composed of 16 members appointed in accordance with subsection (b); and
- (2) conduct its business in accordance with the provisions of this subtitle.

(b) MEMBERSHIP.—

(1) PERSONS ELIGIBLE.—Except for those members who hold the offices described under paragraph (2)(A), and those members appointed under paragraph (2) (C)(ii) and (D)(iv), the members of the Commission shall be individuals who have expertise, by both experience and training, in matters to be studied by the Commission under section 1693. The members of the Commission shall be well-known and respected among their peers in their respective fields of expertise.

(2) APPOINTMENTS.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) Four shall be appointed by the President of the United States, including—

- (i) the Surgeon General of the United States;
- (ii) the Attorney General of the United States;
- (iii) the Secretary of the Department of Health and Human Services; and
- (iv) the Secretary of the Department of Education.

(B) Four shall be appointed by the Speaker of the House of Representatives, including—

- (i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;
- (ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;
- (iii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies; and
- (iv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of child or adolescent psychology.

(C) Two shall be appointed by the Minority Leader of the House of Representatives, including—

- (i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement; and
- (ii) 1 member who is a recognized religious leader.

(D) Four shall be appointed by the Majority Leader of the Senate, including—

- (i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the social sciences; and

(iv) 1 member who is a recognized religious leader.

(E) Two shall be appointed by the Minority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling; and

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (2) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The appointing authorities under paragraph (2) shall jointly designate 1 member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 45 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(i) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this subtitle or other applicable law.

SEC. 1693. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of youth violence to determine the root causes of such violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of incidents of youth violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the level of involvement and awareness of teachers and school administrators in the lives of their students and any impact of such involvement and awareness on incidents of youth violence;

(B) trends in family relationships, the level of involvement and awareness of parents in the lives of their children, and any impact of such relationships, involvement, and awareness on incidents of youth violence;

(C) the alienation of youth from their schools, families, and peer groups, and any impact of such alienation on incidents of youth violence;

(D) the availability of firearms to youth, including any illegal means by which youth acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) any impact upon incidents of youth violence of the failure to execute existing laws designed to restrict youth access to certain firearms, and the illegal purchase, possession, or transfer of certain firearms;

(F) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(G) the availability to youth of information regarding the construction of weapons, including explosive devices, and any impact of such information on incidents of youth violence.

(3) TESTIMONY OF PARENTS AND STUDENTS.—In determining the root causes of incidents of youth violence, the Commission shall, pursuant to section 1694(a), take the testimony of parents and students to learn and memorialize their views and experiences regarding incidents of youth violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of youth violence and reduce incidents of youth violence. If the Surgeon General issues any report on media and violence, the Commission shall consider the findings and conclusions of such report in making recommendations under this subsection.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the Commission's findings and conclusions, together with the recommendations of the Commission.

(2) SUMMARIES.—The report under this subsection shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 1694(e); and

(B) any other material relied on by the Commission in the preparation of the Commission's report.

SEC. 1694. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 1693.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote request the Attorney General of the United States to require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out the Commission's duties under section 1693. The Commission shall transmit to the Attorney General a confidential, written request for the issuance of any such subpoena. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 1693. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) **INTERROGATORIES.**—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), request the Attorney General to issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 1693. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) **CERTIFICATION.**—Each person who submits materials or information to the Attorney General pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Attorney General the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) **TREATMENT OF SUBPOENAS.**—Any subpoena issued by the Attorney General under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) **FAILURE TO OBEY A SUBPOENA.**—If a person refuses to obey a subpoena issued by the Attorney General under paragraph (1) or (2), the Attorney General may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 1693. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) **INFORMATION TO BE KEPT CONFIDENTIAL.**—

(1) **IN GENERAL.**—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (e) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) **DISCLOSURE.**—Information obtained by the Commission or the Attorney General under this Act and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (e) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(e) **CONTRACTING FOR RESEARCH.**—The Commission may enter into contracts with any

entity for research necessary to carry out the Commission's duties under section 1693.

SEC. 1695. COMMISSION PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) **COMPENSATION.**—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 1696. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 1697. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 1693(c).

Subtitle J—School Safety

SEC. 1698. SHORT TITLE.

This subtitle may be cited as the "School Safety Act of 1999".

SEC. 1699. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) **PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.**—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting "(other than a gun or firearm)" after "weapon";

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new section:

"(10) **DISCIPLINE WITH REGARD TO GUNS OR FIREARMS.**—

"(A) **AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO GUNS OR FIREARMS.**—

"(i) Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability.

"(ii) Nothing in clause (i) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause (i) from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent.

"(B) **FREE APPROPRIATE PUBLIC EDUCATION.**—

"(i) **CEASING TO PROVIDE EDUCATION.**—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continued educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

"(ii) **PROVIDING EDUCATION.**—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

"(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

"(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(C) **RELATIONSHIP TO OTHER REQUIREMENTS.**—

"(i) **PLAN REQUIREMENTS.**—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

"(ii) **PROCEDURE.**—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.

"(D) **FIREARM.**—The term 'firearm' has the meaning given the term under section 921 of title 18, United States Code."

(b) **CONFORMING AMENDMENT.**—Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking "Whenever" and inserting the following: "Except as provided in section 615(k)(10), whenever".

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-201, as amended by Public Law 105-275, appoints the following individuals as members of the Board of Trustees of the American Folklife Center of the Library of Congress: Janet L. Brown, of South Dakota, and Mickey Hart, of California.

MEASURE READ THE FIRST TIME—S. 1138

Mr. GRASSLEY. Mr. President, a bill by Senators MCCAIN and DODD is at the desk. I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1138) to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce.

Mr. GRASSLEY. I now ask for the second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

DECLARE PORTION OF JAMES RIVER AND KANAWHA CANAL IN RICHMOND, VIRGINIA, NONNAVIGABLE WATERS

Mr. GRASSLEY. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 118, H.R. 1034.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1034) to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

There being no objection, the Senate proceeded to the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1034) was considered read the third time and passed.

LEWIS R. MORGAN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. GRASSLEY. On behalf of Senator CHAFEE, I ask unanimous consent that the Committee on Environment and Public Works be discharged from

further consideration of H.R. 1121 and that the Senate then proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1121) to designate the Federal building and United States courthouse located at 18 Greenville Street in Newnan, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse".

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

Mr. GRASSLEY. I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear in the RECORD.

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

The bill (H.R. 1121) was considered read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. I ask unanimous consent that the Senate immediately proceed to executive session to consider en bloc the following nominations on the Executive Calendar: Nos. 18, 72, 73, 74, 76, and 77 through 91, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Kent M. Wiedemann, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

THE JUDICIARY

Hiram E. Puig-Lugo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Stephen H. Glickman, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Eric T. Washington, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

DEPARTMENT OF EDUCATION

Lorraine Pratte Lewis, of the District of Columbia, to be Inspector General, Department of Education.

DEPARTMENT OF DEFENSE

Ikram U. Khan, of Nevada, to be a Member of the Board of Regents of the Uniformed

Services University of the Health Sciences for a term expiring May 1, 1999.

Ikram U. Khan, of Nevada, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2005.

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert R. Blackman, Jr.
Brig. Gen. William G. Bowdon III
Brig. Gen. James T. Conway
Brig. Gen. Arnold Fields
Brig. Gen. Jan C. Huly
Brig. Gen. Jerry D. Humble
Brig. Gen. Paul M. Lee, Jr.
Brig. Gen. Harold Mashburn, Jr.
Brig. Gen. Gregory S. Newbold
Brig. Gen. Clifford L. Stanley

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 5046:

To be brigadier general

Col. Joseph Composto

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Craig R. Quigley

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert A. Harding

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. Paul V. Hester

IN THE NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (1h) John B. Cotton
Rear Adm. (1h) Vernon P. Harrison
Rear Adm. (1h) Robert C. Marlay
Rear Adm. (1h) Steven R. Morgan
Rear Adm. (1h) Clifford J. Sturek

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (1h) John F. Brunelli
Rear Adm. (1h) John N. Costas
Rear Adm. (1h) Joseph C. Hare
Rear Adm. (1h) Daniel L. Kloeppel

IN THE MARINE CORPS

The following named officers for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Thomas J. Nicholson
Col. Douglas V. Odell, Jr.
Col. Cornell A. Wilson, Jr.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the

grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Roger A. Brady

IN THE ARMY

The following named officer for appointment as the Vice Chief of Staff, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3034:

To be general

Lt. Gen. John M. Keane

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps 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. Raymond P. Ayres, Jr.

The following named officer for appointment in the United States Marine Corps 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. Earl B. Hailston

The following named officer for appointment in the United States Marine Corps 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. Frank Libutti

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nomination of Donna R. Shay, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Joseph B. Hines, and ending *Peter J. Molik, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nomination of Timothy P. Edinger, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nomination of Chris A. Phillips, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Robert B. Heathcock, and ending James B. Mills, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Paul B. Little, Jr., and ending John M. Shepherd, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Army nominations beginning Bryan D. Baugh, and ending Jack A. Woodford, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Marine Corps nominations beginning Dale A. Crabtree, Jr., and ending Kevin P. Toomey, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Marine Corps nominations beginning James C. Addington, ending David J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Marine Corps nominations beginning James C. Andrus, and ending Philip A. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Navy nomination of Don A. Frasier, which was received by the Senate and appeared in the Congressional Record of March 18, 1999.

Navy nomination of Norberto G. Jimenez, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

Navy nominations beginning Neil R. Bourassa, and ending Steven D. Tate, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

Navy nominations beginning Basilio D. Bena, and ending Harold T. Workman, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

NOMINATION OF KENT WIEDEMANN TO BE U.S. AMBASSADOR TO CAMBODIA

Mr. McCONNELL. Mr. President, I would like to make three comments on the nomination of Mr. Kent Wiedemann, a career foreign service officer slated to be the next U.S. Ambassador to the Kingdom of Cambodia. Let me say at the outset: I strongly oppose this nomination.

First, it is apparent that Mr. Wiedemann has done little to further the cause of democracy in Burma where he has been Charge in Rangoon for the past several years. When we met in my office a few months ago, I asked him to cite specific instance where he supported Burmese democracy activists. Mr. Wiedemann produced a single letter from democracy leader Aung San Suu Kyi. However, he could not cite a single action or activity that he undertook on the ground to help strengthen justice and freedom in Burma. Not one.

In addition, I asked the Senate Foreign Relations Committee to request copies of all statements or speeches Mr. Wiedemann gave while serving in Burma which support the U.S. policy to restore the legitimate government of Aung San Suu Kyi to office. During his entire tenure, he could not provide a single example of remarks made at a Burmese forum supporting U.S. policy or democracy.

Pro-democracy Burmese activists wrote to me to share their views of Mr. Wiedemann's tenure in Rangoon:

The arrival of Mr. Wiedemann . . . has not changed much in respect to our democracy movement.

[Wiedemann] remained inactive and ignorant to our vital problems, human rights, democracy and refugee, and made no efforts at seeking cooperation with our NGOs who had extensive experience in these regards * * *. We were left in the cold.

[There was] no coordination or effort on the part of the embassy, to help the democracy movement of the exiles * * *. Apart from regular meetings with Ms. Aung San Suu Kyi, we knew of no efforts by Mr. Wiedemann.

These are not my words; they are those of courageous Burmese men and women who dare to stand for principles and justice. Yet, less than one month after the passing of Aung San Suu Kyi's husband, I understand that Mr. Wiedemann again requested a letter from her in support of his nomination.

He seems more interested in personal and career promotion than advancing the cause of freedom in Burma.

Second, Mr. Wiedemann is simply the wrong American representative to send to Cambodia at this difficult time. My colleagues may be interested to know that in March, I visited that war ravaged country and was not encouraged by what I saw and heard. From Khmer Rouge trials to narcotics trafficking by the Cambodian military to rampant corruption and pervasive lawlessness, the next U.S. Ambassador must be a vocal advocate of human rights and the rule of law. When Mr. Wiedemann's nomination was being considered last year, Prince Norodom Ranariddh—then the First Prime Minister who had been ousted in a bloody coup d'etat in July 1997—and Sam Rainsy—an opposition leader who has survived two assassination attempts since March 1997—expressed their grave concerns:

We urge you not to replace Ambassador Kenneth Quinn after his term expires in Phnom Penh, and certainly not with Kent Wiedemann who we believe may be less than supportive of the cause of democracy in Cambodia.

Other Cambodian democracy activists have since joined the chorus of concern with his nomination. Again, in their own words:

[We are] deeply concerned that Mr. Wiedemann will court CPP [the Cambodian People's Party] strongman Hun Sen—at the expense of the democratic opposition—in an attempt to win him over.

This particular nomination sends the wrong message at the wrong time to a government characterized by lawlessness and corruption. Mr. Wiedemann may lack the credentials to effectively promote American interests in Cambodia * * *. He is not known as a vocal supporter of democracy in Southeast Asia.

Despite my strong beliefs and the legitimate fears of those who would be most affected by Mr. Wiedemann's appointment, it is clear that he will be confirmed by the Senate. Therefore, let me make clear my expectations of Mr. Wiedemann once he receives his credentials in Phnom Penh.

I expect him to meet regularly and publicly with opposition political party leaders as well as democracy and human rights activists. I expect him to openly embrace and actively encourage the rule of law in Cambodia, even if this causes tensions with Prime Minister Hun Sen and the ruling CPP party. I expect him to support international and local nongovernmental organizations in Phnom Penh committed to legal and political reforms. And, I expect that he will not shirk the awesome responsibilities as the American people's representative to Cambodia, a task that President Ronald Reagan described in February 1983:

The task that has fallen to us as Americans is to move the conscience of the world, to keep alive the hope and dream of freedom. For if we fail or falter, there'll be no place for the world's oppressed to flee to. This is not the role we sought. We preach no manifest destiny. But like the Americans who brought a new nation into the world 200

years ago, history has asked much of us in our time. (February 18, 1983)

Mr. President, it is my hope that Mr. Wiedemann will do a more noteworthy job in Cambodia supporting democracy, human rights, and the rule of law than his lackluster performance in Burma. I will be following his tenure in Cambodia to ensure that he does.

I have had this nomination on hold for more than a year. During that time, Mr. Wiedemann has waged a campaign to support his nomination, energy which might have been better directed by securing the declared U.S. goal of restoring the National League for Democracy to office. Nonetheless, I do not think one Senator should thwart the nomination process. So, I leave it to my colleagues to allow his nomination to move forward. I, for one, vote no.

Mr. REID. Mr. President, I want to say that we in the Senate tend to look at these nominations as mere numbers. Because we deal with so many nominations in this body, we tend to forget that these numbers stand for real people whose lives and dreams we are deciding upon.

I would like to talk in particular about one of these numbers, number 77. He is someone who, in a way, represents all of these numbers.

Number 77—otherwise known as Dr. Ikram Khan—is a resident of the State of Nevada, and one of the most important citizens we have in Nevada. He has served on the Nevada State Board of Medical Examiners. He has been involved in many, many charitable activities over the course of the past two decades. He is a skilled physician, an outstanding surgeon. He comes from a very substantial family, a family that is highly regarded in the State of Nevada.

I say these things because Dr. Khan is an outstanding man. And he is all the more remarkable because he is a new citizen of the United States—he immigrated from Pakistan. He exemplifies what is good about our country. He is someone who has come here from another country on another continent, arrived in the United States, and hit the ground running. He worked hard and made a name for himself and his family and built a successful career in a very short time.

And he was able to do all of that while taking the time to help others. I'm not even including those whose health and lives he has saved in his medical practice. I can't think of an event held in Nevada involving the public good that he has not been involved with in some way. We recently inaugurated a new Governor of the State of Nevada. Dr. Khan served very capably on his transition team.

In short, number 77 is an outstanding person, just as are all of these people who are numbered here, 18, 72, 73, 74, 77 through 91. It's regrettable that we here tend to rush through these nominations, for each one of these people will dedicate significant time and effort in service to this country.

Many of these nominations are of men and women who are being promoted to general officers in the armed forces, or are being promoted within the rank of general. Dr. Khan, however, will serve as a Member of the Board of Regents of the Uniformed Services University of the Health Sciences, a nomination that I think sets him apart even in this group of good and able men and women. He will serve the University and this country at his own expense. He will devote many hours and days and weeks of his time doing this, and he does it willingly.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR THURSDAY, MAY 27, 1999

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, May 27. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask consent that the Senate then resume the Department of Defense authorization bill.

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

PROGRAM

Mr. GRASSLEY. For the information of all Senators, the Senate will resume consideration of the Department of Defense authorization bill at 9:30 a.m. By a previous order, the Senate will immediately begin debate on the Allard amendment regarding the Civil Air Patrol. Further, a vote will occur in relation to the Allard amendment at 10 a.m. It is the intention of the bill managers to complete action on this bill early in the day tomorrow, and therefore cooperation of all Senators is appreciated.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. 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, following some remarks I am going to make.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

OLDER AMERICANS MONTH

Mr. GRASSLEY. Mr. President, Older Americans Month is drawing to a close. Before it ends, I would like to describe another Iowan whose accomplishments reflect an ageless spirit.

MARGARET SWANSON

Margaret Swanson of Des Moines has been called the city's "best known and most beloved volunteer." Approaching age 80, she has completed 50 years of volunteer service.

Despite her pledge to slow down, she still maintains a heavy schedule. She estimates that she volunteers 20 hours to 25 hours a week. Sometimes, she has four or five board meetings in a single day.

New causes present themselves, and Mrs. Swanson is not of a mind to say no. Her varied interests have included the Iowa Lutheran Hospital, the American Red Cross, the Girl Scouts, the East Des Moines Chamber of Commerce and the Iowa Caregivers Foundation. She identifies a need, immerses herself in the task and produces the desired result.

When her church needed an elevator, she raised money to buy one. When a used car center tried to open in her neighborhood, she fought for a day care center instead. When a home for children had an out-of-tune piano, she found an inexpensive tuner. No challenge appears too large or too small for her attention.

Mrs. Swanson's volunteer work has earned her such esteem that other community activists clear their ideas with her before proceeding. Her fellow volunteers prize her knowledge and judgment.

Age doesn't seem to play a role in Mrs. Swanson's approach to volunteerism. She is an outstanding volunteer, rather than an outstanding senior volunteer. Growing older means only that she brings more experience and more wisdom to her work. In volunteerism, as in so many other aspects of life, maturity is an asset, certainly not a liability.

During Older Americans Month, I want to thank Mrs. Swanson for her limitless gifts of time and energy to the citizens of Des Moines. By setting high standards of altruism, and by inspiring new generations of volunteers, Mrs. Swanson perfectly illustrates the theme of Older Americans Month, "Honor the Past, Imagine the Future: Toward a Society for All Ages."

ED JOHNSTON

Mr. GRASSLEY. Mr. President, there is a saying that success is the repetition of meaningful acts day after day. The most successful individuals identify a single purpose and work toward that cause in any capacity they can find.

An Iowan named Ed Johnston perfectly fits this definition of success. Mr. Johnston, of Humboldt, Iowa, tirelessly devotes his days to helping people with disabilities. He serves on the Governor's Developmental Disabilities Council, a position he earned after immersing himself in learning about the agencies that serve those with disabilities.

Several days a week, he volunteers at the Humboldt County Courthouse to help people with special needs in five

surrounding counties. He interacts with legislators about the importance of providing proper job training to persons with disabilities. He offers his expertise when someone seeks a wheelchair ramp or assistive technology to accommodate a physical need.

Mr. Johnston brings the invaluable insight to his work of someone who has lived the life of the people he seeks to help. He himself has a physical disability, although no one would consider him limited in any way.

Those familiar with his work admire his compassion and persistence. He is able to navigate the layers of government agencies that sometimes appear impenetrable to those who need services.

Another impressive element of Mr. Johnston's advocacy work is that it is his second career. In the early 1990s, he retired after 38 years of running his own shoe repair business and devoted himself to his current vocation.

The Humboldt Independent newspaper called Mr. Johnston "a man on the move." The description is accurate. He moves government agencies, legislators and his community to respond to the needs of persons with disabilities. At age 64, Mr. Johnston is the youngest of the Iowans I have honored during Older Americans Month. I wish him many more years of his priceless work.

FRED AND FERN ROBB

Mr. GRASSLEY. Mr. President, the Fairfield Ledger of Fairfield, IA, printed a photo of a newly married couple earlier this month. The groom is wearing a stylish suit and a wide smile. The equally resplendent bride has eyes only for her new husband.

The couple is picture-perfect, just like any other couple starting a new life together. Unlike any other couple, the groom in this case is age 102.

The Rev. Fred Robb of Washington, Iowa, married Fern Claxton, 25 years younger, at the Presbyterian Church in Birmingham, Iowa, on April 9, 1999. The couple renewed an old friendship at the Rev. Robb's 100th birthday celebration in 1996. Among other meetings, they shared in the 100th birthday celebration of the minister's brother, Milt Robb, in January.

The Rev. Robb is one of more than 750 centenarians in Iowa. I don't know for a fact, but I'd bet many of them approach aging with the same positive spirit as the Rev. Robb.

I run into a lot of older Iowans who don't impose unnatural limits on themselves because of their age. They don't stop doing what's important to them just because the calendar reflects a certain milestone. These individuals are ageless, not due to the years they have lived but in their approach to life. One of my favorite examples of an ageless Iowan is a 92-year-old woman who was in a hurry because she said she had to deliver meals to the "old people."

During Older Americans Month, I want to congratulate Fred and Fern Robb on their ageless spirit and wish them a happy life together. By defying

the conventional wisdom that newlyweds must be young, the Robbs advance the theme of Older Americans Month: "Honor the Past, Imagine the Future: Toward a Society for All Ages."

BIRDS THAT DON'T FLY

Mr. GRASSLEY. Mr. President, I would like to draw the Senate's attention to a growing embarrassment in our efforts to support counter-drug programs in Mexico. The story would be funny if it weren't so serious and had not been going on for so long.

In 1996, the Department of Defense began the process of giving 73 surplus UH-1H helicopters—Hueys—to Mexico to assist in counter smuggling operations. The President approved this transfer in September and the helicopters began arriving in December.

The main justification at the time for this contribution was to stop major air smuggling into Mexico. The Colombian and Mexican drug cartels were flying large quantities of drugs into Mexico in private airplanes. Sometimes these were multiple flights, sometimes single ones. Usually they were twin-engine propeller-driven aircraft, but occasionally they were larger, commercial-sized cargo jets. Earlier in the 1990's, the U.S. State Department had instituted a program with Mexico's Attorney General of developing a helicopter-based interdiction force. One can only assume that DoD sought to engage Mexico's military in a similar way. Somewhere along the way, however, something went wrong.

Here's one for the books. We have a civilian State Department program with the civilian Attorney General's office in Mexico operating an air force that works. And we have the U.S. military operating a program with the Mexican military to operate an air force that doesn't work.

It not only doesn't work, it does not have a purpose, so far as I can tell. I have asked the GAO to look at this issue twice, and they have had a problem in identifying a purpose or results.

I have asked the Defense Department and it seems to be stumped as well. The Mexican Government is puzzled. We ought to be dumbfounded.

Today, none of the 70-plus helicopters is flying. No one can tell me when they might be flying. No one seems to know how many might fly if they ever do. No one seems to know what they are to do if they do fly. It is unclear how they will be maintained. Or how much it will cost. Or who is going to pay. Since no one knows the answer to any of these questions, no one can tell me how many helicopters might be needed. Is 70 too many? No one knows. Is this any way to run a airline?

I cannot seem to get a straightforward answer from the Administration about what the plan for these helicopters is. As one U.S. embassy official noted to my staff last year, what to do with and about the helicopters is a

muddle. It is a muddle all right; but it is one of our making.

When plans were first announced about putting these helicopters in Mexico, I began asking about the need for radars. Mexico lacks any sustained radar coverage of its southern approaches. If you are planning an air interdiction program, it would seem logical to include a plan for developing the eyes needed to make the program work. The response I got from both U.S. and Mexican officials to questions about radars was a deafening silence. Or vague promises. I kept asking. Finally, after about six months, the U.S. and Mexican Administrations informed me that no radars were necessary. And why? Because there was no longer a major air trafficking threat; it was mostly maritime. And when did we know there was no longer a major air threat? In 1995. And when did we give Mexico the helicopters? In 1996. So far as I can tell, we gave Mexico a capability to deal with a problem that both countries knew we no longer faced. Today the threat is mostly maritime. So why helicopters?

Well, having taken that on board, the next question is, what are we going to have the helicopters do? It turns out that the best idea is to have them ferry troops around to chop poppies or marijuana. But this is mostly in the mountains and the helos aren't very capable in the mountains. And how many helos are needed? It turns out there is no very clear answer. But before we got very far down that road, a problem was discovered that grounded all Hueys in 1998. This necessitated a worldwide assessment of the air worthiness of the equipment. Although this was eventually done, the Mexican military refused to fly the helicopters until they had more assurances that there were no air safety questions. They also wanted more resources to fly the equipment. So nothing was done and the helos sit.

As it happens, Hueys are old, Vietnam War-vintage aircraft. They are still serviceable, but they are aging and need a lot of care and feeding. It is also harder to get spare parts for them.

And being old, they are sometimes cranky. We gave Mexico 73 of these birds in the spirit of cooperation. So, today, the helos in Mexico have been on the ground becoming very expensive museum-quality memorials to the United States-Mexican partnership. While they sit, the air crews' qualifications for flying the equipment is in doubt. So even if we could get the birds up tomorrow, it is not clear that the air crews are qualified to fly them. And we still aren't sure what they are supposed to do if we did. We are not even sure at this point if the Mexicans still want the helos.

It is in this environment that I have asked the Department of Defense to provide me and Congress with a plan. Since no one in the past two to three years seems to have a clue about what we are doing, I think it is reasonable and prudent to have a plan on the

record. This is not rocket science. But so far, I have not had much luck. Now, you would think that there would already be a plan.

Given the importance of our drug co-operation with Mexico it would not be unreasonable to expect one. We have bilateral agreements. We have binational strategies. We have joint measures of effectiveness. We have had "high-level contact group" meetings at great public expense to both countries. But apparently we have no plan. We have had recently several Administration visits to Mexico and more discussions. But there is no plan. The administration cannot seem to tell the difference between "talking" and a "plan."

I, for one, do not think that this is a situation we can accept any longer. After three years of asking, one has to begin to wonder just what it is we think we are doing. I have not mentioned the C-26 airplanes that we gave to Mexico and other countries for which there appears to be just as much lack of thinking. That is for another time. But there is one more piece to the helicopter story.

As of last week, a new problem has developed and all Hueys are grounded again. This doesn't affect the helicopters in Mexico since they weren't flying anyway, but it leaves us even more in doubt. The result is an embarrassment for both countries.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 9:04 p.m., adjourned until Thursday, May 27, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 26, 1999:

DEPARTMENT OF STATE

A. PETER BURLEIGH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO THE REPUBLIC OF PALAU.

UNITED STATES INFORMATION AGENCY

ALBERTO J. MORA, OF FLORIDA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2000. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR

KAREN AGUILAR, OF CALIFORNIA
WILLIAM BACH, OF VIRGINIA
JEFFERSON TRAVIS BROWN, OF NEW JERSEY
JANEY D. COLE, OF THE DISTRICT OF COLUMBIA
RENATE ZIMMERMAN COLESHILL, OF FLORIDA
JULIE GIANELLONI CONNOR, OF LOUISIANA
ROSEMARY F. CROCKETT, OF THE DISTRICT OF COLUMBIA

DOUGLAS A. DAVIDSON, OF VIRGINIA
ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA

RENEE M. EARLE, OF KENTUCKY
CYNTHIA GRISSOM EFIRD, OF NORTH CAROLINA
MARY ELLEN T. GILROY, OF NEW YORK
MICHAEL G. HAHN, OF VIRGINIA
SUSAN CRAIS HOVANEC, OF MARYLAND
MARK THOMAS JACOBS, OF NEW YORK
INEZ GREEN KERR, OF WASHINGTON
L. W. KOENGETER, OF FLORIDA
MARY ANNE KRUGER, OF VIRGINIA
DUNCAN HAGER MACINNES, OF VIRGINIA
DIANA MOXHAY, OF NEW YORK
KIKI SKAGEN MUNSHI, OF CALIFORNIA
ADRIENNE S. O'NEAL, OF MINNESOTA
WILLIAM VAN RENSALIER PARKER, OF MARYLAND
ELIZABETH B. PRYOR, OF THE DISTRICT OF COLUMBIA
BROOKS A. ROBINSON, OF CALIFORNIA
RICHARD J. SCHMIERER, OF CONNECTICUT
MICHAEL W. SEIDENSTRICKER, OF FLORIDA
MARK A. TAPLIN, OF THE DISTRICT OF COLUMBIA
ELIZABETH A. WHITAKER, OF NEW YORK
JANET ELAINE WILGUS, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

LAURIE M. KASSMAN, OF THE DISTRICT OF COLUMBIA

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. THOMAS N. BURNETTE, JR.

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

MAJ. GEN. BILLY K. SOLOMON

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RICHARD W. BAUER
RONALD S. BUSH
DEREK K. WEBSTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be commander

ROBERT A. YOUREK

To be lieutenant commander

MICHAEL P. BURNS
LORENZO D. BROWN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be captain

DOUGLAS G. MACCREA
MICHAEL L. FELMLY
JAMES S. VACEK
SUSAN E. JANNUZZI

To be commander

JEAN E. KREMLER
RONNIE C. KING
JOHN R. POMERVILLE

To be lieutenant commander

MLADEN K. VRANJICAN

CONSUMER PRODUCT SAFETY COMMISSION

MARY SHEILA GALL, OF VIRGINIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 1998. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate May 26, 1999:

DEPARTMENT OF STATE

KENT M. WIEDEMANN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

DEPARTMENT OF EDUCATION

LORRAINE PRATTE LEWIS, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION.

DEPARTMENT OF DEFENSE

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 1999.

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 2005.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5046:

To be brigadier general

COL. JOSEPH COMPOSTO

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

HIRAM E. PUIG-LUGO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

STEPHEN H. GLICKMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

ERIC T. WASHINGTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT R. BLACKMAN, JR.
BRIG. GEN. WILLIAM G. BOWDON III
BRIG. GEN. JAMES T. CONWAY
BRIG. GEN. ARNOLD FIELDS
BRIG. GEN. JAN C. HULY
BRIG. GEN. JERRY D. HUMBLE
BRIG. GEN. PAUL M. LEE, JR.
BRIG. GEN. HAROLD MASHBURN, JR.
BRIG. GEN. GREGORY S. NEWBOLD
BRIG. GEN. CLIFFORD L. STANLEY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CRAIG R. QUIGLEY

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT A. HARDING

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. PAUL V. HESTER

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN B. COTTON
REAR ADM. (LH) VERNON P. HARRISON
REAR ADM. (LH) ROBERT C. MARLAY
REAR ADM. (LH) STEVEN R. MORGAN
REAR ADM. (LH) CLIFFORD J. STUREK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN F. BRUNELLI
REAR ADM. (LH) JOHN N. COSTAS
REAR ADM. (LH) JOSEPH C. HARE
REAR ADM. (LH) DANIEL L. KLOEPPPEL

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. THOMAS J. NICHOLSON
COL. DOUGLAS V. ODELL, JR.

COL. CORNELL A. WILSON, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROGER A. BRADY

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

LT. GEN. JOHN M. KEANE

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS 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. RAYMOND P. AYRES, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS 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. EARL B. HAILSTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS 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. FRANK LIBUTTI

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be major

DONNA R. SHAY

IN THE ARMY

ARMY NOMINATIONS BEGINNING JOSEPH B. HINES, AND ENDING *PETER J. MOLIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be lieutenant colonel

TIMOTHY P. EDINGER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be lieutenant colonel

CHRIS A. PHILLIPS

ARMY NOMINATIONS BEGINNING ROBERT B. HEATHCOCK, AND ENDING JAMES B. MILLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

ARMY NOMINATIONS BEGINNING PAUL B. LITTLE, JR., AND ENDING JOHN M. SHEPHERD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

ARMY NOMINATIONS BEGINNING BRYAN D. BAUGH, AND ENDING JACK A. WOODFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING DALE A. CRABTREE, JR., AND ENDING KEVIN P. TOOMEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

MARINE CORPS NOMINATIONS BEGINNING JAMES C. ADDINGTON, AND ENDING DAVID J. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND AP-

PEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

MARINE CORPS NOMINATIONS BEGINNING JAMES C. ANDRUS, AND ENDING PHILIP A. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DON A. FRASIER

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

NORBERTO G. JIMENEZ

NAVY NOMINATIONS BEGINNING NEIL R. BOURASSA, AND ENDING STEVEN D. TATE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

NAVY NOMINATIONS BEGINNING BASILIO D. BENA, AND ENDING HAROLD T. WORKMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 12, 1999.

WITHDRAWAL

Executive message transmitted by the President to the Senate on May 26, 1999, withdrawing from further Senate consideration the following nomination:

EXECUTIVE OFFICE OF THE PRESIDENT

MYRTA K. SALE, OF MARYLAND, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, WHICH WAS SENT TO THE SENATE ON JANUARY 7, 1999.