

The message also announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; and appoints as additional conferees from the Committee on Science, for consideration of section 312(d) and title VI of the House bill and sections 1119, 1206, and title II of the Senate amendment and modifications committed to conference: Mr. SENSENBRENNER, Mrs. MORELLA, and Mr. BROWN of California.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and National Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendments, and modifications committed to conference: Mr. ARCHER, Mr. SHAW, Mr. CAMP, Mr. RANGEL, and Mr. LEVIN.

As additional conferees from the Committee on Education and the Workforce, for consideration of section 401 of the Senate amendment and modifications committed to conference: Mr. GOODLING, Mr. FAWELL, and Mr. PAYNE.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LIVINGSTON, Mr. MCDADE, Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. PORTER, Mr. ROGERS, Mr. SKEEN, Mr. WOLF, Mr. KOLBE, Mr. PACKARD, Mr. CALLAHAN, Mr. WALSH, Mr. OBEY, Mr. YATES, Mr. STOKES, Mr. MURTHA, Mr. SABO, Mr. FAZIO, Mr. HOYER, Ms. KAPTUR, and Ms. PELOSI, AS THE MANAGERS OF THE CONFERENCE ON THE PART OF THE HOUSE.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1252. An act to modify the procedures of the Federal courts in certain matters, and

for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1981. A bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

The following bills were read twice and ordered placed on the calendar:

H.R. 3565. An act to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968

S. 1985. An act to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 1873. A bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack (Rept. No. 105-175).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. GRAMS:

S. 1982. A bill to equalize the minimum adjustments to prices for fluid milk under milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH of New Hampshire (for himself, Mr. HELMS, and Mr. FAIRCLOTH):

S. 1983. A bill to amend section 991(a) of title 28, United States Code, to require certain members of the United States Sentencing Commission to be selected from among individuals who are victims of a crime of violence; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 1984. A bill to prohibit the transfer of a handgun by a licensed dealer unless the transferee states that the transferee is not the subject of a restraining order with respect to an intimate partner of the transferee, a child of the transferee, or a child of an intimate partner of the transferee; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. LEAHY, Mr. DEWINE, and Mr. SESSIONS):

S. 1985. A bill to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968; read twice and placed on the calendar.

By Mr. D'AMATO (for himself and Mr. SHELBY):

S. 1986. A bill to restructure the regulation of the Federal Home Loan Bank System; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEWINE (for himself and Mrs. HUTCHISON):

S. 1987. A bill to amend title 18, United States Code, with respect to violent sex

crimes against children, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1988. A bill to provide for the release of interests of the United States in certain real property located in Augusta, Maine; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mr. LUGAR, Mr. GRAHAM, Mr. BROWNBACK, Mr. BINGAMAN, and Mr. ROCKEFELLER):

S. Res. 216. A resolution expressing the sense of the Senate regarding Japan's difficult economic condition; to the Committee on Foreign Relations.

By Mr. WARNER (for himself, Mr. ROBB, and Mr. GRAHAM):

S. Con. Res. 91. A bill expressing the sense of the Congress that a postage stamp should be issued to commemorate the life of George Washington and his contributions to the Nation; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS:

S. 1982. A bill to equalize the minimum adjustments to prices for fluid milk under milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

THE DAIRY REFORM ACT OF 1998

Mr. GRAMS. Mr. President, I rise today to introduce legislation that seeks to restore fairness to the nation's dairy system—fairness that has long been missing, particularly in the Upper Midwest and especially in my home state of Minnesota.

When Minnesotans are asked to name my state's leading industries, agriculture will certainly be at or near the top of most every list. Farming and farm-related business plays a critical role in Minnesota's economy. One out of every four Minnesota jobs is tied in some way to agriculture, and 25% of the state's economy is dependent upon farmers and agri-business, most of it focused in the dairy industry.

What many people do not realize is that, despite those statistics, our state's dairy industry is in real trouble.

Since dropping to number five in milk production—behind Wisconsin, California, Pennsylvania, and New York—Minnesota has been slowly but steadily losing its clout among the top dairy states in the nation. We have lost over 10,000 dairy farms in just the last decade, and today, dairy farms are drying up at a rate of about three every single day. Milk production has dropped significantly as a result—nearly 20% in the last decade.

What makes this especially troubling is that much of the decline in Minnesota's dairy industry can be traced

directly to farm policies mandated outside of Minnesota's control, in Washington. And the outdated federal milk marketing orders program is a serious part of our dairy problems.

The Midwest is one of the best places in the country for dairy. It should be growing and expanding in the Midwest, but because of the Government's outdated policies and programs, it is hurting and killing the dairy industry in the Midwest.

The milk marketing orders is yet another example of a well-intentioned scheme dreamed up by Washington bureaucrats that has gone seriously awry. Instead of helping Minnesotans, the milk orders actually hurt the state's economy and penalizing its taxpayers, while benefiting dairy farmers outside the Midwest.

The problem can be traced back to 1937, when Congress enacted the "Agricultural Marketing Agreement Act." The legislation was created to encourage the milk production near the nation's major population centers and set a minimum price paid to dairy farmers for Class I milk. That federal "nudge" was necessary in some instances, because without refrigerated trucks, fluid milk could not be transported over long distances.

In 1985, as part of that year's farm bill, Congress expanded the milk orders program to aid the dairy industry outside the Midwest by increasing the minimum price for Class I milk based on a ridiculous formula.

This basically helps producers outside the Upper Midwest, while making dairy production less profitable for producers inside the Upper Midwest region.

That is not because of anything that the farmers are doing, their productivity, the land, the climate, whatever. The only reason for the decline, again, is because of an outdated Federal dairy policy.

This process is unfair and archaic. Above all, it is opposite in every way to the free market.

The Upper Midwest dairy industry, one of the most efficient in the world, is only asking for a fair shake in this process. And so, Mr. President, the legislation I introduce today will amend one of the most inequitable components of the Agricultural Marketing Act of 1937—the Class I milk price differentials.

USDA is currently in the process of reforming its system of Federal Milk Marketing Orders. Unfortunately, the Class I differentials proposal released earlier this year was disappointing. Two options have been offered under the proposal. Option "1A"—the status quo option—is plainly unacceptable. Option "1B" does take a small step in the right direction, but it does not go far enough. However, a small step for reform is most certainly preferable to a step backward as "1A" would do.

As short-term progress, I support Option "1B" because, as I have said, it is the only option USDA is currently con-

sidering that makes a move toward fairness in federal dairy policy. My bill would continue the reform beyond the small gains for equity that "1B" establishes. We cannot allow ourselves to become satisfied until we secure substantive federal dairy reform.

Common sense would tell us that USDA's proposal of a small step toward market-policy is the compromise position for dairy reform. However, as you can imagine, there has been the typical, standard-fare outcry against any sort of reform—even the minimal reform that was offered in the form of Option "1B." And surely that is little more than an acknowledgment on the part of USDA that equity and fairness really do matter in national dairy policy.

USDA has explicitly expressed its preference for "1B." However, my optimism is guarded, given the fact that "the status quo option" is being seriously considered as a measure of reform.

It is all too likely that they may move us a step backward and call it reform. There is every reason to believe that USDA will succumb to the pressure of maintaining the unjustifiable status quo.

So many constituencies have been built up around this antiquated dairy pricing policy, and now to try to put any fairness into the system we are going to have these outcries from across the country.

So, in addition to the objective of shaping the policy debate beyond short-term fixes, I believe that we in the Upper Midwest must now proceed with progressive dairy reform in the event we once again, find ourselves standing alone in the name of justifiable, equitable, dairy policy.

The Dairy Reform Act of 1998 establishes a uniform Class I price differential of \$1.80 for each marketing area subject to an order. The newly proposed 11 Federal Milk Marketing Orders will remain in place to provide necessary over order premiums that would raise the \$1.80 in some areas. This legislation directs us toward market-oriented reform because it removes the arbitrary, artificial price structure and its resulting interference with the market itself.

As far as dairy policy is concerned, we're at a pivotal juncture. The groundwork is being laid for a national patchwork of regional compacts. Roughly half the country has either passed enabling compact legislation, is debating such legislation, or is involved in the Northeast Interstate Dairy Compact. We must either decide to support a national system, or regionalize. As I've said, USDA's Option "1B" is a small step in the right direction for dairy policy. The Dairy Reform Act brings us closer yet to substantive reform. The compact alternative, on the other hand, is not reform—it is retreat. It is anti-market and anti-consumer, by definition.

There is no substantive, equity-based justification to support random Class I

differentials. In fact, USDA's current federal marketing order system was deemed "arbitrary and capricious" by a Federal district court judge late last year.

That is the fourth time that the courts have come out and said that the current dairy policies in this country are, again, arbitrary and capricious. So, bottom line, it means they are unfair, they are antimarket, they are anticonsumer.

So, the case brought against USDA has been in the courts for 7 years, and the judge's ruling was no less than the fourth such proceeding in the history of the case. Given the outrageously drawn-out history of the case, the judge decided not to grant USDA's request to justify the pricing scheme.

However, the ruling has been stayed now pending the appeal of the decision of the eighth circuit. After the courts have been cleared on the marketing order system, why is the USDA appealing? Why are they appealing to keep in place a system that the courts have ruled four times is basically unfair? Why don't they focus their efforts on changing the system, as the court has required, but, most important, changing the system to make sure that it is fair, that it does not discriminate against one part of the country over another, that it does not pick winners and losers, and it does not step on the necks of farmers in the Midwest?

Under the current Federal order marketing system, the Government is picking winners and picking losers. This system of nonuniform differentials is inherently unfair, and I welcome debate of other dairy policy proposals for reform as well.

Mr. President, finally, I just want to say the Dairy Reform Act of 1998 is simply a call to fairness, just fairness, in dairy policy. It is a statement in no uncertain terms that we who represent upper Midwest dairy farmers are going to fight for equitable reform, for market-driven policy. I urge my colleagues to take a look at it, to say what is fair. Why not have everybody on a level playing field? Why not give farmers all over the country the same opportunity for success or failure? Why not get consumers market-driven prices, rather than unfair Federal policies aimed at the Midwest?

So, I urge my colleagues to give their support.

By Mr. SMITH of New Hampshire (for himself, Mr. HELMS, and Mr. FAIRCLOTH):

S. 1983. A bill to amend section 991(a) of title 28, United States Code, to require certain members of the United States Sentencing Commission to be selected from among individuals who are victims of a crime of violence; to the Committee on the Judiciary.

U.S. SENTENCING COMMISSION LEGISLATION

Mr. SMITH of New Hampshire. Mr. President, this is National Victim Rights Week and today I am introducing a bill to amend section 991(a) of

title 28, United States Code, to require certain members of the United States Sentencing Commission to be selected from among individuals who are victims of a crime of violence.

Each year, Mr. President, about 40 million Americans are victimized by crime. Yet, all too often, the voices of those victims are lost in the criminal justice system. In fact, it often seems that the voices of those who commit crimes are heard with greater attentiveness by our criminal justice system than are the voices of the victims of crime. As President Reagan's Task Force on Victims of Crime stated in its 1982 report, "the criminal justice system has lost its essential balance."

One response to this problem has been S.J. Res. 44, a constitutional amendment to protect the rights of victims of crime, which has been introduced in this Congress by Senators KYL and FEINSTEIN. I am proud to be a cosponsor of that crime victims constitutional amendment.

The bill that I am introducing today, Mr. President, is another response to the problem of the under representation of victims' rights in our criminal justice system. My bill, which my distinguished colleagues from North Carolina, Senators FAIRCLOTH and HELMS, are cosponsoring, would reserve two of the seven seats on the United States Sentencing Commission for victims of violent crime.

Mr. President, the United States Sentencing Commission is an independent entity within the judicial branch that establishes sentencing policies and practices for the Federal courts. This includes sentencing guidelines that prescribe the appropriate form and severity of punishment for offenders convicted of Federal crimes.

The U.S. Sentencing Commission is composed of seven voting members who are appointed by the President, with the advice and consent of the Senate, for six-year terms. The Commission also includes two non-voting members. Of the seven voting members of the Sentencing Commission, three must be Federal judges.

Under my bill, two of the four seats on the Sentencing Commission that are not filled by Federal judges would be reserved for victims of a crime of violence or, in the case of a homicide, an immediate family member of such a victim. My bill utilizes the existing statutory definition of a crime of violence that is found in section 16 of title 18 of the United States Code.

Mr. President, my bill preserves, to a large extent, the discretion of the President in making decisions about whom to nominate to seats on the Sentencing Commission. Under my bill, the President remains free to seek individuals who have professional expertise in the criminal justice field, so long as they also are victims of crime. Sadly, Mr. President, I do not believe that the President would have much difficulty identifying such qualified individuals.

Mr. President, six of the seven voting seats on the Sentencing Commission are vacant. Let's give victims of crime a voice by requiring that two of those vacant seats must be filled by Americans who have been victimized by violent crime.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

Thank you, Mr. President. I yield the floor.

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

S. 1983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPOSITION OF UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 991(a) of title 28, United States Code, is amended by inserting after "same political party." the following: "Of the members who are not Federal judges, not less than 2 members shall be individuals who are victims of a crime of violence (as that term is defined in section 16 of title 18) or, in the case of a homicide, an immediate family member of such a victim."

(b) APPLICABILITY.—The amendment made by this section shall apply with respect to any appointment made on or after the date of enactment of this Act.

By Mr. LAUTENBERG:

S. 1984. A bill to prohibit the transfer of a handgun by a licensed dealer unless the transferee states that the transferee is not the subject of a restraining order with respect to an intimate partner of the transferee, a child of the transferee, or a child of an intimate partner of the transferee; to the Committee on the Judiciary.

**BRADY HANDGUN VIOLENCE PROTECTION ACT
AMENDMENTS**

Mr. LAUTENBERG. Mr. President, I rise today to introduce a bill to add a provision to the Brady Handgun Background Check Form to enforce the prohibition that persons under a restraining order for harassing, stalking or threatening an intimate partner or child cannot purchase a gun.

The Background Check Form, used by law enforcement and gun dealers to enforce the Brady Handgun Violence Protection Act, currently requires a purchaser to answer questions on whether he or she falls into one of the categories prohibited from purchasing a gun. The form asks whether the purchaser has been convicted of a felony, has been declared mentally defective or been committed to a mental institution, is an illegal alien, fugitive from justice or an illegal user of drugs—all of which would disqualify the person from lawfully purchasing a gun. However, there is one very important disqualification not listed on this form. The 1994 Crime Act prohibits a person under a restraining order for harassing, stalking or threatening an intimate partner or the child of that partner from purchasing a gun. But this disqualification is not on the Brady Background Check Form—in fact it is the only disqualification not on the Form.

Dealers, law enforcement agencies, and purchasers rely on the form to provide notice as to who is prohibited from purchasing a handgun, and law enforcement agencies use the form as a guide in making background checks. This omission on the Brady Form means persons under restraining orders for harassing, stalking and threatening their partners and their partner's children can more easily obtain a gun even though it is illegal for them to do so. My legislation is necessary because all changes to the form are required to be done by legislation rather than by regulation or order.

This simple change to the Brady Check List can mean the difference between life and death for women and children across America. Domestic violence in the United States remains the number one threat of injury to women ages 15 to 44, and hundreds of thousands of women are forced to obtain restraining orders to protect themselves and their children from abusive partners every year. More than twice as many women are shot and killed each year by their husbands or intimate partners than by strangers.

Mr. President, Congress has already recognized that persons who are under restraining orders for harassing, stalking, and threatening their spouses, partners, and children should not be able to buy a gun. This simple bill will help to enforce this important prohibition to keep guns out of the hands of those who pose a real and serious threat to their partners and children. Every year we see tragic incidents of victims of domestic violence who have obtained restraining orders only to be murdered by their partner.

I hope you will join me and support this worthy bill to protect victims of domestic violence from the dangers that follow when their abusive partner gains access to a gun.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

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

S. 1984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF THE TRANSFER OF A HANDGUN BY A LICENSED DEALER UNLESS THE TRANSFEREE STATES THAT THE TRANSFEREE IS NOT THE SUBJECT OF A RESTRAINING ORDER WITH RESPECT TO AN INTIMATE PARTNER OF THE TRANSFEREE, A CHILD OF THE TRANSFEREE, OR A CHILD OF AN INTIMATE PARTNER OF THE TRANSFEREE.

Section 922(s)(3)(B) of title 18, United States Code, is amended—

(1) by striking "and" at the end of clause (vi); and

(2) by adding "and" at the end of clause (vii); and

(3) by adding at the end the following:

"(viii) is not subject to a court order that—

"(I) restrains the transferee from harassing, stalking, or threatening an intimate partner of the transferee or child of such intimate partner or transferee, or engaging in other conduct that would place an

intimate partner in reasonable fear of bodily injury to the partner or child;

“(II) was issued after a hearing of which the transferee received actual notice, and at which the transferee had the opportunity to participate; and

“(III)(aa) includes a finding that the transferee represents a credible threat to the physical safety of such intimate partner or child; or

“(bb) 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;”.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. LEAHY, Mr. DEWINE, and Mr. SESSIONS):

S. 1985. A bill to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968; read twice and placed on the calendar.

THE CARE FOR POLICE SURVIVORS ACT OF 1998

Mr. HATCH. Mr. President, during the week of May 12, the country will honor once again those law enforcement and public safety officers who have died in the line of duty. It is entirely fitting that we do this. And as we remember those who have fallen in defense of the public safety, we should also do all we can to comfort and assist the families and loved ones they have left behind. The bill I rise to introduce today, the Care for Police Survivors Act of 1998, will help ensure that we are doing so.

First, this bill, which was introduced in the House as H.R. 3565, will strengthen programs available to the families of slain police officers. For instance, the bill will allow groups like Concerns for Police Survivors, more commonly referred to as COPS, to increase and improve their services to these families. Second, this bill provides authority to the Director of the Bureau of Justice Assistance to spend no less than \$150,000 out of the Public Safety Officers' Benefits program to support and enrich national peer support and counseling programs for families of police officers lost in the line of duty.

Second, this act will expedite the process of handling cases pending before the Public Safety Officers' Benefits Office by allowing the expenditure of PSOB program funds on outside hearing officers. Currently, survivors of fallen police officers have to wait entirely too long to obtain an appeal hearing for the denial of benefits. By enacting this bill, we will make the process of helping these families less burdensome.

I am pleased to be joined by Senators BIDEN, LEAHY, DEWINE, and SESSIONS in introducing this bill in the Senate. On Tuesday of this week, the House of Representatives overwhelmingly passed H.R. 3565 by a 403 to 8 vote. I urge my colleagues to join me in expeditiously passing this legislation to demonstrate our tremendous gratitude and support for these heroes and their families.

By Mr. DEWINE (for himself and Mrs. HUTCHISON):

S. 1987. A bill to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes; to the Committee on the Judiciary.

THE CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT OF 1998

Mr. DEWINE. Mr. President, I rise today to introduce the Child Protection and Sexual Predator Punishment Act of 1998. The purpose of this legislation is to address the problem of child molesters and pedophiles who use computers, and the Internet in particular, to commit crimes of sexual abuse and exploitation against our most vulnerable citizens—our children. I appreciate Senator KAY BAILEY HUTCHISON joining me in this important effort.

The Child Protection and Sexual Predator Punishment Act is a comprehensive bill that combats the growing problem of criminals who misuse our information superhighway to contact children for purposes of sexual abuse and exploitation. Not only does this legislation send a strong message that America will not tolerate the abuse of its children, it will also make it easier to put these heinous criminals out of commission.

Mr. President, my wife Fran and I have eight children—ages 6 to 30. There is nothing more important to parents than protecting their children from harm. There was a time, not so long ago, when parents could feel secure when their children were at home or in a library—that their child would at least be safe from danger in those places. But along with the tremendous benefit of the Internet, we have also unfortunately, unintentionally invited strangers into our homes, and sometime our children's rooms, just because computers may be located there. Strangers who sometimes have the immoral and criminal intent to lure our kids into deviant sexual, abusive, and illegal activity right under our noses.

Not long ago, a 47-year-old Ohio man used the Internet to entice a 12-year-old girl in New Jersey to make pornographic videos of herself. He posed on-line as a 15-year-old, who promised that he would forward copies of the pornographic video to her favorite music band members. She made four sexually explicit videos before the man was apprehended by authorities. There are literally hundreds of these examples, and many even worse, occurring every day in America. It has become commonplace to hear about a child being lured across the country via the Internet by a pedophile.

I hope, and believe, that through this legislation we can begin to restore the peace of mind parents should have when their children use the Internet at school, at the library, or in their home.

This bill will protect children from cyber-stalkers and porn peddlers by prohibiting contacting of a minor on the Internet for the purpose of engaging in illegal sexual activity. It prohibits knowingly transferring obscene materials to a minor over the Internet.

In addition, the maximum penalty is doubled for enticing a minor to travel across State lines for illegal sexual activity. Using a computer to persuade a minor to engage in prostitution or a sexual act will carry a maximum sentence of 15 years, and a minimum sentence of 3 years.

Also, law enforcement is given the tools to quickly and effectively investigate sex and kidnaping crimes involving children. Pretrial detention is provided for Federal sex offenders, and administrative subpoenas are allowed in certain child exploitation investigations. In addition, the bill clarifies that kidnaping investigations do not require waiting 24 hours—they can be initiated immediately. Further, Federal jurisdiction is provided in kidnaping cases where a facility or means of interstate or foreign commerce is used.

Mr. President, a person today can get almost anything on the Internet. With this bill, we are trying to make sure that they cannot get our children.

Mrs. HUTCHISON. Mr. President, technology has opened many doors for communications and information sharing. Unfortunately, criminals have found new ways to use the innovations to hurt children.

Today I am introducing with Senator DEWINE the Child Protection and Sexual Predator Punishment Act of 1998. Our bill will give law enforcement the necessary tools to stop crimes against children, especially those initiated through the Internet and commercial on-line services.

Along with the proliferation of users of on-line services, our nation has seen a rise in crimes committed against children by sexual predators on-line. Every day, pedophiles stalk children through the computer, transmitting pornography to them and enticing them to participate in illegal activity. In some of the most tragic instances, these criminals have convinced children to travel long distances to meet them, only to face horrendous abuse by their “hosts.”

In response to the growing number of these crimes, Congress has and will surely continue to appropriate funds to allow collaboration among FBI and state and local law enforcement to develop effective means to prevent innocent children from being exploited. In the past, funds have been used to train officers to detect cybercrime, pursue sexual predators and establish child sexual exploitation cyber-squads of state and local officers.

But the responsibility of Congress is not only to provide necessary resources. We have an unfinished responsibility to give officers the legal tools they need to stop these crimes before they happen. In addition, Congress must send the unequivocal message to criminals who dare to prey on children that such crimes will not be tolerated.

As children and adults increase their use of computers and online services, this problem will only get worse. Only through aggressive enforcement will

we be able to combat this rise in tragic crimes against our most vulnerable citizens—children.

By Mr. D'AMATO (for himself and Mr. SHELBY):

S. 1986. A bill to restructure the regulation of the Federal Home Loan Bank System; to the Committee on Banking, Housing, and Urban Affairs.

THE FEDERAL HOME LOAN BANK SYSTEM
RESTRUCTURING ACT OF 1998

Mr. D'AMATO. Mr. President, I rise today to introduce the "Federal Home Loan Bank System Restructuring Act of 1998" to eliminate the last vestiges of a bureaucratic structure which contributed to the downfall of the savings and loan industry in the 1980's, and cost American taxpayers \$125 billion. I am referring to the structural weakness inherent in a regulatory system which allows the combination of basic safety and soundness oversight with management and governance functions. This structural weakness exists today in the Federal Housing Finance Board (FHFB) which oversees the Federal Home Loan Bank System. Moreover, the FHFB appears to be the only regulatory agency where the responsibility for safety and soundness regulation has not been separated from management and governance functions.

I am very pleased that Senator RICHARD SHELBY has joined as a co-sponsor because he is the Senate's leading proponent of regulatory reform and eliminating outdated and unnecessary regulation.

Mr. President, throughout most of its history, the Federal Home Loan Bank System was regulated by the Federal Home Loan Bank Board, the same agency responsible for regulating the thrift industry. In 1989, Congress passed the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) to abolish the Bank Board and create the Federal Housing Finance Board ("FHFB") to assume responsibility for the regulation and supervision of the Federal Home Loan Bank System (FHLB System). FIRREA provided the FHFB with the authority to supervise the Federal Home Loan Banks (FHLBanks), ensure that the FHLBanks carry out their mission of housing finance, ensure the FHLBanks remain adequately capitalized and able to raise funds in the capital markets, and ensure the FHLBanks operate in a safe and sound manner.

Safety and soundness regulation became the *primary* duty of the FHFB as a result of the Housing and Community Development Act of 1992. In that Act, Congress also recognized problems at the Federal Housing Finance Board and specifically identified this structural flaw as a serious problem. In search of a solution to this problem and information concerning the future of the Federal Home Loan Banks in the context of changing markets for housing finance, Congress mandated several studies. In the study conducted by the FHFB, the agency itself expressed con-

cern about its dual role: "The roles of regulation and governance residing in one entity are not compatible and, indeed, represent a long standing, well-understood inherent conflict when joined". [*The Report on the Structure and Role of the Federal Home Loan Bank System*, The Federal Housing Finance Board, submitted to Congress on April 28, 1993, page 153.] The FHFB recognized that concerns about shareholder dividends and profitability should not be in competition with concerns over safety and soundness and the availability of housing finance for American taxpayers.

Mr. President, this bill would eliminate this serious and dangerous conflict by transferring functions from the FHFB to the Office of Federal Housing Enterprise Oversight (OFHEO) and the Department of Housing and Urban Development (HUD). This is the current system of regulation designed by Congress for the other two housing-related government sponsored enterprises (GSEs)—Fannie Mae and Freddie Mac.

In addition, consolidating safety and soundness regulation in one regulatory is consistent with the core recommendations of GAO and HUD—that the conflict with the FHFB be resolved through the creation of a single housing-related GSE. Even the Chairman of the FHFB, in testimony before a House Banking Subcommittee last July, endorsed the GAO's recommendation for a single independent safety and soundness regulator for the Federal Home Loan Banks, Fannie Mae and Freddie Mac. He acknowledged that consolidation will yield more effective regulation.

Mr. President, consolidating regulation of the housing GSE's is also consistent with the Administration's objective of reducing government by eliminating unnecessary, duplicative or redundant regulation—an objective we all share. By placing FHFB's safety and soundness functions with OFHEO, administration costs would be cut and regulatory consistencies would be realized as a result of the complementary nature of the housing finance roles played by the Federal Home Loan Banks, Fannie Mae, and Freddie Mac. Another important public benefit of consolidating oversight of the housing missions of these agencies within HUD is to enable HUD to more effectively assess and respond to the nation's affordable housing needs.

Mr. President, the legislation would abolish the conflicting dual roles of the FHFB, streamline an overburdened bureaucratic process, and insure that those entities with the mission of promoting housing finance—Fannie Mae, Freddie Mac, and Federal Home Loan Banks—are meeting that challenge in the most effective way possible. We owe nothing less to the working families most in need of our assistance than to insure the system is working for them.

Mr. President, this bill would address the regulation of the Federal Home

Loan Bank System by transferring its safety and soundness functions to OFHEO and mission oversight to HUD. It does not—and is not intended to—address other policy issues pertaining to the future role of the Federal Home Loan Banks which remain under consideration by the Banking Committee, Improving the level of affordable housing, ensuring effective, efficient and objective regulation, cutting the fat out of the government, and managing the taxpayers' dollars wisely—that is what this bill is all about.

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. 1986

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 Home Loan Bank System Regulatory Restructuring Act of 1998".

SEC. 2. RESTRUCTURING OF FEDERAL HOME LOAN BANK REGULATOR.

(a) IN GENERAL.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended by striking sections 2A and 2B and inserting the following:

"SEC. 2A. DUTIES AND POWERS OF THE DIRECTOR.

"(a) DUTIES.—The Director shall—

"(1) as a primary duty, ensure that the Federal Home Loan Banks operate in a financially safe and sound manner; and

"(2) to the extent consistent with paragraph (1), supervise the Federal Home Loan Banks and ensure that the Federal Home Loan Banks remain adequately capitalized and able to—

"(A) raise funds in the capital markets;

"(B) satisfy their obligations to support affordable housing as required by section 10(j);

"(C) make payments to the Resolution Funding Corporation as required by section 21B(f)(2)(C); and

"(D) pay dividends on bank stock sufficient for such stock to remain a competitive investment for the holders of the stock.

"(b) GENERAL POWERS.—The Director may—

"(1) supervise the Federal Home Loan Banks and promulgate and enforce such regulations and orders as are necessary to carry out this Act;

"(2) suspend or remove for cause a director, officer, employee, or agent of any Federal Home Loan Bank or joint office, except that—

"(A) the cause of such suspension or removal shall be communicated in writing to such director, officer, employee, or agent and to such Bank or joint office; and

"(B) notwithstanding any other provision of this Act, no officer, employee, or agent of a Bank or joint office shall be a Federal officer or employee under any definition of either term in title 5, United States Code;

"(3) determine necessary expenditures of the Director under this Act and the manner in which such expenditures shall be incurred, allowed, and paid;

"(4) use the United States mails in the same manner and under the same conditions as a department or agency of the United States;

"(5) issue such notice and orders, and, subject to the same terms and conditions, exercise the same powers, rights, and duties to

enforce this Act with respect to the Federal Home Loan Banks and their officers and directors, as may be issued or exercised by the OFHEO with respect to Federal housing enterprises under—

“(A) subtitle C of title XIII of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

“(B) the Federal National Mortgage Association Charter Act; or

“(C) the Federal Home Loan Mortgage Corporation Act.

“(C) STAFF.—

“(1) IN GENERAL.—Subject to title IV of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the OFHEO may employ, direct, and fix the compensation and number of employees, attorneys, and agents of the OFHEO necessary to carry out its duties under this Act, except that in no event shall the Director delegate any function to any employee or administrative unit of any bank, or joint office of the Federal Home Loan Bank System.

“(2) COMPENSATION.—In directing and fixing such compensation, the Director shall consult with and maintain comparability with the compensation at the Federal bank regulatory agencies. Such compensation shall be paid without regard to the provision of other laws applicable to officers or employees of the United States, except that the Director shall receive no additional compensation above that specified by section 5313 of title 5, United States Code.”.

“(d) RECEIPTS OF THE BOARD.—

“(1) RECEIPTS.—Receipts of the Board derived from assessments levied upon the Federal Home Loan Banks and from other sources (other than receipts from the sale of consolidated Federal Home Loan Bank bonds and debentures issued under section 11 of this Act) shall be deposited in the Treasury of the United States.

“(2) SALARIES.—Salaries of the directors and other employees of the OFHEO, and all other expenses necessary for the Director to carry out the duties of the Director under this Act—

“(A) may be paid from assessments described in paragraph (1), or from other sources; and

“(B) shall not be construed to be Government Funds or appropriated monies, or subject to apportionment for the purposes of chapter 15 of title 31, United States Code, or any other authority.

“(e) ANNUAL REPORT.—The Director shall submit to Congress an annual report.”.

(b) ASSESSMENTS.—Section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)) is amended by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—To the extent provided in advance in appropriations Acts, the Director may impose a semiannual assessment on the Federal Home Loan Banks, the aggregate amount of which shall be sufficient to provide for the payment of the expenses of the Director estimated to be incurred under this Act for the period for which the assessment is made.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(A) by striking paragraph (1) and inserting the following:

“(1) OFHEO.—The term ‘OFHEO’ means the Office of Federal Housing Enterprise Oversight, established under section 1311 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.”;

(B) in paragraph (2)(B), by striking “Board” and inserting “OFHEO”;

(C) in paragraph (6), by striking “Board”, and inserting “Secretary”; and

(D) by striking paragraph (10) and inserting the following:

“(10) DIRECTOR.—The term ‘Director’ means the Director of the OFHEO, appointed under section 1312 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.”.

(2) ELIGIBILITY.—Section 4(a) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)) is amended in the last sentence, by striking “Board” and inserting “Secretary”.

(3) MANAGEMENT OF BANKS.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by striking “Board” each place it appears and inserting “Secretary”.

(4) ADVANCES TO MEMBERS.—Section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended—

(A) in each of subsections (a) through (d), by striking “Board” each place it appears, and inserting “Director”; and

(B) in each of subsections (e), (g), and (j), by striking “Board” each place it appears, and inserting “Secretary”.

(5) GENERAL POWERS AND DUTIES OF BANKS.—Section 11(i) of the Federal Home Loan Bank Act (12 U.S.C. 1431(i)) is amended by striking “Chairperson of the Board” and inserting “Director”.

(6) FINANCING CORPORATION.—Section 21 of the Federal Home Loan Bank Act (12 U.S.C. 1441) is amended—

(A) in each of subsections (b)(5) and (e)(9), by striking “Chairperson of the Federal Housing Finance Board” and inserting “Director”; and

(B) by striking “Federal Housing Finance Board” each place it appears and inserting “Director”.

(7) RESOLUTION TRUST CORPORATION.—Section 21B of the Federal Home Loan Bank Act (12 U.S.C. 1442) is amended by striking “Federal Housing Finance Board” each place it appears and inserting “Director”.

(8) MEMBER FINANCIAL INFORMATION.—Section 22 of the Federal Home Loan Bank Act (12 U.S.C. 1442) is amended—

(A) in subsection (a), in the last sentence, by striking “Board or” each place it appears and inserting “Director or”; and

(B) in subsection (b), by striking “Board” each place that term appears and inserting “Director”.

(9) FORMS OF BANK STOCK AND OBLIGATIONS.—Section 23 of the Federal Home Loan Bank Act (12 U.S.C. 1443) is amended by striking “Board of Directors of the Federal Housing Finance Board” and inserting “Director”.

(10) HOUSING OPPORTUNITY HOTLINE PROGRAM.—Section 27(a) of the Federal Home Loan Bank Act (12 U.S.C. 1447) is amended—

(A) by striking “Federal Housing Finance Board” and inserting “Secretary”; and

(B) by striking “Board” and inserting “Secretary”.

(11) FEDERAL HOUSING ENTERPRISE FINANCIAL SAFETY AND SOUNDNESS ACT OF 1992.—Section 1313 of the Federal Housing Enterprise Financial Safety and Soundness Act of 1992 (12 U.S.C. 4513) is amended—

(A) in subsection (a), by inserting before the period at the end the following: “, and that the Federal Home Loan Banks are adequately capitalized and operating safely in accordance with the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.)”; and

(B) in subsection (b)—

(i) in paragraph (10), by striking “and” at the end;

(ii) in paragraph (11), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(12) the performance of any function or the exercise of any authority assigned to the Director pursuant to the Federal Home Loan Bank Act.”.

(12) OTHER REFERENCES.—Except as otherwise provided in the amendments made by this subsection, any reference in the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), or any other provision of Federal law, to the Federal Housing Finance Board, shall be construed to refer to the Director of the Office of Federal Housing Enterprise Oversight.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

SEC. 3. TRANSITION PROVISIONS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE AGENCY.—The term “appropriate agency” means—

(A) with respect to the functions transferred under subsection (b)(1), the Department of Housing and Urban Development; and

(B) with respect to the functions transferred under subsection (b)(2), the Office.

(2) BOARD.—The term “Board” means the Federal Housing Finance Board established under section 22A of the Federal Home Loan Bank Act (as in effect on the day before the effective date of the amendments made by section 2 of this Act).

(3) DIRECTOR.—The term “Director” means the Director of the Office.

(4) FUNCTION.—The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(5) HEAD OF THE APPROPRIATE AGENCY.—The term “head of the appropriate agency” means—

(A) with respect to the functions transferred under subsection (b)(1), the Secretary; and

(B) with respect to the functions transferred under subsection (b)(2), the Director.

(6) OFFICE.—The term “Office” means the Federal Housing Enterprise Oversight established under section 1311 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

(7) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

(b) TRANSFER OF FUNCTIONS.—

(1) TRANSFER TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—Effective 60 days after the date of enactment of this Act there are transferred to the Department of Housing and Urban Development all functions that the Board exercised before the date of enactment of this Act (including all related functions of any officer or employee of the Board) relating to the functions of the Board under the following provisions of the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) (as in effect on the day before the effective date of the amendments made by section 2 of this Act):

(A) The last sentence of section 4(a).

(B) Section 7.

(C) Subsections (e), (g), and (j) of section 10.

(D) Section 27(a).

(2) TRANSFER TO OFFICE.—Effective 60 days after the date of enactment of this Act there are transferred to the Office all functions, other than the functions transferred under paragraph (1), that the Board exercised before the date of enactment of this Act (including all related functions of any officer or employee of the Board) under the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.).

(b) DISPOSITION OF AFFAIRS.—During the 60-day period beginning on the date of enactment of this Act, the Chairperson of the Board—

(1) shall, solely for the purpose of facilitating the orderly implementation of this section—

(A) manage the employees of the Board and provide for the payment of the compensation

and benefits of any such employee that accrue before the effective date of the transfer of such employee pursuant to subsection (g); and

(B) manage any property of the Board and arrange for the transfer thereof to the Office as promptly as practicable; and

(2) may take any other action necessary for the purpose of facilitating the orderly implementation of this section.

(C) TREATMENT OF REFERENCES IN ADJUSTABLE RATE MORTGAGE INSTRUMENTS.—

(1) IN GENERAL.—For purposes of adjustable rate mortgage instruments that are in effect on the day before the effective date of the amendments made by section 2, any reference in the instrument to the Board shall be construed to be a reference to the Secretary, unless the context of the reference requires otherwise.

(2) SUBSTITUTION FOR INDEXES.—If any index used to calculate the applicable interest rate on any adjustable rate mortgage instrument is no longer calculated and made available as a direct or indirect result of the enactment of this Act, any index—

(A) made available by the Secretary, pursuant to paragraph (3); or

(B) determined by the Secretary, pursuant to paragraph (4), to be substantially similar to the index that is no longer calculated or made available, may be substituted by the holder of any such adjustable rate mortgage instrument upon notice to the borrower.

(3) AGENCY ACTION REQUIRED TO PROVIDE CONTINUED AVAILABILITY OF INDEXES.—As soon as practicable after the effective date of the amendments made by section 2, the Secretary shall take such actions as may be necessary to assure that the indexes prepared by the Board and the Federal Home Loan Banks immediately before the effective date of the amendments made by section 2 and used to calculate the interest rate on adjustable rate mortgage instruments continue to be available.

(4) REQUIREMENTS RELATING TO SUBSTITUTE INDEXES.—If any index can no longer be made available pursuant to paragraph (3), an index that is substantially similar to such index may be substituted for such index for purposes of paragraph (2) if the Secretary determines, after notice and opportunity for comment, that—

(A) the new index is based upon data substantially similar to that of the original index; and

(B) the substitution of the new index will result in an interest rate substantially similar to the rate in effect at the time the original index became unavailable.

(D) CONTINUATION OF SERVICES.—

(1) IN GENERAL.—The head of the appropriate agency may use the services of employees and other personnel and the property of the Board, on a reimbursable basis, to perform functions transferred by this section to the appropriate agency, for such time as is reasonable to facilitate the orderly transfer of functions so transferred.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, that is providing supporting services to the Board before the effective date of the amendments made by section 2 in connection with functions that are transferred to the head of the appropriate agency under this section, shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with the Director to coordinate and facilitate a prompt and reasonable transition.

(E) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—This section shall not affect the validity of any right, duty, or obligation of the United States, the Board, or any other person, that—

(A) arises under or pursuant to the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) or any other provision of law applicable with respect to such Board; and

(B) exists on the day before the effective date of the amendments made by section 2.

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board, or any person or entity with respect to any function of the Board that was delegated to such person or entity, shall abate by reason of the enactment of this Act, except that the head of the appropriate agency shall be substituted for the Board or a party to any such action or proceeding.

(F) CONTINUATION OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), all orders, resolutions, determinations, and regulations, shall continue in effect according to the terms of such orders, resolutions, determinations, and regulations and shall be enforceable by or against the head of the appropriate agency until modified, terminated, set aside, or superseded in accordance with applicable law by the head of the appropriate agency by any court of competent jurisdiction, or by operation of law, if such orders, resolutions, determination, and regulations—

(A) have been issued, made, prescribed, or allowed to become effective by the Board in the performance of functions that are transferred by this section; and

(B) are in effect on the effective date of the amendments made by section 2.

(2) EXCEPTION.—Paragraph (1) does not apply to any order, resolution, determination, or regulation of the Board the authority of which is terminated under this Act or the amendments made by this Act.

(G) TRANSFER OF EMPLOYEES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, each employee of the Board shall be transferred to the appropriate agency and each such transfer shall be construed to be a transfer of function for the purpose of section 3503 of title 5, United States Code.

(2) RETENTION OF STATUS, TENURE, PAY.—Each employee transferred under this subsection shall be guaranteed a position with the same status, tenure, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation during the 6-month period beginning on the date of the transfer, except for cause.

(3) APPOINTMENT AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), in the case of any employee transferred under this subsection who occupies a position in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such a position shall be transferred.

(B) DECLINE.—The head of the appropriate agency may decline a transfer of an employee described in subparagraph (A) to the extent that the authority transferred to the appropriate agency relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(4) REORGANIZATION.—If the head of the appropriate agency determines, after the end of the 1-year period beginning on the date on which the transfer of functions to the appro-

priate agency under this section is completed, that a reorganization of the combined work-force is required, that reorganization shall be deemed a "major reorganization" for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(5) EMPLOYEE BENEFIT PROGRAMS.—

(A) IN GENERAL.—Any employee accepting employment as a result of a transfer under this subsection may retain, during the 1-year period beginning on the date on which that transfer occurs, membership in any employee benefit program of the Board, including insurance, to which such employee belongs on the effective date of the amendments made by section 2 if—

(i) the employee does not elect to give up the benefit or membership in the program; and

(ii) the benefit or program is continued by the head of the appropriate agency, as applicable.

(B) COSTS.—The difference in the costs between the benefits that would have been provided by such agency or entity and those provided by this section shall be paid by the head of the appropriate agency, as applicable. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the head of the appropriate agency the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(6) INSURANCE.—Any employee employed by the head of the appropriate agency as a result of a transfer under this subsection may retain membership in any employee benefit program of the Board, including insurance, that such employee has on the day before the effective date of the amendments made by section 2, if the employee does not elect to give up such membership and the benefit or program is continued by the head of the appropriate agency, as applicable.

(7) NOTICE.—Each employee transferred under this subsection shall receive notice of the position assignment of that employee not later than 60 days after the effective date of that transfer.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1988. A bill to provide for the release of interests of the United States in certain real property located in Augusta, Maine; to the Committee on Armed Services.

KENNEBEC ARSENAL LEGISLATION

Ms. COLLINS. Mr. President, along with my colleague, the senior Senator from Maine, I am pleased today to introduce legislation that would bring about the release of certain interests of the United States in property that the Federal Government conveyed to the State of Maine more than 90 years ago. The property in question, which is situated on a bluff overlooking the Kennebec River in Augusta, Maine, is known as the Kennebec Arsenal.

In 1905, the Secretary of the Army, acting pursuant to a Congressional mandate, executed a deed transferring the property to Maine. That conveyance was subject to the conditions that the property be used for what was then called the Maine Insane Hospital and that the United States could take possession should the President determine that the country had a need for it. In

1980, Congress provided that the first condition be broadened to allow the property to be used for any public purpose. Today, I seek to complete the transfer process through legislation that would effectively eliminate the conditions attached to the conveyance.

Mr. President, the property is no longer needed for its former purposes, and my bill would set in motion a chain of events that would allow for new uses that would benefit not only the City of Augusta and the State of Maine but our entire country. With the exception of the Kennebec Arsenal, virtually all of the great arsenals of the nineteenth century have been demolished or so completely altered that their original appearance has been lost. The new uses contemplated by Maine would raise money needed for repairs that would maintain what historic preservation experts have described as the most perfectly intact of the nineteenth century arsenals.

To be more specific, the State of Maine and City of Augusta plan to form a nonprofit corporation to oversee the property. That corporation would seek out private parties interested in using the land and buildings for such purposes as a marina, a museum, and a restaurant. Those parties would provide the capital for infrastructure development that would likely include sidewalks, streets, water, sewer and other utility service, and landscaping. In addition, the Arsenal's retaining wall needs repair, and a marina cannot be established without substantial dredging of the river.

The objective of my bill is to open the way for these improvements and new uses by eliminating any reversionary interests of the United States. The existence of such interests is a barrier to the private sector making the long-term commitments required to fund the improvements. In other words, Maine needs clear title for this plan to go forward.

Mr. President, the Kennebec Arsenal occupies an important place in the history of Maine and the nation. It was established in 1827 to deal with the threat of invasion from Great Britain, either from across the sea or from Canada to the north. The possibility of such an invasion was seen as a major threat to American security during the first half of the nineteenth century.

Much of the tension with the British stemmed from our disputed border with Canada, and in the late 1830's that dispute nearly blossomed into a full-scale war. While the so-called bloodless Aroostook War proved to be more talk than action, it caused a flurry of activity at the Kennebec Arsenal, with newly fabricated munitions sent there in anticipation of full-scale fighting. Fortunately, cooler heads and the arrival of the spring planting season brought the parties to the negotiating table.

During the Mexican War, rockets and fixed ammunition were manufactured at the Arsenal and shipped to the front.

During the Civil War, the post became an important depot of military stores. Indeed, a fear that Confederate guerrillas based in Canada would seek to burn the Arsenal led to the stationing of extra guards there, but despite the approach late one dark night of an unidentified boat, nothing came of this concern. During the latter half of the century, the Arsenal's importance declined, and in 1901, the Army posted an order for its abandonment. That process culminated in the legislation signed by President Theodore Roosevelt providing for the transfer of the property to the State for use as a hospital to serve the mentally ill.

Mr. President, I have offered this greatly abbreviated history of the Kennebec Arsenal to demonstrate the value of finding uses for the property that will guarantee its permanent preservation. That is the goal of the State of Maine and the City of Augusta, and this legislation will remove an anachronistic obstacle to the realization of that goal.

I thank you, Mr. President, and I hope to have your support for this very important legislation when it comes before the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 1286

At the request of Mr. JEFFORDS, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 1286, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain amounts received as scholarships by an individual under the National Health Corps Scholarship Program.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1649

At the request of Mr. FORD, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1649, a bill to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 1724

At the request of Mr. DEWINE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

S. 1930

At the request of Mr. NICKLES, the name of the Senator from Montana

(Mr. BURNS) was added as a cosponsor of S. 1930, a bill to provide certainty for, reduce administrative and compliance burdens associated with, and streamline and improve the collection of royalties from Federal and outer continental shelf oil and gas leases, and for other purposes.

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

SENATE RESOLUTION 201

At the request of Mr. KEMPTHORNE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Resolution 201, a resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

SENATE CONCURRENT RESOLUTION 91—RELATIVE TO A POSTAGE STAMP

Mr. WARNER (for himself, Mr. ROBB, and Mr. GRAHAM) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 91

Whereas 1999 marks the 200th anniversary of the death of George Washington;

Whereas George Washington's extraordinary virtue commanded the respect of America's early leaders, who called on him to preside over the framing of the Constitution;

Whereas George Washington was an indispensable figure in the founding of our Nation, and served as our country's first commander in chief and President with unparalleled distinction;

Whereas all Americans remain indebted to George Washington for the liberties we enjoy today;

Whereas the death of George Washington on December 14, 1799, marked the first instance of national mourning in this country;

Whereas George Washington's tremendous accomplishments over the course of a remarkable lifetime are studied and admired in this Nation and around the world; and

Whereas issuing a postage stamp to honor the life and contributions of George Washington, "The Father of Our Country", is proper and fitting; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a postage stamp should be issued by the United States Postal Service to commemorate the life of George Washington and his contributions to the Nation; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a postage stamp be issued.

Mr. WARNER. Mr. President, I rise today to submit legislation to honor one of the greatest men in American history. Many of my esteemed colleagues have joined me in a resolution paying tribute to the life of George Washington. However, I believe the