By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. FEINGOLD):

S. 3008. A bill to amend the Age Discrimination in Employment Act of 1967 to require, as a condition of receipt of Federal funding, that States waive immunity to suit for certain violations of that Act, and to affirm the availability of certain suits for injunctive relief to ensure compliance with that Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON (for himself, Mr. GRAMS, Mr. WELLSTONE, Ms. COLLINS, Mr. THURMOND, Mr. HOLLINGS, and Mr. JEFFORDS):

S. 3009. A bill to provide funds to the National Center for Rural Law Enforcement; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 3010. A bill to amend title 38, United States Code, to improve procedures for the determination of the inability of veterans to defray expenses of necessary medical care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SPECTER:

S. 3011. An original bill to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; from the Committee on Veterans' Affairs; placed on the calendar.

By Mr. LEAHY:

S. 3012. A bill to amend title 18, United States Code, to impose criminal and civil penalties for false statements and failure to file reports concerning defects in foreign motor vehicle products, and to require the timely provision of notice of such defects, and for other purposes; to the Committee on the Judiciary.

By Mrs. MURRAY:

S.J. Res. 51. A joint resolution authorizing special awards to veterans of service as United States Navy Armed Guards during World War I or World War II; 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. FEINGOLD:

S. Res. 348. A resolution to express the sense of the Senate that the Secretary of the Treasury, acting through the United States Customs Service, should conduct investigations into, and take such other actions as are necessary to prevent, the unreported importation of ginseng products into the United States from foreign countries; to the Committee on Finance.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. Con. Res. 134. Concurrent resolution designating September 8, 2000, as Galveston Hurricane National Remembrance Day; considered and agreed to.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated, on August 25, 2000.

By Mr. LUGAR:

S. 3001. A bill to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees, extend the authorization of appropriations, and improve the administration of that Act, to amend the United States Warehouse Act to authorize the issuance of electronic warehouse receipts, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry, placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 3005. A bill to require country origin labeling of all forms of ginseng; to the Committee on Commerce, Science, and Transportation.

GINSENG TRUTH IN LABELING ACT OF 2000

Mr. FEINGOLD. Mr. President, I rise today to introduce a package of legislation (S. 3005 and S. Res. 348) that addresses the increased amount of smuggled and mis-labeled ginseng entering this country.

This legislation provides for some common sense reforms that would require country-of-origin labeling for ginseng products, and express the Sense of the Senate that customs should put a stop to the flow of smuggled ginseng into the United States. My legislation will push for stricter enforcement of ginseng importation and allow consumers the information they need to determine the origin of the ginseng they buy.

SMUGGLING-LABELING PROBLEM

Mr. President, Chinese and Native American cultures have used ginseng for thousands of years for herbal and medicinal purposes.

In America, ginseng is experiencing a newfound popularity, and I am proud to say that my home state of Wisconsin is playing a central role in ginseng's resurgence.

Wisconsin produces 97 percent of the ginseng grown in the United States, and 85 percent of the country's ginseng is grown in Marathon County.

The ginseng industry is an economic boon to Marathon County, as well as an example of the high quality for which Wisconsin's agriculture industry is known.

Wisconsin ginseng commands a premium price in world markets because it is considered to be of the highest quality and because it has a lower pesticide and chemical content.

With a huge market for this high-quality ginseng overseas, and growing popularity for the ancient root here at home, Wisconsin's ginseng industry should have a prosperous future ahead.

Unfortunately, the outlook for ginseng farmers is marred by a serious problem—smuggled and mislabeled ginseng. Wisconsin ginseng is considered so superior to ginseng grown abroad that smugglers will go to great lengths to label ginseng grown in Canada or Asia as ''Wisconsin-grown.''

Here's how the switch takes place: Smugglers take Asian or Canadian-grown ginseng and ship it to plants in China, allegedly to have the ginseng sorted into various grades.

While the sorting process is itself a legitimate part of distributing ginseng, smugglers often use it as a ruse to switch Wisconsin ginseng with the Asian or Canadian ginseng considered inferior by consumers.

The smugglers know that while Chinese-grown ginseng has a retail value of about $5–$6 per pound, while Wisconsin-grown ginseng is valued at roughly $16–$20 per pound.

To make matters even tougher for Wisconsin's ginseng farmers, there is no accurate way of testing ginseng to determine where it was grown, other than testing for pesticides that are legal in Canada and China but are banned in the United States.

And in some cases, smugglers can even find ways around the pesticide tests. A recent ConsumerLab.com study confirmed that much of the ginseng sold in the U.S. contained harmful chemicals and metals, such as lead and arsenic.

And that's because the majority of Ginseng sold in the U.S. originates from countries with lower pesticide standards, so it's vitally important that consumers know which ginseng is really grown in Wisconsin

CONSUMER/PRODUCER IMPACT

For the sake of ginseng farmers and consumers, the U.S. Senate must crack down on smuggled and mislabeled ginseng.

Without adequate labeling, consumers have no way of knowing the most basic information about the ginseng they purchase—where it was grown, what quality or grade it is, or whether it contains dangerous pesticides.

The country of origin labeling is a simple but effective way to enable consumers to make an informed decision. And putting the U.S. Senate on record in support of cracking down on ginseng smuggling is an important first step toward putting an end to the illegal ginseng trade.

The lax enforcement of smuggled ginseng also puts our producers on an unfair playing field. The mixing of superior Wisconsin ginseng with lower quality foreign ginseng root penalizes the grower and eliminates the incentive to provide the consumer with a superior product.

Mr. President, we must give ginseng growers the support they deserve by implementing country-of-origin labeling that lets consumers make in formed choices about the ginseng that they consume.

We must ensure when ginseng consumers reach for a quality ginseng product—such as Wisconsin grown ginseng—that they are getting the real thing, not a cheap imitation.

By Mr. ASHCROFT:

S. 3006. A bill to remove civil liability barriers surrounding donating fire equipment to volunteer fire companies; to the Committee on the Judiciary.

THE GOOD SAMARITAN VOLUNTEER FIREFIGHTER ASSISTANCE ACT

• Mr. ASHCROFT. Mr. President, today I rise to introduce the Good Samaritan Volunteer Firefighter Assistance Act of 2000. This bill will assist our nation's volunteer firefighters, who daily risk their lives to protect our families, friends and neighbors. The legislation I am introducing will allow volunteer fire departments to accept much needed fire-fighting supplies from manufacturers and others by limiting the liability of companies and fire departments that donate certified surplus equipment.

In the United States today, the local fire department is expected to be protector of life, property and environmental safety concerns. Many communities must rely on the capable and courageous men and women in the local volunteer fire department to protect lives and safety. In fact, 75 percent of firefighters in this country are volunteers. Most volunteer departments serve small, rural communities and are quite often the only fire fighting services available for these areas. Unfortunately, one of the largest problems faced by volunteer fire services is lack of sufficient resources. Too often, these departments are struggling to provide their members with adequate protective clothing, safety devices and training programs.

In my home state of Missouri, there are approximately 450 fire departments throughout the state that have a budget of less than $15,000 per year. Many have budgets under $7,000/year and there are even some under $2,000/year. After paying insurance premiums, most departments do not even have $5,000 in their operating budgets. This is simply not enough money to purchase new and much needed fire-fighting equipment. In addition, the cost of fire and emergency medical apparatus and equipment has steadily increased over the past 20–30 years. Because of this, volunteer firefighters spend a large amount of time raising money for new equipment; time that could be better spent providing training to respond to emergencies.

Fire protection equipment is constantly improving and advancing with new state-of-the-art innovation. Because industry is constantly updating its fire protection, it is not unusual for plants and factories to accumulate surplus fire equipment that is slightly dated, but still effective, and most is almost new, or never used. Despite the excellent condition of most of these surplus items, company attorneys usually refuse to allow donations to fire departments, which desperately need this equipment. Companies routinely destroy surplus equipment to guarantee it will never be used by other firefighters. Pressure bottles for breathing apparatus are cut in half and the regulators buried. Protective fire coats are cut apart. Fire trucks are broken up and sold for scrap. All of this is done to prevent any liability from falling on corporate donors. Approximately $20 million per year in surplus equipment is scrapped, while a lot of rural departments go without the most basic supplies, such as protective clothing. Tragically, each year millions of dollars worth of fire equipment is destroyed instead of donated to these volunteer fire departments.

Mr. President, it does not make sense that quality fire-fighting tools are destroyed because of fear of liability by those who wish to donate their unused equipment. According to some estimates, over 800,000 volunteer firefighters nationwide save state and local governments $36.8 billion annually. We need to support the volunteer fire departments, and Congress should start by removing liability barriers that keep volunteer firefighters from receiving perfectly safe, donated equipment. Under this bill a person who donates qualified fire control or fire rescue equipment to a volunteer fire company will not be liable in civil damages in any State or Federal Court for personal injuries, property damage, or death proximately caused by a defect in the equipment. In order to protect firefighters from faulty donated equipment, this bill requires the equipment to be recertified as safe by an authorized technician. The bill does not protect those persons who act with malice, gross negligence, or recklessness in making the donation; nor does it protect the manufacturer of the donated equipment.

Mr. President, this bill is supported by a number of firefighting organizations. In States that have removed liability barriers through legislation similar to this, volunteer fire companies have received millions of dollars in quality fire fighting equipment. For example, in 1997, the Texas state legislature passed a bill that limited the liability of companies who donated surplus equipment to fire departments. Prior to passage of this bill, companies in Texas had refrained from donating their used equipment for fear of potential lawsuits. Now, companies donate their surplus equipment to the Texas Forest Service, which then certifies the equipment and passes it on to volunteer fire departments. The donated equipment must meet all original specifications before it can be sent to volunteer departments. The program has already received in excess of six million dollars worth of equipment for volunteer fire departments.

Companion legislation has been introduced in the House of Representatives by Congressman CASTLE. I urge my Senate colleagues to join me in ending the wasteful destruction of useful fire equipment, saving taxpayer funds, and better equipping our volunteer firefighters to save lives. I am proud to introduce this bill and look forward to working to ensure that the federal government increases its commitment to the men and women who make up our local volunteer fire departments.•

By Mrs. FEINSTEIN (for herself, Mr. LUGAR, Mr. SPECTER, Mr. INHOFE, Mr. SANTORUM, Mr. GRAMS, Mr. MURKOWSKI, Ms. COLLINS, Mr. MOYNIHAN, and Mr. FITZGERALD):

S. 3007. A bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state; to the Committee on Foreign Relations.

UNILATERAL PALESTINIAN STATEHOOD DISAPPROVAL ACT OF 2000

Mrs. FEINSTEIN. Mr. President, I rise today to join Senator LUGAR in introducing the Unilateral Palestinian Statehood Disapproval Act. This is cosponsored by Senators MOYNIHAN, SPECTER, INHOFE, SANTORUM, GRAMS, COLLINS and MURKOWSKI.

We are now 7 days away from September 13. That is the day that the Palestinian Authority Chairman Yasser Arafat has set, in the past, as a day when he would declare, unilaterally, Palestinian statehood. He has recently said that he would reassess his intention to declare an independent Palestinian state unilaterally. I am hopeful that he will. But, nonetheless, I am concerned that neither he nor other senior Palestinian leaders have repudiated the idea of a unilateral declaration of statehood.

As part of the 1993 Oslo accords, the Israelis and Palestinians committed to resolving all outstanding issues through negotiation. Chairman Arafat reiterated this position on July 25 of this year, at the conclusion of the last round of the Camp David negotiations when he and Prime Minister Barak issued a statement agreeing on the importance of ''avoiding unilaterally action that prejudiced the outcome of negotiations.'' Indeed, one of the keys to the success of the peace process thus far has been the commitment by each side to avoid any unilateral action that would undermine the search for a mutually satisfactory agreement.

A unilateral declaration of Palestinian statehood would violate the commitments of Oslo. A unilateral declaration of statehood would be a grave blow to the peace process, one from which that process might not be able to recover.

I believe very strongly, and my cosponsors do as well, that any Palestinian state should be the result of negotiations between Israel and the Palestinians, not the result of the unilateral action of either one side or the other.

It is my sincere hope that in the next few days, Mr. Arafat and others in the Palestinian leadership will step back from the September 13 deadline and recommit themselves to the Oslo process and negotiations with Israel.

This legislation is necessary, however, because should Mr. Arafat go forward with the unilateral declaration, the repercussions for the peace process and stability in the Middle East are, indeed, both serious and severe. The United States must make it clear that

we will not recognize or condone a unilateral declaration and that the United States will work to make sure the international community neither accepts nor supports a unilaterally declared Palestinian state.

The legislation we introduce today would do the following:

It would state that the United States should not recognize any unilaterally declared Palestinian state.

It would urge the President and the Secretary of State to use all diplomatic means to work with other countries to deny recognition to such a unilaterally declared state.

It would prohibit any direct U.S. assistance to a unilaterally declared Palestinian state, except for humanitarian assistance or cooperation on antiterrorism efforts.

It would direct the Secretary of the Treasury to oppose membership in any international financial institution by a unilaterally declared Palestinian state and oppose any financial assistance from these institutions to such a state.

It would state the sense of the Congress that the President should downgrade the status of the Palestinian office in the United States to an information office.

It would also state the sense of the Congress that the President should oppose Palestinian membership in the United Nations or any other international organization, and that the United States should oppose economic or other assistance to a unilaterally declared Palestinian state, except for humanitarian or security assistance.

Finally, it would urge the President to expedite and upgrade the ongoing review of strategic relations between the United States and Israel.

We have included a Presidential national interest waiver authority so that if the President deems that even with a unilateral declaration that the peace process can move forward, the United States will have the flexibility to continue that process.

I realize that it is a little unusual to say, but it is my sincere hope that this legislation will never require action, let alone implementation.

I have been a long-time supporter of the peace process and for a peace agreement that provides security for Israel and leads to the consensual establishment of a Palestinian state that will be a peaceful neighbor of Israel. Since coming to the Senate, I have worked long and hard as an advocate for peace in the Middle East and as a supporter of the negotiations led by President Clinton, Secretaries Christopher and Albright, and conducted so ably by Dennis Ross.

Because of this support, it is my sincere hope that Mr. Arafat will not choose to heed those who have suggested that the Palestinian Authority should unilaterally declare a Palestinian state on September 13. If Mr. Arafat is willing to continue to work within the context of the peace process and stick to his commitments at Oslo and Camp David not to take unilateral steps, then I believe the United States should continue our partnership with the Palestinian people in search for peace. Under such circumstances, there is no need for this legislation.

I was deeply disappointed that the last round of negotiations at Camp David did not succeed in reaching an agreement. Prime Minister Barak appeared to make every effort to reach out and extend the hand of peace and placed items on the table for negotiation that no Israeli Prime Minister was previously even willing to discuss with the Palestinian leadership.

Although there is still a long way to go, I believe that if both sides are sincere in their desire for peace, a negotiated settlement is still possible, and it is my hope that Israel and its Palestinian neighbors will once again find themselves at the negotiating table in the not too distant future. I understand that Mr. Arafat, Prime Minister Barak, and President Clinton will be meeting in New York this week, and I hope the talks can get back on track. But if the Palestinians should choose to endanger the peace process by a unilateral declaration of statehood on September 13, the United States must be clear what our policy should be.

The United States has a vital and an important role to play as an honest broker in the region and as a guarantor of the peace process and any peace that may result. It is precisely our role as an honest broker that compels me to offer this legislation. If the Palestinians take unilateral steps that undermine the peace process, the United States must make it clear that we will neither condone nor support such actions.

I urge my colleagues to join the Senator from Indiana and me in sending a clear and compelling message in support of the Middle East peace process. Unilateral actions are not acceptable to the United States, and should the Palestinian Authority choose to break with the peace process, the United States will act accordingly.

Mr. President, it is my understanding that Senator SPECTER may well be coming to the floor to make some comments on this. If he does, I ask unanimous consent that his comments be reflected directly following mine and Senator LUGAR's.

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

Mr. LUGAR. Mr. President, I rise to join Senator FEINSTEIN and other Members from both sides of the aisle to introduce the Unilateral Palestinian Statehood Disapproval Act of 2000. I am pleased to be an original co-sponsor of this legislation.

At the conclusion of the July round of negotiations between Israel and the Palestinian Authority at Camp David, Prime Minister Barak and Chairman Arafat issued a statement agreeing on the importance of ''avoiding unilateral action that prejudices the outcome of negotiations.'' They both acknowledged that progress is best assured if both parties refrain from unilateral actions that would have the effect of undermining the peace process.

After the Camp David talks ended, Chairman Arafat announced that he intended to unilaterally declare an independent Palestinian state by September 13 if negotiations with Israel did not conclude in a satisfactory manner by then. Such a statement is harmful to the negotiations and would be disastrous to the peace process.

It is important for the Congress to be heard on this issue. A unilateral declaration of a Palestinian state is objectionable and would create an unnecessary rupture in our ability to work with the Palestinian Authority to advance the peace process. It is my hope that Chairman Arafat will listen to the voices of other leaders in the Arab world, and elsewhere, which have counseled caution and urged him to refrain from these unilateral steps toward statehood.

Our legislation proposes several targeted limitations and restrictions on the Palestinian Authority should they decide to declare a Palestinian state in advance of a final agreement. It states that if Chairman Arafat unilaterally declares a Palestinian state, the U.S. should not recognize it, that we should work with our friends and allies not to recognize any such state, and that we should downgrade the Palestinian office in the United States to an information office.

The legislation places limitations on official U.S. assistance to a unilaterally declared Palestinian state but provides exceptions for cooperation on anti-terrorism and security matters. Our bill also urges the President to oppose membership to a unilaterally declared Palestinian state in the United Nations and to oppose any economic and financial assistance from the U.N., affiliated agencies and international financial institutions.

It is my hope that none of these restrictions will have to be implemented. Because we want to insure that the President can use all the tools available to him to assist the parties to succeed in the peace negotiations, we included a presidential national interest waiver authority on those provisions pertaining to economic and financial assistance.

I hope my colleagues will agree to support this legislation and the longstanding effort to construct a comprehensive peace in the Middle East.

Mr. SPECTER. Mr. President, I have sought recognition to comment about the statements by Palestinian Chairman Yasser Arafat that there may be a unilateral declaration of Palestinian statehood on September 13. That, in my judgment, would be a grave mistake, and the United States and our allies ought to do everything in our power to prevent Chairman Arafat of the Palestinian Authority from making that unilateral declaration of statehood.

When the Oslo accords were signed in 1993, there was an agreement that all of the outstanding issues between Israel and the Palestinian Authority would be negotiated with a solution. There have been very extensive discussions, including recent talks at Camp David, which have not produced that kind of an agreement and that has led Chairman Arafat to raise the issue—perhaps more accurately called ''threat''—to have a unilateral declaration of statehood on September 13.

I have cosponsored S. 3007, which was introduced today by the distinguished Senator from California, Mrs. FEINSTEIN, which calls for action by the United States in the event that there is a unilateral declaration of statehood. The bill contains provisions which would articulate the policy of the United States not to recognize a unilaterally declared Palestinian state, to extend diplomatic efforts to deny recognition by working with the allies of the United States, the European Union, Japan, and other countries, to downgrade the status of the Palestinian office in the United States if there should be such a unilateral declaration, to prohibit U.S. assistance to the Palestinian Authority if there should be such a unilateral declaration, to take steps to oppose Palestinian membership in the United Nations or other international organizations, and to oppose Palestinian membership in or assistance from the international financial institutions.

I believe this bill is an effective shot across the bow.

I wrote to Chairman Arafat on August 18 of this year, urging Chairman Arafat to abandon any thoughts about a unilateral declaration of statehood for the Palestinian Authority. I ask unanimous consent that the full text of this letter be printed in the RECORD at the conclusion of my statement.

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

(See Exhibit 1.)

Mr. SPECTER. Mr. President, the essence of the letter which I wrote to Chairman Arafat is contained in two paragraphs where I say:

> . . . There is a strong feeling, both in the United States Senate and the United States House of Representatives, as well as that expressed by President Clinton, that there be no such unilateral declaration of statehood.
>
> There has been tremendous support in the Senate and House, as well as from the President, for an overall peace settlement and that Congressional support has included U.S. contributions to implement such an accord. That Congressional support would certainly be eroded by a unilateral declaration of statehood.

I had urged Chairman Arafat in the past to avoid a unilateral declaration of statehood when the possibility was raised that such a unilateral declaration might be made back on May 4, 1999.

Chairman Arafat came to the United States on March 23, and I was scheduled at that time to visit him in his hotel in Virginia, but shortly before our scheduled appointment I found that Chairman Arafat was visiting on the House side in the Capitol complex, and I had an opportunity to invite Chairman Arafat to my Capitol office.

At that time, we had an extensive discussion where I urged him not to make the unilateral declaration of statehood. He asked me at that time, if he would refrain from that unilateral declaration of statehood, whether I would make a statement saying it was a wise course of action, giving recognition to the restraint of Chairman Arafat and the Palestinian Authority. I said I would do so and that I would make a statement on the floor of the Senate on May 5 if Chairman Arafat and the Palestinian Authority, in fact, did not make a unilateral declaration of statehood. I wrote Chairman Arafat to that effect on March 31, 1999.

I ask unanimous consent that a copy of this letter be printed in the Congressional RECORD at the conclusion of my statement.

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

(See exhibit 2.)

Mr. SPECTER. Mr. President, I made two statements for the CONGRESSIONAL RECORD—one on April 26, 1999, which I incorporate by reference, and another statement on May 4, 1999, when Chairman Arafat and the Palestinian Authority did not make a unilateral declaration of statehood.

The meeting I had with Chairman Arafat in my Capitol office was a very interesting one and a very constructive one. One note which I had referred to in one of my earlier statements on the floor is worth a very brief reference. I have a very large poster which has a joint picture of President Clinton with thumbs up and a picture of Chairman Arafat right next to him making the V sign, obviously not taken together but juxtaposed together on one large poster. It looks like a campaign poster, almost as if the two men were running for political office, which, of course, they were not.

I had accompanied President Clinton on his trip to Israel in December of 1998. I saw the poster and thought it a nice item of memorabilia and had it framed and put in my Capitol office. When Chairman Arafat saw his picture on my wall, it did a good bit more than any of my persuasive comments to establish an aura of goodwill in a complimentary sense. He very much liked seeing his picture there. In fact, he wanted to take a picture of the two of us standing in front of his picture, which now stands beside the poster in my Capitol office.

I mention that because of the—I am searching for the right word. ''Congenial meeting'' might not be exactly right, but it was a businesslike meeting where Chairman Arafat listened to my arguments against a unilateral declaration of statehood.

When I recite this, I do not really mean to suggest my voice was the determinative voice. I think that comported with what the Palestinian Authority had in mind in any event. I think every extra bit of pressure that can be brought ought to be brought. That is why I wrote to Chairman Arafat earlier this year, on August 18, and that is why I am supporting the bill introduced by the Senator from California, Mrs. FEINSTEIN, which would impose certain restraints and, in effect, certain sanctions on the Palestinian Authority if they do make a unilateral declaration of statehood. In my judgment, it would set back the peace process between Israel and the Palestinian Authority substantially. I retain some optimism that the differences between Israel and the Palestinian Authority may yet be reconciled.

I compliment the President and the Secretary of State for their very extensive efforts to try to bring about that accord. I believe those efforts should be continued and intensified. I also compliment Dennis Ross of the State Department who has done so much in the negotiating process with the parties.

While there are meetings underway at the United Nations, there may be some occasion for the President to act further in consultation with Israeli Prime Minister Barak and Palestinian Authority Chairman Yasser Arafat to try to bring about advances on the peace process and ultimately an accord. But certainly a unilateral declaration of statehood by the Palestinian Authority would be met with grave opposition in this Chamber—I know that for a certainty—and I believe also in the House of Representatives.

In conclusion, I urge Chairman Arafat and his colleagues in the Palestinian Authority not to make a unilateral declaration of statehood on September 13, or at any other time, but to continue the peace process to try to work out outstanding differences in accordance with the commitments made by the Palestinian Authority on the Oslo accord.

I thank the Chair and yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, March 31, 1999.

Chairman YASSER ARAFAT,
President of the National Authority,
Gaza City, GAZA, Palestinian National Authority.

DEAR MR. CHAIRMAN: Thank you very much for coming to my Senate hideaway and for our very productive discussion on March 23.

Following up on that discussion, I urge that the Palestinian Authority not make a unilateral declaration of statehood on May 4 or on any subsequent date. The issue of the Palestinian state is a matter for negotiation under the terms of the Oslo Accords.

I understand your position that this issue will not be decided by you alone but will be submitted to the Palestinian Authority Council.

When I was asked at our meeting whether you and the Palestinian Authority would receive credit for refraining from the unilateral declaration of statehood, I replied that I would go to the Senate floor on May 5 or as soon thereafter as possible and compliment your action in not unilaterally declaring a Palestinian state.

I look forward to continuing discussions with you on the important issues in the Mid-East peace process.

Sincerely,

ARLEN SPECTER.

EXHIBIT 2

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, August 18, 2000.

Chairman YASSER ARAFAT,
President of the National Authority,
Gaza City, GAZA, Palestinian National Authority.

DEAR CHAIRMAN ARAFAT: On March 23, 1999, when you visited my Senate Office in Washington, I urged you not to make a unilateral declaration of Palestinian statehood, which had been discussed as a possibility for May 4, 2000.

At that time, I told you that I would make a statement on the Senate floor on May 5, 1999, praising your decision not to declare statehood unilaterally if, in fact, you made that decision. You did not declare statehood on May 4, 1999; and, as promised, I made the statement on the Senate floor. For your rereview, I enclose a copy of that statement.

Now, again, there is talk that there may be a unilateral declaration of Palestinian statehood on September 13, 2000. Again, I urge you not to make such a declaration, but to continue negotiations to try to work out an overall agreement with Israel.

I know that there is a strong feeling, both in the United States Senate and the United States House of Representatives, as well as that expressed by President Clinton, that there be no such unilateral declaration of statehood.

There has been tremendous support in the Senate and House, as well as from the President, for an overall peace settlement and that Congressional support has included U.S. contributions to implement such an accord. That Congressional support would certainly be eroded by a unilateral declaration of statehood.

If you do not make such a unilateral declaration of Palestinian statehood on September 13, I will again speak on the Senate floor in praise of your restraint.

Again, I urge you to renew discussions with Israel for an overall settlement.

I look forward to our next meeting when you are in Washington or I am in the Mideast.

Sincerely,

ARLEN SPECTER.

Mr. REID. Mr. President, before the Senator from Pennsylvania leaves the floor, I want the RECORD to reflect the statements he has made are bipartisan in nature. I underline and underscore the importance of the statement of the Senator from Pennsylvania. I think it would be very unwise for Chairman Arafat to move unilaterally on establishing statehood. I hope he will sit back and look at the great loss that will take place if an agreement is not reached at this time.

I commend and applaud the Senator from Pennsylvania for his statement.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Nevada for those very timely comments. It is important to have that note of bipartisanship. May the RECORD further reflect, 20 minutes ago the distinguished Senator from New Mexico said he wanted to do something sharp at 6 p.m., and the big hand is at the 12 and the little hand is at the 6 in this instant.

Mr. DOMENICI. Mr. President, if I knew when I asked the Senator from Pennsylvania if he could be finished in 20 minutes that he was going to be delivering such an important speech, I might have been reluctant to ask him. I do commend him on that speech—not the brevity and coming in on time, but the substance is very important.

Mr. SPECTER. Mr. President, I thank my colleague from New Mexico for those comments. We have worked together for many years and earlier today on the Appropriations Committee, and I appreciate what he just said.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. FEINGOLD):

S. 3008. A bill to amend the Age Discrimination in Employment Act of 1967 to require, as a condition of receipt of Federal funding, that States waive immunity to suit for certain violations of that Act, and to affirm the availability of certain suits for injunctive relief to ensure compliance with that Act; to the Committee on Health, Education, Labor, and Pensions.

THE OLDER WORKERS RIGHTS RESTORATION ACT OF 2000

Mr. JEFFORDS. Mr. President, I am pleased to be here today to introduce legislation that will restore to state employees the ability to bring claims of age discrimination against their employers under the Age Discrimination and Employment Act of 1967. The Older Workers Rights Restoration Act of 2000 seeks to provide state employees who allege age discrimination the same procedures and remedies as those afforded to other employees with respect to ADEA.

This legislation is needed to protect older workers like Professor Dan Kimel, who has taught physics at Florida State University for nearly 35 years. Despite his years of faithful service, in 1992, Professor Kimel found that he was earning less in real dollars than his starting salary. To add insult to injury, his employer was hiring younger faculty out of graduate schools at salaries that were higher than he and other long-service faculty members were earning. In 1995, Professor Kimel and 34 colleagues brought a claim of age discrimination against the Florida Board of Regents.

Dan Kimel and his colleagues brought their cases under the Age Discrimination and Employment Act of 1967 (''ADEA''). In 1974, Congress amended the ADEA to ensure that state employees, such as Dan Kimel has full protection against age discrimination. I stand before you today because this past January the Supreme Court ruled that Dan Kimel and other affected faculty do not have the right to bring their ADEA claims against their employer. The Court in Kimel v. Florida Board of Regents, held that Congress did not have the power to abrogate state sovereign immunity to individuals under the ADEA. As a result of the decision, state employees, who are victims of age discrimination, no longer have the remedies that are available to individuals who work in the private sector, for local governments or for federal government. Indeed, unless a state chooses to waive its sovereign immunity or the Equal Employment Opportunity Commission decides to bring a suit, state workers now find themselves with no federal remedy for their claims of age discrimination. In effect, this decision has transformed older state employees into second class citizens.

For a right without a remedy is no right at all. Employees should not have to lose their right to redress simply because they happen to work for a state government. And a considerable portion of our workforce has been impacted. In Vermont, for example, the State is one of our largest employers. We cannot and should not permit these state workers to lose the right to redress age discrimination.

This legislation will resolve this problem. The Older Workers Rights Restoration Act of 2000 will restore the full protections of the ADEA to Dan Kimel and countless other state employees in federally assisted programs. The legislation will do this by requiring the states to waive their sovereign immunity as a condition of receiving federal funds for their programs or activities. The Older Workers Rights Restoration Act of 2000 follows the framework of many other civil rights laws, including the Civil Rights Restoration Act of 1987. Under this framework, immunity is only waived with regard to the program or activity actually receiving federal funds. States are not obligated to accept such funds; and if they do not they are immune from private ADEA suits. The legislation also confirms that these employees may bring actions for equitable relief under the ADEA.

I urge all my colleagues to join me in supporting this bill.

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. 3008

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 ''Older Workers Rights Restoration Act of 2000''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since 1974, the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) has prohibited States from discriminating in employment on the basis of age. In EEOC v. Wyoming, 460 U.S. 226 (1983), the Supreme Court upheld Congress' constitutional authority to prohibit States from discriminating in employment on the basis of age. The prohibitions of the Age Discrimination in Employment Act of 1967 remain in effect and continue to apply to the States, as the prohibitions have for more than 25 years.

(2) Age discrimination in employment remains a serious problem both nationally and

among State agencies, and has invidious effects on its victims, the labor force, and the economy as a whole. For example, age discrimination in employment—

(A) increases the risk of unemployment among older workers, who will as a result be more likely to be dependent on government resources;

(B) prevents the best use of available labor resources;

(C) adversely effects the morale and productivity of older workers; and

(D) perpetuates unwarranted stereotypes about the abilities of older workers.

(3) Private civil suits by the victims of employment discrimination have been a crucial tool for enforcement of the Age Discrimination in Employment Act of 1967 since the enactment of that Act. In Kimel v. Florida Board of Regents, 120 S. Ct. 631 (2000), however, the Supreme Court held that Congress lacks the power under the 14th amendment to abrogate State sovereign immunity to suits by individuals under the Age Discrimination in Employment Act of 1967. The Federal Government has an important interest in ensuring that Federal funds are not used to facilitate violation of, the Age Discrimination in Employment Act of 1967. Private civil suits are a critical tool for advancing that interest.

(4) As a result of the Kimel decision, although age-based discrimination by State employers remains unlawful, the victims of such discrimination lack important remedies for vindication of their rights that are available to all other employees covered under the Act, including employees in the private sector, of local government, and of the Federal Government. Unless a State chooses to waive sovereign immunity, or the Equal Employment Opportunity Commission brings an action on their behalf, State employees victimized by violations of the Age Discrimination in Employment Act of 1967 have no adequate Federal remedy for violations of the Act. In the absence of the deterrent effect that such remedies provide, there is a greater likelihood that entities carrying out federally funded programs and activities will use Federal funds to violate the Act, or that the Federal funds will otherwise subsidize or facilitate violations of the Act.

(5) Federal law has long treated nondiscrimination obligations as a core component of programs or activities that are, in whole or part, assisted by Federal funds. Federal funds should not be used, directly or indirectly, to subsidize invidious discrimination. Assuring nondiscrimination in employment is a crucial aspect of assuring nondiscrimination in those programs and activities.

(6) Discrimination on the basis of age in federally assisted programs or activities is, in contexts other than employment, forbidden by the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.). Congress determined that it was not necessary for the Age Discrimination Act of 1975 to apply to employment discrimination because the Age Discrimination in Employment Act of 1974 already forbade discrimination in employment by, and authorized suits against, State agencies and other entities that receive Federal funds. In section 1003 of the Rehabilitation Act Amendments of 1986 (42 U.S.C. 2000d–7), Congress required all State recipients of Federal assistance to waive any immunity from suit for discrimination claims arising under the Age Discrimination Act of 1975. The earlier limitation in the Age Discrimination Act of 1975, originally intended only to avoid duplicative coverage and remedies, has in the wake of the Kimel decision become a serious loophole leaving millions of State employees without an important Federal remedy for age discrimination resulting in the use of such funds to subsidize or facilitate violations of the Age Discrimination in Employment Act of 1967.

(7) The Supreme Court has upheld Congress' authority to condition receipt of Federal funds on acceptance by the States or other recipients of conditions regarding or related to the use of those funds, as in Cannon v. University of Chicago, 441 U.S. 677 (1979). The Court has further recognized that Congress may require a State, as a condition of receipt of Federal assistance, to waive the State's sovereign immunity to suits for a violation of Federal law, as in College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board, 527 U.S. 666 (1999). In the wake of the Kimel decision, in order to assure compliance with, and to provide effective remedies for violations of, the Age Discrimination in Employment Act of 1967 in State programs or activities receiving Federal assistance, and in order to ensure that Federal funds do not subsidize or facilitate violations of the Age Discrimination in Employment Act of 1967, it is necessary to require such a waiver as a condition of receipt of that Federal financial assistance.

(8) The waiver resulting from the acceptance of Federal funds by 1 State program or activity under this Act will not eliminate a State's immunity with respect to other programs or activities that do not receive Federal funds; a State waives sovereign immunity only with respect to Age Discrimination in Employment Act of 1967 suits brought by employees within the programs or activities that receive such funds. With regard to those programs and activities that are covered by the waiver, the State employees will be accorded only the same remedies that were available to State employees under the Age Discrimination in Employment Act of 1967 before Kimel and that are accorded to all other covered employees under the Act.

(9) The Supreme Court has repeatedly held that State sovereign immunity does not bar suits for prospective injunctive relief brought against State officials, as in ex parte Young, 209 U.S. 123 (1908). Clarification of the language of the Age Discrimination in Employment Act of 1967 will confirm that the Act authorizes such suits. The injunctive relief available in such suits will continue to be no broader than the injunctive relief that was available under the Act before the Kimel decision, and that is available to all other employees under that Act.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide to State employees in federally assisted programs or activities the same rights and remedies for practices violating the Age Discrimination in Employment Act of 1967 as are available to other employees under that Act, and that were available to State employees prior to the Supreme Court's decision in Kimel v. Florida Board of Regents, 120 S. Ct. 631 (2000);

(2) to provide that the receipt of Federal funding for use in a program or activity constitutes a State waiver of sovereign immunity from suits by employees within that program or activity for violations of the Age Discrimination in Employment Act of 1967; and

(3) to affirm that suits for equitable relief are available against State officials in their official capacities for violations of the Age Discrimination in Employment Act of 1967.

SEC. 4. REMEDIES FOR STATE EMPLOYEES.

Section 7 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626) is amended by adding at the end the following:

''(g)(1)(A) A State's receipt or use of Federal financial assistance in any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th amendment to the Constitution or otherwise, to a suit brought by an employee of that program or activity under this Act for equitable, legal, or other relief authorized under this Act.

''(B) In this paragraph, the term 'program or activity' has the meaning given the term in section 309 of the Age Discrimination Act of 1975 (42 U.S.C. 6107).

''(2) An official of a State may be sued in the official capacity of the official by any employee who has complied with the procedures of subsections (d) and (e), for equitable relief that is authorized under this Act. In such a suit the court may award to the prevailing party those costs authorized by section 722 of the Revised Statutes (42 U.S.C. 1988).''.

SEC. 5. 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 such provision or amendment to another person or circumstance shall not be affected.

SEC. 6. EFFECTIVE DATE.

(a) WAIVER OF SOVEREIGN IMMUNITY.—With respect to a particular program or activity, section 7(g)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(g)(1)) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives Federal financial assistance for use in that program or activity.

(b) SUITS AGAINST OFFICIALS.—Section 7(g)(2) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(g)(2)) applies to any suit pending on or after the date of enactment of this Act.

Mr. FEINGOLD. Mr. President, I am pleased to join my distinguished colleagues, Senator JEFFORDS and Senator KENNEDY, as an original cosponsor of the Older Workers Rights Restoration Act of 2000.

With advances in medicine and science, Americans are living longer than ever before. This means that older Americans are also working longer than ever before. We should ensure that those Americans who work well into the golden years of their lives—including state employees—can do so without fear of being denied a job, fired or overlooked for a promotion based on their age.

Since enactment of the Age Discrimination in Employment Act in 1967, our Nation has come a long way in eliminating age discrimination in the workplace. But the Supreme Court's decision earlier this year in Kimel v. Florida Board of Regents threatens to turn back the clock on the progress we've made. Under that decision, a state employee who has a claim of employment discrimination based on age cannot bring a private lawsuit against a state government under the Age Discrimination in Employment Act. The state government is immune from such suits. The individual's only legal recourse is to file a complaint with the Equal Employment Opportunity Commission and hope that the EEOC takes the case. But the EEOC has limited resources and only pursues a fraction of the cases filed.

Mr. President, this result is unacceptable. Older American workers

make important contributions to their employers—both businesses and governments, at the state and federal levels. Older Americans should be able to work free of even a hint of discrimination. And older Americans employed by state governments deserve the same protections against discrimination on the job that other older Americans employed by private businesses or the federal government enjoy.

This bill that we introduce today would do just that. It ensures that state employees in federally assisted programs or activities have the same rights and remedies for practices violating the Age Discrimination in Employment Act as are available to other employees under that act and that were available to state employees prior to the Supreme Court's Kimel decision.

Mr. President, I have had a longstanding commitment to aging issues, both as a U.S. Senator and, previously, as a Wisconsin State Senator. In the U.S. Senate, I have served on the Special Committee on Aging. In the Wisconsin state senate, I served for ten years as the chairman of the Senate Committee on Aging. In fact, the first legislation I introduced as a state senator was a bill to eliminate mandatory retirement. That bill passed and was signed into law. As a result, older Wisconsin residents have the right to work without being forced to retire at a certain age.

I look forward to working with Senator JEFFORDS to move this important legislation through the Senate. I urge my colleagues to join us in taking this step toward restoring protections for state employees against age discrimination.

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

By Mr. GRASSLEY:

S. 3010. A bill to amend title 38, United States Code, to improve procedures for the determination of the inability of veterans to defray expenses of necessary medical care, and for other purposes; to the Committee on Veterans' Affairs.

LEGISLATION FOR THE BENEFIT OF LAND-RICH CASH POOR VETERANS

Mr. GRASSLEY. Mr. President, I am today introducing a bill which would exclude the value of real property of a veteran, or a veteran's spouse or dependent, in determining how a veteran's eligibility for health care from the Department of Veterans Affair (VA) is classified. The bill would also simplify eligibility determinations by eliminating the annual self-reporting burden for veterans, and instead enable the Department to obtain income information directly from the Internal Revenue Service and the Social Security Administration.

The problem asset-rich, cash-poor veterans experience in gaining eligibility for veterans pension and health care benefits was brought to my attention late last year by one of my constituents, Larry Sundall. Larry is one of Iowa's county veterans service officers. He serves veterans in Emmet County, in northwest Iowa. In the course of his work, he was finding that many of his farmer-veteran constituents where in desperate straits with no, or little, income, but still could not qualify for VA pension programs without selling their land. Because of the value of their land, these veterans would also be classified in Category 7 for purposes of health service eligibility in the event they sought health care from the VA. Category 7 veterans can receive health care services as long as the VA has sufficient funds. However, they are required to pay co-payments for any health care they receive through the VA because of the value of their land, even if they have no income and are in debt to boot. If the administration and Congress don't appropriate enough money, these Category 7 veterans will not be eligible for health care services from the VA.

At Larry's urging, I decided to convene a meeting of interested parties in Des Moines last April to talk over this issue. Because many of his county veterans officials in Iowa, Minnesota, Nebraska, and South Dakota were encountering constituents with similar problems, we invited the associations of county veterans service officers from those states to send a representative to participate. We invited the State Veterans Affairs Officers from those states. VA staff from headquarters, regional offices, and VISNs also participated. The meeting was very useful and informative from my perspective, and I am grateful to all who participated. As it happens, the VA's Health Services Administration had already recognized the asset test as a problem for veterans and had formed a task force to look into the feasibility of eliminating the asset test. The Veterans Benefits Administration had also begun to discuss the issue. In any case, VA participants at the meeting agreed to convey the essentials of our discussion to principal officials at VA headquarters.

The problem follows from a provision of Title 38 which holds that the Secretary may deny benefits to a veteran ''. . . when the corpus of the estate of the veteran . . . is such that under all the circumstances . . . it is reasonable that some part of the corpus of such estates be consumed for the veteran's maintenance''. In other words, if the income and estate of a veteran are large enough, they should be used before the veteran receives benefits from the VA. The law also states, however, that liquidations of assets should be required only when it can be done at ''no substantial sacrifice'' to the veteran. Regulations implementing this provision of law contain essentially the same language. The complications begin with a VA manual, 21–1, which lays out criteria to be used by VA staff in adjudicating eligibility for pension and health benefits. Under the criteria set out in M21–1, the net worth of a veteran must be adjudicated when the veteran's income and net worth is greater than $50,000. Ownership of $50,000 of farm land or other real property does not automatically and inevitably mean that adjudicators will declare a farmer veteran ineligible for these VA programs. In principle, the $50,000 is just a threshold which is to trigger adjudication of a veteran's claim for benefits, not to automatically disqualify a veteran for benefits.

But there are two problems with the treatment of assets in the schema. First is the $50,000 level. It's obviously much too low, even as a trigger for adjudication. In Iowa currently, the average value of an acre of farm land is $1,781. So a farm holding valued at $50,000 would average about 28 acres, clearly two small to be viable. A 40 acre farm, at the current average value per acre, would be worth $71,240. A more viable 80 acre farm would be valued at $142,480. It seems to me, therefore, that the threshold triggering review of a farmer veteran's income and assets should be raised to $150,000. But, second, and more fundamentally, the law stipulates, as I noted earlier, that divestiture of an estate should not involve ''substantial sacrifice''. It is difficult for me to see that selling off the family farm, in many, if not most, cases, the sole source of livelihood for a farm family, would not involve substantial sacrifice. It thus seems inherently unrealistic to require a veteran to liquidate land holdings in order to become eligible for VA pension benefits or in order to pay co-payments for VA health care services.

What the bill I am introducing today would do is eliminate completely the asset test as a factor is establishing eligibility for health care services. A veteran's income, however, would still be considered in eligibility determinations. The bill would also permit the Secretary to determine the attributable income of the veteran using income date from the year preceding the prior year in the event that the Secretary is unable to use prior year data. Finally, the bill would permit the Secretary to use information obtained from the Secretary of the Department of Health and Human Services and the Treasury for the purpose of determining the attributable income of a veteran.

The VA estimates that this proposal should save the VA money, Mr. President. They estimate that more than $11 million would be saved in fiscal year 2001, growing to more than $13 million in fiscal year 2005.

I ask that the full text of the bill be included in the RECORD.

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

S. 3010

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

SECTION 1. IMPROVEMENT OF PROCEDURES FOR DETERMINATION OF INABILITY TO DEFRAY EXPENSES OF NECESSARY MEDICAL CARE.

(a) EXCLUSION OF CERTAIN ASSETS FROM ATTRIBUTABLE INCOME AND CORPUS OF ESTATES.—Subsection (f) of section 1722 of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: '', except that such income shall not include the value of any real property of the veteran or the veteran's spouse or dependent children, if any, or any income of the veteran's dependent children, if any''; and

(2) in paragraph (2), by striking ''the estates'' and all that follows and inserting ''the estate of the veteran's spouse, if any, but does not include any real property of the veteran, the veteran's spouse, or any dependent children of the veteran, nor any income of dependent children of the veteran.''.

(b) ALTERNATIVE YEAR FOR DETERMINATION OF ATTRIBUTABLE INCOME.—That section is further amended by adding at the end the following new subsection:

''(h) For purposes of determining the attributable income of a veteran under this section, the Secretary may determine the attributable income of the veteran for the year preceding the previous year, rather than for the previous year, if the Secretary finds that available data do not permit a timely determination of the attributable income of the veteran for the previous year for such purposes.''.

(c) USE OF INCOME INFORMATION FROM CERTAIN OTHER FEDERAL AGENCIES.—Section 5317 of that title is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

''(f) In addition to any other activities under this section, the Secretary may utilize income information obtained under this section from the Secretary of Health and Human Services or the Secretary of the Treasury for the purpose of determining the attributable income of a veteran under section 1722 of this title, in lieu of obtaining income information directly from the veteran for that purpose.''.

(d) PERMANENT AUTHORITY TO OBTAIN INFORMATION.—(1) Section 5317 of that title, as amended by subsection (c), is further amended by striking subsection (h).

(2) Section 6103(*l*)(7)(D) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(*l*)(7)(D)) is amended in the flush matter at the end by striking the second sentence.

By Mr. LEAHY:

S. 3012. A bill to amend title 18, United States Code, to impose criminal and civil penalties for false statements and failure to file reports concerning defects in foreign motor vehicle products, and to require the timely provision of notice of such defects, and for other purposes; to the Committee on the Judiciary.

TRANSPORTATION INFORMATION RECALL ENHANCEMENT ACT

Mr. LEAHY. Mr. President, like so many Americans, I have been faced with a barrage of confusing and frightening information about the recent Firestone tire recall. I have a Ford Explorer, and it has Firestone tires on it. My wife and I drive it and take our children and our friends and others for rides in that vehicle. So I understand what a lot of my fellow Vermonters are going through regarding this deadly episode. It never should have happened.

But it is not just Explorer owners who are at risk—pedestrians, joggers, bicyclists, and other cars could be hit by out-of-control vehicles or by tire pieces.

The tires on my car are the same size and type as those covered by the recall. But they were manufactured at a different plant—a North Carolina plant. Even though employees of that plant have raised serious concerns about quality control in that factory, the tires on my Explorer are not eligible for the recall. But I have to tell you, I look long at them each time I get into the vehicle, and it is in the back of my mind every time I drive.

Even though they tell me that they are not yet the subject of a recall, I wonder what tomorrow's news may bring.

The first foreign recall occurred on August 1999, but the Secretary of Transportation apparently was not even informed of this by the manufacturer until May of 2000—nearly a year after the fact. That is outrageous. It is unacceptable. Worse yet, that kind of delay has proven deadly. I don't even want to think about the lives that could have been saved had there been quicker action, and had the manufacturers been honest enough to notify the public immediately.

Even after the recall was issued, the deadly risk continues as families have to wait to get replacement tires. I want to mention one sad case. A grandfather, Gary Meek of Farmersville, California, was a retired police officer. He, his wife and granddaughter, Amy, 13 years old, were driving on August 16, a couple weeks ago, when a Firestone tire on the Ford Explorer separated. His wife survived the crash, but Mr. Meek and his granddaughter were killed. His widow has to carry on with those awful memories.

I am going to introduce legislation today to mandate that the Secretary of Transportation be immediately notified of defects in motor vehicles or vehicle components—immediately after the foreign manufacturer becomes aware of the dangerous defect or when the manufacturer is notified about the defect by the foreign government. This notification would be earlier in time than the beginning of a foreign recall or any efforts to replace the defective product.

My bill also requires the manufacturer file a full report on the circumstances regarding each defective vehicle or vehicle component. The bill will impose stiff criminal penalties for false or misleading statements, or efforts to coverup the truth, regarding these reports. It also imposes criminal and civil penalties for other violations of the bill. In other words, if tires are defective, or are going to be recalled or replaced in some other country, they have to notify us—and notify us accurately and truthfully.

One would think some of these foreign tire companies would feel a moral duty to save lives. You would think that would be enough to motivate them. One would think even the idea of huge fines might motivate them. That doesn't seem to be enough. Maybe if they think they will get a jail sentence if they don't notify us truthfully, maybe, they will put the interests of the lives and safety of the public ahead of the short-term gains of their own companies.

My bill, the Transportation Information Recall Enhancement Act, requires notification of a foreign dangerous defect within 48 hours. It requires even more detailed information filings a few days later. My bill also requires notification of increases in deaths or serious injuries in foreign countries regarding vehicles and vehicle components that could prove deadly if they are on American soil.

Secretary Slater said in an interview that there should be a law requiring that the United States be immediately notified of foreign recalls. We are on the way to making that a reality. I will work with any Senator, Republican or Democrat, on this issue so we can pass this legislation or any other bill to get the job done in the next couple of weeks.

It is incomprehensible to me how any corporate executives can live with themselves when they withhold information that could have saved people's lives. If they are going to conceal the truth or make false statements, they should face criminal sanctions. Sometimes if a person thinks they are going to end up in the slammer, they will pay a lot more attention to the safety of people, rather than simply looking at the balance sheet.

For example, we just received reports about Mitsubishi over the past two decades. For 20 years, they routinely withheld information about dangerous products which ended up in America and other countries. These corporate officers should be forced to explain their inaction to the families of those who have been injured using their products. Maybe Americans should not buy any Mitsubishi products because they lied for 20 years. Criminal penalties are clearly needed. In the global economy there has to be some compassion for the suffering that is sometimes caused around the world. There seems to be almost a disconnect. The President of Ford Motors, for example, when he heard that Congress was going to question him, at first was unwilling to testify personally.

I think he heard an almost national outcry over that insolence and disregard of the people of this country, insolence and arrogance that kept him from realizing how concerned Americans were. Fortunately, he changed his mind and found the time. I suspect the appropriate congressional committees would have gotten a subpoena, and the result would have been the same. He would have testified.

Every corporation has a right to sell their products. Every corporation has a right to make a decent profit. They

ought to be able to do that. When they know they have a product that can bring about death or injury, and especially when only they know it and nobody else does, they ought to make those facts known. The law should be very clear that they have to make it known. If they manufacture a product in this country to sell both here and abroad, if there are problems in the other country and the product is defective, they should notify this country of that fact. They will lose some business in the short term. In the long term, they will do better. The American public will be secure, and the American public will not be endangered.

What Firestone did, what Ford did, and for that matter, what Mitsubishi did, was wrong. It was absolutely wrong. I want corporate leaders never to do this again. I want a law that says if you provide information to our government regarding defective products that is false, misleading or untruthful that you are going to go to jail.

Mr. President, I ask unanimous consent to print a summary of the bill in the RECORD.

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

S. 3012

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 ''Transportation Information Recall Enhancement Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) in an interview with ABC News on September 3, 2000, Secretary of Transportation Rodney Slater stated that he thinks there should be a law requiring that the United States be immediately notified of a foreign recall, ''especially in the global economy when you've got U.S. goods really being used by individuals around the world. We should know when there's a problem someplace else.'';

(2) as of the date of enactment of this Act, there is no legal requirement for manufacturers of motor vehicles and their components to notify United States agencies of a recall issued in a foreign country;

(3) between August 1999 and spring 2000, Ford Motor Company replaced Firestone tires on 46,912 vehicles in Saudi Arabia, Thailand, Malaysia, and South America;

(4)(A) on May 2, 2000, the National Highway Traffic Safety Administration opened a preliminary evaluation into Firestone ATX, ATX II, and Wilderness AT tires after receiving 90 complaints, primarily from consumers in the Southeast and Southwest, about tread separations or blowouts;

(B) as of September 2000, the National Highway Traffic Safety Administration has received over 1,400 complaints, including reports of more than 250 injuries and 88 deaths; and

(C) some of the complaints date back to the early 1990s, and 797 of the complaints report that a tire failure took place between August 1, 1999, and August 9, 2000; and

(5)(A) on August 9, 2000, Bridgestone/Firestone announced a United States recall of 6,500,000 ATX, ATX II, and Wilderness AT tires; and

(B) that date was 3 months after the National Highway Traffic Safety Administration commenced its investigation and nearly 9 months after Ford Motor Company initiated the replacement of the tires in foreign countries.

(b) PURPOSE.—The purpose of this Act is to ensure that defects in motor vehicles or replacement equipment in foreign countries are quickly, accurately and truthfully reported to the United States Secretary of Transportation in cases in which—

(1) the motor vehicles or replacement equipment is manufactured for export to the United States; or

(2) the motor vehicles or replacement equipment is manufactured in the United States using a manufacturing process that is the same as, or similar to, the manufacturing process used in the foreign country, with the result that the motor vehicles or replacement equipment manufactured in the United States may also be defective.

SEC. 3. CRIMINAL AND CIVIL PENALTIES IN CONNECTION WITH REPORTING OF DEFECTS IN FOREIGN MOTOR VEHICLE PRODUCTS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1036. Penalties in connection with reporting of defects in foreign motor vehicle products

''(a) DEFINITIONS.—

''(1) FOREIGN MOTOR VEHICLE PRODUCT.—The term 'foreign motor vehicle product' means a motor vehicle or replacement equipment that—

''(A) is manufactured in a foreign country for export to the United States; or

''(B) is manufactured in a foreign country using a manufacturing process that is the same as, or similar to, a manufacturing process used in the United States for a motor vehicle or replacement equipment.

''(2) OTHER TERMS.—The terms 'defect', 'manufacturer', 'motor vehicle', and 'replacement equipment' have the meanings given the terms in section 30102 of title 49.

''(b) CRIMINAL PENALTY.—A manufacturer of a foreign motor vehicle product, or an officer or employee of such a manufacturer, that, in connection with a report required to be filed under section 30118(f) of title 49, willfully—

''(1) falsifies or conceals a material fact;

''(2) makes a materially false, fictitious, or fraudulent statement or representation; or

''(3) makes or uses a false writing or document knowing that the writing or document contains any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years, or both.

''(c) CIVIL PENALTY.—

''(1) IN GENERAL.—In addition to any civil penalty that may be assessed under chapter 301 of title 49, a manufacturer that violates section 30118(f) of title 49 shall be subject to a civil penalty of not more than $500,000 for each day of the violation.

''(2) COMPROMISE OF PENALTY.—The Attorney General may compromise the amount of a civil penalty imposed under paragraph (1).

''(3) DETERMINATION OF AMOUNT.—In determining the amount of a civil penalty or compromise under this subsection, the Attorney General shall consider—

''(A) the appropriateness of the penalty or compromise in relation to the size of the business of the manufacturer liable for the penalty; and

''(B) the gravity of the violation.

''(4) DEDUCTION OF AMOUNT OF PENALTY.—The United States Government may deduct the amount of the civil penalty imposed or compromised under this section from any amount that the Government owes the manufacturer liable for the penalty.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1036. Penalties in connection with reporting of defects in foreign motor vehicle products.''.

SEC. 4. REPORTING OF DEFECTS IN FOREIGN MOTOR VEHICLE PRODUCTS.

Section 30118 of title 49, United States Code, is amended by adding at the end the following:

''(f) REPORTING OF DEFECTS IN FOREIGN MOTOR VEHICLE PRODUCTS.—

''(1) DEFINITION OF FOREIGN MOTOR VEHICLE PRODUCT.—The term 'foreign motor vehicle product' means a motor vehicle or replacement equipment that—

''(A) is manufactured in a foreign country for export to the United States; or

''(B) is manufactured in a foreign country using a manufacturing process that is the same as, or similar to, a manufacturing process used in the United States for a motor vehicle or replacement equipment.

''(2) REPORTING OF DEFECTS.—

''(A) INITIAL REPORT.—Not later than 48 hours after determining, or learning that a government of a foreign country has determined, that a foreign motor vehicle product contains a defect that could be related to motor vehicle safety, the manufacturer of the foreign motor vehicle product shall report the determination to the Secretary.

''(B) WRITTEN REPORT.—

''(i) IN GENERAL.—Not later than 5 days after the end of the 48-hour period described in subparagraph (A), the manufacturer shall submit to the Secretary a written report that meets the requirements of clause (ii).

''(ii) CONTENTS OF WRITTEN REPORT.—A written report under clause (i) shall contain—

''(I) a description of the foreign motor vehicle product that is the subject of the report;

''(II) a description of—

''(aa) the determination of the defect by the government of the foreign country or by the manufacturer of a foreign motor vehicle product; and

''(bb) any measures that the government requires to be taken, or the manufacturer determines should be taken, to obtain a remedy of the defect;

''(III) information concerning any serious injuries or fatalities possibly resulting from the defect; and

''(IV) such other information as the Secretary determines to be appropriate.

''(3) REPORTING OF POSSIBLE DEFECTS.—Upon making a determination that there have been a significant number of serious injuries or fatalities in a foreign country that could have resulted from a defect in a foreign motor vehicle product that could be related to motor vehicle safety (as determined in accordance with regulations promulgated by the Secretary), the manufacturer of the foreign motor vehicle product shall report the determination to the Secretary in such manner as the Secretary establishes by regulation.''.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 180 days after the date of enactment of this Act.

SUMMARY

This Act will provide criminal penalties for making false or misleading statements in notifications or reports made to the U.S. Government regarding recalls or replacement actions regarding motor vehicles and component parts. This criminal liability and the

requirements for providing notice is triggered when a foreign government makes the manufacturer aware of the defect in motor vehicles or replacement parts, even before it triggers recalls or replacement actions.

This Act will help ensure accurate, truthful information and timely notice regarding recalls or replacement actions concerning defective motor vehicles or replacement equipment such as tires in foreign countries are quickly reported to the United States Secretary of Transportation where such vehicles are manufactured for export to the United States or where the defective product or equipment is manufactured in the United States in a manner that is similar to its manufacture in the foreign country and thus may likewise be dangerous.

The notification must be provided to the Secretary within 48 hours of when the foreign manufacturer learns or is notified of the defect by the foreign government. Within 5 days of that 48-hour deadline, a more detailed, accurate and truthful report must be provided to the Secretary of Transportation describing the basis for actions taken and providing information about serious injuries or fatalities related to the defect.

In addition, even if a defect is not identified, the Secretary must be notified each time there is a significant increase in deaths or serious injuries in a foreign country related to vehicles or vehicle components manufactured in foreign countries for export to the United States or related to vehicles or components manufactured in the United States using similar manufacturing processes (as are used in the foreign country), as defined in regulations of the Secretary.

Failure to comply with these requirements, and any related requirements set by the Secretary under the bill, shall result in a civil money penalty of up to $500,000, per day. In addition, for manufacturers or employees of foreign motor vehicle products (manufacturing vehicles for export to the United States or using manufacturing processes similar to that used in the United States) who in reporting to the Secretary knowingly or willfully: falsifies, conceals, or covers up a material fact; makes a materially false, fictitious, or fraudulent statement or representation; or makes a false writing or document, shall be imprisoned for up to 5 years and shall be subject to criminal fines of up to $500,000 for corporations, or $250,000 for individuals.

This Act shall be effective beginning six months after enactment.

By Mrs. MURRAY:

S.J Res. 51. A joint resolution authorizing special awards to veterans of service as United States Navy Armed Guards during World War I or World War II; to the Committee on Armed Services.

LEGISLATION TO HONOR NAVAL ARMED GUARD VETERANS

Mrs. MURRAY. Mr. President, I am introducing legislation today to provide a long overdue honor to a distinguished group of American veterans. The United States Naval Armed Guard made heroic contributions to our naval efforts in World War I and World War II and the time has come for a grateful nation to recognize these brave veterans.

The Armed Guard consisted of the officers, gunners, radiomen, signalmen and later medics and radarmen who were placed on cargo ships to protect them from armed assault.

The U.S. Navy Armed Guard was first constituted during World War I and armed gunners served on 384 ships. During World War II, the U.S. Navy Armed Guard served on 6,236 merchant ships. 710 of these ships were sunk and many more were damaged in combat. The Armed Guard has 144,970 men assigned to it before the war ended in 1945. 1,810 men were killed during engagements with the enemy.

I am here today because the contributions to victories in the two world wars of these fine patriots has never been recognized by our Government or the Navy. I believe the Congress should act to honor these veterans whose recognition is both deserved and long overdue.

The wartime contributions of these men were absolutely vital to the safe delivery of cargos that took the war to our enemies. Many times they stayed in the fight even as the decks of their ships were awash and sinking. What is most notable is that other nations that now are free because of the contributing sacrifices of the U.S. Navy Armed Guards, have awarded special medals in recognition of the heroic actions of the members of the U.S. Navy Armed Guard Special Force.

Mr. President, It is high time we did the right thing and recognized these fine fighting men for their service. This legislation would honor these men in a very fitting way. It will recognized former members of the U.S. Armed Guard Special Force with a special medal that honors them as American heroes. It will recognize the military character of their service by awarding each of them at least one of the three World War II campaign medals for service in the American, Asiatic-Pacific, and Europe-Africa-Middle East theaters of war. Let's do the right thing for this unrecognized group of American veterans who sacrificed so much for their country. For more than fifty years, members of the Naval Armed Guard have shared their wartime stories of sacrifice and commitment with one another. Now is the time for all Americans to acknowledge their service in a heart felt way.

I urge prompt Senate consideration and passage of this legislation.

ADDITIONAL COSPONSORS

S. 867

At the request of Mr. ROTH, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 867, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 1215

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 1608

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

S. 1732

At the request of Mr. BREAUX, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1732, a bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan.

S. 1814

At the request of Mr. SMITH of Oregon, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1814, a bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 1938

At the request of Mr. CRAIG, the name of the Senator from Minnesota