

their own words. This was natural—many of the men in that room in Philadelphia, almost half, were of Scottish ancestry. The draftsman of the document was Thomas Jefferson—one of his ancestors had signed the Arbroath Declaration, all of those centuries before. The words of the Arbroath Declaration meant something to those men—they were daring words—words that would not be quiet, that would not lie quiet and still on some forgotten Scottish hill. The men in Philadelphia that day remembered those words—"We fight for liberty alone"—and the men in Philadelphia signed their own declaration of independence.

The words and thoughts of those long-ago Scottish patriots live on in America. Liberty, true liberty, has been good to their descendants in America. Scottish-Americans have helped build this nation since the beginning. Three-fourths of all American presidents can trace their roots to Scotland. The contributions of Scottish-Americans are innumerable: Some of the great have included Neil Armstrong, Alexander Graham Bell, Andrew Carnegie, Thomas Alva Edison, William Faulkner, Malcolm Forbes, Billy Graham, Alexander Hamilton, Washington Irving, John Paul Jones, John Marshall, Andrew Mellon, Samuel F.B. Morse, James Naismith, Edgar Allan Poe, Gilbert Stuart, Elizabeth Taylor, to name only a few.

But beyond all of the accomplishments of Scottish-Americans, beyond all the wonderful inventions like the telegraph and telephone and electric light, all the works of literature, all the great businesses and charitable organizations founded by Scottish-Americans, beyond all of those accomplishments, are the words. "We fight for liberty alone \* \* \* We fight for liberty alone, which no good man loses but with his life."

Those are haunting words. Those are words that haunted the men who passed them down for generations, wherever men dreamed of being free, words that haunted the men who rewrote them in Philadelphia on that hot, steamy day, words that have haunted generations of Americans. Words that have lived inside men, unspoken, as they marched to Yorktown, as they lined up quietly behind the cotton bales in New Orleans, marched to Mexico, sailed to Cuba and the Philippines, and Europe and the Pacific and Korea and the Persian Gulf. These are words that live inside all of us Americans, and especially inside our veterans: "We fight for liberty alone, which no good man loses but with his life." And how many have lost their lives for our freedom.

It is appropriate that we honor April 6 as National Tartan Day. The Scottish clansmen who met on that cold day and declared their independence were our clansmen, no matter what nation we hail from. They were our brothers.

Mr. President, I ask all my colleagues to support this resolution, so

that we may never forget, so that the world, in some small way, may never forget, the beginnings of freedom in far-away, long-ago Arbroath.

#### AMENDMENTS SUBMITTED

##### THE WIRELESS TELEPHONE PROTECTION ACT

##### HATCH AMENDMENT NO. 1634

Mr. LOTT (for Mr. HATCH) proposed an amendment to the bill (S. 493) to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia; as follows:

On page 6, line 1, strike "The punishment" and insert the following:

"(1) 'In general.—The punishment'.

On page 6, line 2, strike "section".

On page 6, line 3, strike "(1)" and insert "(A)" and indent accordingly.

On page 6, line 7, strike "(A)" and insert "(i)" and indent accordingly.

On page 6, line 11, strike "(B)" and insert "(ii)" and indent accordingly.

On page 6, line 14, strike "and".

On page 6, line 15, strike "(2)" and insert "(B)" and indent accordingly.

On page 6, line 19, strike the punctuation at the end and insert "; and".

On page 6, between lines 19 and 20, insert the following:

"(C) in any case, in addition to any other punishment imposed or any other forfeiture required by law, forfeiture to the United States of any personal property used or intended to be used to commit, facilitate, or promote the commission of the offense.

"(2) APPLICABLE PROCEDURE.—The criminal forfeiture of personal property subject to forfeiture under paragraph (1)(C), any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (c) and (e) through (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853)."

##### KYL AMENDMENT NO. 1635

Mr. LOTT (for Mr. KYL) proposed an amendment to the bill S. 493, to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia; as follows:

On page 6, line 5, strike "that has become final and that was committed on a separate prior occasion." and insert ", which conviction has become final—".

On page 6, line 7, strike "(2)."

On page 6, line 11, strike "(1).," and insert "(1), (2)."

On page 6, beginning on line 16, strike "that has become final and that was committed on a separate prior occasion, that has" and insert "which conviction has become final."

On page 7, line 24, after "subsection (a)(9)" insert ", provided that if such hardware or software is used to obtain access to telecommunications service provided by another facilities-based carrier, such access is authorized".

#### ADDITIONAL STATEMENTS

##### ABERDEEN FOSTER GRANDPARENTS

• Mr. DASCHLE. Mr. President, I would like to speak in honor of the spe-

cial 25th annual banquet for the Foster Grandparents Program in Aberdeen.

I would like to recognize most especially Linda Dillavou for all the hard work and time she has put into the Foster Grandparent Program. The success of their operation is due in no small part to her dedication and hard work.

For the past 25 years, this Foster Grandparents organization has strengthened the Aberdeen community by providing services to children that local budgets cannot afford. It has built important bridges across the generations. Those of you gathered here this evening offer emotional support for those children who have been abused or neglected, mentor troubled teens and young mothers, and care for premature infants and children with physical disabilities. "Grannies" and "Granddads" serve one-on-one with children. They tutor, counsel, assist, guide or help in a variety of ways—whatever is needed. They serve in schools, hospitals, shelters, Head Start, and other child-serving facilities.

They represent one of South Dakota's growing resources. The United States is in the midst of a demographic revolution. There are twice as many older adults today as there were 30 years ago; soon nearly a quarter of the population will be more than 65 years old. By the middle of the next century, for the first time, the number of Americans over 65 will exceed those under 18.

For the most part, this transformation is portrayed as a source of new strains on South Dakota families, the economy, and the Federal budget. But the prevailing pessimism about the graying of America is blinding us to the great promise of this change. The talent and civic potential they provide for South Dakota is immeasurable. After all, our senior population is, quite possibly, this country's best increasing natural resource.

Why? They share the time they have. They offer practical wisdom, gained from experience, and carry with them a world otherwise lost to younger generations. Seniors also have special reason to become involved in the civic and voluntary work that others cannot perform. The awareness that comes with age inspires reflection about the legacy that we leave behind: we are what survives of us, especially through these children.

Their 25 year history is, indeed, impressive. To help us all appreciate how far this organization has come, I'd like to share the story of this organization's beginning—a story of a historical accident rather than enlightened vision.

President Johnson—in an attempt to help poor seniors—ordered the Office of Aging at the Department of Health, Education and Welfare to devise an initiative engaging low-income seniors in community service for vulnerable children. When the office was unveiled,

what would become the Foster Grandparent Program was rejected as preposterous by the Nation's most progressive children's organizations—mostly hospitals and large institutions for developmentally disabled youth. The seniors would have little to contribute to children, they complained; besides, they would spread disease and probably even lack the wherewithal to get to the job. The agencies actually refused to take the Government's money. Times have certainly changed.

Given this history, we should challenge ourselves to imagine new institutions that make full use of the resources of age for the next successful 25 years for the Aberdeen Foster Grandparents. Pilot programs suggest the kinds of contributions seniors might make. In Hilton Head, SC, a group of retired physicians and nurses have formed a free health clinic providing, among other things, preventive care for low-income families. In Virginia and Montana, the Senior Environmental Corps is dedicated to alerting doctors, the elderly, and the public to the special environmental hazards faced by the older population. In Massachusetts, a group of downsized electrical workers is helping young ex-criminal offenders make the transition to productive life in the community.

This Aberdeen Foster Grandparent Program—on the occasion of their 25th anniversary—is our best glimpse at how we can benefit from the energy and talent of older Americans on a grander scale. The record of the Foster Grandparent Program suggests that if we build appealing service opportunities for older adults, they will come forward and lend a hand.

I congratulate the Aberdeen Foster Grandparents on this very special occasion, and I thank them for giving selflessly of their time to make the past 25 years so successful.●

#### TELEMARKETING FRAUD PREVENTION ACT OF 1997

● Mr. KYL. Mr. President, I rise in support of the Telemarketing Fraud Prevention Act of 1997. It is long past time to punish criminals who have perpetrated fraudulent telephone scams.

Telemarketing fraud swindles Americans out of \$40 billion dollars every year, but one group in particular is especially hard hit: senior citizens. In fact, the Attorney General recently noted that the elderly are subject to a barrage of high-pressure sales calls, sometimes as many as five or more calls every day.

In a recent Associated Press story, the chief of the Financial Crimes Section of the Federal Bureau of Investigation, Mr. Chuck Owens, discussed criminals who commits telemarketing fraud. Mr. Owens stated as follows:

We estimate that, conservatively, 50% of the time, these people victimize the elderly . . . Many times you've got senior citizens who basically need the money that they've saved to continue to provide for themselves

in their elder years, and we've had numerous instances where they've taken every cent.

Over the past year, one especially heinous scheme has gained popularity among criminals. Past victims of telemarketing fraud are often called by a second swindler who promises to help recover the money lost in the first scam. However, once the victims turn over their recovery fees, the second swindler fails to lift a finger to help.

The Telemarketing Fraud Prevention Act directs the U.S. Sentencing Commission to provide enhanced penalties for those persons convicted of telemarketing fraud, and allows prosecutors to seek even greater penalties for those who mastermind fraudulent schemes. In addition, the act requires offenders to forfeit their ill-gotten gains, much in the same manner as drug dealers are forced to turn over the fruits of their crimes.

Although the original version of this bill mandated specific increases in sentencing levels, those provisions were removed during discussion with the minority in order to move this legislation forward. However, I note that the House recently approved legislation nearly identical to the original version of this bill, and I recognize that final passage of this bill must reconcile the House and Senate positions on the underlying issues. I am hopeful that the final version will contain the strongest possible deterrents for those who might consider taking up the unsavory practice of telemarketing fraud.

Mr. President, this bill presents an opportunity to curb the growing problem of telemarketing fraud, a crime which is especially cruel when targeted against the elderly and infirm. We should not let this opportunity pass.●

#### ENCRYPTION EXPORTS NEED LIBERALIZATION

● Mr. DORGAN. Mr. President, in the final days of this session, the Congress is emersed in a debate over our Nation's trade policy. In my judgement, we have not focused enough attention on our policies that are hindering our ability to compete internationally and policies that are increasing our trade deficits.

One issue that relates the ability of U.S. companies to compete internationally is the existing policy of the administration with respect to controls on the exportation of encryption technology. Currently, U.S. firms are the world leaders in encryption but other nations are gaining fast. Perhaps the greatest single factor in the erosion of U.S. dominance in encryption technology is the administration's export controls.

As some of my colleagues know, there are several bills introduced in Congress to address encryption. The Senate Commerce Committee has even reported legislation in this area and I and the Senator from Montana, Senator BURNS have been pushing alternative legislation that would require

more realistic export controls on encryption. However, the administration does not need Congress to pass a law to change their policy in this area and I would like to encourage the administration to review their current policy and apply more realistic export controls on encryption technology.

My understanding is that many other nations have multilaterally agreed to decontrol the export of computer software with encryption capabilities. Yet, the United States continues to impose unilateral controls. Thus, we have handicapped ourselves in the global market.

Commercial products from companies in Germany, Japan, and England are securing more of the international market share because those nation's impose fewer restrictions on their encryption exports than we do. Mr. President, our Olympic team could not win if they had to compete with ankle weights. The same is true for American computer hardware and software companies. They face real competition in the international market place and their ability to provide strong information security features is costing them sales of computer systems and software packages. Lost sales will mean lost jobs.

In my judgement we need to update American export control policy and catch up with modern realities of technology and the international market place. Unfortunately, rather than make real progress on this issue, the administration has raised all sort of new issues, such as attempting to impose more controls on domestic encryption. I hope that the administration will take a second look at their export controls and start making progress on developing a policy that will allow U.S. companies to compete. Short of that, I hope we will make some progress in the Senate in moving legislation sponsored by Senator BURNS, the Pro-CODE bill, which will require a relocation of export controls, but done in a manner that is sensitive to national security and law enforcement concerns.●

#### THE 50TH ANNIVERSARY OF THE KOREAN WAR

● Mr. WARNER. Mr. President, as part of the National Defense Authorization Act for Fiscal Year 1998, the conferees included a provision (sec. 1083) authorizing the Secretary of Defense to begin to plan, coordinate, and execute a program to commemorate the 50th anniversary of the Korean war.

The Department of the Army—under the able leadership of retired General Kicklighter—has been designated to carry out this 50th anniversary program. A good friend of mine, Mr. Roy Martin, former mayor of Norfolk, VA, and currently chairman of the Gen. Douglas MacArthur Foundation in Norfolk, has taken the lead in planning a series of commemorative events for this very special anniversary.