has the highest winning percentage of any Tennessee coach, and is the winningest active coach in the country.

So today, I congratulate them. With that kind of coaching, talent and an ability to work powerfully as a team, it's not hard to see why the Tennessee Vols have come so far this season.

Mr. President, I know many of my colleagues have experienced this kind of excitement and pride with teams from their own states. And I know they appreciate just how proud we are in Tennessee to get bragging rights for this season.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that statements regarding the resolution be printed in the RECORD.

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

The resolution (S. Res. 21) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 21

Whereas the University of Tennessee Volunteers football team (referred to in this resolution as the ''Tennessee Volunteers'') defeated the Florida State University Seminoles on January 4, 1999, at the Fiesta Bowl in Tempe, Arizona, to win the National Collegiate Athletic Association Division I–A football championship;

Whereas the Tennessee Volunteers completed the 1998 football season with a perfect record of 13 wins and 0 losses;

Whereas the Tennessee Volunteers defeated the Mississippi State University Bulldogs to claim the 1998 Southeastern Conference football championship;

Whereas the Tennessee Volunteers' Coach Phillip Fulmer, his staff, and his players displayed outstanding dedication, teamwork, selflessness, and sportsmanship throughout the course of the season to achieve collegiate football's highest honor; and

Whereas the Tennessee Volunteers have brought pride and honor to Tennessee: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Tennessee Volunteers football team on winning the 1998 National Collegiate Athletic Association Division I–A football championship; and

(2) commends the University of Tennessee Volunteers football team for its pursuit of athletic excellence and its outstanding accomplishment in collegiate football in winning the championship.

ORDER FOR RECORD TO REMAIN OPEN

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that today's RECORD remain open until 6 p.m. for the introduction of bills and statements.

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

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES

Mrs. HUTCHISON. I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m. this evening, Tuesday, January 19, 1999.

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

AMERICA AT A MORAL CROSSROADS

Mr. HELMS. Mr. President, I have sent to the desk a slate of legislation that addresses a number of our Nation's most pressing social problems. I have introduced a great many of these bills in prior Congressional sessions and Senators who have been around for a while will find these proposals familiar.

Nonetheless, I shall devote a few minutes to explain the importance of these bills and why it is so crucial to address permissive social policies that are creating a moral and spiritual crisis in our country.

I am delighted, Mr. President, that our Nation's economy has grown and prospered for the last two years—helped along, not incidentally, by the responsible fiscal policies insisted upon by the Republican Congress. But the good news on the financial pages is too often overshadowed by utterly horrifying stories elsewhere, stories which detail a moral sickness at the heart of our culture, stories which chronicle the devaluation of human life in our society, symbolized by the tragic 1973 Supreme Court decision, Roe v. Wade.

The most notorious of these appalling stories was the episode involving a young New Jersey woman who in May of 1997 gave birth to an infant in a public bathroom stall during her senior prom. She then strangled her newborn baby boy, placed the body in a trash can, adjusted her makeup, and returned to the dance floor.

Mr. President, this chilling tale cries out that something is badly wrong in the culture that produced it. The American people were justifiably stunned by the furor surrounding this crime—and they are surely even more shocked to learn that this is not an isolated incident.

Consider this: In November of 1997, in Tucson, Arizona, a 15-year-old boy found a newborn in a 3-pound coffee can. After an investigation, police arrested the boy's sister, then 19 years of age. She had given birth to the baby and promptly drowned it in the toilet, covered its little head with a plastic ice cream wrapper, wrapped the body in a flannel shirt and hidden it. She said she had intended to bury it later.

Despite these largely uncontested facts, an Arizona jury—browbeaten into submission by a defense team suggesting that its client was in fact the victim of a strict Catholic upbringing—returned a guilty verdict only on a charge of negligent homicide, the least severe conviction applicable. This woman, who had murdered her own baby, received a sentence of one year, and during her prison term, she will be released during daytime hours on a work furlough program.

This is the tip of the iceberg, Mr. President. National Public Radio recently reported that the bodies of about 250 newborns are callously discarded each year. In some of these cases the babies were stillborn, but in others, the newborns were murdered.

Lest anyone think I am exaggerating, pick up almost any newspaper in America, and a distressing story is likely to be found. For example:

The Pittsburgh Post-Gazette, August 12, 1997: Teenage Mother Admits Slaying: Newborn was Found Dead in Gym Bag in Garage of Home

The Record, Northern New Jersey, December 24,1997: 12 Years for Mom Who Killed Baby: Newborn Tossed From Window

Associated Press, Atlantic City, New Jersey, July 14, 1997: Baby Born in Toilet Stall, Left in Atlantic City Bus Terminal

St. Petersburg Times, December 20, 1997: Girl Charged who Left Baby in Trash

Dallas Morning News, October 29, 1997: Teen Jailed in Baby's Death Hid Pregnancy, Parents say Newborn Boy Was Found Suffocated in Garbage Bag

Should we really be surprised, Mr. President, that a Nation that not only tolerates, but actively defends the practice of partial birth abortion would produce these gruesome headlines? And the extraordinary level of disrespect for human life to which America has fallen isn't limited to the horrible practice of neonaticide on the part of young mothers. It pervades every part of our society.

In Pennsylvania, two teenagers were stabbed during a showing of a so-called ''horror movie'' that itself featured two characters being brutally stabbed to death watching a horror film. In Oregon, much of the Nation watched in disbelief as news reports described the case of a young man who, after killing his parents, walked into a crowded school cafeteria and opened fire on his fellow students.

No one Act of Congress or court decision is solely responsible for these tragedies, of course. But can it be denied that the decline in moral values in American culture helped set the stage for these notorious crimes? The American people believe this is true. Last year, CBS and CNN/Time both conducted polls indicating more Americans believe that a lack of moral values was the most important problem facing the United States—more important than crime, more important than

taxes, more important than health care, more important than education.

Too often, however, the mainstream media doesn't seek to remedy our decaying culture; they actively celebrate it. Just last fall, the supposedly responsible news magazine ''60 Minutes'' elected to show the videotaped death of a man via Dr. Jack Kevorkian's so-called ''suicide machine''. In voice-over, Kevorkian was allowed to comment on the procedure—no, strike that, the murder—that the viewer was watching. All the while he defended his abhorrent belief in assisted suicide. And instead of responding with outrage, a portion of the American public rewarded the program with its highest ratings of the year.

Has America become so hard-hearted and callous, Mr. President? Or is it just responding to so-called cultural elitists who celebrate abortion, euthanasia, and promiscuity, while with unrestrained zeal endeavor to destroy all traces of religion in American public life.

Too many politicians blithely suggest that government and morality are not and should not be related; too many producers in Hollywood claim that the filth that passes for entertainment does not corrupt our culture; and too many educators claim the academy does not have a place in addressing the difference between right and wrong.

Mr. President, they are the ones who are wrong. We fool ourselves and we fool the public if we suggest that there is no connection between the business we do in Congress and the state of public morality in our society. We are the caretakers of our own culture. And we must not shrink from the responsibility of passing laws that promote what is right and prevent what is wrong in our society.

We make judgements between right and wrong every day, Mr. President in every vote we cast and every action we take. And when we judge correctly, the positive results can be wonderfully encouraging. Consider this: On August 1, 1996, the Senate passed the Personal Responsibility and Work Opportunity Reconciliation Act. It was subsequently enacted into law. This landmark legislation, commonly referred to as ''welfare reform'', injected the time-honored values of hard work and personal responsibility into our social welfare system.

Welfare reform has been successful beyond even its supporters' wildest expectations—and, in my view, has tangible indirect benefits as well.

The numbers are stunning: According to the Department of Health and Human Services, the percentage of Americans receiving welfare benefits has plunged from 5.5% in 1995 to 3.3% in 1998. In three short years—and aided by the polices of a number of creative, innovative Governors and state leaders—welfare reform almost halved the welfare rolls.

The success of welfare reform is not limited to the dramatic decline of the welfare recipients, though the numbers are impressive indeed. Putting people back to work has started to mend other social problems. The January/February 1999 edition of The American Enterprise reports the following good news:

The number of homicides has dropped from 11 Americans per 100,000 in 1990 to only 7 in 1998, with a noticeably steep decline in the curve since 1995.

Poverty among Black Americans has declined sharply, to a 30-year low of 27%. (U.S. Bureau of the Census)

Divorce rates in the last three years are dropping, while marriage rates over the same time period are inching upward. (U.S. National Center for Health Statistics)

I for one do not doubt that welfare reform is partially responsible for these encouraging statistics.

In short, Mr. President, good laws help make good societies. And that is the reason I continue to introduce bills in each and every Congress that limit the modern tragedy of abortion and its insidious effects; that allow for prayer in schools while taking steps to ease the scourge of drug use among our children; that protect the rights of federal employees to speak their minds about moral issues; and that make sure our civil rights laws treat Americans as individuals rather than faceless members of racial groups, religious groups, or of a certain gender.

Mr. President, I ask unanimous consent that the text of each bill be printed in the RECORD at the conclusion of my explanation of it.

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

UNBORN CHILDREN'S CIVIL RIGHTS ACT

Mr. HELMS. Mr. President, the Unborn Children's Civil Rights Act has several goals. First, it puts the Senate on record as declaring that one, every abortion destroys deliberately the life of an unborn child; two, that the U.S. Constitution sanctions no right to abortion; and three, that Roe v. Wade was incorrectly decided.

Second, this legislation will prohibit Federal funding to pay for, or promote, abortion. Further, this legislation proposes to de-fund abortion permanently, thereby relieving Congress of annual legislative battles about abortion restrictions in appropriation bills.

Third, the Unborn Children's Civil Rights Act proposes to end indirect Federal funding for abortions by one, prohibiting discrimination, at all federally funded institutions, against citizens who as a matter of conscience object to abortion and two, curtailing attorney fees in abortion-related cases.

Fourth, this bill proposes that appeals to the Supreme Court be provided as a right if and when any lower Federal court declares restrictions on abortion unconstitutional, thus effectively assuring Supreme Court reconsideration of the abortion issue.

Mr. President, I believe this bill begins to remedy some of the damage done to America by the Supreme Court's decision in Roe v. Wade. I continue to believe that a majority of my colleagues will one day agree, and I will never give up doing everything in my power to protect the most vulnerable Americans of all: the unborn.

S. 40

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 ''Unborn Children's Civil Rights Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) scientific evidence demonstrates that abortion takes the life of an unborn child who is a living human being;

(2) a right to abortion is not secured by the Constitution;

(3) in the cases of Roe v. Wade (410 U.S. 113 (1973)) and Doe v. Bolton (410 U.S. 179 (1973)) the Supreme Court erred in not recognizing the humanity of the unborn child and the compelling interest of the States in protecting the life of each person before birth.

SEC. 3. PROHIBITION ON USE OF FUNDS FOR ABORTION.

No funds appropriated by Congress shall be used to take the life of an unborn child, except that such funds may be used only for those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 4. PROHIBITION ON USE OF FUNDS TO ENCOURAGE OR PROMOTE ABORTION.

No funds appropriated by Congress shall be used to promote, encourage, counsel for, refer for, pay for (including travel expenses), or do research on, any procedure to take the life of an unborn child, except that such funds may be used in connection with only those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 5. PROHIBITION ON ENTERING INTO CERTAIN INSURANCE CONTRACTS.

Neither the United States, nor any agency or department thereof shall enter into any contract for insurance that provides for payment or reimbursement for any procedure to take the life of an unborn child, except that the United States, or an agency or department thereof may enter into contracts for payment or reimbursement for only those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 6. LIMITATIONS ON RECIPIENTS OF FEDERAL FUNDS.

No institution, organization, or other entity receiving Federal financial assistance shall—

(1) discriminate against any employee, applicant for employment, student, or applicant for admission as a student on the basis of such person's opposition to procedures to take the life of an unborn child or to counseling for or assisting in such procedures;

(2) require any employee or student to participate, directly or indirectly, in a health insurance program which includes procedures to take the life of an unborn child or which provides counseling or referral for such procedures; or

(3) require any employee or student to participate, directly or indirectly, in procedures to take the life of an unborn child or in counseling, referral, or any other administrative arrangements for such procedures.

SEC. 7. LIMITATION ON CERTAIN ATTORNEY'S FEES.

Notwithstanding any other provision of Federal law, attorneys' fees shall not be allowable in any civil action in Federal court involving, directly or indirectly, a law, ordinance, regulation, or rule prohibiting or restricting procedures to take the life of an unborn child.

SEC. 8. APPEALS OF CERTAIN CASES.

Chapter 81 of title 28, United States Code, is amended by inserting after section 1251, the following:

''§ 1251. Appeals of certain cases.

''Notwithstanding the absence of the United States as a party, if any State or any subdivision of any State enforces or enacts a law, ordinance, regulation, or rule prohibiting procedures to take the life of an unborn child, and such law, ordinance, regulation, or rule is declared unconstitutional in an interlocutory or final judgment, decree, or order of any court of the United States, any party in such a case may appeal such case to the Supreme Court, notwithstanding any other provision of law.''.

CIVIL RIGHTS OF INFANTS ACT

Mr. HELMS. In 1989, our distinguished colleague from New Hampshire, Senator Gordon Humphrey, first called attention to the incredibly brutal practice of abortions performed solely because prospective parents prefer a child of a gender different from that of the baby in the mother's womb.

The Civil Rights of Infants Act makes sure nobody could ever act upon this unthinkable decision by specifically amending title 42 of the United States Code governing civil rights. Anyone who administers an abortion for the purpose of choosing the gender of the infant will be subject to the same laws which protects any other citizen who is a victim of discrimination.

Nobody—even the most radical feminists—can ignore the absurdity of denying a child the right to life simply because the parents happened to prefer a child of the opposite gender. I hope the 106th Congress will swiftly act to fulfill the desires of the American people, who rightfully believe it is immoral to destroy unborn babies simply because the parents demand a child of a different gender.

S. 41

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 ''Civil Rights of Infants Act''.

SEC. 2. DEPRIVING PERSONS OF THE EQUAL PROTECTION OF LAWS BEFORE BIRTH.

Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended—

(1) by inserting ''(a)'' before ''Every person''; and

(2) by adding at the end the following:

''(b) For purposes of subsection (a), it shall be a deprivation of a 'right' secured by the laws of the United States for an individual to perform an abortion with the knowledge that the pregnant woman is seeking the abortion solely because of the gender of the fetus. No pregnant woman who seeks to obtain an abortion solely because of the gender of the fetus shall be liable for such abortion in any manner under this section.''.

FEDERAL ADOPTION SERVICES ACT OF 1999

Mr. HELMS. I am also pleased to intoduce the Federal Adoption Services Act of 1999. This bill proposes to amend title X of the Public Health Service Act to permit federally funded planning services to provide adoption services based on two factors: (1) the needs of the community in which the clinic is located, and (2), the ability of an individual clinic to provide such services.

Under this legislation, no woman will be threatened or cajoled into giving up her child for adoption. Family planning clinics will not be required to provide adoption services. Rather, this legislation will make it clear that Federal policy will allow, or even encourage adoption as a means of family planning. Women who use title X services, will be in a better position to make informed, compassionate judgments about the unborn children they are carrying.

With so many loving, caring parents available to care for unwanted children, the federal government should do everything it properly can to make sure that adoption is an alternative for expectant mothers. I hope my colleagues will join me in supporting this reasonable proposal.

S. 42

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 ''Federal Adoption Services Act of 1999''.

SEC. 2. ADOPTION SERVICES.

Section 1001(a) of the Public Health Service Act (42 U.S.C. 300(a)) is amended by inserting after the first sentence the following: ''Such projects may also offer adoption services. Any adoption services provided under such projects shall be nondiscriminatory as to race, color, religion, or national origin.''.

VOLUNTARY SCHOOL PRAYER PROTECTION ACT

Mr. HELMS. Mr. President, the Voluntary School Prayer Protection Act will make sure that student-initiated prayer is treated the same as all other student-initiated free speech—which the U.S. Supreme Court has upheld as constitutionally protected so long as it is done in an appropriate time, place and manner such that it ''does not materially disrupt the school day.'' [*Tinker* v. *Des Moines School District*, 393 U.S. 503.]

Under this bill, school districts could not continue—in constitutional ignorance—enforcing blanket denials of students' rights to voluntary prayer and religious activity in the schools. For the first time, schools would be faced with real consequences for making uninformed and unconstitutional decisions prohibiting all voluntary prayer. The bill creates a complete system of checks and balances to make sure that school districts do not shortchange their students one way or the other.

This proposal, Mr. President, prevents public schools from prohibiting constitutionally protected voluntary student-initiated prayer. It does not mandate school prayer and suggestions to the contrary are simply in error. Nor does it require schools to write any particular prayer, or compel any student to participate in prayer. It does not prevent school districts from establishing appropriate time, place, and manner restrictions on voluntary prayer—the same kind of restrictions that are placed on other forms of speech in the schools.

What this proposal will do is prevent school districts from establishing official policies or procedures with the intent of prohibiting students from exercising their constitutionally protected right to lead, or participate in, voluntary prayer in school.

S. 43

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 ''Voluntary School Prayer Protection Act''.

SEC. 2. FUNDING CONTINGENT ON RESPECT FOR CONSTITUTIONAL SCHOOL PRAYER.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any State or local educational agency that has a policy of denying, or that effectively prevents participation in, constitutional prayer in public schools by individuals on a voluntary basis.

(b) LIMITATION.—No person shall be required to participate in prayer, or shall influence the form or content of any constitutional prayer, in a public school.

SAFE SCHOOLS ACT OF 1999

Mr. HELMS. Mr. President, government has no higher obligation than the protection of the most vulnerable among us—our children. Outside of their own home, there is no place that a child should feel more secure and protected than while at school.

That is why I joined with several other Senators last Congress in introducing the Safe Schools Act. This legislation directly confronts the issue of illegal drug use and juvenile violence by requiring schools that accept federal education funds to adopt a ''zero tolerance'' policy when a student is found in possession of illegal drugs at school.

The Safe Schools Act provides a logical and commonsense extension of 1994's Gun-Free Schools Act by conditioning receipt of federal education dollars on state adoption of a policy requiring the expulsion for not less than one year of any student who brings illegal drugs to school.

Anyone who questions the link between school violence and drugs should merely turn their attention to the results of a recent National Parents' Resource Institute for Drug Education survey, or PRIDE survey as it is called, which found that:

Gun-toting students were twenty times more likely to use cocaine than those who didn't bring a gun to school;

Gang members were twelve times more likely to use cocaine than non-gang members;

And students who threatened others were six times more likely to be cocaine users than others.

These frightening statistics combined with students own reports that

drugs are the number one problem they face and that illegal drugs are readily available to students of all ages illustrate the need for immediate action. The Center on Addiction and Substance Abuse (CASA) at Columbia University has documented that two-thirds (66%) of students report that they go to schools where students keep, use and sell drugs and that over half (51%) of high school students believe the drug problem is getting worse. In contrast, CASA has found that most principals see drugs ''virtually nowhere.''

Mr. President, the Center for the Prevention of School Violence in North Carolina tracks the incidence of criminal acts on school property. For the last four years, ''possession of a controlled substance'' has been either the first or second most reported category of incident. It is past time that we restore an environment that is secure and conducive to the education of the vast majority of students who are eager to learn. Our students and teachers deserve nothing less.

S. 44

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

SECTION 1. SAFE SCHOOLS.

(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended to read as follows:

''PART F—ILLEGAL DRUG AND GUN POSSESSION

''SEC. 14601. DRUG-FREE AND GUN-FREE REQUIREMENTS.

''(a) SHORT TITLE.—This section may be cited as the 'Safe Schools Act of 1999'.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Each State receiving Federal funds under this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined—

''(A) to be in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or on a vehicle operated by an employee or agent of, a local educational agency in that State; or

''(B) to have brought a firearm to a school under the jurisdiction of a local educational agency in that State,

except that the State law shall allow the chief administering officer of the local educational agency to modify the expulsion requirement for a student on a case-by-case basis.

''(2) CONSTRUCTION.—Nothing in this title shall be construed to prevent a State from allowing a local educational agency that has expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting.

''(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

''(d) APPLICATION.—Each local educational agency requesting assistance from a State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting assistance—

''(1) an assurance that the local educational agency is in compliance with the State law required by subsection (b); and

''(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

''(A) the name of the school concerned;

''(B) the number of students expelled from the school; and

''(C) the type of illegal drugs, illegal drug paraphernalia, or firearms concerned.

''(e) REPORT TO SECRETARY.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

''(f) REPORT TO CONGRESS.—Not later than two years after the date of enactment of the Safe Schools Act of 1999, the Secretary shall report to Congress with respect to any State that is not in compliance with the requirements of this part.

''SEC. 14602. POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.

''(a) IN GENERAL.—No funds shall be made available under this Act to any local educational agency unless the agency has a policy requiring referral, to the criminal justice or juvenile delinquency system, of any student who is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or on a vehicle operated by an employee or agent of, the agency, or who brings a firearm to a school under the jurisdiction of the agency.

''(b) DEFINITIONS.—For the purpose of this section, the term 'school' has the meaning given the term in section 921(a) of title 18, United States Code.

''SEC. 14603. DATA AND POLICY DISSEMINATION UNDER IDEA.

''The Secretary shall—

''(1) widely disseminate the policy of the Department, in effect on the date of enactment of the Safe Schools Act of 1999, with respect to disciplining children with disabilities;

''(2) collect data on the incidence of children with disabilities (as the term is defined in section 602 of the Individuals With Disabilities Education Act (20 U.S.C. 1401)) possessing illegal drugs, or illegal drug paraphernalia, on school property under the jurisdiction of, or on a vehicle operated by an employee or agent of, a local educational agency, engaging in life threatening behavior at school, or bringing firearms to schools; and

''(3) not later than 1 year after the date of enactment of the Safe Schools Act of 1999, prepare and submit to Congress a report analyzing the strengths and problems with the approaches regarding disciplining children with disabilities.

''SEC. 14604. DEFINITIONS.

''In this part:

''(1) FIREARM.—The term 'firearm' has the meaning given the term in section 921(a) of title 18, United States Code.

''(2) ILLEGAL DRUG.—

''(A) IN GENERAL.—The term 'illegal drug' means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.).

''(B) EXCLUSION.—The term 'illegal drug' does not mean a controlled substance used pursuant to a valid prescription or as authorized by law.

''(3) ILLEGAL DRUG PARAPHERNALIA.—The term 'illegal drug paraphernalia' means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)), except that the first sentence of section 422(d) of the Act shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)' before the period.''.

(b) EFFECTIVE DATE.—This Act and the amendments made by this Act take effect 6 months after the date of enactment of this Act.

FREEDOM OF SPEECH ACT

Mr. HELMS. Mr. President, I am also pleased to introduce the Freedom of Speech Act, which makes sure that federal employees are not forced to check their moral beliefs at the door when they arrive at the federal workplace.

This bill attempts to make sure that President Clinton is not allowed to do by Executive Order what Congress has declined to enact in the past two Congressional sessions—namely, to treat homosexuals as a special class protected under various titles of the Civil Rights Act of 1964. Last year, President Clinton signed such an Executive Order, and in so doing, infringed upon the Constitutional rights of Federal employees who wish to express their moral and spiritual objections to the homosexual lifestyle.

President Clinton has instructed Federal agencies and departments to implement a policy that treats homosexuals as a special class protected under various titles of the Civil Rights Act of 1964. This necessarily prevents federal employees who have strong religious or moral objections to homosexuality from expressing those beliefs without running afoul of what amounts to a workplace speech code. Apparently, when the President's desire to write his belief system into federal workplace regulations conflicted with the First Amendment right to free speech, the Constitution lost.

Congress should jealously protect its Constitutional prerogative to make laws, and prevent the executive branch from creating special protections for homosexuals, particularly in a way that doesn't take into account the Constitutional right of freedom of speech enjoyed by all Federal employees. That is the purpose of the legislation I offer today.

Under this bill, no Federal funds could be used to enforce President Clinton's Executive Order #13807. Further, no Federal department or agency would be able to implement or enforce any policy creating a special class of individuals in Federal employment discrimination law. This bill will also prevent the Federal government from trampling the First Amendment rights of Federal employees to express their moral and spiritual values in the workplace.

Mr. President, for many years the homosexual community has engaged in a well-organized, concerted campaign to force Americans to accept, and even legitimize, an immoral lifestyle. This bill is designed to prevent President Clinton from advancing the homosexual agenda at the expense of both the proper legislative role and the free speech rights of Federal workers.

S. 45

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 ''Freedom of Speech Act''.

SEC. 2. PROHIBITION.

(a) IN GENERAL.—No agency, officer, or employee of the executive branch of the Federal Government shall issue, implement, or enforce any policy establishing an additional class of individuals that is protected against discrimination in Federal employment, other than a class of individuals specifically identified in a provision of Federal statutory law that prohibits employment discrimination against the class, including—

(1) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(2) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.); and

(3) title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) or title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.).

(b) PROHIBITION ON USE OF FEDERAL FUNDS.—No agency, officer, or employee of the executive branch of the Federal Government shall use Federal funds to issue, implement, or enforce a policy described in subsection (a), including implementing and enforcing Executive Order 13087, including any amendment made by such order.

CIVIL RIGHTS RESTORATION ACT OF 1999

Mr. HELMS. Mr. President, the last of these bills is entitled the Civil Rights Restoration Act of 1999. Specifically, this legislation prevents Federal agencies, and the Federal courts, from interpreting Title VII of the Civil Rights Act of 1964 to allow an employer to grant preferential treatment in employment to any group or individual on account of race.

This proposal prohibits the use of racial quotas once and for all. During the past several years, almost every member of the Senate—and the President of the United States—have proclaimed that they are opposed to quotas. This bill will give Senators an opportunity to reinforce their statements by voting in a roll call vote against quotas.

Mr. President, this legislation emphasizes that from here on out, employers must hire on a race neutral basis. They can reach out into the community to the disadvantaged and they can even have businesses with 80 percent or 90 percent minority workforces as long as the motivating factor in employment is not race.

This bill clarifies section 703(j) of Title VII of the Civil Rights Act of 1964 to make it consistent with the intent of its authors, Hubert Humphrey and Everett Dirksen. Let me state it for the RECORD:

It shall be an unlawful employment practice for any entity that is an employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or group with respect to selection for, discharge from, compensation for, or the terms, conditions, or privileges of, employment or union membership, on the basis of the race, color, religion, sex, or national origin of such individual or group, for any person, except as provided in subsection (e) or paragraph (2).

It shall not be an unlawful employment practice for an entity described in paragraph (1) to recruit individuals of an under-represented race, color, religion, sex, or national origin, to expand the applicant pool of the individuals seeking employment or union membership with the entity.

Specifically, this bill proposes to make part (j) of Section 703 of the 1964 Civil Rights Act consistent with subsections (a) and (d) of that section. It contains the identical language used in those section to make preferential treatment on the basis of race (that is, quotas) an unlawful employment practice.

Mr. President, I want to be clear that this legislation does not make outreach programs an unlawful employment practice. Under language suggested years ago by the distinguished Senator from Kansas, Bob Dole, a company can recruit and hire in the inner city, prefer people who are disadvantaged, create literacy programs, recruit in the schools, establish day care programs, and expand its labor pool in the poorest sections of the community. In other words, expansion of the employee pool is specifically provided for under this act.

Mr. President, this legislation is necessary because in the 33 years since the passage of the Civil Rights Act, the Federal Government and the courts have combined to corrupt the spirit of the Act as enumerated by both Hubert Humphrey and Everett Dirksen, who made clear that they were unalterably opposed to racial quotas. Yet in spite of the clear intent of Congress, businesses large and small must adhere to hiring quotas in order to keep the all-powerful federal government off their backs. This bill puts an end to that sort of nonsense once and for all.

S. 46

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 ''Civil Rights Restoration Act of 1999''.

SEC. 2. PREFERENTIAL TREATMENT.

(a) UNLAWFUL EMPLOYMENT PRACTICE.—Section 703(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(j)) is amended to read as follows:

''(j)(1) It shall be an unlawful employment practice for any entity that is an employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or group with respect to selection for, discharge from, compensation for, or the terms, conditions, or privileges of, employment or union membership, on the basis of the race, color, religion, sex, or national origin of such individual or group, for any purpose, except as provided in subsection (e) or paragraph (2).

''(2) It shall not be an unlawful employment practice for an entity described in paragraph (1) to recruit individuals of an underrepresented race, color, religion, sex, or national origin, to expand the applicant pool of the individuals seeking employment or union membership with the entity.''.

(b) CONSTRUCTION.—Nothing in the amendment made by subsection (a) shall be construed to limit the authority of courts to remedy, under section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g)), intentional discrimination under title VII of such Act (42 U.S.C. 2000e et seq.).

Mr. HELMS. Mr. President, I do not pretend that enaction of this legislation will solve all of the pathologies of modern society. But taken as a whole, they seek to turn the tide of the increasing apathy—and in some cases, outright hostility—toward moral and spiritual principles that have marked late twentieth-century social policy.

The Founding Fathers knew what would become of a society that ignores traditional morality. I have often quoted the parting words of advice our first President, George Washington, left his beloved new Nation. He reminded his fellow citizens:

Of all the dispensations and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute to patriotism who should labor to subvert these great pillars of human happiness.

Mr. President, that distinguished world leader, Margaret Thatcher, highlighted for us the words of Washington's successor, John Adams, who said ''our Constitution was designed only for a moral and religious people. It is wholly inadequate for the government of any other.''

Our Founding Fathers understood well the intricate relationship between freedom of responsibility. They knew that the blessings of liberty engendered certain obligations on the part of a free people—namely, that citizens conduct their actions in such a way that society can remain cohesive without excessive government intrusion. The American experiment would never have succeeded without the traditional moral and spiritual values of the American people—values that allow people to govern themselves, rather than be governed.

MEASURE READ FOR THE FIRST TIME—S. 40

Mrs. HUTCHISON. Mr. President, I understand that S. 40 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (S. 40) to protect the lives of unborn human beings.

Mrs. HUTCHISON. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

MEASURE READ FOR THE FIRST TIME—S. 41

Mrs. HUTCHISON. Mr. President, I understand that S. 41 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (S. 41) to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with the knowledge that the abortion is being performed solely because of the fetus.

Mrs. HUTCHISON. Mr. President, I now ask for its second reading, and I object to my own request.