the United States of America and the Government of Republic of Korea, signed at Washington on June 9, 1998 (Treaty Doc. 106–2), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

(1) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 15 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to the Republic of Korea by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

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 Mrs. BOXER:

S. 1846. A bill to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building''; to the Committee on Governmental Affairs.

S. 1847. A bill to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the ''Mervyn Malcom Dymally Post Office Building''; to the Committee on Governmental Affairs.

By Mr. CAMPBELL:

S. 1848. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself and Mr. ROTH):

S. 1849. A bill to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. EDWARDS:

S. 1850. A bill to amend section 222 of the Communications Act of 1934 to modify the requirements relating to the use and disclosure of customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CRAIG (for himself, Mr. LOTT, Mr. COCHRAN, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAPO, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 218. A resolution expressing the sense of the Senate that a commemorative postage stamp should be issued recognizing the 4-H Youth Development Program's centennial; to the Committee on Governmental Affairs.

By Mr. FITZGERALD (for himself, Mr. DURBIN, Mr. LOTT, Mr. COCHRAN, and Mr. HELMS):

S. Res. 219. A resolution recognizing and honoring Walter Jerry Payton and expressing the condolences of the Senate to his family on his death; considered and agreed to.

By Mr. HELMS:

S. Con. Res. 68. An original concurrent resolution expressing the sense of Congress on the occasion of the 10th anniversary of historic events in Central and Eastern Europe, particularly the Velvet Revolution in Czechoslovakia, and reaffirming the bonds of friendship and cooperation between the United States and the Czech and Slovak Republics; from the Committee on Foreign Relations; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 1846. A bill to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building''; to the Committee on Governmental Affairs.

REDESIGNATION OF THE WATTS FINANCE OFFICE BUILDING AS THE AUGUSTUS F. HAWKINS POST OFFICE BUILDING

● Mrs. BOXER. Mr. President, today, I am introducing legislation to pay tribute to a former colleague of mine and a fellow Californian, former Congressman Augustus F. Hawkins, by renaming the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, currently known as the Watts Finance Office, as the Augustus F. Hawkins Post Office Building.

Gus Hawkins was born in Shreveport, Louisiana in 1907. His family moved to Los Angeles when he was 11 to escape the racial discrimination that was prevalent in the South at that time. This experience made him a passionate advocate of racial justice and social equality, and he committed his life to the service of others.

His efforts began in the California Assembly where he passed the state's first law against discrimination in housing and employment. Building on that success, he passed other important legislation concerning minimum wages for women, child care centers, workers' compensation for domestic employees, and the removal of racial designations on state documents.

In 1962, Gus was elected to the United States House of Representatives. During his 28 years in office, he served on the Committee on House Administration, and served as Chairman for both the Joint Committee on Printing and the Committee on Education and Labor. He authored more than 17 federal laws dealing with civil rights, educational improvements, job training and employment opportunities. He fought tirelessly for the rights of children, the poor, the disabled, the elderly, and minorities.

Throughout his distinguished career, Gus was recognized as a hardworking man of integrity who cared little for personal accolades while concentrating on the issues affecting his constituents. He has continually pursued fairness and opportunity for all.

Designating the Watts Finance Office Building as the Augustus F. Hawkins Post Office Building is an honor befitting his 56 years of service to his community and to the State of California.●

By Mrs. BOXER:

S. 1847. A bill to redesignate the Federal building located at 701 South Sante Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the ''Mervyn Malcolm Dymally Post Office Building''; to the Committee on Governmental Affairs.

REDESIGNATION OF THE COMPTON MAIN POST OFFICE AS THE MERVYN DYMALLY POST OFFICE BUILDING

● Mrs. BOXER. Mr. President, today, I am introducing legislation to pay tribute to a former colleague of mine and a fellow Californian, former Congressman Mervyn Malcolm Dymally, by renaming the post office located at 701 South Santa Fe Avenue in Compton, California, currently known as the Compton Main Post Office, as the Mervyn Dymally Post Office Building.

Mr. Dymally came to this country in 1945 from Cedros, Trinidad, British West Indies. In 1960, he began his political career by working as a field coordinator for John F. Kennedy during the Presidential campaign. Mr. Dymally's own service as an elected official began when he was elected to the California State Assembly in 1963 and then to the State Senate in 1967, where he served for eight years. Next, he was elected Lieutenant Governor of the State of California and was the State's highest ranking black elected official.

Building on a career of political success, Mervyn Dymally was elected to the United States House of Representatives in 1981. During his six terms in office, he served on several committees, including the Post Office and Civil Service Committee; the Committee on the District of Columbia, where he chaired its Subcommittee on Judiciary and Education; and the House Committee on Foreign Affairs, where he was the Chair of the Subcommittee on International Operations.

As the Chairman of the Subcommittee on Africa, Mr. Dymally's passion became immediately evident when he visited 20 African countries in his first year. He worked tirelessly to raise awareness of the plight of Africans and to monitor U.S. assistance levels to African and Caribbean nations. Throughout his distinguished career, he was recognized for his leadership in humanitarian efforts.

Since retirement from Congress in 1992, Mr. Dymally is busier than ever. He serves as President of the Grace Home for Waiting Children and as Chairman of the Caribbean Action Lobby. In addition, he is the President of a consulting firm and a Professor at the Central State University in Ohio. He still travels frequently, serving as Honorary Consul to the Republic of Benin, West Africa and Vice President of the Pacific Century Institute.

Designating the Compton Main Post Office as the Mervyn Dymally Post Office Building is an honor befitting his service to his community and to the State of California.

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

The bill follows:

S. 1847

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

SECTION 1. REDESIGNATION.

The Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, shall be known and designated as the ''Mervyn Malcolm Dymally Post Office Building''.

SEC. 2. REFERENCES.

Any reference document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Mervyn Malcolm Dymally Post Office Building.

By Mr. CAMPBELL:

S. 1848. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project; to the Committee on Energy and Natural Resources.

THE DENVER WATER REUSE PROJECT AUTHORIZATION

Mr. CAMPBELL. Mr. President, I take the time today to reintroduce a bill that will help millions of water consumers throughout my state. This bill is based on S. 2140, legislation I introduced last year, which passed out of the full Senate.

The Denver Water Department has developed a unique plan to re-use nonpotable water for irrigation and industrial uses. In the arid West, where growing populations and changing values are place increasing demands on existing water supplies, water and availability remain important issues. Recent conflicts are particularly apparent in the West where agricultural needs for water are often in direct conflict with urban needs. This legislation will help remedy some of this conflict.

This bill authorizes the Denver Water Department to access federal funds to assist in the implementation of this plan. The State of Colorado, the Colorado Water Congress, the Denver Board of Water Commissioners, and the Mayor of Denver have fully endorsed this legislation. I am pleased to assist these interested parties with this worthwhile proposal.

The Denver Water Department serves over a million customers and is the largest water supplier in the Rocky Mountain region. Over the past several years Denver Water has developed a plan to treat and re-use some of its water supply for uses not involving human consumption, such as irrigation and industrial purposes. In this manner, Denver will stretch its water supply without the cost and potential environmental disruption of building new reservoirs. It will also ease the demand on fresh drinking-quality water supplies.

The Denver Nonpotable Reuse Project will treat secondary wastewater, that is water which has already been used once in Denver's system. It is an environmentally and economically viable method for extending and conserving our limited water supplies. The water quality will meet all Colorado and federal standards. The water will still be clean and odorless, but since it will be used for irrigation and industrial uses around the Denver International Airport and the Rocky Mountain Wildlife Refuge, the additional expense to treat it for drinking will be avoided.

The nonpotable project will be constructed in three phases and ultimately will result in an additional useable water supply of 15,000 acre feet. The use of the nonpotable water for irrigation and industrial customers will make potable water supplies available for up to 30,000 homes.

Construction will include a treatment plant and a distribution system that is separate from the potable water system. Phase I will serve customers in the vicinity of the reuse plant, including a Public Service Company power plant, other industrial users and other public areas. Phase II will add irrigation for parks and golf courses in the former Stapleton Airport and the recently closed Lowry Air Force Base redevelopment areas. The Rocky Mountain Arsenal, which is being converted to a national wildlife refuge, will also use the reuse water to maintain lake levels on-site and to provide water for wildlife habitats. Phase III will serve existing parks as well as new development of a commercial corridor leading to the Denver International Airport. With the construction of Phase II, the irrigation, heating and cooling, and car washing facilities at Denver International Airport will convert to reuse water, where a dual distribution system has already been installed.

In the West, naturally scarce water supplies and increasing urban populations have furthered our need for water reuse, recycling, conservation, and storage proposals which are the keys to successfully meet the water needs of everyone. This plan would benefit many Coloradans, and would help relieve many of the water burdens faced in the Denver region. Again, I'd like to thank the interested parties for their support, and I am hopeful this bill can be quickly passed and put into effect.

I ask unanimous consent that the bill and copies of letters of support from the Colorado Department of Natural Resources, the Colorado Water Congress, the Denver Board of Water Commissioners, and the Mayor of Denver be printed in the RECORD.

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

S. 1848

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

SECTION 1. DENVER WATER REUSE PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by redesignating sections 1631, 1632, 1633, and 1634 (43 U.S.C. 390h–13, 390h–14, 390h–15, 390h–16) as sections 1632, 1633, 1634, and 1635, respectively; and

(2) by inserting after section 1630 the following:

''SEC. 1631. DENVER WATER REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and

local authorities, may participate in the design, planning, and construction of the Denver Water Reuse project to reclaim and reuse water in the service area of the Denver Water Department of the city and county of Denver, Colorado.

''(b) COST SHARE.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the project described in subsection (a).''.

(b) CONFORMING AMENDMENTS.—

(1) The Reclamation Wastewater and Groundwater Study and Facilities Act (as amended by subsection (a)(1)) is amended—

(A) in section 1632(a), by striking ''1630'' and inserting ''1631'';

(B) in section 1633(c), by striking ''section 1633'' and inserting ''section 1634''; and

(C) in section 1634, by striking ''section 1632'' and inserting ''section 1633''.

(2) The table of contents in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended by striking the items relating to sections 1631 through 1634 and inserting the following:

''Sec. 1631. Denver water reuse project.
''Sec. 1632. Authorization of appropriations.
''Sec. 1633. Groundwater study.
''Sec. 1634. Authorization of appropriations.
''Sec. 1635. Willow Lake natural treatment system project.''.

OFFICE OF THE EXECUTIVE DIRECTOR,
DEPARTMENT OF NATURAL RESOURCES,
Denver, CO, November 1, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: I am writing to support the inclusion of the Denver Water Nonpotable Reuse Project on the Title XVI authorizing list. Inclusion of this project recognizes the importance of creative procedures to meet future water needs for metropolitan Denver. As it becomes more and more difficult to provide water supplies for a rapidly growing metropolitan area, innovative projects such as reuse and conjunctive use must supplant existing capacity. Denver Water's reuse plant will produce over 1,000 acre feet of usable water supply by treatment of effluent for industrial and irrigation purposes. The reuse water will be treated to attain important public health standards even for those limited purposes.

Resuse of water is valuable not only for Denver, but for other areas of Colorado. Reuse of water will delay the need to develop new water supplies from other water sources. This project has wide-spread support in Colorado. Your efforts to see Denver Water's Nonpotable Reuse Project listed as a Bureau of Reclamation approved project are appreciated. Thank you for your consideration.

Sincerely,

GREG WALCHER,
Executive Director.

COLORADO WATER CONGRESS,
Denver, CO, October 25, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: As you well know, the chronic water shortages in Colorado have forced Colorado Water supply agencies to develop water in new and ingenious ways. One of the best water projects being planned is Denver Water's Nonpotable Reuse Project that will take water already used, treat it and deliver it for industrial and irrigation supply. This project will supply about 15% of Denver's anticipated water shortfall without building a new reservoir, without tremendous federal compliance costs, and without a new transbasin diversion.

The Water Congress has members throughout the state of Colorado; and I know of no opposition to this project. I understand you are trying to get the project listed pursuant to Title XVI of the Bureau of Reclamation approved reuse projects list. You have the support of the Colorado Water Congress. Thank you for your consideration in this endeavor.

Sincerely,

RICHARD D. MACRAVEY,
Executive Director.

DENVER BOARD OF
WATER COMMISSIONERS,
Denver, CO, October 27, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: I appreciate your support and sponsorship of the bill that adds the Denver Nonpotable Reuse Project to Public Law 102–575 Title XVI, the U.S. Bureau of Reclamation's authorized list. This project allows us to conserve potable water sources and helps us to defer importation of water from the Western Slope. As I think you know, we are only seeking authorization, not federal funding, for the Denver Reuse Project.

We are planning a project that will provide over 15,000 acre-feet of nonpotable supply. That, in turn, frees up enough treated water supply to provide for some 30,000 homes. It represents a substantial portion of the supply that will be needed for future demand in the Denver Water system as an expanding population strains our limited water resources. By reclaiming wastewater for irrigation and industrial use, we can serve growth in a way that is environmentally responsible and economic.

Please feel free to call upon us should you need further information or assistance.

Sincerely,

H.J. BARRY,
Manager.

CITY AND COUNTY OF DENVER,
CITY AND COUNTY BUILDING,
Denver, CO, November 2, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senator,
Washington, DC.

DEAR SENATOR CAMPBELL: Once again, I want to express my appreciation for your support of legislation adding the Denver Water Non-potable Reuse Project to the Bureau of Reclamation's approved projects list.

We are proud to include non-potable reuse, coupled with water conservation and system refinements, as core components of the Denver Water 20-year plan. We certainly acknowledge the importance and value of our limited water resources throughout Colorado. Reuse efforts allow us to reduce or minimize the Denver metro area's demands on limited Colorado River sources.

Once again, thank you for your support.

Yours truly,

WELLINGTON, E. WEBB,
Mayor.

By Mr. BIDEN (for himself and Mr. ROTH):

S. 1849. A bill to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

THE WHITE CLAY CREEK WILD AND SCENIC RIVERS ACT

• Mr. BIDEN. Mr. President, today I am joined by Senator ROTH, in introducing a bill that would designate the White Clay Creek and its tributaries in Delaware and Pennsylvania as a unit of the National Wild and Scenic Rivers System.

It has been eight years since I introduced the bill authorizing the study of the White Clay Creek watershed, and thirty years since I began my efforts to protect this unique and valuable region from the over development and urban sprawl that are of increasing concern to all of us.

The White Clay Creek watershed is a truly remarkable environment, covering 107 square miles and draining over 69,000 acres in Delaware and Pennsylvania. Centrally located between the densely urbanized regions of New York and Washington, D.C., the White Clay Creek watershed is within a 2 hour drive of eight million people.

Its diversity of natural, historic, cultural and recreational resources, as detailed in the National Park Service's Resources and Issues Report in September of 1994, is extraordinary. The watershed is home to a wide variety of plant and animal life, archeological sites dating back to prehistoric times, a bi-state preserve and state park, and a source of drinking water for the region.

It became clear, early on, that these resources warranted the federal protection provided under the National Wild and Scenic Rivers System. With the introduction of my legislation today, we are entering the last major phase of seeing that protection become a reality.

Before I begin to speak on the particulars of today's legislation and the study process that got us to this point, I think it is important to note that while there are over 150 National Wild and Scenic Rivers across this nation, the White Clay Creek brings with it two distinctions: Specifically, it will be the first and only Wild and Scenic River in Delaware; and, it is the first and only river to be studied for designation on a watershed basis.

The study of the White Clay Creek for possible inclusion in the National Wild and Scenic Rivers System recently culminated with the release of a National Park Service study report in September of this year. The study process began in 1992, when Congress directed the National Park Service to convene a study task force consisting of state and local governments, community organizations, watershed residents and landowners within the White Clay Creek watershed.

As described in the study legislation, the duties of the task force were to evaluate the eligibility and suitability of the White Clay Creek and its tributaries, and to develop a management plan for the preservation and protection of the watershed. Fifteen local governments in Delaware and Pennsylvania participated in the study task force.

I stated during hearings on the study legislation, before the Senate Subcommittee on Forests and Public Land

Management in November of 1991, that there was tremendous support for the study and subsequent designation. However, I realized that with the diverse group of individuals, organizations and agencies making up the task force, the possibility for conflict in determining which segments should be designated and what protections afforded them, could be great.

What I could not have expected and what I am extremely pleased to report is that the support for protection of the White Clay Creek is so strong, that over 190 miles of the approximately 400 river miles studied in the watershed are being requested for designation today. Clearly, Delawareans and Pennsylvanians alike understand the value of preserving areas as unique as the White Clay Creek.

And, the legislation I am introducing will do just that. It directs the National Park Service to incorporate 190.9 miles of the White Clay Creek and its tributaries into its National Wild and Scenic Rivers System. Along with the designation, all 15 local governments within the watershed area have unanimously supported, through the passage of resolutions, the ideals and goals of the White Clay Creek Management Plan. The plan, developed by the White Clay Creek Task Force, will ensure long-term protection of the White Clay Creek watershed, emphasizing the importance of local governments working together, which is key in obtaining the federal designation I am seeking today.

Designation of the White Clay Creek and its tributaries will bring national attention to the unique cultural, natural and recreational values of the area. It will provide an added level of protection from over development, by requiring an in-depth review by the National Park Service of any proposed project requiring federal permits or federal funding in the affected area. And finally, it elevates the value of the watershed when applying for state, local and federal preservation grants.

Of the 69,000 acres in the watershed, 5,000 acres are public lands owned by state and local governments, the rest is privately owned and maintained. There are no federal lands within the watershed and no federal dollars will be used to purchase any land within its boundaries.

I believe the protection of the White Clay Creek watershed to be one of the most important environmental initiatives I have undertaken since taking office in 1973, and it is my hope that Congress will act quickly on this bill so it can be preserved not only for us, but also for all the generations to come.●

By Mr. EDWARDS:

S. 1850. A bill to amend section 222 of the Communications Act of 1934 to modify the requirements relating to the use and disclosure of customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TELEPHONE CALL PRIVACY ACT OF 1999

Mr. EDWARDS. Mr. President, I rise to talk about privacy and about how we can regain some control over our personal information. Privacy is an increasing concern for all Americans. And the public rightly believes that their control over some of their most personal information is being slowly but surely eroded.

Today I introduce legislation that would help end that erosion. The ''Telephone Call Privacy Act of 1999,'' would prevent telecommunications companies from using an individual's personal phone call records without their consent, in order to sell that individual products or services.

Most Americans would be stunned to learn that the law does not protect them from having their phone records sold to third parties. Imagine getting a call one night—during dinner—and having a telemarketer try to sell you membership in a travel club because your phone calling patterns show frequent calls overseas. My legislation would prevent this from occurring without the individual's permission.

Mr. President, no one denies that the rapid development of modern technology has been beneficial. New and improved technologies have enabled us to obtain information more quickly and easily than ever before. Students can participate in classes that are being taught in other states, or even other countries. Current events can be broadcast around the world as they happen. And companies have streamlined their processes for providing goods and services.

But these remarkable developments can have a startling downside. They have made it easier to track personal information such as medical and financial records, and buying habits. And in turn, our ability to keep our personal information private is being eroded. I have to say there are times when it feels like companies know more about me than I know myself.

The list of ways our privacy is being eroded is growing longer and longer. And sadly telephone call privacy got added to the list this August when the 10th Circuit struck down FCC regulations aimed at protecting privacy and implementing congressional intent.

The decision was the result of a suit filed by U.S. West against the FCC arguing that its regulations restrict the ability of carriers to engage in commercial speech with customers. In August, the Tenth Circuit issued its decision in the case and agreed with U.S. West. The court stated that ''privacy is not an absolute good because it imposes real costs on society.''

I believe the court was terribly wrong. Individuals have a reasonable expectation that their calling habits are not being shared with third parties without their knowledge or permission. And when I weigh the right of people to control who has access to their personal information against the ability of companies to use only one of many marketing methods, there is no question that the right of people to privacy is overriding. Surely people have a right to control some of their most private information. And surely they have the right to prevent harassing and unwanted solicitations. I for one cannot believe that expanding the variety of marketing techniques at a company's disposal is more important than a person's privacy right.

Mr. President, let me describe how my legislation would address the problem. Current law defines information about who we call, how often, and how long we talk to them as ''customer proprietary network information,'' or ''CPNI.'' It is possible for telephone companies to track an individual's CPNI and use it to market various products and services to that person.

My legislation requires that consumers be notified about potential disclosures of their private calling information and allows them to have some measure of control over how their information can be used. Specifically, my bill would do two things.

First, if a telecommunications carrier wishes to use CPNI in order to market its own products or services to them, it must provide each customer with a clear and conspicuous notice stating the type of calling information that may be used and the purpose for which it will be used. The customer may contact the carrier to deny permission to use their information within 15 days of the notice. If the customer does not contact the carrier in that time, the carrier can use the customer's CPNI to market its products and services to that customer. In other words, customers are provided with a limited opportunity to ''opt-out'' of the sharing of their information under these circumstances.

The second part of my bill addresses situations where a carrier wishes to share a customer's CPNI with a third party, such as a telemarketer. In these situations, in addition to providing the customer with notice, the carrier must also receive prior written approval from the customer. My bill clearly spells out that customers must affirmatively ''opt-in'' before a carrier can sell calling information to any third party.

The ''Telephone Call Privacy Act'' also allows for some reasonable and common sense exceptions. If a telecommunications carrier uses a customer's CPNI to provide the customer with the very services the carrier used to obtain the calling information, or if law enforcement or the courts require CPNI for certain reasons, the carrier does not need to provide the customer with notice and the opportunity to opt-out or opt-in.

Mr. President, consumers are very worried about how their personal information is being used. In 1994, a Harris Survey assessed Americans' views about privacy. It found that eighty-two percent of people surveyed are concerned about threats to their personal

privacy. And more specifically, more than half the people surveyed also stated they would be concerned if an interactive service engaged in ''subscriber profiling'' or using an individual's purchasing patterns to determine what types of goods and services to market to them. The survey also showed that people are less concerned about subscriber profiling if they are provided with notice that a profile would be created and how it would be used, and also if they are given access to the information in the profile.

Something must be done to empower consumers to prevent their private calling information from being used without their consent. The Telephone Call Privacy Act is an important step towards this goal. I believe the principles set forth in my legislation are a reasonable way to protect privacy and do not unduly burden the ability of businesses to market their products and services.

As Justice Brandeis said in his famous dissent in Olmstead v. U.S., ''the right to be let alone [is] the most comprehensive of rights and the right most valued by civilized men.'' The government must not only refrain from violating this right, but it must also ensure its preservation. I believe the Telephone Call Privacy Act is a sensible means to achieving this goal. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1850

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telephone Call Privacy Act of 1999''.

SEC. 2. MODIFICATION OF REQUIREMENTS RELATING TO USE AND DISCLOSURE OF CUSTOMER PROPRIETARY NETWORK INFORMATION.

(a) MODIFICATION OF REQUIREMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 222(c) of the Communications Act of 1934 (47 U.S.C. 222(c)) is amended to read as follows:

''(1) PRIVACY REQUIREMENTS FOR TELECOMMUNICATIONS CARRIERS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) or as required by law, a telecommunications carrier that receives or obtains customer proprietary network information by virtue of its provision of a telecommunications service may use, disclose, or permit access to customer proprietary network information that identifies a customer as follows:

''(i) In the provision of—

''(I) the telecommunications service from which such information is derived; and

''(II) services necessary to, or used in, the provision of such telecommunications service, including the publishing of directories.

''(ii) In the case of the use of such information by the telecommunications carrier for the provision of another of its products or services to the customer, only if the telecommunications carrier—

''(I) provides the customer a clear and conspicuous notice meeting the requirements set forth in subparagraph (C);

''(II) permits the customer to review such information for accuracy, and to correct and supplement such information; and

''(III) does not receive from the customer within 15 days after the date of the notice under subclause (I) notice disapproving the use of such information for the provision of such product or service to the customer as specified in the notice under such subclause.

''(iii) In the case of the use, disclosure, or access of or to such information by another party, only if the telecommunications carrier that originally receives or obtains such information—

''(I) meets the requirements set forth in subclauses (I) and (II) of clause (ii) with respect to such information; and

''(II) receives from the customer written notice approving the use, disclosure, or access of or to such information for the provision of the product or service to the customer as specified in the notice under subclause (I) of this clause.

''(B) CUSTOMER DISAPPROVAL.—Notwithstanding the previous approval of the use, disclosure, or access of or to information for a purpose under clause (ii) or (iii) of subparagraph (A), upon receipt from a customer of written notice of the customer's disapproval of the use, disclosure, or access of or to information for such purpose, a telecommunications carrier shall terminate the use, disclosure, or access of or to such information for such purpose.

''(C) NOTICE ELEMENTS.—Each notice under clause (ii) or (iii) of subparagraph (A) shall include the following:

''(i) The types information that may be used, disclosed, or accessed.

''(ii) The specific types of businesses or individuals that may use or access the information or to which the information may be disclosed.

''(iii) The specific product or service for which the information may be used, disclosed, or accessed.''.

(2) CONFORMING AMENDMENTS.—Paragraph (3) of such section is amended by striking ''paragraph (1)'' both places it appears and inserting ''paragraph (1)(A)(i)''.

(b) JUDICIAL AND LAW ENFORCEMENT PURPOSES.—Such section is further amended by adding at the end the following:

''(4) JUDICIAL AND LAW ENFORCEMENT PURPOSES.—

''(A) IN GENERAL.—A person that receives or obtains consumer proprietary network information may disclose such information—

''(i) pursuant to the standards and procedures established in the Federal Rules of Civil Procedure or comparable rules of other courts or administrative agencies, in connection with litigation or proceedings to which an individual who is the subject of the information is a party and in which the individual has placed the use, disclosure, or access to such information at issue;

''(ii) to a court, and to others ordered by the court, if in response to a court order issued in accordance with subparagraph (B); or

''(iii) to an investigative or law enforcement officer pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a grand jury subpoena, or a court order issued in accordance with subparagraph (B).

''(B) REQUIREMENTS FOR COURT ORDERS.—

''(i) IN GENERAL.—Except as provided in clause (ii), a court order for the disclosure of customer proprietary network information under subparagraph (A) may be issued by a court of competent jurisdiction only upon written application, upon oath or equivalent affirmation, by an investigative or law enforcement officer demonstrating that there is probable cause to believe that—

''(I) the information sought is relevant and material to an ongoing criminal investigation; and

''(II) the law enforcement need for the information outweighs the privacy interest of the individual to whom the information pertains.

''(ii) CERTAIN ORDERS.—A court order may not be issued under this paragraph upon application of an officer of a State or local government if prohibited by the law of the State concerned.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. THOMPSON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 185

At the request of Mr. ASHCROFT, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from North Carolina (Mr. HELMS), the Senator from Colorado (Mr. ALLARD), the Senator from Minnesota (Mr. GRAMS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Missouri (Mr. BOND), the Senator from Georgia (Mr. COVERDELL), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 398

At the request of Mr. CAMPBELL, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 398, a bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture.

S. 976

At the request of Mr. FRIST, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 976, a bill to amend title V of the Public Health Service Act to focus the authority of the Substance Abuse and Mental Health Services Administration on community-based services children and adolescents, to enhance flexibility and accountability, to establish programs for youth treatment, and to respond to crises, especially those related to children and violence.

S. 1036

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to