

AMENDMENTS SUBMITTED

SOLDIERS', SAILORS', AIRMEN'S, AND MARINES' BILL OF RIGHTS ACT OF 1999

CLELAND AMENDMENT NO. 6

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill (S. 4) to improve pay and retirement equity for members of the Armed Forces; and for other purposes; as follows:

On page 33, line 16, strike "for a period of more than 30 days" and insert "and a member of the Ready Reserve in any pay status".

On page 34, beginning on line 10, strike "on active duty" and insert ": members on active duty; members of the Ready Reserve".

On page 35, strike lines 3 through 6 and insert the following:

"(c) MAXIMUM CONTRIBUTION.—(1) The amount contributed by a member of the uniformed services for any pay period out of basic pay may not exceed 5 percent of such member's basic pay for such pay period.

"(2)(A) Subject to subparagraph (B), the amount contributed by a member of the Ready Reserve for any pay period for any compensation received under section 206 of title 37 may not exceed 5 percent of such member's compensation for such pay period.

"(B) Notwithstanding any other provision of this subchapter, no contribution may be made under this paragraph for a member of the Ready Reserve for any year to the extent that such contribution, when added to prior contributions for such member for such year under this subchapter, exceeds any limitation under section 415 of the Internal Revenue Code of 1986.

On page 35, line 9, insert ", or out of compensation under section 206 of title 37," after "out of basic pay".

On page 35, line 12, strike "308a, 308f," and insert "308a through 308h".

On page 36, in the matter following line 15, strike "on active duty" and insert ": members on active duty; members of the Ready Reserve".

• Mr. CLELAND. Mr. President, when S. 4 is debated in the Senate, I intend to offer an amendment to expand the Thrift Savings Plan to allow the participation of members of the Ready Reserve. The 1.5 million members of the Reserve Components make up half of our military forces. They are contributing to our military efforts at home and around the world every day of the year, side-by-side with their active duty counterparts. We are using our Reserve component personnel more often and for a broader range of missions and operations than ever before.

Since the end of the Cold War, members of the Reserve Components have participated at record levels. In fact, over 17,000 Reservists and Guardsmen have answered the Nation's call to bring peace to Bosnia. Nearly 270,000 Reservists and Guardsmen were mobilized during Operations Desert Shield and Desert Storm. Numerous Guard and Reserve units from all corners of the United States responded immediately to requests for assistance in the wake of Hurricane Mitch, delivering over 10 million pounds of humanitarian

aid to devastated areas in Central America. Closer to home, Reserve and National Guard personnel answered the cries for help after devastating floods struck in North and South Dakota, Minnesota and Iowa. They braved high winds and water to fill sandbags, provide security, and transport food, fresh water, medical supplies and disaster workers to the affected areas. And the Air Force Reserve's "Hurricane Hunters" are the only Department of Defense organization that routinely flies into tropical storms and hurricanes to collect data to improve forecast accuracy, which dramatically minimizes losses due to the destructive forces of these storms. These are but a few examples of what members of the Guard and Reserve do on a daily basis. What amazes me most is that many take part in these important military operations on a volunteer basis, and have to balance these demands with those of their full-time civilian careers and their families.

In September 1997, Secretary of Defense Cohen wrote a memorandum acknowledging an increased reliance on the Reserve Components. He called upon the Services to remove all remaining barriers to achieving a "seamless Total Force." He has also said that without Reservists, "we can't do it in Bosnia, we can't do it in the Gulf, we can't do it anywhere." The Reserve Components will, without a doubt, play an integral role in our national military strategy of the 21st century.

Allowing members who serve in the Reserve Components to participate in the Thrift Savings Plan would carry on the spirit of Secretary Cohen's Total Force policy at virtually no additional cost. But, most importantly, doing so sends a message to our citizen soldiers, sailors, marines, and airmen that we recognize and appreciate their sacrifices. •

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, February 10, 1999, at 9:30 a.m., to hold a confirmation hearing on the nomination of Montie Deer to be the Chairman of the National Indian Gaming Commission. The hearing will be held in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 202/224-2251.

ADDITIONAL STATEMENTS

SENATE LEGISLATIVE CLERK
SCOTT BATES

• Ms. MIKULSKI. Mr. President, the United States Senate experienced a great and sudden loss on Friday night with the untimely death of our legisla-

tive clerk, Scott Bates. Mr. Bates was, in many ways, a symbol of the endurance and integrity of our institution, and his passing is a time of sadness for our Senate family.

For thirty years, Scott Bates was a faithful, dedicated and passionate servant of the United States Senate. He devoted his life to ensuring that our legislative body operated with efficiency, precision and dignity. Neither I nor my colleagues, nor any of our predecessors here will ever forget the clear, powerful voice of Scott Bates—calling the roll, announcing our votes, or just saying "hello."

Scott Bates was a man of honor and humility. He was a mainstay of our sacred institution for three decades. I join my colleagues in mourning his passing and celebrating his life. To his wife, Ricki, who is still recovering in the hospital, we wish you a speedy recovery—please know that you and your three children, Lori, Lisa and Paul, are in our thoughts and prayers. You will remain a cherished part of the Senate family. •

KING HUSSEIN OF JORDAN

• Mr. BROWNBACK. Mr. President, I rise to honor the memory of a great man, King Hussein of Jordan.

Today the world said goodbye to King Hussein and the great outpouring of grief by his people and the presence today in Amman of almost all of the world's leaders, is testament to his greatness and to the real honor and affection in which he was held; it was a testament to the enormous contribution he made to world peace and stability.

King Hussein was very young when he became king 47 years ago, in a tough neighborhood where wits and courage and character are quickly tested—and tested often. During his reign, he dodged at least 12 assassination attempts and 7 plots to overthrow him.

Though he took over a shaky throne, his perseverance, his vision and his great faith carried him through and resulted in a much stronger nation of Jordan and a more stable Middle East. He took his country far down the path of democratic reforms—reforms which he had hoped to continue to improve upon and to broaden.

His rule saw his country acquire stability and make peace with Israel. He modernized Jordan and created a situation in which Jordanians enjoy a degree of political freedom not found in most other Arab nations.

He did all this by living his faith and his ideals: he practiced political tolerance and even reached a peace and pardoned those who had tried to kill him.

He was a true friend and ally of the United States but his true devotion was to his people and to the cause of peace. He took great risks to achieve this peace.

He was a lynchpin in Middle East Peace Process. Only a few months ago, he left his sickbed and came to Wye to

help broker the Wye River accord that revived the failing peace process between Israel and the Palestinians. It was his presence and his commitment that brought a successful resolution to this agreement.

He did this at great personal sacrifice when he was near death. He fought illness with grace, courage and faith in the same way he had lived his life.

A stronger Kingdom of Jordan and a more stable Middle East, capable of eventually sustaining a lasting peace will be one of his great legacies.

Mr. President it is vitally important for the United States and Jordan to continue our close ties and to deepen our mutual commitment.

I join my colleagues in expressing my support and best wishes to King Hussein's son and successor, King Abdullah.

I met with King Abdullah this past November. He is very capable, knowledgeable and his is a strong leader. He is now a key to peace in the world and he is up to the task. We all wish him God's speed and great blessings. •

THE NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT

• Mr. LOTT. Mr. President, I want to talk about America's used car buyers. They are looking to this Congress to take prompt action on legislation that will curtail the fraudulent practice of "title washing." A deceptive scheme that costs consumers and the automobile industry over \$4 billion annually and places millions of structurally unsafe vehicles back on America's roads and highways.

Last week I brought to your attention a January 8, 1999, Washington Post article entitled "Wrecked Cars, On the Road Again." This is scary—government crash test cars—deliberately destroyed cars—are being rebuilt and sold to unsuspecting consumers as undamaged vehicles. One of these crash cars could have been next to any one of us on the way to work today.

I ask my colleagues to think about how they would feel if their son or daughter unknowingly purchased a NHSTA crash test car. Aside from the significant monetary loss, buyers of these previously totaled cars or trucks are also unwittingly risking life and limb. As well as everyone with whom they share the road.

As my colleagues are well aware, Senator Ford and I coauthored legislation in the 105th Congress with the intent of putting dishonest rebuilders out of business. Our bill would have provided greater disclosure to potential used car buyers by establishing national uniform definitions for salvage, rebuilt salvage, nonrepairable, and flood vehicles. As everyone knows, especially the crooks and charlatans who prey on unsuspecting victims, that it is the lack of uniformity and the inconsistencies in state automobile titling procedures that allows title laundering to flourish unabated.

Mr. President, the provisions of the National Salvage Motor Vehicle Consumer Protection Act mirrored the recommendations of the Motor Vehicle Titling, Registration and Salvage Advisory Committee. This congressionally mandated committee, overseen by the U.S. Department of Transportation, included State motor vehicle officials, motor vehicle manufacturers, dealers, recyclers, insurers, salvage yard operators, scrap processors, federal and state law enforcement representatives, and others. While I would like to claim credit for authoring the definitions in the title branding legislation, they were in fact based on the knowledge and experience of the Salvage Committee and the recommendations offered in their final report. So these are not my definitions, they are the expert advisory committee's definitions.

Mr. President, too often Congress lets recommendations from commissions we mandate sit on a shelf gathering dust.

Mr. President, I do not want this to happen here. Title washing is a pervasive problem. The salvage advisory group provided a wealth of information and recommendations to address this national problem. Congress needs to act.

Aside from promoting the use of uniform definitions, the bill requires rebuilt salvage vehicles to undergo a theft inspection in addition to any required state safety inspection. These vehicles would also have a decal permanently affixed to its window and the driver's doorjamb to provide even greater disclosure. Equally important, the vehicle's brand would be carried forward to each state where the vehicle is retitled. And, the Vehicle Identification Numbers (VIN) of irreparably damaged vehicles would be tracked to prevent automobile theft.

Contrary to the misrepresentations about this bill, it allowed states to adopt disclosure standards beyond those provided for in the bill. In fact, states would have had broad latitude to provide almost unlimited disclosure to their citizens. This important legislation merely created a basic minimum national standard while allowing states the flexibility to adopt more stringent regulations. It also did not create a federal mandate on the states as some had proposed. As my colleagues will recall, the Supreme Court held in *New York v. United States* [505 U.S. 144 (1992)] that states cannot be forced by Congress to execute programs that should be administered by the U.S. government.

Mr. President, Congress came very close to enacting title branding legislation last year. The original measure received the formal support of 57 of our colleagues in this chamber and a similar bill passed the House of Representatives with a vote of 333 to 72. Throughout the legislative process, a number of significant changes were made to the bill to address the concerns expressed by consumer groups and some state at-

torneys general. In a good faith effort, the following changes were included in the modified version of the bill.

The percentage threshold for defining a "salvage vehicle" was lowered from 80 percent to 75 percent.

The final bill included a provision allowing states broad latitude in determining which vehicles would be designated as "salvage." The compromise permitted a state to maintain or establish a lower percentage threshold for defining a "salvage vehicle." So if a state set its percentage threshold below the 75 percent level, it would still have been in compliance with the bill. Some consumer groups and state attorneys general advocated that states be able to set their thresholds as low as they desired. This bill would have allowed any state to do just that.

A new provision was added that allowed states to cover any vehicle, regardless of age. This is referred to as "older model salvage vehicle."

Another new provision in the legislation granted state attorneys general the ability to sue on behalf of consumers who are victimized by rebuilt salvage fraud and to recover monetary judgments for damages that citizens may have suffered.

The bill's section on "prohibited acts," replaced the House's "knowingly and willfully" standard with a "knowingly" standard.

Two new prohibited acts were included—one related to failure to make a flood disclosure and the other related to moving a vehicle or title across state lines for the purpose of avoiding the bill's requirements.

In the original bill, conforming states were prohibited from using synonyms of terms defined in the legislation (i.e. reconstructed, unrebuildable, junk) in connection with a vehicle. The modified bill deleted this restrictive language, giving states increased flexibility to provide additional disclosures to their citizens regarding the damage history of vehicles.

The compromise bill added a provision making it clear that nothing in the legislation would affect any private right of action under existing state laws. Let me say again that a citizen's ability to pursue private rights of action would have continued under the legislation.

At the request of Senator SLADE GORTON, the proposed federal criminal penalty provision was removed from the bill. As a former state attorney general, Senator GORTON was concerned that creating new federal penalties would unnecessarily increase the burden on an already stressed federal court system, especially in instances where existing state civil and criminal remedies would adequately address violations of the bill's titling requirements. Senator GORTON's concerns were recently buttressed by Chief Justice Rehnquist who recently complained about Congress' "trend to federalize crimes that traditionally have been handled in state courts." While