

EC-5388. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Decreased Assessment Rate" (Docket No. FV99-993-3 FR), received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5389. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerance" (FRL #6382-5), received September 22, 1999; to the Committee on Environment and Public Works.

EC-5390. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds" (RIN1018-AF24), received September 24, 1999; to the Committee on Environment and Public Works.

EC-5391. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds from Vinegar Generators and Leather Coating Operations" (FRL #6440-1), received September 21, 1999; to the Committee on Environment and Public Works.

EC-5392. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Mexico Update to Materials Incorporated by Reference" (FRL #6441-3), received September 21, 1999; to the Committee on Environment and Public Works.

EC-5393. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Longmont Carbon Monoxide Redesignation of Attainment and Designation of Areas for Air Quality Planning Purposes" (FRL #6441-6), received September 21, 1999; to the Committee on Environment and Public Works.

EC-5394. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6443-5), received September 21, 1999; to the Committee on Environment and Public Works.

EC-5395. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Stage II Comparability and Clean Fuel Fleets" (FRL #6445-4), received September 24, 1999; to the Committee on Environment and Public Works.

EC-5396. A communication from the Director, Office of Regulatory Management and

Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Nitrogen Oxide Budget and Allowance Trading Program" (FRL #6382-5), received September 22, 1999; to the Committee on Environment and Public Works.

EC-5397. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Emergency Planning and Community Right-to-Know Act Section 313 Reporting Guidelines for Semiconductor Manufacturing"; to the Committee on Environment and Public Works.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1051. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes (Rept. No. 106-163).

By Mr. MCCONNELL, from the Committee on Rules and Administration, without amendment:

S. Res. 189. An original resolution authorizing expenditures by committees of the Senate for the periods October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001 (Rept. No. 106-164).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1568. A bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HELMS, for the Committee on Foreign Relations:

Zell Miller, of Georgia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2000.

Edward W. Stimpson, of Idaho, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

Sim Farar, of California, to be a Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. COCHRAN (for himself and Mr. DODD):

S. 1642. A bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 1643. A bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1644. A bill to provide additional measures for the prevention and punishment of alien smuggling, and for other purposes; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MCCONNELL:

S. Res. 189. An original resolution authorizing expenditures by committees of the Senate for the periods October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001; from the Committee on Rules and Administration; placed on the calendar.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN (for himself and Mr. DODD):

S. 1642. A bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

### THE EDUCATION FOR DEMOCRACY ACT

Mr. COCHRAN. Mr. President, today I am introducing the Education for Democracy Act. I am pleased that the distinguished Senator from Connecticut (Mr. DODD) has joined me as a cosponsor to reauthorize and improve existing federally supported civic education programs.

"We the People . . . The Citizen and the Constitution," has proven to be an excellent curriculum and a successful program for teaching the principles of the Constitution.

Since 1985, the Center for Civic Education has administered the program. It is a rigorous course designed for high school civics classes that provides teacher training using a national network of law professionals as well as other community and business leaders.

The most visible component of We the People, is the simulated Congressional hearings which are competitions at local, state and national levels. The final round of this annual competition is held in an actual United States Senate or House of Representatives hearing room, here in the Nation's Capital.

The Popularity of We the People is demonstrated by the 82,000 teachers and the 26.5 million students who have participated since its beginning. Studies by the Education Testing Service

have repeatedly indicated that We the People participants outperform other students in every area tested. In one, We the People high school students outscored university sophomore and junior political science students in every topic.

A Stanford University study showed that these students develop a stronger attachment to political beliefs, attitudes and values essential to a functioning democracy than most adults and other students. Other studies reveal that We the People students are more likely to register to vote and more likely to assume roles of leadership, responsibility and demonstrate civic virtue.

Mr. President, in addition to We the People, this bill reauthorizes the Civitas International Civic Education Exchange Program, which in cooperation of the United States Information Agency, links American civic educators with their counterparts in Eastern Europe and the states of the former Soviet Union. This program is highly effective in building a community with a common understanding of teaching and improving the state of democracy education, worldwide.

Mississippi recently became the latest state to participate in this important international exchange program. Jones County Junior College in Ellisville, Mississippi will partner with universities in Texas and Florida in an exchange with Hungary and other countries.

Ms. Susie Burroughs, Mississippi's new Civic Education program director, is committed to a deeper understanding of democracy and assisting others who desire to teach the ways of a free society in the world's newest democracies. I am pleased that Mississippi teachers will join the more than 8,000 other teachers who have participated in the Civitas training and exchange opportunities.

Mr. President, We the People and Civitas are preparing America's students and teachers to live and lead in the world by the standards and ideals set by our Founding Fathers.

I invite other Senators to cosponsor and support the Education for Democracy Act.

By Mr. ABRAHAM (for himself,  
Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1644. A bill to provide additional measures for the prevention and punishment of alien smuggling, and for other purposes; to the Committee on the Judiciary.

#### ALIEN SMUGGLING PREVENTION AND ENFORCEMENT ACT

Mr. ABRAHAM. Mr. President, I rise to introduce the Alien Smuggling Prevention and Enforcement Act. This legislation, which I am introducing with my colleagues, Senator SCHUMER and Senator FEINSTEIN, will give law enforcement new tools and resources in the continuing fight against the smuggling of illegal aliens.

Despite continued efforts, Mr. President, alien smuggling remains a serious problem in America. Smugglers have responded to increases in the efforts of our border patrol by adopting more daring methods to smuggle individuals illegally into the United States. In many cases, these methods entail little or no concern for the safety of the individuals being smuggled. Moreover, these attempts increasingly involve organized criminal gangs. As recently as 1996, in the Illegal Immigration Reform and Immigrant Responsibility Act, Congress has acted to combat this dangerous form of smuggling. But it is clear that more needs to be done.

I would like to quote from a story appearing in the August 15, 1999 edition of the Detroit News. This story sums up well our current situation, demonstrating that we face a problem of national importance: "Illegal alien smuggling is a growing yet largely hidden business along the U.S.-Canadian border. Smugglers are getting as much as \$50,000 per person to bring in aliens desperate to reach the United States. Yet immigration authorities, short of personnel and detention facilities, can do little to slow the activity." The story goes on to quote Carl L. McClafferty, chief of the Detroit sector of the Border Patrol, who notes "We get spurts of drug smuggling, but we have a constant drone of alien smuggling. For us, alien smuggling is steady work."

My state of Michigan has been hit particularly hard by alien smugglers. Crackdowns in other areas of the country have made Detroit in particular a target for illegal entry. We simply do not have the staff on hand with the tools and resources needed to successfully combat this problem. This means more illegal aliens in our country. It also produces an added boost to criminal gang activities and all the problems these activities bring with them. And that, Mr. President, is why I am introducing this legislation.

The Alien Smuggling Prevention and Enforcement Act would do the following.

First, it would double the personnel devoted to combating alien smuggling. Today, Mr. President, approximately 260 people are employed by the Immigration and Naturalization Service (INS) to investigate and fight alien smuggling. This figure has not risen in the past three years. This legislation would require the INS to add 50 more investigators and other enforcement personnel each year over the next 5 years, each of them devoted to combating alien smuggling.

Second, this legislation would double criminal sentences for alien smugglers. Under U.S. Sentencing Commission guidelines, the current minimum sentence for smuggling one to five aliens is 10 months; for smuggling 6-24 aliens the minimum sentence is 18 months; for 25-100 aliens it's 27 months; and for more than 100 aliens it's 37 months.

Simply put, those sentences are not high enough to deter this heinous conduct. Nor are they severe enough, in moral terms, as punishment for acts involving intentional breaking of American law and the serious risk of injury and death to innocent parties and those being smuggled. This legislation would direct the U.S. Sentencing Commission to double the relevant sentences to 20 months, 36 months 54 months, and 74 months, respectively.

Third, this legislation would increase fines for those convicted of alien smuggling to twice the amount an alien smuggler received, or expected to receive, for his or her this illegal activity. Under U.S. Sentencing Commission guidelines, currently the minimum fine is \$3,000 for smuggling one to five aliens; for smuggling 6-24 aliens the fine is \$4,000; for 25-100 aliens it's \$6,000; and for more than 100 aliens it's \$7,500. Again, that is simply not strict enough, particularly given the profits to be made from this illegal activity. This legislation would direct the U.S. Sentencing Commission to impose a fine above these minimum levels equal to twice the amount an alien smuggler received, or expected to receive, for his or her illegal activity.

This legislation also would authorize additional operating expense money to conduct undercover operations and prosecute alien smuggling and require an annual report to Congress by the Commissioner of the INS on the agency's strategy to deal with alien smuggling.

Taken together, Mr. President, these measures will deter alien smuggling. By giving law enforcement personnel the tools they need to catch alien smugglers and seeing to it that they are punished as harshly as is called for by their crime, this legislation will help deter illegal immigration and deal a very real blow to criminal gang activity.

I urge my colleagues to support this important legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1644

*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 "Alien Smuggling Prevention and Enforcement Act of 1999".

#### SEC. 2. INCREASED PERSONNEL FOR INVESTIGATING AND COMBATING ALIEN SMUGGLING.

The Attorney General in each of the fiscal years 2000, 2001, 2002, 2003, and 2004 shall increase the number of positions for full-time, active duty investigators or other enforcement personnel within the Immigration and Naturalization Service who are assigned to combating alien smuggling by not less than 50 positions above the number of such positions for which funds were allotted for the preceding fiscal year.

#### SEC. 3. INCREASING CRIMINAL SENTENCES AND FINES FOR ALIEN SMUGGLING.

Pursuant to its authority under section 994(p) of title 28, United States Code, the

United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for smuggling, transporting, harboring, or inducing aliens under sections 274(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)) so as to—

(1) double the minimum term of imprisonment under that section for offenses other than those currently covered by guideline 2L1.1(b)(1) involving the smuggling, transporting, harboring, or inducing of—

(A) 1 to 5 aliens from 10 months to 20 months;

(B) 6 to 24 aliens from 18 months to 36 months;

(C) 25 to 100 aliens from 27 months to 54 months; and

(D) 101 aliens or more from 37 months to 74 months;

(2) increase the minimum level of fines for each of the offenses described in subparagraphs (A) through (D) of paragraph (1) to the greater of the current minimum level or twice the amount the defendant received or expected to receive as compensation for the illegal activity; and

(3) increase by at least 2 offense levels above the applicable enhancement in effect on the date of enactment of this Act the sentencing enhancements for intentionally or recklessly creating a substantial risk of serious bodily injury or causing bodily injury, serious injury, permanent or life threatening injury, or death.

#### SEC. 4. AMENDMENTS TO SENTENCING GUIDELINES REGARDING THE EFFECT OF PROSECUTORIAL POLICIES.

In the exercise of its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to include the following:

##### “§ 5H1.14. Plea bargaining and other prosecutorial policies.

“Plea bargaining and other prosecutorial policies, and differences in those policies among different districts, are not a ground for imposing a sentence outside the applicable guidelines range.”.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated to the Immigration and Naturalization Service of the Department of Justice such sums as may be necessary to carry out section 2 and to cover the operating expenses of the Service and the Department in conducting undercover investigations of alien smuggling activities and in prosecuting violations of section 274(a)(1)(A) of the Immigration and Nationality Act (relating to alien smuggling), resulting from the increase in personnel under section 2.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

#### SEC. 6. ANNUAL REPORT.

Beginning one year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Judiciary Committees of the House of Representatives and the Senate a report on the strategy utilized by the Immigration and Naturalization Service in dealing with alien smuggling.

#### SEC. 7. ALIEN SMUGGLING DEFINED.

In sections 2, 5, and 6, the term “alien smuggling” means any act prohibited by paragraph (1) or (2) of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)).

#### ADDITIONAL COSPONSORS

S. 25

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 25, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 690

At the request of Mr. SARBANES, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 690, a bill to provide for mass transportation in national parks and related public lands.

S. 928

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 928, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 1023

At the request of Mr. MOYNIHAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1052

At the request of Mr. MURKOWSKI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1052, a bill to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

S. 1085

At the request of Mrs. MURRAY, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1085, a bill to amend the Internal Revenue Code of 1986 to modify the

treatment of bonds issued to acquire renewable resources on land subject to conservation easement.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1209

At the request of Mr. MURKOWSKI, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1209, a bill to amend the Internal Revenue Code of 1986 to restore pension limits to equitable levels, and for other purposes.

S. 1262

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1262, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 1318

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1318, a bill to authorize the Secretary of Housing and Urban Development to award grants to States to supplement State and local assistance for the preservation and promotion of affordable housing opportunities for low-income families.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Mississippi (Mr. LOTT), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1526

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.