

HOUSE RESOLUTION NO. 526

Whereas, The Low-Income Home Energy Assistance Program (LIHEAP) is a vital lifeline to low-income families, working poor households, senior citizens and persons with disabilities in meeting their energy needs; and

Whereas, Low-income families, the elderly and many working poor Pennsylvanians face a continuing energy crisis with energy burdens that will exceed 15% of their household incomes; and

Whereas, The Federal funding for LIHEAP significantly eases the home energy affordability crisis faced by millions of Americans; and

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Whereas, The total elimination of funding for LIHEAP will threaten the continuation of the Pennsylvania program that is the foundation for providing a modest amount of energy security for low-income Pennsylvanians; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to appropriate at least \$1.3 billion for fiscal year 1999-2000 and an advance appropriation of at least \$1.3 billion for fiscal year 2000-2001 for the Low-Income Home Energy Assistance Program; and be it further

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to reauthorize the LIHEAP program at authorization levels enacted in the Human Services Amendments of 1994 (Public Law 103-252) to ensure that this program more adequately meets the needs of low-income households.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DODD:

S. 2648. A bill to protect children with respect to the Internet, to increase the criminal and civil penalties associated with certain crimes relating to children, and for other purposes; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 2649. A bill to enact the Passaic River Basin Flood Management Program; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 2650. A bill to give gifted and talented students the opportunity to develop their capabilities; to the Committee on Labor and Human Resources.

By Mr. FAIRCLOTH:

S. 2651. A bill to provide for a Presidential Budget in the Fiscal Year 2000 with Spending Reductions that will offset the emergency spending for Fiscal Year 1999; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. LEAHY:

S. 2652. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the safety of exported pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. D'AMATO, and Mr. LOTT):

S. 2653. A bill to require the Committee for the Implementation of Textile Agreements to report to Congress by April 1, 1999, on the availability of certain wool fabric, and for other purposes; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2654. A bill to provide for a judicial and administration remedy for disputes arising under certain agreements with foreign entities; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 2655. A bill to limit the amounts of expenditures for the national defense budget function for fiscal years 1999 and 2000, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DOMENICI:

S. Res. 312. A resolution to amend Senate Resolution 209 in order to provide budget levels in the Senate for purposes of fiscal year 1999 and include the appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003; considered and agreed to.

By Mr. THOMAS (for himself and Mr. ENZI):

S. Res. 313. A resolution expressing the sense of the Senate with respect to the brutal killing of Mr. Matthew Shepard; considered and agreed to.

By Mr. HATCH:

S. Res. 314. A resolution to express the sense of the Senate regarding the authority of the Secretary of Health and Human Services to make adjustments to payments made to skilled nursing facilities under the medicare program; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 2648. A bill to protect children with respect to the Internet, to increase the criminal and civil penalties associated with certain crimes relating to children, and for other purposes; to the Committee on the Judiciary.

KEEPING THE INTERNET DECENT AND SAFE (K.I.D.S.) ACT

• Mr. DODD. Mr. President, today, I introduce the Keeping the Internet Decent and Safe (K.I.D.S.) Act. This legislation would give parents and educators tools to protect our children while they use the Internet. Moreover, this bill would give law enforcement officials the ability to make the Internet a safer environment for everyone.

Unfortunately, while innocently "surfing" the web, many of our children are accidentally encountering graphic and sexually explicit images. They type in search terms as innocuous as "toys"—only to find inappropriate images on their display terminal. According to Wired magazine, there are currently some 28,000 web sites containing hard- and soft-core pornography on the Internet. And that number is growing at an alarming rate. It is estimated that more than 30 pornographic sites are added to the Internet each day.

In addition, the Internet now provides the "strangers" we have always warned our children about with almost unlimited access to our children. Historically, sexual predators have sought children wherever they gather—in school yards, playgrounds and malls. Today, children hang out in cyberspace. This provides the sexual predator with an almost limitless number of opportunities to exploit children because they can prowl from family room to classroom to bedroom with virtual anonymity. Clearly, this is a problem that is only going to grow worse unless we work aggressively to ensure that the Internet is a safe environment.

The bill I am introducing today would build upon provisions authored by Senator COATS and myself which were adopted as part of S. 442, the Internet Tax Freedom Act. The provisions are designed to provide some safety for young people who are being exposed today to the alarming amount of pornography on the Internet. Specifically, my amendment will require that Internet access providers make screening software available—either for a fee or no charge—to customers purchasing Internet access services, and Senator COATS' amendment establishes specific measures that commercial operators of sexually explicit sites must take to restrict access to children under the age of 17.

I am pleased that these provisions of the Internet Tax Freedom Act were passed yesterday and today by both houses of Congress as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999, and look forward to the President signing them into law. Yet, it is clear that our work is not done.

I was very disturbed by a recent article in the The Washington Post which stated that law enforcement officials in the United States and abroad had uncovered an international child pornography ring in which hundreds of people were using the Internet to trade thousands of sexually explicit images of children. More than 200 ring members were arrested in the United States and 13 other countries. The U.S. Customs Service seized computers from American suspects in 22 states, including Connecticut.

That is why today I introduce the Keeping the Internet Decent and Safe (K.I.D.S.) Act. In this age of the Internet, our children have unprecedented access to educational materials via the computer. However, this wonderful technology has also brought with it a dark side for our children, and we as a nation have an obligation to ensure that our children are able to learn, grow, and play in an environment free from harm. My bill would give parents, teachers and law enforcement officers the tools they need to help protect and guide our children, as they seek knowledge and wholesome entertainment on the Internet.

First, my bill would make it possible for law enforcement officials to detain

someone before trial who is arrested for a federal crime involving child exploitation. Currently, there is a rebuttable presumption that an individual charged with a violent crime or certain drug-related crimes should be detained. Pedophiles who exploit and prey upon children are at least as great a threat to our society as drug dealers and people involved with violent crimes, and federal law enforcement officials should be able to detain them, as well.

Second, my bill would allow schools to make classroom computers safer by allowing them to use monies from such programs as Title VI and the Safe and Drug Free School Act to purchase screening software.

Finally, my bill would allow materials involved with crimes involving the sexual victimization of children—such as computers, vehicles and clothing—to be permanently seized from sexual predators by law enforcement authorities. Currently, the government can seize such materials like if they belong to a convicted pornographer, but not if they belong from a convicted child molester. Property used in crimes involving the sexual exploitation of children is equally harmful and should also be able to be seized by the Government to help thwart further criminal activity involving our children.

As we head into the 21st century, we know that an increasing number—in fact a majority—of our children are going to use the Internet for both educational and social activities. This is a positive development that we should encourage. But with this progress comes new responsibilities, not only for our young people, but also for adults. We owe it to our children to make sure that they are safe when they go on-line.

I believe that the KIDS Act will make significant strides to protect our children from harmful materials on the Internet and give law enforcement officials additional tools to clamp down on criminals who use the Internet to prey on our children. I urge my colleagues to support this effort to take reasonable steps to keep the Internet safe for our youngest and most vulnerable citizens. I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 2648

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 “Keeping the Internet Decent and Safe Act”.

SEC. 2. PURCHASE OF SCREENING SOFTWARE BY ELEMENTARY AND SECONDARY SCHOOLS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an elementary school or secondary school may use any funds received under sections 3132 and 3136, and titles IV and VI, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6842, 6846, 7101 et seq., and 7301 et seq.) and subtitle B

of the Museum and Library Services Act (20 U.S.C. 9101 et seq.) to purchase screening software.

(b) DEFINITIONS.—In this section:

(1) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms “elementary school” and “secondary school” have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SCREENING SOFTWARE.—The term “screening software” means software that is designed to permit a person to limit access to material on the Internet that is harmful to minors.

SEC. 3. ENHANCED CRIMINAL PENALTIES FOR CERTAIN SEXUAL EXPLOITATION OF CHILDREN.

(a) FORFEITURE.—

(1) OFFENSES RELATING TO CHILD PORNOGRAPHY.—

(A) CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

(i) in the matter preceding paragraph (1), by inserting “, or an offense under section 2252A of this chapter involving child pornography,” after “of this chapter”; and

(ii) in paragraph (1)—

(I) by inserting “any child pornography covered by section 2252A of this chapter,” after “of this chapter”; and

(II) by inserting “or child pornography, as the case may be” after “such visual depiction”.

(B) CIVIL FORFEITURE.—Section 2254(a) of such title is amended—

(i) in paragraph (1)—

(I) by inserting “any child pornography covered by section 2252A of this chapter,” after “of this chapter”; and

(II) by inserting “or child pornography, as the case may be” after “such visual depiction”; and

(ii) in paragraphs (2) and (3), by inserting “, or an offense under section 2252A of this chapter involving child pornography,” after “of this chapter” each place it appears.

(2) OFFENSES RELATING TO COERCION AND ENTICEMENT AND TRANSPORTATION OF MINORS FOR SEXUAL PURPOSES.—

(A) IN GENERAL.—Chapter 117 of such title is amended by adding at the end the following new sections:

“§ 2425. Criminal forfeiture

“(a) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—A person who is convicted of an offense under section 2422(b) or section 2423 shall forfeit to the United States such person’s interest in—

“(1) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

“(2) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

“(b) THIRD PARTY TRANSFERS.—(1) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section.

“(2) Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States unless the transferee establishes in a hearing pursuant to subsection (m) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

“(c) PROTECTIVE ORDERS.—(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to

preserve the availability of property described in subsection (a) for forfeiture under this section—

“(A) upon the filing of an indictment or information charging a violation of section 2422(b) or 2423 for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

“(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

“(i) there is a substantial probability that—

“(I) the United States will prevail on the issue of forfeiture; and

“(II) failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

“(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

“(2) An order entered pursuant to paragraph (1)(B) shall be effective for not more than 90 days unless extended by the court for good cause shown or unless an indictment or information described in paragraph (1)(A) has been filed.

“(3)(A) A restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property if the United States demonstrates that there is probable cause to believe that—

“(i) the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; and

“(ii) the provision of notice will jeopardize the availability of the property for forfeiture.

“(B) A restraining order under this paragraph shall expire not more than 10 days after the date on which it is entered unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the order.

“(4) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

“(d) WARRANT OF SEIZURE.—(1) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant.

“(2) If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (c) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

“(e) ORDER OF FORFEITURE.—The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

“(f) EXECUTION.—(1) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such

terms and conditions as the court considers proper.

"(2) Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited.

"(3) Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) DISPOSITION OF PROPERTY.—(1) Following the seizure of property ordered forfeited under this section, the Attorney General shall retain such property for official use or direct the disposition of such property described by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States.

"(2) Upon application of a person, other than the defendant or person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"(h) AUTHORITY OF ATTORNEY GENERAL.—With respect to property ordered forfeited under this section, the Attorney General may—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of section 2422(b) or 2423, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, under section 616 of the Tariff Act of 1930, of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) APPLICABILITY OF CIVIL FORFEITURE PROVISIONS.—Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 2426 shall apply to a criminal forfeiture under this section.

"(j) BAR ON INTERVENTION.—Except as provided in subsection (m), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or

information alleging that the property is subject to forfeiture under this section.

"(k) JURISDICTION TO ENTER ORDERS.—The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) DEPOSITIONS.—In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under rule 15 of the Federal Rules of Criminal Procedure.

"(m) THIRD PARTY INTERESTS.—(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within 30 days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within 30 days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of

the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

"(n) SUBSTITUTE ASSETS.—If any of the property described in subsection (a), as a result of any act or omission of the defendant—

"(1) cannot be located upon the exercise of due diligence;

"(2) has been transferred or sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(o) CONSTRUCTION.—This section shall be liberally construed to effectuate its remedial purposes.

"§2426. Civil forfeiture

"(a) PROPERTY SUBJECT TO CIVIL FORFEITURE.—The following property shall be subject to forfeiture by the United States:

"(1) Any property, real or personal, used or intended to be used to commit or to promote the commission of an offense under section 2422(b) or 2423, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(2) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from a violation of section 2422(b) or 2423, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) SEIZURE PURSUANT TO SUPPLEMENTAL RULES FOR CERTAIN ADMIRALTY AND MARITIME CLAIMS.—Any property subject to forfeiture to the United States under this section may be seized by the Attorney General, the Secretary of the Treasury, or the United States Postal Service upon process issued pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when the seizure is pursuant to a search under a search warrant or incident to an arrest. The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure.

"(c) CUSTODY OF FEDERAL OFFICIAL.—Property taken or detained under this section

shall not be repleviable, but shall be deemed to be in the custody of the Attorney General, Secretary of the Treasury, or the United States Postal Service subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under any of the provisions of this subchapter, the Attorney General, Secretary of the Treasury, or the United States Postal Service may—

“(1) place the property under seal;
“(2) remove the property to a place designated by the official or agency; or

“(3) require that the General Services Administration take custody of the property and remove it, if practicable, to an appropriate location for disposition in accordance with law.

“(d) OTHER LAWS AND PROCEEDINGS APPLICABLE.—All provisions of the customs laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, the Secretary of the Treasury, or the Postal Service, except to the extent that such duties arise from seizures and forfeitures affected by any customs officer.

“(e) DISPOSITION OF FORFEITED PROPERTY.—(1) Whenever property is forfeited under this section the Attorney General may—

“(A) retain the property for official use or transfer the custody or ownership of any forfeited property to a Federal, State, or local agency under section 616 of the Tariff Act of 1930;

“(B) sell, by public sale or any other commercially feasible means, any forfeited property which is not required to be destroyed by law and which is not harmful to the public; or

“(C) require that the General Services Administration take custody of the property and dispose of it in accordance with law.

“(2)(A) The Attorney General, Secretary of the Treasury, or the United States Postal Service shall ensure the equitable transfer pursuant to paragraph (1)(A) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by an official or agency pursuant to paragraph (1)(A) shall not be subject to judicial review.

“(B) With respect to a forfeiture conducted by the Attorney General, the Attorney General shall forward to the Treasurer of the United States for deposit in accordance with section 524(c) of title 28 the proceeds from any sale under paragraph (1)(B) and any moneys forfeited under this section.

“(C) With respect to a forfeiture conducted by the Postal Service, the proceeds from any sale under paragraph (1)(B) and any moneys forfeited under this section shall be deposited in the Postal Service Fund as required by section 2003(b)(7) of title 39.

“(f) TITLE TO PROPERTY.—All right, title, and interest in property described in subsection (a) shall vest in the United States

upon commission of the act giving rise to forfeiture under this section.

“(g) STAY OF PROCEEDINGS.—The filing of an indictment or information alleging a violation of section 2422(b) or 2423 which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

“(h) VENUE.—In addition to the venue provided for in section 1395 of title 28 or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended by adding at the end the following:

“2425. Criminal forfeiture.

“2426. Civil forfeiture.”.

(b) RELEASE AND DETENTION FOR COERCION AND ENTICEMENT AND TRANSPORTATION OF MINORS FOR SEXUAL PURPOSES.—Section 3156(a)(4)(C) of such title is amended by striking “chapter 109A or chapter 110” and inserting “chapter 109A or 110 or section 2422(b) or 2423”.

By Mr. GRASSLEY:

S. 2650. A bill to give gifted and talented students the opportunity to develop their capabilities; to the Committee on Labor and Human Resources.

GIFTED AND TALENTED STUDENTS EDUCATION ACT OF 1998

• Mr. GRASSLEY. Mr. President, I am introducing the Gifted and Talented Students Education Act of 1998. This legislation would provide block grants to the states to provide educational programs that focus on and are tailored to the needs of gifted and talented students.

The needs of gifted and talented students are often misunderstood. Too often we believe that all we need to do for gifted and talented students is to put them on an accelerated course of study. However, that is not sufficient. Gifted and talented students think and look at the world in a unique way. Therefore, their educational agenda must be tailored to the thought processes gifted and talented students employ. Currently, our nation's education system does not do so. This is due in part, to a lack of resources available in schools across the country.

My legislation, which has been offered in the House of Representatives by Congressman ELTON GALLEGLY of California would provide block grants to state education agencies to identify gifted and talented students from all economic, ethnic and racial backgrounds—including students of limited English proficiency and those with disabilities. Funding would be based on each state's student population, but each state would receive at least \$1 million.

This legislation would leave the decision on how best to serve these students to state and local officials. I have always believed that state and local officials, working with parents, are in a

much better position than bureaucrats in Washington to know what their students need to succeed. I have also always believed that the most effective education spending is that which goes directly to the students. That's why this bill caps administrative costs at 10 percent.

So while the funds in this measure can't be used for bureaucracy, it can be used for items such as professional development for teachers; counselors and administrators; innovation of programs and services for high-ability students and for developing emerging technologies such as distance learning and other initiatives. It is my hope this measure will give educators the resources and the flexibility they need to meet the needs of gifted and talented students.

Mr. President, our nation's gifted and talented are among our great untapped resources. We must focus on the needs of these students so that their particular gifts can flourish and be fully realized. I am aware Mr. President that at this late date, this measure will not pass. However, I hope introduction of this bill will help shed some light on the needs of the gifted and talented and force a much-needed national conversation about the tremendous potential that we are allowing to go undeveloped. While this measure will obviously not receive any further action before the end of the 105th Congress, it is my sincere hope that introduction of this bill will be the beginning of a new era in educating the gifted and talented.

By Mr. LEAHY:

S. 2652. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the safety of exported pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CIRCLE OF POISON PREVENTION ACT OF 1998

• Mr. LEAHY. Mr. President, I first introduced this legislation over six years ago after the General Accounting Office concluded that U.S. policy to ensure imported food safety is inadequate and in need of reform. Changes have taken place since, but our policy of allowing pesticides that are prohibited for use within the United States be exported to other countries remains.

The United States should be proud of the strict regulations that we have on the production and use of pesticides. But we should be embarrassed that the loophole in current law allowing U.S. chemical companies to export dangerous pesticides—pesticides banned in the U.S.—has not been eliminated. This loophole must be eliminated to protect the American consumer and American farmer and to halt the immoral practice of sending dangerous pesticides overseas to be handled and applied by unsuspecting farmworkers.

My “Circle of Poison” bill is designed to protect the public from pesticide residues on imported food. It is unreasonable to expect that, in these times

of tight budgets and limited resources, the Food and Drug Administration (FDA) will be able to monitor each shipment of imported food for each pesticide that a foreign farmer may use. FDA import inspections have declined dramatically in just the last four years, so that now less than two percent of FDA-regulated imported food is subject to any type of inspection.

It is possible, however, to aid FDA by limiting the number of dangerous pesticides which U.S. chemical companies supply to foreign farmers. By banning the export of pesticides which EPA has not deemed safe, the "circle of poison" legislation will reduce the availability of some of the most hazardous pesticides. By curtailing the supply, it is less likely that foreign farmers will use these pesticides, and therefore, less likely that these pesticides will end up on food that Americans consume.

In addition, this bill puts American farmers on an equal footing with foreign farmers. Under the bill, if a pesticide is not legal for American farmers to use, it will not be legal for foreign farmers to use on food that is exported to the U.S. A simple and reasonable concept, but a concept which is not yet in place in the real world.

Finally, it is simply wrong to allow the export of illegal pesticides. If the Environmental Protection Agency does not allow our citizens and environment to be exposed to a pesticide, we should not subject other countries to the hazards of the pesticide. A pesticide that may endanger people and the environment in the U.S. does not diminish in toxicity simply because it has been exported.●

ADDITIONAL COSPONSORS

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 2121

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2121, a bill to encourage the development of more cost effective commercial space launch industry in the United States, and for other purposes.

S. 2180

At the request of Mr. MURKOWSKI, his name was added as a cosponsor of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2356

At the request of Mr. ROBERTS, the name of the Senator from Kentucky [Mr. McCONNELL] was added as a cosponsor of S. 2356, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 2576

At the request of Ms. SNOWE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2576, a bill to create a National Museum of Women's History Advisory Committee.

S. 2616

At the request of Mr. ROTH, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 2616, A bill to amend title XVIII of the Social Security Act to make revisions in the per beneficiary and per visit payment limits on payment for health services under the medicare program.

SENATE CONCURRENT RESOLUTION 128

At the request of Mr. LEAHY, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from New Jersey [Mr. TORRICELLI], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Concurrent Resolution 128, a concurrent resolution expressing the sense of Congress regarding measures to achieve a peaceful resolution of the conflict in the state of Chiapas, Mexico, and for other purposes.

SENATE RESOLUTION 312—TO AMEND SENATE RESOLUTION 209 IN ORDER TO PROVIDE BUDGET LEVELS FOR FISCAL YEAR 1999

Mr. DOMENICI submitted the following concurrent resolution; which was considered and agreed to:

S. RES. 312

Resolved, That Senate Resolution 209, agreed to April 2, 1999 (105th Congress), is amended by striking all after the resolving clause and inserting the following:

SECTION 1. SENATE BUDGET LEVELS.

(a) IN GENERAL.—For the purpose of enforcing the Congressional Budget Act of 1974 and section 202 of House Concurrent Resolution 67 (104th Congress), the following levels, amounts, and allocations shall apply in the Senate in the same manner as a concurrent resolution on the budget for fiscal year 1999 and including the appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003:

(1) FEDERAL REVENUES.—The recommended levels of Federal revenues are as follows:

Fiscal year 1999: \$1,358,919,000,000.
Fiscal year 2000: \$1,388,039,000,000.
Fiscal year 2001: \$1,424,774,000,000.
Fiscal year 2002: \$1,480,891,000,000.
Fiscal year 2003: \$1,534,362,000,000.

(2) NEW BUDGET AUTHORITY.—The appropriate levels of new budget authority are as follows:

Fiscal year 1999: \$1,417,136,000,000.
Fiscal year 2000: \$1,453,654,000,000.
Fiscal year 2001: \$1,489,637,000,000.
Fiscal year 2002: \$1,517,259,000,000.
Fiscal year 2003: \$1,577,949,000,000.

(3) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 1999: \$1,402,185,000,000.
Fiscal year 2000: \$1,438,029,000,000.
Fiscal year 2001: \$1,473,660,000,000.
Fiscal year 2002: \$1,484,272,000,000.
Fiscal year 2003: \$1,548,914,000,000.

(4) SOCIAL SECURITY REVENUES.—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: \$441,749,000,000.
Fiscal year 2000: \$460,115,000,000.
Fiscal year 2001: \$477,722,000,000.
Fiscal year 2002: \$497,290,000,000.
Fiscal year 2003: \$518,752,000,000.

(5) SOCIAL SECURITY OUTLAYS.—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: \$321,261,000,000.
Fiscal year 2000: \$330,916,000,000.
Fiscal year 2001: \$344,041,000,000.
Fiscal year 2002: \$355,614,000,000.
Fiscal year 2003: \$368,890,000,000.

(b) REVISIONS.—

(1) IN GENERAL.—The Chairman of the Senate Committee on the Budget may file 1 set of revisions to the levels, amounts, and allocations provided by this resolution and those revisions shall only reflect legislation enacted in the 105th Congress and not assumed in this resolution.

(2) CONGRESSIONAL PAY-GO SCORECARD.—Upon making revisions pursuant to paragraph (1) and for the purpose of enforcing section 202 of House Concurrent Resolution 67 (104th Congress), the Chairman of the Senate Committee on the Budget shall reduce any balances of direct spending and receipts for any fiscal year to zero.

(c) EFFECTIVE DATE AND EXPIRATION.—This resolution shall—

(1) take effect on the date that the Congress adjourns sine die or the date the 105th Congress expires, whichever date is earlier; and

(2) expire on the effective date of a concurrent resolution on the budget for fiscal year 1999 agreed to pursuant to section 301 of the Congressional Budget Act of 1974.

SEC. 2. COMMITTEE ALLOCATIONS.

Upon the adoption of this resolution, the Chairman of the Committee on the Budget shall file allocations consistent with this resolution pursuant to section 302(a) of the Congressional Budget Act of 1974.

SENATE RESOLUTION 313—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE BRUTAL KILLING OF MR. MATTHEW SHEPARD

Mr. THOMAS (for himself and Mr. ENZI) submitted the following resolution; which was considered and agreed to:

S. RES. 313

Whereas Mr. Matthew Shepard, a 21-year old student at the University of Wyoming in Laramie, Wyoming, was physically beaten and tortured, tied to a wooden fence and left for dead; and

Whereas Mr. Matthew Shepard died as a result of his injuries on October 12, 1998, in a Colorado hospital, surrounded by his loving family and friends; Now, therefore, be it

Resolved by the Senate, That it is the Sense of the Senate that it—

(1) condemns the actions which occurred in Laramie, Wyoming, as unacceptable and outrageous;

(2) urges each member of Congress and every citizen of the United States, in his or her own way, through his or her church, synagogue, mosque, workplace, or social organization, to join in denouncing and encouraging others to denounce this outrageous murder of another human being;

(3) pledges to join in efforts to bring an end to such crimes, and to encourage all Americans to dedicate themselves to ending violence in the United States; and