SENATE—*Thursday, August 25, 1994*

(Legislative day of Thursday, August 18, 1994)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silent prayer, let us remember Beth Ormond, who works in the stationery room of the Senate, critically ill with cancer in the hospital.

*O Lord, thou hast searched me, and known me * * * there is not a word in my tongue, but, lo, O Lord, thou knowest it altogether * * *. How precious * * * are thy thoughts unto me, O God! How great is the sum of them! * * * Search me, O God, and know my heart * * * and lead me in the way everlasting.*—Psalm 139:1, 4, 17, 23, 24.

Sovereign God, the psalmist makes it very clear that there is nothing about us You do not know. You know us infinitely more than we know ourselves. Past, present, future, You know us in microscopic detail—our thoughts, our words yet unspoken.

The psalmist informs us that You have a perfect plan for our lives, a plan which promises total fulfillment in all our potential. Gracious Lord, give us grace to take the truth of the psalmist seriously and to walk in Thy way in the confidence that, even "in the valley of the shadow of death," You are with us, and we have nothing to fear; and help us realize that it is never too late to submit to Your perfect plan.

In the name of the King of kings and the Lord of lords. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 25, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 3355, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The Senate resumed consideration of the conference report.

Mr. LEAHY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I have spoken earlier about the crime bill before us, and I would like to do so again. I do it because I am a member of the Senate Judiciary Committee, and I was one of the conferees who has experienced some very long and difficult conferences on this crime bill. I have seen the debate over 6 years of trying to get a crime bill passed, but I have also seen the work, sometimes until 2 and 3 o'clock in the morning on the committee of conference while we tried to put one together. We are now basically in the 11th hour of the Senate session. We are very close to the time that the Senate will recess for the fall elections, and we see the culmination of 6 years of work on the threshold of passage.

I say that, Mr. President, because if we do not act now, how are we ever going to pass a crime bill? If we proceed in the manner that many of our Republican colleagues have suggested, then basically we are saying we are not going to enact a crime bill this year.

We ought to understand that we have the opportunity and the ability to pass a crime bill now. Or, we can follow the delaying, obstructionist tactics we have seen here and pass nothing. In fact, I think it is fair to say that many are trying to kill this crime bill. It is a two-House strategy that seeks to send the issue back to the House where it will be delayed, where it ultimately will die. We can play this ping-pong match for the rest of the session. The Forrest Gump kind of ping-pong would be nothing compared to what we would do here, and the crime bill will stay in orbit between the two Houses of Congress and it will never come down from orbit and land on the President's desk for his signature. We have seen us move from what had been a procedural dodge to a full-fledged obstacle course in the efforts to obstruct and actually defeat and destroy this crime bill.

Instead of playing procedural games, the Senate ought to stand up and vote. Vote for it or vote against it. But do not duck the issue anymore.

Republicans have told us that they will not allow Senate action on this crime bill without a supermajority or without a filibuster. If that is the case, then we ought to just put in a cloture petition. We ought to then vote for cloture, even if we have to do it this weekend. We ought to vote for assistance to victims, to local police, to battered women, to abused children, to hard-pressed State correctional systems, to fighting drugs, and to fighting and preventing violent crime.

That is what we are voting on. Let us vote for those things and not hide behind some procedural figleaf. If people really want to end this, then set up a vote; up or down on the merits, majority wins; do it today.

Mr. President, I hear from people in Vermont. I hear from people all over the country. They say, "Don't you folks have the courage to stand up and either vote for it or against it?" If you do not like the crime bill, vote "no." If you like it, vote "yes." But do not hide behind this procedural flimflam, because the procedural flimflam allows every Senator to go back home and say, well, I liked this or I did not like that, but they never have to be on record.

Now, we all speak of the courage of our convictions when we run for office. Let us have the courage of our convictions once we get here. Let us vote "yes" or vote "no."

Look at the legislation on which we are voting. It is supported by every major law enforcement organization in the country—the police, the district attorneys, the State attorneys general, the sheriffs, corrections officials, and a host of mayors and Governors, both Republican and Democrat alike.

I spent nearly 9 years in law enforcement myself, Mr. President. This is a good bill. Is it a perfect bill? No. But I have not seen many perfect bills in 20 years here. It is one heck of a lot better than what we have, and it does not

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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deserve being put behind this figleaf of a procedural motion by a minority of Senators who want to kill the bill but do not have the courage to vote against it or a majority of votes to beat it on its merits.

That is really what we have. We have a minority of this body who want to kill this bill, but they do not have the courage to try to defeat it by just voting against it in a normal vote. They want to have it both ways. They want to say how tough they are on crime, but even after the culmination of 6 years of work, they are not going to let the Senate vote on a crime bill. Well, that is wrong, and I think the American people see through it.

Look what has happened. It is opposed by many in the Republican Party and by those who oppose the ban on assault weapons, and they are putting up procedural barriers and maneuvers so they can stop this bill.

Now, if somebody does not want us to ban assault weapons, then just stand up and vote against this bill. But do not pretend that you are standing up to uphold the procedures of the Senate. Baloney.

I heard one of my distinguished colleagues say we have to do this because money was added in a conference report and we could not allow this to go through without a vote requiring a 60-vote supermajority to win. That same Senator stood on the floor of the Senate 3 weeks ago and voted for foreign aid to a middle eastern country that was added in a conference report at 3 o'clock in the morning. It was never voted on by the House nor the Senate. But it was foreign aid to the Middle East. That Senator stood up and voted for it. There was no procedural motion there; no procedural hurdle of a 60-vote requirement. It was a huge amount of money. The Senator did not stand up and say, "Well, gosh, we have to stand up for the procedures. We have to have a 60-vote point of order on this measure as it comes through." No. The Senator was perfectly willing to vote for foreign aid without setting up the procedural motions.

But now we are talking about giving aid to the American people in their streets, and in their cities and towns where they are facing crime. And the same Senators are saying we have to have a procedural vote to stop this one.

Why is it perfectly OK to vote without such a procedure for foreign aid but not for aid to the American cities and towns and to the people who fear crime? I think that is wrong. I think it is wrong. It makes you think that there has to be another reason. Could it be some powerful lobby is pulling the strings and calling the shots? No pun intended.

We have a bill 6 years in the making. It has been considered by the Senate, by the House, by the House-Senate conference, passed by the House and now comes to rest at our door. A clear majority of Senators support it. We should not be maneuvering to avoid our responsibility to vote. If you do not want this bill, vote "no". If you want the bill, vote "yes". But do not vote "maybe." That is what we are doing here. Senators are elected and paid to vote "yes" or "no". They are not elected and paid to vote "maybe". But we have a distinct number of Senators who want to vote "maybe" on this bill. That is wrong. It should not be done.

We have been debating this for 6 years, and during that time many Republicans are saying somehow they are blocked out of this. That is not true. They have influenced the shape and content of this bill. I have been on the floor and heard this debate. I have seen Republican amendments accepted that are part of this bill. I have seen Republican amendments accepted in the Judiciary Committee that are part of this bill. I have seen Republican amendments accepted in the conference that are part of this bill. There are many aspects of the bill that Republicans have supported in the past—more money for police, money for prisons, tougher penalties, death penalties.

As I said earlier this week, the bill bears the mark of Senator BIDEN's tireless efforts. But it also reflects the influence of many Republican Senators who have been working—at least until now—to do something about crime. It includes many of the initiatives that my colleagues on both sides of the aisle for years have been arguing are necessary to reduce crime.

Why can we not go forward now? We know—every one of us knows—this is the only crime bill that could be passed this year. After crime legislation was filibustered for over a year in the 102d Congress, now in the 103d Congress we have legislation that passed the Senate and the House. The House approved it in a bipartisan vote. We had one of the most difficult House-Senate conferences that I have served on in 20 years. And the only step that needs to be taken for us to send it down to the President for his signature is for us to vote for it.

I think it is time to vote. Vote it up or vote it down. Do not vote "maybe". The bill has funding for police, prisons, tougher penalties for violent offenders. It is going to help both urban and rural areas. Eighty percent of the bill is spent on police and prisons. Only 20 percent is spent on prevention. The funding breakdown is $13.5 billion for Federal, State, and local law enforcement; $9.7 billion for corrections, $6 billion for prevention programs. It has $1.5 billion more in prevention money than was in the bill which 95 Senators supported last November. But that is because we go with 6 years and not 5 years. And as the majority leader noted, in the years that are common to both bills, it actually spends less than the bill which passed 95 to 4.

Let us look at what the prevention programs are. Almost a third of it is for the Violence Against Women Act. This is legislation that people in my State strongly support. This is a provision that is also strongly supported by a number of Senators in both parties.

Prevention programs—I know from my own time in criminal justice and law enforcement where, incidentally, Mr. President, I had the highest conviction rate of any prosecutor in our State. So I am not saying this from some Pollyannish view at all. I know it is one thing to get convicts for crimes that have been committed. But we are all a lot better off, victims and society alike, if you can prevent the crime from happening in the first place.

You have drug treatment, drug education, antigang programs, Boys and Girls Clubs, mentoring programs—these things unfortunately in today's society are needed and can help.

I think probably the clearest example of those who know it will help are the police themselves who strongly support these type of programs. And if a Senator feels so strongly about them that he or she thinks that they undermine the other police, prisons, penalties, and enforcement provisions, he or she can always express that view by voting against the bill.

But it is not realistic to say we are going to scrap the whole thing and start over again. It took us 6 years and one Congress full of filibusters to get it this way, and now we have a de facto filibuster, if not a de jure one, going on. It is not fair to the victims, the police, and others who will benefit. To start over with this bill, as every Member of the Senate knows, is not going to happen and cannot happen.

So I see, Mr. President, a number of Senators on the floor who wish to speak. I will yield the floor. Again, we have a chance to vote either "yes" or "no". Some Senators want us to vote "maybe." That is not what the American people want. A vote is what the Senate deserves.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Mississippi.

Mr. LOTT. Thank you, Mr. President, for that recognition.

Mr. President, I want to begin by commending our Republican leader, Senator DOLE, for his proposal late yesterday afternoon on how this matter can be considered.

We can go to a vote on waiving the point of order on the budget. But in an effort to get a fair and understandable and agreed to way to consider this matter, our Republican leader came up with a suggestion that we set the conference aside, bring up a Senate concurrent resolution, and that amendments be in order to that.

The leader proposed 10 specified amendments. He went over them, he explained them. The ranking Republican on the committee, Senator

HATCH, went into some more detail on those amendments. Four of those amendments would cut out specific amounts of pork, specific programs, 4 of them, totaling about $5 billion; 6 of the 10 would put back some of the strong crime provisions that had been included in the bill when it passed the Senate last year that 95 of us voted for.

Just one example in the Senate bill: It was agreed to overwhelmingly that there should be stiff mandatory sentences for people that hire juveniles to sell drugs. What a heinous crime. I mean, you have drug pushers going out and using children to sell drugs to affect and destroy the minds of our children. Everybody is for that. But somehow, somewhere, mysteriously, in the conference it disappeared. Who is opposed to strong penalties against drug pushers hiring kids to sell drugs to kids? Nobody is going to stand up on the floor of the Senate and say "Oh. I do not want to have strong penalties on drug pushers using kids." Nobody will do that.

That amendment would pass probably unanimously 100 to nothing. But it is gone. So we have 10 specified amendments, 4 knocking out pork, and it is going to be hard to say that these items are not pork. Clearly they do not help us fight crime in the real world. Six of them would put back strong criminal punishment provisions.

The agreement that was offered would allow 1 hour—not a filibuster, but 1 hour—to debate each of these 10 amendments, and it could be less, equally divided. Both sides would have to say have a vote. Some of these, I presume, would take not that much time and perhaps would be taken without a vote and by agreement. At the end, there would be a cloture vote, but it would not be dragged out, filibustered. Just cast your vote. And if any of those amendments were passed—any one of the 10—then that Senate concurrent resolution would go over to the House.

That is one of the reasons I wanted to speak today, because there is concern about and misrepresentation, I think, about what the rules allow in the House. I wanted to talk a little about that because I spent 16 years in the House, 8 years as the Republican whip and 14 years on the Rules Committee. I spent 14 years on the Rules Committee. So I paid a lot of attention over the years to the rules. Nobody is really an expert on what might happen. It always depends on what the leadership wants to do and, certainly, what the majority party wants to do. But I would like to clear up and clarify what I believe would happen when it went back to the House.

Many times, when I served as the Republican whip, we would get to this point where the House said, "We have taken our action; good-bye, Senate, good luck," and they left town. I always said, "That is great; let us take it to the Senate. Let us vote and leave." They are smart. They voted and left, and here we are.

But what would happen in those conditions if, in fact, the Senate made some alterations in the bill—generally, it was not something that would completely gut a bill—it would come back to the House, the House leaders would run their traps, usually through the whip, to make sure there was not an objection to various provisions, and it was accepted and we all went home.

In this case, the House would be in pro forma session, I believe, tomorrow. But on Monday or Tuesday, they could come back into a regular session, run their traps, and accept this language very quickly, very routinely. It is done all the time.

You might say, well, there will be an objection from one side or the other. I am willing to work with our colleagues on the other side to try to get some understanding, some clarification of what they might do. But if somebody objects, there is a very simple procedure. It is called the Rules Committee. And anybody who thinks that the leadership over there—the Speaker—cannot control what happens on the floor of the House with an iron grip has not paid any attention lately. They just quickly go up to the Rules Committee, and maybe they would not do it Monday or Tuesday, but on September 8 which, by the way, is 2 weeks from today, and really you are talking about 10 days from when they could run their traps and get it cleared. At the most, in 10 days, the Rules Committee would meet and they would come down to the floor of the House with a closed rule.

So all of your fears can be calmed now. There will not be any amendment allowed by Southern Democrats or Republicans on the gun matter. The rule will not allow that. It will be an absolutely closed rule. And for those that might be concerned on the other side that there would be a racial statistic amendment by the Black Caucus, do not worry, the Rules Committee will not allow that. The Rules Committee would report a rule to the floor that would provide for one vote on this Senate concurrent resolution.

Somebody said, "Wait a minute; Republicans still have the option for a motion to recommit with instructions." Under this procedure, the conference rule would not be subject to that. The normal motion to recommit would not be available to the minority or to even a minority of the Democratic Party. No. One vote. So when people say this is going to be a Forrest Gump ping-pong match, it will not be. It certainly does not have to be. It could be, if everybody wants to keep kicking it back and forth. So we could send it back over there, and the House could say: We are not taking that. We are adding amendments. And they could kick it back. What is the tragedy? We are going to be back here September 8 or 12 anyway.

This is an important issue. There are some provisions in this crime package that I am for and I would like to see passed. But I do not think you will see the ping-pong match of the 10 amendments that we have offered, 2 or 3 of them, or all of them. If all of them are accepted, I think you will find the House will have a procedure to have a vote on that and be done with it. I wanted to talk a little bit about that, and I want to repeat my offer to work with the handlers of the bill, or anybody, to talk to our colleagues on the other side, to get a clear understanding of what, in fact, they would do.

Let me come back now to the Senate and some of the complaints we are hearing. "Methinks you doth protest too much." Just give us a vote. Give us a vote. You know, it has been debated back and forth; yes, that is one of my concerns. Major provisions that we voted on in this the Senate last year, major provisions that deal truly with crime and criminals in this country, have been taken out. And any of you that have ever been to a conference between the House and Senate on bills like this—this bill or other bills—know it is quite an experience. If you think it is an open and fair procedure, you have not been there lately.

You talk about how this issue has been debated for 6 years, and do not worry, the conference is open and fair. In the conference 2 years ago, the conferees were called on a Sunday afternoon to come back to the conference, called from a football game to meet on Sunday afternoon, and they rammed it through. What happens every 2 years—and seems like every election year—is the Senate passes a good crime bill; it gets overwhelming votes; it goes to the House, and they pass a bad, weak crime bill, like in this case, a crime bill that is soft on criminals and tough on taxpayers. They will not give it up. They think the way to fix crime is to have more social welfare spending. I do not think there has been any proof that that is the solution to crime.

Anyway, the House has a very weak crime bill. Or as they did this past year, or in the past 6 months, they split it into pieces. They did not want to have one solid bill. They passed several pieces, and then they merged it and took it to conference. And then in conference, it really goes to the dogs. Strong crime-fighting provisions are taken out, pork is added, and when it comes back, it is a whole different animal.

So that is why we are saying it has been substantially altered. The allegation is made that "You just do not want a crime bill." Baloney. I will tell you, that is not true. Yes, this is about gun control—approximately 180 of them—but it is also about unnecessary

spending, $13 billion of which will be added to the deficit. It is pork, any way you want to describe it. And it is about toughening up the penalty on criminals in this country. That is what it is all about.

Last year, when the Senate passed this bill, it was not 100 percent perfect. There were provisions in there I did not like, provisions I had voted not to have in there, provisions I had voted to knock out. I did not think that the funding was really very legitimate then, but it was spongy, it was marginal—maybe the funding could have been found for that. Now the years have been changed but, in fact, by changing the years, it makes it even worse and the spending has been increased.

But when the bill passed the Senate, I voted for it. If we improve this bill and add these 10 amendments, I think you will find that this legislation will pass overwhelmingly. It will not be unanimous, or 95–4, but it will be a pretty substantial vote, I am sure of that.

As to the majority leader's proposal, his counter yesterday—and I understand maybe there is another counter on the table—he said just give us a vote on the crime conference report; we will send it on down to the President, and we will have a bill-signing ceremony and you guys, if you do want to offer your amendments, we will play games with you and, of course, it will not amount to anything. Nobody will be looking, nobody will care, and the bill will go nowhere.

Great. We just want to have debates and offer amendments on the floor for our health. No, we want legitimate amendments to be offered and to be available for the Members to consider in this conference report.

So when it is suggested that we move the conference report and then we will have these amendments offered on a separate bill, that is not a legitimate offer. Nobody is going to buy that—not even the press. They bought a lot of this stuff that has been put out about 100,000 cops on the street. Anybody who knows this bill knows that is not true. That is not about to happen. Most cities are going to look at it and say, gee whiz, I am not even going to participate in that.

So let me just emphasize again, this is about pork. It is about the Government trying to provide funds for social programs through the Department of Housing and Urban Development, through the Department of Health and Human Services, grants that are determined by the Attorney General or the Secretary of Housing and Urban Development or HHS based on a formula that is extremely questionable.

So, yes, this is about spending, that we do not need to spend that money, and it is not going to help us fight crime. Some of the preventive spending is fine. I realize that we have to fight the immediate problem of crime with tough criminal penalties and with more prison facilities. But we have to look to the long-term future, what can we do to help move young people away from a life of crime.

I am prepared to think about that and work on that as long as we make sure that the programs we have are directed specifically in fighting crime. Many of these programs that are included are not in that category.

But the thing that offends me the most is the strong crime provisions in many instances have been eliminated or reduced in their effectiveness. I cannot understand my colleagues who say, boy, we need gun control, we need to take 178 or 180 guns away from the American people, the law-abiding citizens, but we do not want to toughen up the penalties on criminals who commit their crimes using a handgun. That is unacceptable.

There is a breakdown in communication somehow. Do you mean it is OK for a criminal to commit a crime using a gun, that we do not want tougher penalties on him so the criminal gets to use guns but the law-abiding citizen has his taken away? I do not understand the juxtaposition there. I would imagine every Senator would vote to toughen up the penalties on criminals who commit crimes using a gun. That was taken out mysteriously. It just disappeared.

So we are asking for an opportunity to vote, too. When the majority leader says let us just vote, that is our response—let us just vote. Let us vote on these amendments. Let us see what happens. Perhaps the Democrats will vote in lockstep, with one notable, courageous exception, hopefully more, but at least one will stand up and say, "I am not buying this garbage; I am not buying this pork; I am not buying this soft on criminal stuff"—at least one. But maybe the rest of them will vote in lockstep against every one of these amendments.

If you defeat them all, we will concede the vote. We will go ahead and go to final passage. There will be no further effort to block it. But we are going to go down with our colors flying on this one. If you think that we have the hottest horseshoe in this case, I think you are mistaken.

The American people have figured this out. This is just another giveaway program, another lard-invested Federal program for programs that are not really going to help prevent crime or fight crime, and the tough criminal provisions, many of them taken out. In fact, the things that the American people really want to change in fighting crime are not even in this bill—no habeas corpus reform; no limits on the endless appeals of convicted felons, convicted violent felons, who have been sentenced to death. No, that is not in there, not even in there. And good faith arrests and seizing of evidence by police, that is not in there. Local law enforcement people who do a great job, they work hard, they arrest and charge a criminal, they get evidence, and the evidence and the criminal are both released on technicalities. "Oh, you didn't say exactly the right magic words under the exclusionary rule." No, that is not in there. The things we really ought to be doing in fighting crimes are not here, but the big spending programs are here.

So, I just ask again, Mr. President, we get a process we can agree to. I do believe our leaders are negotiating in good faith, and there are offers and counteroffers. I assume we are going to come to some sort of agreement here where we will be able to get votes on amendments and then move to final passage. We could do it today. We certainly could do it up or down by noon tomorrow.

We are not interested in endlessly filibustering this issue. We are not trying to take this deal, this thing, whole hog or not, at all. We are not going to do that.

Also, when the allegations are made, oh, it is the minority that is blocking this; it takes a supermajority to allow us to vote, we all know what the rules are here. It is different when you are on the other side of the issue. When it came to product liability, you know a filibuster was fine. When the majority leader, Senator MITCHELL, back in the late eighties was blocking capital gains by using this same 41-vote procedure, or the requirement that it took 60 to stop the debate, it was OK then.

This is not a subversion of the rules. This is the way the rules operate. This is the way the U.S. Senate operates. If you have 60 votes to waive the point of order, let us get it on. If you do not have it—and I do not believe you do—then let us come to an agreement on some amendments we can offer. Let us have our vote. Let us have our final passage.

The House will accept our judgment, and there will not be a way that it can be pulled apart in the House. And I will be glad to work with one and all to make sure that we can make that arrangement.

Then we can all say we passed a better crime bill, one that had a lot of the pork taken out, although probably not all of it, and one that, yes, does have strong penalties on the criminals. Then we can all go home and say we were bipartisan, our leaders worked together, we did the right thing for America.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Mississippi [Mr. LOTT] yields the floor.

The Chair recognizes the Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, yesterday I spoke on the floor and received a couple phone calls from some of my

friends in Nevada. I had been talking there about night hoops, night basketball, and in the process of making the speech referred to George Allen, the famous football coach for the Washington Redskins and other professional football teams. However, I misspoke and referred to him as a basketball coach.

The record should be clear that I know that George Allen was a football coach, one of the greatest, that George Allen was famous also for saying that the best defense is a good offense.

My apologies to my friends in Nevada for their thinking I had a lack of knowledge of the athletic world.

Now, Mr. President, I have heard my friend from Mississippi, who I served with in the other body, a person I have the greatest respect for, talk about the crime bill, and there are certain things that I agree that he stated.

But, of course, what I do not agree with is the fact that we all know that the Senators on the other side of the aisle are attempting to kill the crime bill, and I say to my friend from Mississippi and the other Members of the other party that this bill is not a perfect bill, but it is a real good bill, the best we ever had in recent times in dealing with crime.

For many reasons, I agree with those who support the crime bill. For example, there are law enforcement agencies and officers all over the State of Nevada that support the crime bill as there are national police groups like the Fraternal Order of Police, the National Association of Police Organizations, the International Brotherhood of Police Officers, the National Sheriffs Association, the International Association of Chiefs of Police, the National Association of Black Law Enforcement Executives, and four more pages.

I agree with them. This is good legislation.

ANTI-ABORTION ADVOCATES

Mr. REID. Mr. President, the reason I stand on the floor today is as a result of concern I have, which was highlighted by a network news interview this morning between two antiabortion advocates. One of the advocates called for the use of lethal force against those who disagreed with his view on abortion.

As a result of that, Mr. President, I rise to speak on the issue of violence in the abortion debate. And I think it is timely during the debate on the crime bill, because there have been a number of unnecessary deaths—murders—because people disagree with the political views of others.

I rise to speak on the use of certain tactics by those involved in the abortion debate. Specifically, I repeat, Mr. President, I am talking about tactics which promote or call for the use of lethal force against those who oppose their views.

What concerns me today is the tactics used by extremist groups associated with the recent massacre that took place in Florida. So today I am going to introduce a sense-of-the-Senate resolution condemning these tactics.

Why is a resolution of the U.S. Senate necessary, Mr. President? It is necessary because, in spite of the murders, there are still letters being circulated, faxes being sent, speeches being given on this very unreligious advocacy.

I have here in my possession a letter written to, "Dear Fellow Pro-lifer." I am only going to read parts of it.

"Greetings in our Lord Jesus Christ!"

What a terrible way to start a letter that deals with death and murder.

> The purpose of this letter is simple and straightforward. It is to inform you of the ministry of the pro-life organization "Defensive Action" and to, hopefully, get you involved * * *.
>
> Five days after the killing of the abortionist in Pensacola, David Gunn, I appeared on the Phil Donahue show to declare that Gunn's killing was biblically justifiable.

He goes on to say:

> I spend a considerable amount of time in conference with pro-life leaders, pastors, scholars and others in seeking to promote this vital biblical truth.

Almost makes you sick to your stomach, Mr. President, to hear these words.

> I have also been on numerous radio talk shows and had several local newspaper articles written on me and the principles I am proclaiming. Defensive Action has also faxed hundreds of press releases proclaiming the justice of Shelly Shannon's defense of the unborn in Wichita, Kansas.

He goes on to say, and of course this had to be someplace in a communication like this:

> If you can send a gift to help offset some of the expenses we have and will incur in proclaiming this truth, we would greatly appreciate it.

There has to be a call for money.

> If you are interested in making a monthly contribution so we can continue to promote these truths, we would also greatly appreciate that. Either way, please pray for this ministry and those incarcerated for using force * * *. Any contributions should be made out to Defensive Action. Thank you.

Now there are other publications. I have only read one. Here is another one, part of a petition, and they are floating around the country.

> We, the undersigned, declare the justice of taking all godly action necessary. . . including the use of force. We proclaim that whatever force is legitimate to defend the life of a born child is legitimate * * *. We assert that—

And it goes on to state the killing was justified and then, sadly, Mr. President, people have signed this indicating that they are a part of religious organizations.

These tactics, as I have indicated, Mr. President, include the solicitation of signatures on petitions that expressly support and justify the use of murderous violence against those who oppose their views.

The individuals and groups behind these letters and petitions are violent extremists and their actions ought to be condemned by this body. That is what the resolution I am going to introduce later today will do.

What I find most odious and most shameful about these tactics is that they are often employed by groups claiming to be organized religions carrying out God's will.

Poignantly, the most eloquent statement renouncing this came recently from Cardinal O'Connor of New York when he said: "If someone has an urge to kill an abortionist"—now this is a Catholic Cardinal speaking—"If someone has an urge to kill an abortionist, let him kill me instead. That is as clearly as I can renounce such madness."

End of quote by Cardinal O'Connor. Cardinal O'Connor's statement, Mr. President, is what I think religion is all about and what it should be, not death to those with whom we disagree.

All of us are familiar with the heated nature of the abortion debate. There is no doubt that this debate elicits some of the strongest emotions that we feel as human beings. However, Mr. President, it is imperative that the discussion be maintained on the playing field of reasonable debate and peaceable dialog. And there is no doubt that these inflammatory tactics drive this debate far beyond this forum.

I do not believe that the U.S. Senate can remain silent and allow extremist forces to fan the flames of hatred and violence. I believe that the great 18th century Irish writer, Oliver Goldsmith, said it best in his only novel, "The Vicar of Wakefield": "Silence gives consent." It is incumbent upon the U.S. Senate to make it unmistakably clear that such tactics are shameful and are to be condemned by all reasonable men and women. Without quick condemnation of these outrageous tactics, I believe that violence will continue.

Mr. President, passionate and vigorous debates on abortion is healthy. These debates represent a participatory and functioning democracy at work. I personally do not always relish these debates. However, I think it is important that I not shy away from the debate here this day. I believe that my pro-life opinion is well known. And while others may disagree with the views that I hold, I hope they respect the fact that these are convictions that I have. However, I also believe just as deeply that this gives me the authority to stand and condemn the tactics now being employed by extremist elements of the pro-life movement.

This debate regarding abortion will continue, as it should. However, it should be conducted and controlled by parties that have respect for the common dignity of all men and women, all

mankind. We must continue listening and dialoging and debating. And we must be vigilant in condemning tactics—as I am today, and I ask my colleagues to join with me—tactics that steer us away from what I believe our country and our democracy is all about.

I urge my colleagues to support this resolution.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mrs. MURRAY. I thank the Chair.

Mr. President, in just 2 weeks, my two kids—like millions of kids across this country—will enter their freshman and senior years of high school.

I remember well, Mr. President, when I entered my senior year of high school. My concerns in those days were my family, my future, and my friends.

My kids have those same concerns. But they also have others.

When I went to school, I remember, at the beginning of the school year, seeing on car bumpers and on billboards the school safety campaign slogan: "School's Open, Drive Carefully."

Well, at the beginning of the 1994–95 school year, that slogan seems almost quaint.

This year's slogan is much more complicated and much more threatening. It should be something like: "School's open, walk carefully, look at your classmates carefully, pick your sneakers carefully, wear certain colors carefully, consider working in a postal facility or a San Francisco law firm carefully, ride on the Long Island Railroad carefully, play on certain California school yards—like Stockton's—carefully, consider eating in fast food restaurants carefully, and, most importantly, today, watch the Senate of the United States very carefully. Through a procedural sleight of hand, a minority of this body wants to eliminate the assault weapons ban in this bill.

In 1967, when I entered my senior year of high school, one of the most popular songs of the day was Simon and Garfunkel's: "Sound of Silence."

For America's children in 1994, the "Sound of Silence" has been replaced by the sounds of sirens. The sounds of ambulances filled with critically wounded kids, victims of drive-by shootings, racing to emergency wards, where our doctors and nurses train for combat duty.

If you are a kid in America today, fear of guns is part of your life. It is no protection to be a Senator's son or a policewoman's daughter.

You fear guns. You have seen guns. You have known violence. Kids your age—and younger—have been killed in school, outside of school, near school, at school dances, at schoolmates' parties. You name it; it has happened.

In my hometown of Seattle, there is a group of mothers who have formed a group called MAVIA, Mothers Against Violence In America. Yes, even in America's most livable and most beautiful city, violence has reached an intolerable level.

I have been a Seattle mother for 18 years. As you can imagine, we are not the sit-back-and-take-it type. Over those 18 years, I have fought for preschool programs.

I have baked cakes and conducted book sales so that kids in my community would have greater in-school and after-school resources.

I have worked as a school board member and president and as a State legislator to provide greater opportunities for all of Washington's children.

And in 1994, look at the progress we, as a society, have made: Our moms today are not organizing mothers clubs to provide scholarship money, expanded libraries, or new computer equipment for our kids as they should be.

Mothers in Seattle have organized for something much more basic: their children's personal safety from guns and violence.

And, we in this body, the world's greatest deliberative body, can help them: we can get the assault weapon ban enacted and this crime bill passed.

I know there are things in the crime bill conference report with which all Senators can find fault. There are features of this bill that I do not favor.

I have spoken on this floor many times of my dealing with gang youth throughout my State. These are kids who have no sense of belonging other than to the very gangs which terrorize our communities.

For those kids, an ounce of prevention is worth a pound of prison.

What kids today do not understand is why we, the adults in the U.S. Senate, do not act. In Tacoma, young girls told me they joined gangs because they feel adults do not care about them.

If we do not act on this bill, there will be an outcry in this country the likes of which we have not heard since the time of the Vietnam war.

When I was first in the State legislature, I was in the minority and I realized that I had to reach across the aisle to get any of my bills passed. And so I did.

I applaud the other body for working together in a bipartisan fashion to put together this crime bill conference report. I particularly applaud those Members like Congressman MIKE CASTLE of Delaware, who put partisan concerns aside and worked to fashion a bill that the House could pass, that we could pass, and that the President could sign.

Further, I express my admiration for the mayors of the Nation's two largest cities, Mayor Giuliani and Mayor Riordan, for their commitment to make the streets of our country, in New York, in Los Angeles, and in Seattle and Spokane safe for our kids once again.

And I ask the question, which my kids ask me: Is there no MIKE CASTLE or Rudy Giuliani in the U.S. Senate?

Is there not one or two or three of the minority Members of this Chamber who will put people above partisanship and our children above their personal and political ambitions and help us finally vote out the assault weapon ban?

We have been told over and over and over again by some minority Members that this is not about guns. Senator HATCH has said almost verbatim: "We're not touching the gun ban."

But the truth emerged in yesterday's debate. When the majority leader was questioning the minority as to why we needed a cloture vote—60 votes—to pass this bill, the senior Senator from Alaska [Mr. STEVENS], in his usual blunt and forthright and truthful manner, said, this is about guns.

His reply to the majority leader question was: "That is guns. That is guns. We want a chance to see who is violating the second amendment, but we are willing to do it whenever you are ready."

I say to my colleagues who say this is not about guns: Your argument is dead.

I know there are brave and good people on the other side of the aisle in this Chamber. I know—and all of America knows—that there were 10 brave Republican Members of this body who voted for the assault weapons ban. You know who you are. We know who you are.

Please join us today to get something done to make our kids feel safe. To let our kids be kids again.

Today too many kids look at us and say we adults do not care about them.

As a Seattle mother, who knows from experience, nothing would be better than telling them they are wrong. I want them to know we do care. Let us show them we care about them first and foremost.

Many Members of this body are counting the days until we leave town. I, like many other parents in this Nation, am counting the days until my children start school again. They are fewer and fewer.

I implore my colleagues to pass this bill with the assault weapons ban intact today, so that when that first day of school gets here, I can send my kids off knowing we have taken a step in making their world a safer place.

I yield the floor.

Several Senators addressed the Chair.

Mr. STEVENS. Does the Senator yield?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Does the Senator from Washington yield for a question?

Mrs. MURRAY. Yes, I will.

Mr. STEVENS. Mr. President, I first want to thank the Senator from Washington for her kind comment concerning my statement yesterday.

But what is so strange about the cloture process? We had 43 votes against the Feinstein amendment. From my point of view, I, and those of us who represent the people who believe this is the first step toward taking away all guns, indicated we would want to have some comments about that provision of this bill prior to final passage.

We do not want to filibuster. We have already indicated we will enter into a time agreement to limit the amount of comments we make and have a cloture vote. That is we are ready to have a cloture vote. We are not asking for anyone's consent.

What is the difference between that and the time I stood here on the floor and listened to Senator METZENBAUM for 2 days? We had to have the Vice President in the seat of the President of the Senate to table hundreds of amendments, one by one by one. We are not filibustering like that. As I said yesterday, all we want is a record vote to show who supports the second amendment. That is the only way we can get that vote, on a cloture motion.

Why is it that somehow or other, when one of us does this on this side, it is some cause celebre for the other side? Why does the Senator not even mention the fact that we have indicated we will cut short the procedure to prove we are not filibustering? We have said we will agree to 1 hour on each side before the vote on the cloture motion. We know the cloture motion will be laid down the minute we start talking. That has been done before. We are not filibustering.

If there is some way to—you want to approach it another way—we wanted to offer an amendment to delete the Feinstein amendment. The Senator from Maine, the distinguished majority leader, said, no, no, no. He came out and waved that around, everyone waved that around for 3 hours.

Mr. LAUTENBERG. Mr. President, point of order, is a question being asked?

Mr. STEVENS. This is a question. This is a question. I oppose the Senator's entering into this.

Mr. LAUTENBERG. Point of order. Is a question being asked, Mr. President?

Mr. STEVENS. I have the floor.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I am asking the Senator from Washington, why is this a cause celebre when we are merely exercising the right of every Senator of the United States?

Mrs. MURRAY. Mr. President, I very much appreciate the question from the Senator from Alaska because, again, I think it proves the point. I have no objection to the request for a cloture vote.

What I have objected to is that I have heard over and over again that this, the 60 votes, has nothing to do with the guns, has nothing to do with the assault weapon ban. I think the Senator from Alaska has pointed out quite directly that there are Members who do object and they are going to require a cloture motion vote because of the assault weapon ban that is in the bill.

I thank the Presiding Officer and I yield the floor.

The PRESIDING OFFICER. The senior Senator from Alaska has the floor.

Mr. STEVENS. Just for a question. I thank the Chair.

Several Senators addressed the Chair.

Mr. D'AMATO. Mr. President, I have been here for quite a while now.

The PRESIDING OFFICER. The Senator from New York is recognized by the Chair. Mr. D'AMATO.

Mr. D'AMATO. Mr. President, I thank the Chair. I do not intend to take too much time but I do intend to point out something. I am tired of hearing what my objection is to passing the bill as it is, based upon other people's assumptions that it relates to assault weapons and other weapons. That is not the fact. That is absolutely not the case. I read editorials—I do not know where these editorial writers in the Daily News get their information, that I am opposed to this bill carte blanche.

I am opposed to certain provisions, and I think we can improve this bill. I think, for example, some of the sentencing provisions, some of the provisions as relates to seeing to it that when people use guns, they go to jail and they are not just let back out on the street.

The sexual predator provisions that were tightened up by the House as a result of Congresswoman MOLINARI, they assailed it, they chopped her up, they went after her because she said "no", and she was right to say "no", and she got some improvements in the House bill. And we still can do better.

This bill started out as a crime bill. We had tough provisions. We had provisions that said if somebody used a gun in the commission of a crime, automatic, 10 years; shoot the gun, 20 years; kill someone, death penalty—dropped out in conference—out.

Let me tell you what we have in here. We have a pig in a poke—pig in a poke. My mama said, "Don't buy a pig in a poke."

I will tell you, some of the leadership on the other side want to get partisan. I think they are partisan. I think the President, all he wants to do is yell about guns and a hundred thousand mythical police—mythical. There will never be 100,000 new police added as a result of this bill, and I have not seen one newspaper yet take it up and say, let us look at the facts, let us look at numbers. It does not work out that way. Impossible.

If every community put up their 25 percent match, if every community did—and they will not and they cannot, and most mayors tell you they will not do it—you cannot get over 30,000. You are not going to get 20,000, and I am not suggesting to you that 20,000 is not better than none. But do not deceive the people to get up with impunity and say, "There's going to be 100,000 more police." People want more police. They want to feel safe. It is just an extraordinary deviation from the truth. Some people are strangers to the truth. It is built into their character, in their nature. We see it, when you can get on TV and say 100,000 more police. There is not a scintilla of truth. Where are the great editorial writers? Do they talk about that? No. No.

This bill is loaded with pork and fat, and so let me say something right here. We have done some good things and we have gone into the social area, but we have been tough on crime. Violence against women, $1.8 billion. It has some social ramifications but important. It is a crime. When you batter women, we are going to go after you. Should be.

But let me give you one example. I think it is the second biggest piece of lard in here—the Local Partnership Act. Nobody knows what it is. Is it based on statistics? No. $1.6 billion. My mama told me, "Alfonse, don't buy a pig in a poke." That is what we are doing. Here it is. Old piggy and he is at the trough—at the trough—billions of dollars worth of pork, billions, billions. And we used here this little piggy went to market, had a little thing about that.

Man, this piggy is down there. He is eating, and that is your money, taxpayer money, and they have a right to know if it is really being spent to fight crime because they are willing to build prisons, they are willing to help local law enforcement, they are willing to go after the gangs, and they are willing to crack down on domestic violence.

Boy, he is getting big, and let me tell you something, billions of dollars. We should not be talking about it; we should be limited to one amendment—one amendment. Because we try to trim, somehow it is wrong.

Who can tell me about the Local Partnership Act and what it does? I can tell you a little bit about it—$1.6 billion that was stuck in in the House. It started as an economic stimulus package from the Congressman from Detroit, Congressman CONYERS. They trimmed it down.

Let me tell you, in awarding money—by the way, it is $1.6 billion. That is a lot of money. Let us use it to fight crime. Let us use it to build prisons. Let us use it to hire some of the police that we have not provided enough money for. Not to oink, oink and pig it up back in the local municipalities.

Let me tell you something, this bill has no relationship whatsoever to crime. The formulas are based on population and not crime rates. It is based upon other statistics—local contributions, local taxes, so that, for example,

the city of Dallas, which has a higher crime rate than that of Detroit, gets $1 for $13 that go to Detroit. Let me ask you, is that a crime-fighting package, LPA? Do we really want to say we should not even have amendments, should not be allowed to offer them here, somehow that is un-American?

Do the editorial writers of the daily news really think that we should not even examine $1.6 billion—this is only one little aspect of the oink, oink. Maybe they think and maybe their mother never read them the rhyme, "Little Piggy Goes to Market," you know, comes back with whatever. I say and the American people say, we ought to pack up this little piggy and send him right back home without that money, cut that $1.6 billion—cut it. It should not be there.

That reminds me of another famous riddle, a little rhyme, and I will conclude with it. I think it makes the point. It goes like this:

President Clinton had a bill, e-i-e-i-o,
And in that bill was lots of pork, e-i-e-i-o.
New pork here, old pork there, here a pork,
there a pork, everywhere a pork pork,
The President's bill cost much too much,
And it must be chopped.
With a chop chop here and a chop chop there,
Chop that pork off everywhere,
Then we'll have a bill that's fair, e-i-e-i-o.

[Applause.]

Mr. President, I thank you and I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, we have been witness to lots of interesting things on the floor of the U.S. Senate, the last one, the display of the barnyard. It is a barnyard all right, but it is not the big pig we are looking at. It is other stuff and if it looks like it, feels like it and it smells like it, we know what it is.

Mr. President, the Senate has a big decision before it today. We will permit politics and gridlock and pictures of Porky the Pig to delay enactment of the crime bill, or we are going to pass this legislation without wasting any more of our time, the public's time, or the public's money.

There is nothing more important to any one of us than the personal safety of our families, of our kids, of our wives, our husbands, our parents, our brothers, and our sisters. One does not have to have a crystal ball in front of them to sense the primary concern of the people in this country. I have walked the beat with policemen in New Jersey. I talked to people about their fear of crime in their stores and in their living rooms.

Safety is the most basic responsibility of a Government to its citizens. The minority of Senators—the minority of Senators—in this body who are blocking this legislation ought to listen to the American people. They ought to meet with the people who are shot at, some families who lost members on the Long Island Railroad by a maniac with a gun, assault-type weapon, rapid-fire weapon.

The Senator in the chair, the distinguished colleague from Arizona, and I all served in the military. I carried a carbine. I was supposed to kill the enemy, but I could not get as many shots off with my carbine as some of these guys can with one of these rapid-fire assault weapons.

So they ought to listen to the families who lost kids in school where they should have been learning instead of dying. That is what they ought to do. Let them tell the pork stories to those kids, those nursery rhymes.

Let us put the police on the street where they belong. They ought to hear the families who are afraid to let their children play outdoors or walk to school. They have to hear the families who are worried about their personal security, the elderly who triple lock their doors at night, look around, make sure there is nobody there, all kind of devices to alert somebody. Look what has happened with the burglar alarm business, security business in our country. We are turning into a fortress because we will not stop the criminals dead in their tracks.

They ought to talk to people who worry about their security when they go to work, go out to shop or just go for a drive. They ought to listen to America's brave police officers who struggle to protect the public from criminals who are often better armed than they, the police, are.

Mr. President, contrary to others who do the arithmetic differently, the bill says, and the bill will, put 100,000 new police in America's neighborhoods and on their streets.

Yes, it is going to require some matching funds from the communities. That is the way it ought to be. The average cost of putting a patrol person out there is about $24,000, and if you divide it into the rough $8 billion, you get 100,000—you get more.

In my State of New Jersey, it means 2,800 more officers walking the beat, making the streets safer, and making it more dangerous for the criminals. It will put felons behind bars where they belong with a "three strikes and you're stuck inside" provision, funding for new prisons, and incentives for States to stop letting prisoners out early.

In my State of New Jersey and across the country, criminals serve on the average just half of their original sentence. As a matter of fact, it is in the low 40 percent. When a criminal gets a light sentence, it is often not the judge's fault. There is simply no room in our State prisons or our county prisons or our city jails for more inmates. This bill provides the funding we need to make sure that criminals can be locked away until they no longer pose a threat to the safety of our society.

Mr. President, this bill, thank goodness, will ban 19 types of assault weapons—guns that were manufactured originally for the battlefields, not the neighborhood or not the street corners. It will limit gun possession by juveniles, making playgrounds and schools safer for America's children and freeing parents from the daily anxiety of whether their children will be able to come home from school alive and safe.

It will enable law enforcement officials to alert the community when a sexual predator is in town so that parents can better protect their children from the type of tragedy that befell two families in New Jersey not too long ago—a 7-year-old child raped and murdered by a sexual predator with a reputation and a record for sexual offenses. Had the neighborhood known about this guy, just perhaps, just perhaps, Megan Kanka would be alive today. But we ought to make sure that the Megan Kankas of the future have an extra chance of surviving rather than permitting these sexual deviants to wander the neighborhoods.

It will allow evidence of a defendant's prior sex offenses to be admitted in Federal trials so that repeat offenders will be punished with the stiff sentences they deserve.

It includes a special section to protect women from sexual and domestic violence, including funding for emergency shelters so that women who are threatened by an abusive husband can escape with their children to a safe haven.

Mr. President, last week I visited a coalition center for women who have been battered and sexually abused. Rape is among the least reported crimes. There is a reason for it—because if they report it, they are liable to pay for it with their lives because they cannot escape their environment. There are children often involved and there is no other place to go. We have to be able to help, Mr. President, by having that $1.6 billion available for the Violence Against Women Act.

The bill contains prevention programs that will give children and young adults a safe alternative to the dangerous world of drugs and guns and crime.

With all of these provisions to fight crime and to make life safer for American families, why, Mr. President, are some in this Chamber trying to kill this bill? A television comedian remarked last week that he could not understand how an anticrime bill could face defeat in the House of Representatives. This was before they passed it out. He asked the question, half in jest, but what a message: Did the criminals have such great lobbyists, he asked? Unfortunately, the answer is yes. Mr. President, the answer is yes.

I do not suggest for a moment that anybody in this body wants to defend

criminals, but by the action that they are taking, by their unwillingness to put this bill into place and get more cops out there, get the prisons built, get those assault weapons off the street, they are aiding and abetting, again I say without intention, but that is the net result.

Criminals do not have to come to town. They do not have to come to Washington because, deliberately or otherwise, they have one of the best funded, most powerful organizations in town fighting their cause for them, an organization that is willing to scuttle a comprehensive crime fighting package in order to pursue their own extremist, narrow, special-interest agenda, an organization that bought television time and ran distorted ads attacking the prevention provisions of the crime bill without even mentioning the real reason they oppose this comprehensive crime fighting package, an organization whose chief lobbyist was quoted a couple days ago saying they "want to screw the bill up, and anything that screws the bill up," so they said, "is fine with them."

Mr. President, how much longer will we allow the tainted money of the National Rifle Association to drown out the cries of the American gun victims and their families?

When will Congress recognize the NRA lobbyists for what they are?

[Disturbance in the visitors' galleries.]

The PRESIDING OFFICER. Will the Senator suspend, please. Galleries are precluded from responding to Senators' statements. Will the Sergeant at Arms please restore order in the gallery.

Mr. LAUTENBERG. Mr. President, the admonition is right, even if they agree with me. We thank them.

Mr. President, how much longer will we allow the National Rifle Association the privilege of determining what legislative action happens in this body?

When will the Congress recognize the NRA lobbyists for what they are—a core of committed ideologues who shut their eyes and ears to the fact that 15,000 Americans were killed by firearms in 1992? The NRA repeatedly says, "Guns don't kill people; people kill people." Of course, it needs a person to pull the trigger. But you cannot pull the trigger if you do not have a gun in your hand. So that is true, but it is also inaccurate and insulting.

Sweden has people; great Britain has people; Japan has people. But in 1990, Mr. President, handguns killed just 13 people in Sweden, 22 people in Great Britain, and 87 people in Japan. I remind everybody the United States, in the United States we lost 10,500 people in 1990. And I will repeat it for the RECORD, just to make it clear. We lost 10,500 of our citizens to guns in 1990; in Japan, 87 people—they are about two-thirds our size—22 people in Great Britain, and 13 people in Sweden. Why? They have people who are angry, people who are maladjusted. What they do not have is the gun to pull the trigger.

The problem is not that we have too many people in America. We just have too darn many guns. You have not ever heard of a drive-by-stabbing or seen any headlines about aggrieved employees going back to their office where they were detected committing multiple murders with baseball bats. Or have you not heard stories about a child who gets a gun from the father's drawer and commits suicide in a desperate moment? That child is not a criminal, but that child took her life. We have seen it too many times in the State of New Jersey and across this country. The bottom line is, Mr. President, fewer guns mean fewer deaths.

The NRA opposed the Brady bill. They even opposed a tax on the black talon, ammunition so diabolical that its manufacturer voluntarily took it off the market. But the NRA objected to that tax.

Mr. President, anybody—anybody—can wait 5 days to get a gun permit. A sportsman can wait. A sportsman does not need a black talon to hit a target or kill a deer. And there is no sport that requires the use of an assault weapon. Let us be honest.

Let us be honest. There may be a lot of sportsmen who belong to the NRA. But leadership of the NRA is sporting within innocent American lives. No one is trying to take away their guns or eliminate the second amendment. But we are trying to save lives and have more order in our society. We do not want to lose our kids to random shootings. We do not want our families assaulted by someone bent on criminal activity. We want to save lives. We want better controls in the sale and use of lethal weapons.

Mr. President, 14 children are killed by gunfire each day in the United States; 14 American children whose lives might be saved by tougher gun laws.

Every hour in America 360 guns roll off the assembly line. We are not trying to stop the line. But we are trying to prevent criminals from getting their hands on assault weapons. We are trying to protect the police who protect us. We are trying to hear the truth rather than the fabrications of the NRA.

Seventy percent of the American people support an assault weapon ban. The least we ought to do is listen to 70 percent of the people and not be misguided by dishonest special interest threats.

Mr. President, it is embarrassing in the U.S. Senate these days to disgrace itself with these obstructionist tactics. When the crime bill passed last year, 95 Senators voted to approve it. Now, suddenly my friends in the Republican Party have abandoned the bill. I hate to be cynical, but it seems to me that their concerns are more about the bill's effect on political fortunes than its effect on the safety of the American people.

I ask my colleagues on both sides of the aisle not to deny the American people a reasonable crime bill for partisan reasons.

We are holding this bill hostage in Washington. Worse than that, we are holding families across this country hostage in their homes.

Mr. President, I hope my colleagues will pass the crime bill without further delay so that we get the cops on the streets, criminals in jail, and assault weapons and guns out of our neighborhoods.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Thank you, Mr. President.

I see my distinguished colleague from Utah on the floor, and also my friend, Senator WELLSTONE from Minnesota, who has been patiently waiting for a long period of time as well.

Mr. President, first of all, I would like to say that those of us who did not have the pleasure of witnessing the singing of the Senator from New York, although it was not illuminating, it was certainly entertaining. And perhaps a little entertainment might be in order at this seemingly more partisan and bitter period of this session of the Senate.

I would urge my colleague from New York to perhaps take some singing lessons, however, before he entertains us again.

THE CUBAN REFUGEES

Mr. MCCAIN. Mr. President, I will be brief.

Mr. President, I appreciate the dilemma the administration is currently confronting in the mass exodus of Cuban refugees to the United States. It is a complicated, urgent problem that, as the President noted, is at least in part an attempt by Fidel Castro to control our immigration policy.

As past experience has shown, along with the many politically persecuted Cubans who have joined the exodus and who deserve refuge in the United States, there are certainly many thousands of Cuban prison and mental ward inmates whom Castro has again attempted to export to the United States in the expectation that their arrival on our shores will weaken American opposition to Castro's cruel regime.

With one exception that I will mention in a moment, I support the actions the administration has taken to demonstrate to Castro that his latest, cynical attempt to coerce the United States into terminating the embargo against Cuba will have the reverse effect.

Included in the administration response are the following steps: The termination of charter flights from the

United States to Cuba; the more aggressive use of television and radio broadcasts from the United States to Cuba, supporting Radio Marti with additional broadcasts from United States military aircraft; and the pursuit of a U.N. condemnation of Cuban human rights abuses.

As I said, I support these actions and commend the President for taking them. I do disagree, however, with the administration's decision to cut off remittances from Cuban-Americans to their loved ones who remain trapped in Castro's island prison. I appreciate the fact that these remittances help sustain—to a limited degree—the economy that 35 years of Castro's socialism has devastated. However, the hardship that a curtailment of these remittances would impose on Cubans whose misfortune it is to live in tyranny is too great a cost to make this additional sanction worthwhile.

In fact, there are many aged and elderly citizens of Cuba. Without these remittances, many of them would literally starve to death. It is a mistake. It will increase—not decrease—the pressures for people to leave Cuba, and works in direct contravention, in my view, as it does in Haiti, with our desire to prevent people to have incentives for people not to immigrate.

We cannot forget that the ultimate object of our policy for Cuba is the liberation of the Cuban people from tyranny and deprivation. And while an economic embargo intended to hasten their liberation from tyranny will unavoidably contribute to their current deprivation, we should not exacerbate their misery to such an extent that it becomes impossible for human beings to bear. It is a difficult calibration, I admit. But closer cooperation between the head and the heart will help U.S. policymakers to manage it.

Let us also take this moment, Mr. President, to illuminate the means—the only means—by which Castro can escape the economic embargo imposed against him by the United States—free, fair, and internationally supervised elections. Should Castro at long last succumb to the verdict of history and admit that his aging experiment in Marxism-Leninism has failed utterly, and in recognition of that failure, agree to holding free and fair elections, the United States should be prepared to initiate a series of modifications to the embargo tied to different stages in the election—from the conclusion of an agreement to hold them to the point when it is assured that the verdict of the Cuban people will be respected by Cuba's current leaders. The United States should also be prepared to help provide the means to hold and observe these elections.

The United States should be prepared to provide assistance to Cuba so that, when a definite date is set for free and fair elections in Cuba, the United States will move forward rapidly, and we will provide incentives along the way.

Should Castro, at long last, concede the failure of this regime and recognize his people's longing for the inevitable triumph of democratic values in Cuba by allowing truly competitive and regular elections, then, and only then, should the United States begin to normalize our relationship with Cuba.

Mr. President, the other day the President said he was not going to allow Fidel Castro to dictate our emigration policy. The fact is Fidel Castro is, because there is no carrot here. We have to make it clear that free and fair elections will alleviate the suffering of the Cuban people, and they will also allow Castro to have some incentive to finally recognize the failure of Marxism-Leninism in that small and very unhappy country.

Mr. President, I appreciate the patience of my colleague from Utah.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. HATCH. Mr. President, we are coming down to the wire here today on this particular conference report. One way or the other, we are going to resolve it. I think we should. I think we have debated it enough.

But I have been absolutely astounded to find out that last week the National Association of Assistant United States Attorneys—the National Association of Assistant United States Attorneys—who took the brave and unprecedented stand of opposing certain aspects of this crime bill are now being threatened by politicians in the Justice Department.

(Mr. REID assumed the chair.)

Mr. HATCH. This organization of the assistant U.S. attorneys, the National Association of Assistant United States Attorneys, represents the nearly 4,000 Federal prosecutors who have to prosecute Federal violent crimes. Nobody is on the front lines more than these 4,000 prosecutors. They are Democrats, Republicans, Independents, and are nonpolitical. They prosecute the Federal violent crimes, the Federal drug cases, and white-collar crime cases, among others. They have the guts, as an organization, to express their opposition to this conference report's mandatory minimum—I should say, to the original conference report's minimum repeal proposal and this conference mandatory minimum repeal proposal in this bill. They had the guts to stand up and speak out, as they should have, in helping us to know what to do to arrive at the appropriate posture legislatively on this bill.

It has come to my attention that some of these prosecutors on the board of the association have been threatened with political reprisals. Worse yet, they have been reportedly threatened with criminal prosecution under 18 United States Code, section 205, the Federal conflict of interest section. I believe that this is the correct section.

How dare the political cronies of the Clinton administration abuse the prosecutorial powers of the Justice Department for political gain so they can get their way on this bill. How dare they subject their own prosecutors to this sort of blackmail. How dare they. I am standing here and I am sending a warning to this administration: I will be watching them regardless of what happens to this bill. If they take any action against these brave men and women who took a position on principle, not politics, and in the interest of justice, there is going to be a sorry day of reckoning for them if it takes every fiber of my being to get us there.

When I heard that this morning, I was absolutely outraged. It shows the lengths to which they would go to get this—I want to be nice about it—so-called crime bill through both Houses of Congress. They have a tremendous majority in the House of Representatives, a tremendous majority in the Senate, and they are having some trouble getting their way. So they play this kind of political games and chicanery.

There are a lot of us who are just plain sick of trying to stop this gravy-sucking hog called the Federal Government and its liberal friends from eating us alive. It is a Federal hog. And some think that the only issue in this bill happens to be the money issues. Those are important, but there are real issues, in addition to the soft language against crime throughout this bill.

The amendments that we have called for would not only take the $5 billion away from the gravy-sucking hog called the Federal Government in this instance. They are sucking the taxpayers dry while this Government gets fatter and fatter, and the people get poorer and poorer, and this country gets worse off. In addition to that, we want to tighten that present language, because it allows them to do almost anything they want to with the money as long as they call it prevention.

I would like to say that this happens to do a lot with the pork in this bill. There are $11 billion in discretionary grants in this bill, and that has to do with pork as well. The Simpson amendment to expedite criminal alien deportation, it seems to me, is critical to this country. What are the people in California going to do if they just indict and convict these criminal aliens, and they get out, and because the Immigration and Naturalization Service

is so doggone busy and oppressed and so underfunded, they cannot keep track of them, and they go right out on the street and commit more crimes? This amendment would solve that for California and Arizona and Texas and Florida—you name any of those States where they have this problem. It is one of the few chances to solve the immigration problem in this society, and amazingly the Democrats in the House took it out. We want to put it back in.

What that means is that once a criminal alien is sentenced, the judge can immediately issue an order for deportation to throw that person out of this country the minute they have served their time, so they do not mess up our country anymore, so they cannot just go out and go into the streets and do the same thing they did before this happened. How could anybody be against that? Yet, my colleagues on the other side do not want that amendment. Why? Because they are going to lose on it. If they do not lose, they know darn well the American people are going to hold them responsible for it. I would think that our Congresspeople and Senators from these States would fight their guts out to have that amendment in this bill, which is the opportunity I would like to give them.

Mandatory minimum penalties for use of a gun. How could anybody be against that, if you are really serious about doing something about gun crimes in our society? How about the mandatory minimum penalties for selling drugs to minors? How in the world can you be against that if we are serious about helping our kids and our society? I hear all this talk about prevention being the answer. Well, I agree. We have 266 programs in existence right now on prevention—without this bill. Why can we not do something on mandatory minimum penalties for anybody who sells drugs to our kids? Why? Who would fight against that? Well, I have to tell you, the offer that the majority has sent back to us fights against these amendments.

How about mandatory minimum penalties for employing minors to sell drugs? Who could be against that? But their offer back to us is only to have one vote on the pork and that is it. That does not cover all of the pork. That only covers $5 billion of it. It does not cover all of the discretionary grants in this bill and the poor language and the weak-on-crime language that is in this bill. We are trying to put some tough-on-crime language in this bill, but they do not want to vote on these matters. Why? Because we might win on them. There are enough Democrats over here who voted with us when the programs were in the Senate bill then before. In fact, we were instructed by the Senate—Senator BIDEN and I—to keep them in the conference report. Somewhere along the way, although I fought very hard for them, they were taken out in the back rooms of the conference committee.

Of course, I was not there in the back rooms. I was waiting for them to come out of the back room so I could see what we were going to have to eat.

One program the conference dropped is mandatory minimums. One of our amendments is to restore this program. We want the tougher Senate mandatory minimum language in the final language.

Furthermore, we are willing for first-time offenders, who really have not used guns, have not sold guns, and have not had a gun in their schools, and other types of injustices like that, not have mandatory minimum penalties apply to them. I was the author of that. I am a conservative, but I also see where there is some injustice for these first-time offenders.

What about the Mafia drug lord whose action resulted in the death and killing of hundreds of thousands of our people? What about that Mafia drug lord? That Mafia drug lord, I might add, under the Democrat language of the conference report, because this may be his or her first conviction, is not subject to mandatory minimum penalties. Put back the mandatory minimum language so as to affect the Mafia drug lord.

That is what these folks over here do not want to vote on. Why? Because maybe they can beat us on it, but I do not think they can, because they are going to lose. If they lose, this bill will become much tougher and, I think, would have much more support, certainly from our side.

But the other aspect of that particular amendment is that the Federal prosecutors, these assistant U.S. attorneys from this National Association of United States Attorneys, had the guts to come forth during the House deliberations last weekend and make it clear that they support the Senate language rather than the House language or this conference report language.

Now, there are those who are threatening them politically, threatening them with reprisals for having done that. That is the way this game has been played throughout. I hate to see it.

I cannot understand why the left in this country wants this bill so badly that they are willing to even trample upon the rights of the Federal prosecutors in the process and do it politically. I am sure they did not want anybody to ever find out about this, but this outraged some of the prosecutors so badly they are willing to stand up and say, "We are sick of it ourselves."

I have had more than one of them say, "We think it is a lousy crime bill in its current form and it ought to be defeated."

We have an offer back from the Democrats, from the majority leader, that will allow one vote, one vote on the pork barrel aspects, as we have called them, the $5 billion, although, remember, there is a lot of other pork in this soft language. But they will allow one vote.

The problem is that the rest of the pork will not be affected. It will not come out. We all know that. Then the remaining amendments, which would tighten this bill and make it a tough anticrime bill, at least more than it is, they are unwilling to face. I suspect they are unwilling to face it because we would win on most of them because we won on them before.

Mr. President, I am really concerned. When it gets this tough, when prosecutors are tramped on and treated like this for political purposes, it ought to tell everybody in America what is happening here.

I would like someone from the other side to tell me why these other amendments are so bad, why we should not tighten the prison language, why we should not have an amendment to deport criminal aliens? Why should we have to support them? Why should we have them committing crimes in our country? Why should we not, once they have served their time, get them out of our country? Do you know what that means to California? Do you know what that means to Arizona? Do you know what that means to Florida and each State in this Union, to be honest with you? Right now we do not have that law.

Mandatory minimum for gun sentences—how can anybody be against it? But they are. How about a mandatory minimum for selling drugs to minors? How could anybody be against those? And mandatory minimum penalties for those who employ minors to sell drugs?

I do not know how the point of order is going to go. I can say this: If the point of order is sustained, these will be the amendments that we would offer. These would be the only amendments, and we would deliver our side on this issue if the point of order is sustained. There will not be any other amendments. It will be the deal that we sent over there yesterday: One final cloture vote, which they know they will win, and final passage on the bill ultimately once the House acts on the concurrent resolution.

But we will guarantee that these are the only amendments that we will call up, win or lose on, if we win on the point of order. If we lose, then it is over, and we understand that, and we will accept it. But we will not feel good about it.

Let me just go through that one more time so my colleagues understand why I am so worked up this morning.

Mr. BIDEN. Mr. President, will the Senator yield for a comment?

Mr. HATCH. Yes.

Mr. BIDEN. I listened to every single word the Senator said on television and

here. I understand why he says he is worked up.

Mr. HATCH. I am worked up about it.

Mr. BIDEN. There is no need to repeat unless the Senator would like to repeat it.

Mr. McCAIN. Coming from someone who never talks less than 2 hours, that is a very interesting comment.

Mr. BIDEN. I thank my colleague—he is such a generous man—for his pointing that out.

Mr. HATCH. I will be happy to yield without losing my right to the floor.

First, let me just say this, that I personally enjoyed listening to my colleague because he is knowledgeable on this bill and I have respect for him. We worked hard together on many aspects of this bill.

Mr. BIDEN. Yes.

Mr. HATCH. Let me just say this: The discretionary spending in this bill on the prevention side happens to be $1 billion for the drug courts, $625 million for the model intensive grants, $245 million for the family and community endeavor schools, the faceless part of the school, $271 million for the community economic partnerships, which, of course, is going to allow community development corporations to spend this money to improve the communities. By the way, there is a lot of money being spent on that right now. In fact, a lot of these programs are very good programs.

There is $91 million for the ounce-of-prevention grants, $50 million for the community-based justice grants, $24 million for community—not police recruitment, not the police department recruitment of their own police officers—but community efforts to recruit police. I wonder why the police department cannot do that. There is $35 million for delinquent and at-risk youth. Keep in mind there are 266 programs and more than $3 billion already being used for that. You have gang resistance education and training grants, the GREAT Program, $22.5 million. That subtotal comes to $2,363,500,000.

Now on the law enforcement side, here is where the discretionary grants are there. You have community policing, $6.6 billion, contained in very broad language, very broad language, indeed. You have prison grants, $710 million. Again, no real definitive direction on how to spend the money; it is encompassed in very broad language, which we would like to tighten up. It is pork as far as we are concerned if the language is not tightened up. But that will not be solved by the $5 billion of pork. It will be solved by the extra amendments to tighten up the language.

And there is a total of $7.3 billion just in the pork we could control by tightening up the language and making it go for the purpose all of us thought it was going for.

There is $1.8 billion for alien incarceration, but, of course, no alien deportation is proffered. We are going to pay to keep them in our prisons, but we are not going to allow the judge to issue a deportation order.

There is $150 million for Federal assistance to State courts.

That comes to a total of $9.260 billion of just general grant money. And if you add that to the $2,363,500,000, you are talking about $11.623 billion in discretionary grants.

Now, this, of course, is based on an analysis by the Senate Budget Committee. We would like to solve some of those problems. And we could cover, in some of these grants, an awful lot of that and make it go for better purposes.

Mr. MITCHELL. Mr. President, will the Senator yield for a question?

Mr. HATCH. I would be happy to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I inquire whether or not our Republican colleagues are ready to proceed to bring this matter to a conclusion in the following manner: I have proposed an agreement this morning, which my colleague from Utah has rejected. I propose, as soon as the distinguished Republican leader comes to the floor—which we were advised sometime ago would be momentarily—that I present the unanimous-consent request which is the language identical to that presented to me by the distinguished Republican leader, the change being in the amendment, as the Senator from Utah suggested. I understand that will be objected to.

Following that, I understand Senator DOMENICI will be recognized to make the point of order. Following that, I would seek recognition to make the motion to waive the point of order and then the Senate, having debated this matter now for 4 days, I believe it appropriate to vote on it, to bring it to a conclusion one way or the other, vote on the point of order.

If the point of order is sustained, why, then, of course, unless later reversed, the conference report would be defeated. If the point of order is not sustained, I would hope we could proceed to complete action on the bill.

In either event—either that the point of order is sustained or we complete action on the bill—I would hope we could do it promptly. And it would be my intention then to have the Senate adjourn until after Labor Day.

So my question is—I directed it originally to the Senator from Utah; I notice the distinguished Republican leader is present, so I would direct it to him—if we can proceed on this in the manner as suggested and bring this matter to a conclusion one way or the other?

Mr. HATCH. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I am happy to yield for these purposes between the two leaders.

The PRESIDING OFFICER. Yielding to whom?

Mr. HATCH. I am happy to yield for a discussion between the two leaders, without losing my right to the floor.

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

Mr. DOLE. I would like to work it out that the two leaders would have a discussion and then Senator HATCH could be recognized.

Mr. HATCH. I ask unanimous consent that the two leaders be recognized, with the floor coming back to me later.

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

Mr. MITCHELL. Is the Senator prepared for me to put the request?

Might I ask, is this procedure acceptable, to put the request, it would be objected to, and Senator DOMENICI or some other Senator would be recognized to make the point of order, and I would be recognized to make the motion to waive?

Mr. DOLE. Yes.

Mr. MITCHELL. That is agreeable.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, as Senator HATCH has previously explained, the document I will now read is a proposed agreement, entitled "Crime Consent Agreement," which was prepared by Senator DOLE and presented to me yesterday. The terms of the agreement are unchanged and identical to the form in which it was presented to me; indeed, this is the original document itself.

The document was accompanied by a list of 10 amendments, the first 4 of which related to so-called spending in the bill. The change that is made with respect to our offer is to consolidate the first four amendments on the list we received into a single amendment regarding spending, and that would be the only amendment under this proposal which Senator HATCH has indicated is not acceptable.

Therefore, Mr. President, understanding that there will be objection:

I ask unanimous consent that the pending crime conference be laid aside.

I further ask unanimous consent that the Senate now proceed to a Senate Concurrent Resolution that would correct the enrollment of the conference report to accompany H.R. 3355, and that it be considered under the following agreement: (With all amendments limited to 1 hour, equally divided).

The document then says, "Read list of amendments," but I will simply send the amendment list to the desk, as I have described.

I further ask unanimous consent that following the disposition of the above mentioned amendments, if any amendments are agreed to, the conference report be placed back on the Calendar and it not be in order in the Senate to consider that conference until the House has adopted the Senate concurrent resolution, as amended, if amended.

I further ask unanimous consent that if all the amendments mentioned above are defeated or tabled, then the Senate proceed to

a vote on cloture on the conference report, at a time to be determined by the majority leader, after consultation with the Republican leader, with 2 hours equally divided between the two leaders prior to the cloture vote, and that if cloture is invoked, the Senate proceed to an immediate vote on adoption of the conference report.

Finally, I ask unanimous consent that if the House agrees to the Senate concurrent resolution as amended, then it be in order for the majority leader, after consultation with the Republican leader, proceed to the crime conference report.

I believe the word "to" should be inserted in there, so I insert the word "to" proceed.

And there then be 2 hours for debate, to be followed by a cloture vote on the conference report, and if cloture is invoked, the Senate proceed to adoption of the conference report, without any intervening action or debate.

I send the list of amendments to the desk.

The list of amendments follows:

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

LIST OF AMENDMENTS

One amendment striking approximately $5 billion in "social spending" from the conference report, as follows:

Strike Local Partnership Act (Title III, Subtitle J).

Strike Model Intensive Grants (Title III, Subtitle C).

Strike:

Local Crime Prevention Block Grants (Title III, Subtitle B);

Family and Community Endeavor Schools (Title III, Subtitle D, section 30402);

Community-Based Justice Grants (Title III, Subtitle Q);

Urban Recreation (Title III, Subtitle O);

At-Risk Youth (Title III, Subtitle G);

Police Recruitment (Title III, Subtitle H).

Strike:

National Community Economic Partnership (Title III, Subtitle K);

Community Schools (Title III, Subtitle D, section 30401);

Ounce of Prevention (Title III, Subtitle A);

Family Unity Demonstration Project (Title III, Subtitle S, chapter 2);

Gang Resistance Education and Training (Title III, Subtitle X);

Drug Courts (Title V).

The PRESIDING OFFICER. Is there objection to the unanimous-consent request.

Mr. DOLE. Mr. President, reserving the right to object.

I was not on the floor earlier, but the Senator from Utah may have already made the distinction.

We suggested 10 amendments. We get back one amendment and we are told this is something that ought to be acceptable. We had four amendments on spending. They lumped it together in one, and then the other six amendments that we think are fairly important, like expediting criminal alien deportation, mandatory minimum penalties for gun crimes, mandatory minimum penalties for selling drugs to minors, mandatory minimum penalties for employing minors to sell drugs, tightening up truth-in-sentencing, and making certain money is going to be spent for prisons.

We believe that notwithstanding the fact that these amendments passed the Senate at an earlier time, over 30-some amendments, according to the Senator from Utah, were dropped in the conference. And further, with the reservation I assume that it is easier to vote to table this one big pork amendment than a lot of little pork amendments. That is probably a good strategy. Maybe that will be successful—a lot of big pork amendments.

Because we had one which saves $1.62 billion, one of $235 million, one saves $724 million, one to save $2 billion. We were going to have four amendments and ask our colleagues to take a look at each of those. I assume the majority has concluded that if we just lump all these together and throw out all the amendments that nobody wants to vote against, then try to convince enough Republicans to join with Democrats to waive the point of order—the motion.

So therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. MITCHELL. I thank my colleague. I do not intend to prolong this discussion. I merely want to say from our standpoint we regarded the offer as a very fair and reasonable one because we accepted the truly extraordinary procedure that was suggested with respect to offering amendments to the conference report. At least in the 6 years I have been majority leader I have no recollection of this procedure ever having been used. And, therefore, we felt that agreeing to this procedure was a major concession. It was something, I would say to my colleague, about which there is a great deal of reservation by many Members of the Senate because, as we all know, conference reports are not amendable under Senate rules and this would have done so.

At the same time, the debate over the past several days has focused primarily on the spending issue and we felt that, further, by having a vote on the spending issue was a major concession.

I can understand the view of my friend and colleague from their standpoint it was not acceptable. But we felt from our standpoint it was a major concession on our part, to make this proposal, and it now having been objected to, I suggest we proceed to the budget point of order and the waiver and then let us vote on the matter and dispose of it.

The PRESIDING OFFICER. The Senator from Utah has the floor?

Mr. MITCHELL. I believe we agreed the Senator from New Mexico would be recognized to make a point of order.

Mr. HATCH. I thought I had the floor.

The PRESIDING OFFICER. The Senator from New Mexico has been yielded the floor by the Senator from Utah for making a point of order.

Mr. HATCH. For that purpose, not losing my rights to the floor—but I formally protect it.

The PRESIDING OFFICER. Is there objection? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, pursuant to Budget Act section 306, I raise the point of order against the conference report on the basis that it contains matters within the jurisdiction of the Senate Budget Committee, and because it has not been considered by the Budget Committee it is subject to a point of order. I make such a point of order.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I move to waive the Budget Act for the consideration of the conference report.

The PRESIDING OFFICER. The motion to waive, of course, is debatable. The Senator from Utah has the floor. Is the majority leader finished?

Mr. MITCHELL. No, I just ask the Senator if he will yield for me to make a comment.

Mr. HATCH. For that purpose only.

Mr. MITCHELL. I say to my colleagues, we have debated this matter now for 4 days. I believe all Senators are fully aware of the issues involved. I hope we can vote as soon as possible. I propose we vote immediately and whatever the outcome, pursue the alternatives which I suggested, which I repeat again.

If the point of order prevails and the motion to waive fails, in my view there will be no point in remaining in session and I will suggest that we adjourn until after Labor Day.

If the point of order fails and the motion to waive prevails, I believe we should complete action on this bill as soon as possible thereafter, and then adjourn until after Labor Day.

So I hope we can get on with this. The matter having been fully debated, let us bring it to a vote, let us decide it one way or the other at this time.

I thank my colleagues for their courtesy.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, of course naturally we are going to bring this to conclusion today, one way or the other, at least as far as Senators going home.

I pledge if we sustain this point of order and the other side of the aisle cooperates, and the President is willing, we will deliver a tougher crime bill to the American people. It will take a little while longer but Congress has plenty of time left before it adjourns this fall to send a tough crime bill to the President. We will increase spending on law enforcement, we will target prison spending on building and operating actual conventional prison space—that is if our amendments are adopted. So we

would concentrate on actually building and operating actual conventional prison space, not alternative facilities to prisons or other soft-headed approaches to punishment which characterizes the Clinton administration's approach. We will drop the requirement that States must establish a liberal corrections policy, dictated by the Federal Government, before they can receive this money.

We will distribute this money and the other funds in the bill fairly. We will do away with the administration's wide discretion to use the funding in this bill as a virtual political slush fund. We will cut more pork, hopefully all of it, from the bill, not just the amount we are talking about. We will add back tough provisions adopted in the Senate in November but dropped in a conference controlled by the liberals on the other side of the aisle in both Houses. We would add back into the bill tough anticrime provisions such as mandatory minimum penalties for gun crimes. We would add back into the bill tough mandatory minimum penalties for selling drugs to children, or employing them in drug crimes. We would add back the Dole-Hatch-Brown provision providing tough Federal penalties for violent juvenile gang offenses. We would add provisions like the Smith-Simpson Terrorist Alien Removal Act to address the threat of terrorism being imported to our streets. We would add provisions like the Simpson criminal alien deportation provision which expedites the removal of convicted aliens from our country after they do time, and similar other tough provisions.

If the point of order is upheld, we will hear a series of counterproductive partisan blasts from the President and his allies, no doubt about it. I have not engaged in the inside-the-beltway exercise, but after the partisan rhetoric clears, if the President and his allies want a tough crime bill they will be able to get one from this side of the aisle.

I was making my point a little earlier that we already have seven Federal departments sponsoring 266 programs which serve delinquent and at-risk youth: 31 of them in the Department of Education, 92 in the Department of Health and Human Services, 3 in the Department of Housing and Urban Development, 9 in the Department of the Interior, 117 in the Department of Justice, 8 in the Department of Labor, and 6 in the Department of Transportation—all for programs which serve delinquent and at-risk youth; 266 Federal programs. Now we want to add even more. Even though the source of this, of course, is the General Accounting Office of the United States of America, May 5, 1994—this is what they have said here.

They have also said, just to make it abundantly clear, the General Accounting Office recently reported that there are already 7 Federal departments sponsoring, like I say, 266 prevention programs. The GAO found that there already exists "a massive Federal effort on behalf of troubled youth."

They also say:

> Taken together, the scope and the number of multiagency programs show that the Government is responsive to the needs of these young people. It is apparent from the Federal activities and response that the needs of delinquent youth are being taken quite seriously.

Yet, we have all kinds of money in this bill for that purpose.

Now, in the Crime Control Fund, the trust fund proposed by the Democrats as a means of financing this conference report, I think it has been amply explained that is going to increase the deficit by $13 billion if this bill passes in its current form. The crime control fund, as proposed in the Senate-passed bill, was deficit neutral. As proposed in the Republican alternative, deficit neutral—meaning it would not cost the taxpayers additional moneys. Nor would the deficit be increased because the crime control fund in the Senate bill provided for a lowering of the discretionary spending caps by an amount exactly equal to what is transferred into the crime fund.

The proposed Democrat fund in this bill, in this conference report now, on the other hand, lowers the caps through 1998 but extends the crime fund through the year 2000. Almost half of the funding of this bill is concentrated in the last 2 years. So the American people, if this bill passes, if we lose on the point of order and it passes, which would be the case, they are being sold a bill of goods as to how much this is going to do against crime, because most of this funding comes in the last 2 years, 1999 and the year 2000.

The reason that is so—well, there are a variety of reasons that is so. The discretionary caps run through 1998. Therefore, spending after that year without the control mechanism of the caps results in an increase in the deficit.

So you are talking $13 billion in deficit spending under this bill if it passes today, or whenever.

My colleagues on the other side may well argue that the crime bill is paid for by reductions in the Federal work force. However, the only real way to make sure those savings will be used for the crime bill is to limit the possibility that they cannot be spent elsewhere.

The only way to do this is to lower the overall cap on discretionary spending by the amount that is set aside for this crime bill, and they are unwilling to do that. By the way, an awful lot of the spending will be just waste because if we lose on the point of order, we know we would lose on the lumped together amendments suggested by the majority leader and the Democrats. So that is why we are going to go ahead to a point of order.

This is the wasteful spending that will be in the conference report, not in the Senate bill:

Model Intensive Grant Program. They can do whatever they want to, $625.5 million. They can read the language of the bill and claim that it is more specific, but really it is so broad they can do just about anything with it;

Local Partnership Act, $1.6 billion. They can do just about anything they want to with that;

National community economic partnerships, $230 million. I might add, we are going to give money to community development corporations with no mention of fighting crime.

I suppose, the argument will be, "Well, if we can get the community development corporations to do some building, that will help with crime." I suspect if we spend $3 trillion this year and put that in this bill, we can argue that will help crime, to help against crime.

Community based justice grants, $50 million;

Police recruitment, not by police departments but by community organizations, to be established, I guess or brought together. One would think that the police are very capable of recruiting their additional officers, but we are going to put 24 million bucks of the taxpayers' money in there just for police recruitment purposes;

There is $150 million for certain punishment for young offenders. My goodness, they knocked out the Moseley-Braun–Hatch amendment that would have treated youthful offenders who committed heinous crimes the same as adults. That would have done a lot more than spending $150 million to try and fund good old feel-good programs for the punishment of young offenders;

There is $377 million for local crime prevention block grant programs—$377 million;

There is $243 million for family and community endeavor schools, for that grant program. You notice how the word "grant" crops up all the time. That is money you can just go out there and spend. That is money that makes the administration look good. I suppose all administrations have been getting away with this, including Republican administrations, for years, and I am for stopping it now because this country is wallowing in debt.

You have $36 million for assistance for delinquent and at-risk youth.

You have $4.5 million for urban recreation and at-risk youth. That is after 266 programs for at-risk youth already in existence.

I think what we have been trying to do by fighting as hard as we have over these last number of days is to stop this gravy-sucking hog that happens to

be the voracious-eating Federal Government and the liberal community from just eating us alive in this country. That is what we are trying to do.

Let me just say, we have been discussing this report for the past several days. During this debate, several of my colleagues have extolled the virtues of the social spending in this bill as vital to our communities, and they stress the need for these programs now.

Well, Mr. President, I would like to point out to these Senators that programs like them are throughout our communities now and many of them have been around for quite a long while. These existing programs may have different names, they may be administered slightly differently from the way these additional, duplicable programs under this bill will be administered or they may even be granted to different organizations, but their purpose is the same as those contained in this conference report. In other words, under the guise we are going to have a tough crime bill, they have hidden all of this money to spend so they can spend and spend and spend and spend and spend some more.

You wonder why I call it a gravy-sucking hog. That is what this bill is. And it is not just the $5 billion we have been talking about. There are so many different grants in here it is unbelievable.

Mr. President, if we examine the social programs included in this conference report, we find that several of them overlap in their purpose and what they are meant to provide to our communities. Many of them, in fact, under the broad goal of crime prevention are actually youth development and services programs. Others are economic and community development programs. And while I agree with the broad goal of those programs where they have had hearings and they have had to justify themselves and we advanced them, I just do not think we should create new additional duplicative programs and pour billions of dollars into them when similar programs already exist. And we are not talking about one or two programs. We have hundreds of domestic assistance programs designed to promote youth, economic or community development.

Now, I admit that not every one of these existing programs overlaps the new programs in this bill, but the vast majority do. This is a game that has been played here for 40 years, and I am trying to put an end to it. If we do not win on the point of order, I just have to say the American people have lost. I may have lost here, but the American people lost. So I am hoping we will sustain this point of order.

Let us just look at one of the new social programs in the conference report before us, the National Community Economic Partnership Program. The purpose of that section of this report, of this conference report, is to increase private investment in distressed local communities and to build and expand the capacity of local institutions to better serve the economic needs of local residents through the provision of financial and technical assistance to—get this—economic development corporations. You do not see the word "crime" in there anywhere, although I am sure an argument can be made that anything that does good will help to alleviate crime.

Therefore, my argument: Why do we not spend a trillion dollars if that is the way it is? This is just an authorization bill. What difference does it make?

Mr. President, as I mentioned—I am going to just choose this one area, because there are a lot of them—as I have mentioned before, we already have numerous programs to foster economic and community development. While all of these do not involve community development corporations, they are still funneling money and resources into economic and community development projects across this country.

Let me just cite a few examples and the obligation for fiscal year 1994.

Let me just talk about this Economic Development Corporation language of this bill and the moneys that we are going to duplicatively spend if this bill passes in its current form, if we do not win on the point of order.

Now, I might add, all of these do not involve community development corporations. They are still similar, throwing money into economic development projects across this country.

Let me give a few examples.

The community facilities loans, $75 million; the intermediary relending program, $32.5 million; business and industrial loans, $249 million. These are already existing programs, by the way, that we wonderful Members of Congress have done in our compassionate way. I want you to know that we are all very compassionate around here. We do these things for you people out there. We want you to benefit from these, and you do. So we are really great, are we not? By the way, we do not dig in our pockets any more than anybody else. We are digging into your pockets to pay for all of these.

Let me just keep going through here for a few minutes.

Community facilities loans, it is a mere $75 million. What is that in an almost $2 trillion economy per year?

Intermediary relending programs, $32.5 million, again an inconsequential amount, is it not?

Business and industrial loans, why, that is only $249 million. Do not worry about it. It does a lot of good. It does a lot of good. We are compassionate here.

Rural development grants, that is only $32.35 million; economic development grants for public works and development facilities, $171.9 million.

I submit all these do do good. I submit it. We are doing this for you. Do not worry, our hearts are right. We are doing this all for you.

Economic development, support for planning organizations, $26 million. Every one of us here want to help our States. I am no exception. I do, too.

Economic development technical assistance, $12.5 million; economic development public works impact program. I do not know how many million are in that. Economic development State and local, I do not know how many in that, but the State and local economic development planning is $4.5 million. That is inconsequential. We all know that.

Special economic development and adjustment assistance program, that is $24.1 million—a small amount really in the overall consideration if you think about it. Community economic adjustment, growth management planning assistance, community development block grant—I might add, the other two I do not have the figures for but the community development block grant entitlement grants—I have to admit I support that—it is only $2.871 billion, and it does do a lot of good. In fact, all of these do. I would have a rough time taking any of them out, I have to tell you, because we want to do so much good for you.

Cities programs, $54.36 million; community development block grants technical assistance, I do not know how much that is. I do not have the figure there. Community Development Block Grants States Program, that is only $1.233 billion.

Remember, this is just one of the areas where we spend money for you wonderful people that we love in our States. And we do, we love you. And we are showing our compassion for you because we really do. And I have to say I do love the people in my State, and I want them to have everything that they can.

All these programs help. I am not ridiculing them. They help. I may be ridiculing the total number. Now, that may be what I am doing here. For those who are wondering why I am talking about this, it may be that I am pointing out that we already have so many duplicative programs that why in the world do we need to spend billions of dollars in a crime bill most of which will not be paid for until 1999, the year 2000. Why do we need to do that?

There is good reason for these. Indian Community Development Block Grant Program, Indian loans, economic development. I am for those. Economic grants, economic development, Appalachian regional development, Community Development Revolving Loan Program, loans for small business. We all agree with that. Tennessee Valley region rural development community services block grant, the Community

Development Work Study Program, Empowerment Zones Program, community services block grant, community services block grant. These are duplicative block grants by the way.

Discretionary awards, I do not know what that means. I do not know if I am for that or not. Buildings and Facilities Program, schools and roads, grants to States schools and roads, grants to the counties. I do not have the monetary figure but you can figure they are in the millions and in some cases the billions.

I am just talking about one area. These are the community services areas, just one little area. And yet—well, let us go a little further. Grants to counties, very low to moderate income housing loans, rural housing site loans, cooperative extension service, rural economic develop loans and grants, outdoor recreation, acquisition development and planning, Urban Park Recreation and Recovery Program, minority business development centers, technical preservation services, disposal of Federal surplus real property for parks, recreation and historic monuments, business services—technical assistance and training grants, Volunteers In Service To America, urban community service.

I can go on and on. The point is that—and I am assuming that every one of those programs is good. We have had hearings on them. We have had the appropriate committees investigate them and decide that they are worthwhile for America, and these billions of dollars of duplicative programs are essential. I am willing to admit it.

Then why are we adding billions of dollars more to this particular bill? Why are we doing that and at the same time cutting back on Senate-passed, overwhelmingly Senate-passed amendments that they just tossed out in conference that would really make a difference on crime?

That is what really gets me. I could even spend more if I knew the crime bill really had all these tough provisions in it.

To me that has been more important than the pork barrel parts, although those are important. But the reason I am talking about pork barrel right now is because if we lose on the point of order, we lose on getting the pork barrel out. My friends on the other side will say, "Well, you have had a chance to vote on it." We all know how the vote will turn out. Nobody does not.

My purpose is to show that we already have programs designed to provide the same goals as those contained in this conference report—hundreds, actually thousands of programs, thousands. And I am willing to admit that they are all well-intentioned and most all of them are good. Why do we have to, in a crime bill, hide billions of dollars more? And even if we took the full $5 billion out, what happens to all of the discretionary grant money if we do not allow the other amendments, which the majority leader's approach would not do. I suspect that will all be spent, if it is ever raised, if it is ever appropriated, it will all be spent on discretionary grants.

Now, this is a how-to book, just one little book, on Federal domestic grants. Now, just look at this. That is just one of them. It is a how-to book, how you can get these grants. It lists Federal grants which go to the States and to individuals.

Look at that. We do a good job in the Federal Government. We let people know what we have here to give to them. I agree all these programs—frankly, I suppose they are all good. I know they are—I know, with every fiber in my being, they are all well-intentioned. I know that. My colleagues are very sincere in spending your money. There is no question about it.

They want to do what is right for you, and they are even telling you how to get it. They even outlined it—if you would care to read all of this, that is. I admit there are a lot of people who care to read it. There are people who always have their hands out to the Federal Government. And you know, they are growing every day in this country, people with their hands out to the Federal Government, people who read this one single catalog of Federal domestic assistance every day.

I would suggest that all of you should read it, too. Everybody in America ought to read this. And you will be able to get some of this money, too, maybe, and then we can even spend more of your money. We can hide it in other bills that are touted as being very, very important for us. And we can take away some more if you would let us. I mean, it is fun around here because we have almost $2 trillion—well, no, we have about $1.4 trillion a year to spend around here. There is nothing better than spending. We get credit at home for that, you know. That is why this crime bill has all the spending and all these discretionary grants which we do not even, we do not even try to knock out but we want to tighten the language so that they go for what has been represented here.

I only waved this around because this is doggone ridiculous, I can hardly stand it. There are people who just love that book because that is the way to get more of your dollars.

My purpose today is to show that we already have programs designed to provide the same goals as those contained in this conference report. We do not need to create new programs and pour money into them.

Recent GAO reports show that we have over 150 job training programs—154 to be exact, if I am correct, and I think am—and over 200 new programs. Mr. President, we do not need any more. We need to protect the taxpayers for a change. These programs already exist. And we still have the crime problem in this country. If the current programs—they are everywhere—are not working, if the current overspending of your tax dollars is not working, why put additional moneys in at a time when our country is going broke and when we cannot fix it with the additional money? Why do we not fix the problems we have now and not create a bigger maze of bureaucracy and programs which this bill tends to do—not "tends" to; does.

(Mr. CAMPBELL assumed the chair.)

Mr. HATCH. Mr. President, the purpose of this conference report is to fight crime, not to set up a new system of grants and programs similar to those we already have. The reason all 10 amendments are important, and the reason we have to reject the kind offer of the majority leader to lump all pork into one $5 billion amendment is because we know it would not pass. We would not take it up. We have four amendments so the people would have to stand up and vote. One amendment only has to be voted on once. It is only distasteful once to vote that amendment down. But if we split that into four amendments, we might have one in a few of them. We might have saved the taxpayers' dollars. That is one reason why we do not like this deal.

Our liberal spending colleagues know that with one distasteful vote they can probably get away with that at home and live with it. But they cannot live with passing and removing some of this pork out of the bill through individual, single amendments. But even if that were the case, and it is not—but if it were the case—the more important part of our proposal of 10 amendments is to toughen this bill, to tighten the prison language so the money goes to build prisons instead of for everything related to prisons, which means more and more bureaucracy and more and more social workers. That is why Charlton Heston is saying two social workers for every cop on the street. He is right. He is absolutely right on that. We would tighten that language. We think we would win on that amendment.

They do not want that amendment because the language lets them do as much as they want to and they can help their social worker friends.

We also believe that it is worth the fight to go after these mandatory minimum sentences.

On prison language, I will go back to that. We would tighten that language. We would eliminate the reverter clause. And we would reinforce the truth-in-sentencing provisions of this bill. That means that in order to get the money, the States would have to have people serve 85 percent of their sentences.

Mr. BIDEN. Will the Senator yield for a question?

Mr. HATCH. Not at this point. I would like to finish this one line of thought, although normally I would.

We want to eliminate the correctional plan provided for in this bill. Again, I hate to tell you this, but the people who wrote this bill know that we here in the Federal Government do a lot better job of telling you what to do than you can do yourselves. We do. We are just better at it. So they in their own enlightened way have actually defined how you get this prison money. You meet their correctional standards. You let the Federal Government tell us how to run our State and local prison systems and, by gosh, you might have a chance of getting money. It is a joke. We want to tighten that language up.

We want to ensure that the prison money will go to build brick-and-mortar prison cells for hardened criminals because there is a revolving door. The States are so burdened right now with the lack of prison space that prisoners are walking in and out of prison almost at will. They go right out to their life of crime because they do not know what to do with them.

We would have truth-in-sentencing for first-time offenders as well.

We would add the Simpson amendment which would expedite criminal alien deportation, get rid of these illegal aliens and get them out of our country. Who could be against that? Why would the majority of us not vote on that? Why? We will never vote on that unless we sustain the point of order. It is that simple. We will never vote on it. We will not take up the prison language unless we sustain the point of order. We will never vote on it.

The Gramm mandatory minimum penalties for the use of guns in crimes, the one thing that could do something about the proliferation of guns. We will never vote on that because the majority leader does not want a vote on it, because he knows we would win.

He knows we would win on the criminal alien language. People are fed up to here.

Where are my colleagues from the affected States who are awash in immigration? Where are they on this floor saying we need to vote on that criminal-alien deportation provision? They know we would win. They do not want to face that. They do not want to tighten this bill in these respect.

Mandatory minimum penalties for selling drugs to minors—how could anybody not want to vote on that or automatically put it in the bill? How about it? I feel so strongly about that that I am almost to the point that I would go with the majority leader's approach if you put that provision in the bill. I would hate to lose all these other good things on tough crime. I would.

What about mandatory minimum penalties for employing minors to sell drugs? Who would think anyone would be against putting that in the bill? But it will never have a chance if we do not sustain the point of order. None of these will. We will not get the pork out of the bill. Of course, we will not if we go with the majority leader's program. They would never do it. They would hold their noses and let those who are up for election this year vote, to the extent they can vote against it. But they would get the 51 votes. There is no question. They would keep the pork in the bill. We know it. They have to keep their side together. Their side spends more than we do.

Mandatory minimum repeals—these assistant U.S. attorneys put their lives on the line to stand up, and then we find that this administration—at least attorneys in the Justice Department have—threatened them with criminal indictments because they have spoken out on this bill.

These are career attorneys. Assistant U.S. attorneys, the National Association of Assistant United States Attorneys comprises nearly 4,000 prosecutors who have to prosecute Federal crimes and Federal violent crimes. They have been threatened with political reprisals. Worse yet, they have been reportedly threatened with criminal prosecution. How dare these people do this? We are never going to vote on these things if we do not sustain a point of order.

I suggest to any who might think of voting to waive the Budget Act that the more important part—what I have been trying to do, even more important than getting the fat out of this bill, although that is extremely important, and I would like to do it, and we would have a better chance if the point of order is sustained—is all of these tough-on-crime provisions that they know we would pass. So they will not let them see the light of day because they are afraid they will pass.

I want to say one last thing before I give up the floor. I notice that the distinguished ranking member of the Budget Committee is here. Let me say one last thing, because I want to let the American people know how cynical the approach is on this bill.

The Clinton administration has promised the Nation that it will put 100,000 new police officers on our streets to combat crime. Republicans believe that placing additional police on the street is a step in the right direction. So Republicans, in a bipartisan effort to assist the President in fulfilling his pledge, have been willing to provide the administration with the funding that is needed to do so. The hiring will be implemented by the crime bill's $8.85 billion cops-on-the-beat program. The $8.85 billion would be spread out over 6 fiscal years. Got that? The $8.85 billion will be spread out over 6 fiscal years.

Unfortunately, it has become evident that the administration's plan on the cost estimate falls far short of the lofty goal of 100,000 police officers. According to recent studies, if one were to include the cost of recruitment, salary, benefits, background checks, and equipment, the actual cost of hiring a new police officer is approximately $71,000 in the first year alone. Accordingly, the total cost of fully funding 100,000 new State and local police officers is closer to $7 billion per year, not just $8.85 billion over 6 years. Or should I say the average of $1.47 billion a year that the conference report provides for.

Yet, as recently as just this last week, the President was saying we are going to get you 100,000 new cops on the street. There is no way. It is cynical. With $8.85 billion spread over 6 years, at $1.47 billion a year, no way can you get 100,000 police on the street. With that particular level of funding, assuming all the funding is dedicated to police hiring, the crime bill only fully pays for the hiring or the retention of the 20,000 police. According to a card-carrying Democrat, John Diluilio, it is estimated that it takes 10 officers to put the equivalent of one officer on the beat around the clock.

Accordingly, the crime bill's cops-on-the-beat program will put only an additional 20,000 around-the-clock officers on the street. That is according to this leading Democrat theorist at Brookings, who is constantly quoted when his expertise meets their needs, but is ignored in this particular case. He is not a Republican. He is a Democrat. The cops-on-the-beat program is intended to provide seed money for State and local law enforcement hiring. It only permits the Federal Government to pay up to 75 percent of an officer's salary. Under the administration's implementation strategy, the Federal share of the salary will be phased out over 3 years. Now get that. Under this bill, even if we spend the full $1.47 billion a year—and that might be higher—if you used every penny, it would provide up to 20,000 cops. Think about it. The Federal Government is only going to pay 75 percent of the officers' salaries.

I just wonder about that. The States and localities—and get this—are expected to pick up the full salary after 3 years and contribute other costs. It is 25 percent in the first, 50 percent in the second, and 75 percent in the third, and 100 percent in the fourth—including the new pension, contributions and health insurance. I have had more than one local leader tell me: Gee, if we had the 25 percent, we would be doing it now. We would be spending the money on police now. But it is only 25 percent that they have to come up with in the first year, and the second year it is 50, the third year 75, and the fourth, 100 percent.

The cops-on-the-beat program no longer requires that grants be used to hire or rehire police officers and provides strong incentives for alternative

uses of the money. So it is extremely cynical to say you can have 100,000 police. They have known this for the last 2 months—really since November, as a matter of fact. It is a joke, and yet that is what they are selling the American people on this bill. This is a tragic bill because it could be so good if these 10 amendments were adopted. But they do not even have a chance unless the point of order is sustained.

As much as 3 percent of the $8.8 billion—$260 million of this police money—can be spent on technical assistance grant studies and evaluation. Of the remaining funds, $1.2 billion can be expended in nonhiring grants. Furthermore, the remaining funds, which are supposed to be dedicated to hiring grants, could be used for paying overtime if the Attorney General concludes more police would be deployed by doing so.

None of this is saying that the Federal Government should pick up the full tab for hiring 100,000 State and local police officers. Crime control is, and should remain, primarily a local function. The Federal Government should assist and not supplant the States in this effort. However, the Congress should be forthcoming in the facts surrounding this bill. We have not been. There has never been more disassembling on a bill than I have seen on this one. I will be happy to have it pointed out if we have not. This crime bill is not going to put 100,000 new police officers on the street. Senator BIDEN knows it, the President knows it, everybody knows it. However one chooses to analyze the crime bill's cops-on-the-beat program, the result is the same. It will only fund—if that—a small fraction of the President's promised 100,000 police officers.

Let me just make a comment, and I will be happy to yield the floor. Let me make this point one more time. The more important part of the 10-amendment offering that we made, to me—as much as I hate the pork in this bill, as much as I do not see a justification for hundreds more duplicative programs, or should I say the dozens of programs in this bill that provide for duplicative programs—as much as I hate all that, as much as I hate to see the taxpayers ripped off one more time, and we all know the game here, and anybody that denies that just is not telling the truth in my book; as much as I hate that, the other nine amendments are, to me, more important, because they will make a difference for our kids, they will make a difference against crime, they will make a difference against violence in our society, and they will make a difference against criminal aliens all over our society. I am talking about criminal aliens. We have a lot of honest and decent aliens in our country. So this should not be construed as criticizing them, but just those criminal aliens that are convicted of crimes in our society.

We have removed the gun battle from this. But let me say that something interesting happened to me. I was on C-SPAN, and I mentioned my father-in-law who died a couple years ago. I dearly loved him. He was as honest a person as I have ever met in my life. He was a hardworking farmer, a successful farmer on Utah and Idaho soil, which is very dry. A lot of the soil was used for dry farming. He really worked hard to earn what he owned.

He came to me 1 day and said, "ORRIN, don't you let them take our guns away from us, because a little community like ours"—at that time it was around 500 people but I think it is now around 700 people—"the thing that keeps us free is they know we have guns and we are tough and we are not going to put up with it." He said that to me.

It would keep corrupt people from coming in and taking over our communities, including criminal—and I want to emphasize the word "criminal"—motorcycle gangs. I was not particularly picking on the motorcyclists or the bikers. But I got a lot of calls on this from motorcyclists all over Utah and, frankly, all over the country who know I supported them through the years. And I stood up and voted against the DeConcini amendment, and I said I would do it again.

They said, "Are you talking about us?" I want to make it very clear I am not talking about them.

I promised this morning in a phone call to one of them I would say this on the floor. I am living up to it. I am glad I remembered it. I almost got through it without saying it. I would feel badly if I did not say it.

I had my friend from Colorado indicate to me that bikers are not all bad. I know that he has a Harley-Davidson and enjoys it. So I would not want to offend him either.

The fact is I want to make it clear that I will stand up for bikers. It is the criminal elements that I am talking about. I am talking about gangs in Utah. I am maybe a little upset about it because Utah has become such a popular place and we are getting gangs from elsewhere coming in there and shooting people. That is what we do not want.

His point is true. I do not mean to make this a gunfight. That is over. His point was "Do not take our guns away from us because that is what keeps us free."

I am glad I remembered that and made that particular point.

I ask the indulgence of the Senator from Delaware. I kept my friend and colleague way too long, and I apologize to him.

Mr. BIDEN. No problem.

Mr. HATCH. I really had not intended to speak this long, although I have been encouraged to do so, I might add.

Let me just ask if I could ask unanimous consent to allow our colleague from South Carolina, the senior Senator from South Carolina [Mr. THURMOND], who used to be chairman of the Judiciary Committee, just 5 minutes to make his comments.

I will yield the floor if he will.

Mr. BIDEN. On the condition that I am recognized and then allow me to yield 5 minutes to the Senator from South Carolina before I say anything, that is fine by me.

The PRESIDING OFFICER. The Senator from Utah made the unanimous-consent request?

Mr. HATCH. Yes.

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

Mr. BIDEN. Mr. President, I yield 5 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. I wish to thank the able chairman of the committee. I ask if it is agreeable to make it 7 minutes instead of 5 minutes.

Mr. BIDEN. Of course, I will.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mr. THURMOND. Mr. President, I rise today to state my support for the point of order that the current crime bill conference report is in violation of the Budget Act.

The conference report now under consideration has fallen short as a true crime control plan. I supported the crime bill adopted by the Senate in November 1993. At that time it was my belief the Congress was moving to send a bill to the President that would address violent crime in a decisive manner.

After the House and Senate met in conference, the price tag on the crime bill had ballooned over $10 billion. The Democrat-controlled conference tacked on a myriad of social programs which will cost the taxpayer billions of dollars and in my opinion do little to reduce violent crime.

Upon consideration of the first conference report to the crime bill, the Republicans in the House and many Democrats joined together and said "no" to the excessive Federal spending in the bill. That conference report was defeated and the President was forced to negotiate with those House Members who stood up to the pork spending and other weakened law enforcement provisions in the bill.

I congratulate my Republican colleagues in the House who were able to gain several important changes in the conference report. The White House and Democratic leadership were careful to negotiate only to the point where they would secure enough votes for passage. Once that was achieved, many remaining serious flaws with the conference report were not considered and pushed aside. Thus, the conference report was narrowly approved by the

House and is now pending before this body.

Mr. President, now we have an opportunity to further improve this bill. The action taken by the House of Representatives tells us that when necessary, President Clinton will negotiate on specific provisions within the bill. All we are asking is an opportunity to consider changes in the conference report to reflect a truly bipartisan crime bill worthy of the American people and our Nation's law enforcement.

The Senate should take steps necessary to improve this bill. We can strengthen provisions to hold violent offenders accountable and we can cut billions in social spending from this bill without compromising our responsibility to address violent crime in this country. At this point, the Senate should uphold a point of order that the crime bill conference report violates the Budget Act. This is the only way that the crime bill can be improved. By upholding the point of order, modifications can be made and we can then pass a crime bill the American people deserve. We must cut the pork in this bill and restore the true crime control measure which were weakened in conference.

I urge my colleagues to support the point of order and oppose any motion to waive the requirements of the Budget Act.

Mr. President, on a related matter I want to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THURMOND. Over the past few days during debate on the crime bill, on several occasions, a Senator on the other side of the aisle stated that a Republican Senator opposing this bill was being "disingenuous."

This disturbed me as we had been acting in good faith to address flaws in the crime bill. It struck me that his comments were in violation of Senate rule XIX. Senate rule XIX states, in part, that "No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator."

Webster's dictionary defines "disingenuous" as lacking sincerity or insincere.

My parliamentary inquiry, Mr. President, is it a violation of rule XIX for a Senator to state that another Senator is engaged in conduct on the Senate floor which is insincere or disingenuous?

The PRESIDING OFFICER. As the Chair understands rule XIX, page 717, paragraph 2, the Senator is correct, and the Chair does agree with the Senator.

Mr. THURMOND. Further, Mr. President, if that Senator is in violation of Senate rules, he may be called to order and may not proceed until the motion to allow that Senator to proceed is agreed to. Is that the case under the Senate rules?

The PRESIDING OFFICER. It is the Chair's understanding that that is the remedy if it is done while the Senator in violation is speaking.

Mr. THURMOND. Mr. President, I do not believe that my colleague on the other side of the aisle would intentionally violate the Senate rules. Those of us seeking modifications to the crime bill are doing so in good faith. In all sincerity and with no disingenuous motive, we take seriously our duty to our constituents and the American people to legislate in a responsible manner.

In a further show of good faith, I know of no Senator who plans to raise the point of order that the Senate rules were violated when our motives were tainted without credibility. However, I felt compelled to raise this issue because our views are strongly and sincerely held that this crime bill can be improved and it should be improved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware [Mr. BIDEN] is recognized.

Mr. BIDEN. Mr. President, what is the motion before the Senate?

The PRESIDING OFFICER. The motion before the Senate is the motion by the majority leader to waive the Budget Act.

Mr. BIDEN. I ask for the yeas and nays on that motion. I am not going to move it.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at present.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator is recognized.

Mr. BIDEN. Mr. President, I understand there are other Senators who wish to speak on the Republican side, and I think there are several on the Democratic side.

But basically we are ready to vote.

Mr. President, I would only make two points about what the Senator from Utah has said and what others have said here.

First of all, if you have observed, this is an incredible moving target. Every time my Republican friends stand up and say they just want something done on the bill, on the conference report, to change it, knowing that conference reports are not amendable—the first time it started off, we were told by one of the leading Republicans that they had three amendments. A day later, it was six amendments. Then a day later, it got up to 13 amendments. Then it got down to 9 amendments, broken into several parts; could have been as many as 15 amendments, depending how you read it, never having copies of any of these amendments.

And then, today, I find out that the issue is not pork. We have a new word in the lexicon here, that it is "discretionary spending."

This is not about pork. If we took out every single penny that they call pork, none of which is pork, but even if we take out every single penny we are talking about—which we gave them a chance to do. They have been saying for 4 days, "Let's vote, let's vote. We want to take out the pork," what they call "pork." Fine, give them a vote on it. They do not want to do that.

Now, I heard this morning that there are two new phrases that have crept into this last gasp on this debate to keep the crime bill from becoming law. One is that it is discretionary. Now discretionary is described as the money for the police, the money for the prisons. That is discretionary spending, according to them. So now they want to vote on discretionary spending, too.

I hope everybody gets it clear: They are not for this bill in any incarnation, if I read correctly what they are saying.

If you are against pork—and if they define everything in there that is not for police and not direct spending on police or prisons as pork, which I think they do; maybe some exception. I do not know what it is.

And then you add another, I think he said, $13 billion or $14 billion in discretionary spending, that is police and prisons, and they want to deal with that as well. Then you have a problem here, whereas you can see the target moves here.

Make it clear: This is not about pork. This is about the crime bill.

Now, I will not suggest what motivates them. I will not suggest today that their motivation relates to assault weapons or their motivation relates to a political defeat or success. I will not assert a motivation.

But I will assert a conclusion. They are against the bill, period. How can you be for this bill and say I am against, quote, what they call pork, what we call prevention?

By the way, I might point out, every police agency is for this; every prosecutor is for this.

And I might add, the other thing I heard, by the way, today was—you know, I get these incredible—they are really amazing; I do not know whether incredible violates the Senate rules—but fascinating. How about that—fascinating assertions that those wide eyed liberal big spenders are doing this.

Usually, if my friends on the right want to talk about liberals, what has become sort of the mantra that they use? They say—and it turned out it was

in the last Presidential debate about the ACLU. "He is a card-carrying ACLU member." Is that not the usual epithet cast at someone?

I am not a member, but I am proud of the ACLU. I think they are a first-rate organization.

Let me point out, the ACLU is the only outfit that sent a letter that is against this bill. The ACLU is against this bill—card-carrying ACLU. I guess the usual phrase I hear from this side is "superliberals," "whacko lefties." They are the kind of phrases I hear.

The ACLU is against the bill.

Now that is the letter I got—not only I, every Senator who receives ACLU mail—dated August 24, 1994. It says:

We write on behalf of the American Civil Liberties Union to urge you to oppose the conference report on the Violent Crime Control and Law Enforcement Act of 1994 (H.R. 3355). While the conference report contains some laudable measures, we are against it.

OK, now, the day before, who do I receive a letter from? Of the last two letters I received, one is from the ACLU against the bill. Now, remember, they are saying, "Anybody for this bill is a big spending liberal. It is a giveaway program, and it is a product and tool of liberals." And the superliberal organization, according to my friend from Utah in the past, has been the ACLU.

The ultimate insult would be, "You are a card-carrying ACLU member." That is even more of an insult than saying, "You are a motorcycle gang guy," although he clarified that, I guess.

Now, who did I get a letter from the day before, dated August 23, 1994? From the National District Attorneys Association. Now, they are the group that I heard mentioned repeatedly in the last 10 years, representing thousands and thousands of State and local prosecutors. These are not the attorneys general, these are not the people who are up there who deal with the Federal Government, these are back home, local prosecutors. And we were told last time that they were against the habeas corpus and this and that.

And they also portrayed them as being conservative, tough law enforcement people. And they are. I am sure there are a few liberals who are prosecutors, but, by and large, this is the group they always hold up and say, "The National District Attorneys Association is not for the ACLU"—they are clearly not for the ACLU—"is not for this habeas corpus, letting people out of jail, soft on crime thing."

Well, here is a second letter I got from the National District Attorneys Association.

It is addressed to "DEAR SENATOR BIDEN," and is dated August 23, 1994. I will put both of these in the RECORD, by the way.

It says:

As the peoples prosecutors we pledge to do all within our power to lead our communities in their daily struggle against crime. We ask you, the Congress, to give us the means and the leadership to accomplish this task by passing the Crime Bill without further delay and debate.

Signed, Robert Deschamps, a real, live, tough prosecutor.

I ask unanimous consent that both letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
August 24, 1994.

DEAR SENATOR: We write on behalf of the American Civil Liberties Union to urge you to oppose the Conference Report on the Violent Crime Control and Law Enforcement Act of 1994 (H.R. 3355). While the Conference Report contains some laudable measures such as those which make a credible commitment to addressing the root causes of crime, other features in the bill such as the broad expansion of the Federal death penalty and the so called "three strikes" provision render this bill a net loss for civil liberties.

We are particularly disappointed by the intransigent stand of some in the Senate against the Racial Justice Act. This opposition resulted in that measure being removed from the final Conference Report. We are, however, no less disappointed that so many others have apparently acquiesced in their support of a bill that contains the broadest expansion of the federal death penalty in our nation's history without an equally broad and strong commitment to assuring that the punishment is applied without regard to race.

It is more important than ever to separate the federal role from that of the states' role in crime control and prevention. The fundamental role of Congress in this area should be to insure and guarantee civil and constitutional rights in the enforcement of the criminal laws and to provide resources, support and, when necessary, leadership to the states as they carry out their missions. It is equally important that the Congress seek out and respect the limits of the Constitution.

In our view, the Conference Report utterly fails in these two important respects. It greatly overreaches by federalizing criminal activity at the state level to create dozens of new federal crimes. Other aspects of the Conference Report blatantly ignore the clear mandates of the Constitution. Nowhere is this more apparent than the provision in the bill which makes death a possible punishment when no murder has occurred.

We enclose for your information a detailed analysis of the original Conference Report and later modifications. We believe that a fair reading of these documents should lead you to the conclusion that many of the provisions described should not become the law of the land. Accordingly, we urge you in the strongest possible terms, to oppose the Violent Crime Control and Law Enforcement Act of 1994.

Sincerely,

IRA GLASSER,
Executive Director.
LAURA MURPHY LEE,
Director, Washington Office.

NATIONAL DISTRICT ATTORNEYS ASSOCIATION,
Alexandria, VA, August 23, 1994.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: The House of Representatives has finished its long debate on the Crime Bill and passed the much needed effort to provide the means to combat this national tragedy. The National District Attorneys Association calls upon the Senate to emulate their colleagues and swiftly end the six year wait for an effective program to address crime.

As the prosecutors for every town, city and county across the nation we have worked long and hard with you, the Congress of the United States, to provide the American people with an initiative that both fights crime and address the causes of crime. Our support has been bipartisan, with the needs of our nation foremost in our efforts. The Crime Bill has come too far and too much is at stake to have the Senate reject it at this juncture.

As the peoples prosecutors we pledge to do all within our power to lead our communities in their daily struggle against crime. We ask you, the Congress, to give us the means and the leadership to accomplish this task by passing the Crime Bill without further delay or debate.

Sincerely,

ROBERT L. DESCHAMPS,
President.

Mr. BIDEN. The liberal ACLU against the bill; the prosecutors for the bill.

Now, I hope we kind of stop this stuff.

We debated all this at length before. We are ready to vote, and I would like to ask whether or not the Republicans are ready to vote.

Mr. HATCH. I do not think they are right now. The minority leader is working on this matter. I do not know where we are, to be honest with you.

Mr. BIDEN. I will yield the floor in about a minute or two here for everyone else to seek recognition.

But let the record show, we have been told all along we are ready to vote on striking all the prevention money in the bill. We are ready.

Mr. WELLSTONE. Will the Senator yield?

Mr. BIDEN. I yield for a question.

Mr. WELLSTONE. Just for a question.

Some of us have been on the floor all morning. We have been anxious to be a part of this debate. But since the debate has gone on for days and days and days, we have just been patient, assuming we were going to vote. Are we about to vote or is this going to go on and on and on?

Mr. BIDEN. As my grandfather used to say, "God willing, and the creek not rising," I think we are getting ready to vote.

I yield the floor. Let us vote whenever we can.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. BUMPERS. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Delaware yield for a question?

Mr. BIDEN. Yes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I just wanted to ask the Senator, we are prepared—is he saying we are prepared to vote at any time?

Mr. BIDEN. Right now. Right this instant.

Mr. BUMPERS. The second question is, has the Chair been going back and forth between that side of the aisle and this side in choosing speakers?

Mr. BIDEN. The answer is "yes" thus far. There have been two Republican speakers and one Democratic.

Mr. BUMPERS. Let me just say I am prepared to vote, too. I am probably the only Member of the U.S. Senate who has not spoken on this, but I will be more than happy to go home with that distinction if we can get a vote.

Mr. BIDEN. I will say to my friend it would be the only issue he has not spoken on, on the floor. But he usually enlightens us all when he does, so I would like to hear him speak. But I am ready to vote.

Mr. BUMPERS. The Senator is entirely right. But I am willing to forsake that for the sake of expediency, to get this bill passed. I say to the distinguished chairman, if and when I get a chance to speak on it, I will happily stop in the middle of a sentence if the Republicans are prepared to vote.

Mr. BIDEN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, there is no doubt that the gravest issue confronting America today is the fear of crime. Crime—and especially crime related to illegal drug use—is running rampant in this Nation, and the public expects Congress to do something to curb this increasing wave of lawlessness and violence that threatens the very fabric of our free society. Many are now asking how free are we, really, if we are afraid to go out into the streets at night?

The crime bill coming out of the conference committee provides for 100,000 additional policemen, nearly $10 billion more for new prison construction, military-style boot camps, expanded death penalty provisions, "three strikes and you're out," effective DNA testing, special drug courts, and federalization of drive-by shootings and gang crimes, as well as a number of other excellent features.

At the same time, it is not by any means a perfect bill, and there are objectionable provisions with which I strongly disagree. I have consistently opposed gun control, including the Brady bill. Serious efforts were made to remove the gun control provisions from both the Senate version and the conference report, but they failed.

The gun control provisions in this conference report deal entirely with the future manufacture and sale of assault weapons. There are 19 assault weapons that are banned. I have studied the assault weapons issue carefully, and have come to the conclusion that it is really primarily an issue of symbolism. It is not really a problem for two reasons:

It would be difficult, if not impossible, to find in my State of Alabama a hunter, sportsman, or law-abiding homeowner who uses one of the 19 banned assault weapons. Their rights to hunt, engage in target practice, or protect their families and homes will not be, for all practical purposes, actually affected by the ban in this conference report.

At the same time, very few crimes are committed with assault weapons, although it is true that the crimes which are committed using these weapons are more sensational and therefore gain more media attention.

Therefore, if laws are enacted to ban such assault-style weapons, they will have little effect, since the few hardened criminals who do want to use these guns will find ways to obtain them.

So, the issue is only a symbolic one. This conference report and the good things it does should not be jeopardized by something that affects only a very small number of people and is primarily symbolic.

Congress has tried for 6 years to pass a major comprehensive crime-fighting measure, but each time it has failed because of certain provisions, including those relating to gun control. In the meantime, the problems of crime and drugs have continued unabated. It is now time to act.

The issue comes down to whether or not we are going to pass a crime bill now and start a truly comprehensive effort to stop the onslaught of crime and drugs. In my judgment, the good features of this bill far outweigh its objectionable provisions. As is the case with all omnibus legislation, we have to weigh the good against the bad and support the side that tilts toward doing something substantial for the public. In my opinion, the good outweighs the bad by at least 5 to 1 in this conference report.

The budgetary point of order that has been raised applies to a trust fund into which moneys will flow from previously adopted budget cuts—primarily from a reduced Federal work force. If the point of order is sustained, funds from this budget-cutting approach cannot be used to finance this $30 billion crime bill. If the trust fund method of financing is not used, the funding of this crime bill or any other crime bill we pass will likely have to come from increased taxes or deficit spending. I would much prefer a crime bill to be paid for through budget savings instead of increased taxes or further deficit spending.

For three consecutive Congresses now—since 1989—a comprehensive crime bill has failed to be enacted into law for various reasons. Our failure has always been portrayed as a victory for one political party or particular group and a defeat for the other.

But the truth is, our failure to enact a crime bill will be a victory for criminals and a defeat for law enforcement. Law enforcement officials across this country—those who put their lives on the line every day to protect us—overwhelmingly support this legislation.

It is time to move forward by defeating this point of order. A vote to sustain the point of order is a vote to kill any chances for enacting anticrime legislation this year. It should be defeated.

Mr. President, I would like to have a list of the semiautomatic weapons which are not banned to be printed in the RECORD following my remarks. In this bill 19 assault-style weapons are specifically banned. To a great extent, efforts have been made to show under some type of interpretation that the 600 weapons listed could not be included in any banned group. Included in this list of 600 weapons is practically every rifle or semiautomatic rifle that is used by sportsmen for hunting in the United States. I think this approach shows our citizens they will be able to keep their rifles.

The bill applies only to future manufacturing and sale.

In just glancing over this list, I see included a Winchester model 12 pump shotgun. It is not banned and so on down through the list over 600 similar hunting and defense weapons are not banned.

I ask unanimous consent that list be printed in the RECORD following my remarks.

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

EXCERPT FROM THE CONGRESSIONAL RECORD OF AUG. 21, 1994—WEAPONS NOT TO BE BANNED

"APPENDIX A

Centerfire Rifles—Autoloaders

Browning BAR Mark II Safari Semi-Auto Rifle
Browning BAR Mark II Safari Magnum Rifle
Browning High-Power Rifle
Heckler & Koch Model 300 Rifle
Iver Johnson M-1 Carbine
Iver Johnson 50th Anniversary M-1 Carbine
Marlin Model 9 Camp Carbine
Marlin Model 45 Carbine
Remington Nylon 66 Auto-Loading Rifle
Remington Model 7400 Auto Rifle
Remington Model 7400 Rifle
Remington Model 7400 Special Purpose Auto Rifle
Ruger Mini-14 Autoloading Rifle (w/o folding stock)
Ruger Mini Thirty Rifle

Centerfire Rifles—Lever & Slide

Browning Model 81 BLR Lever-Action Rifle

Browning Model 81 Long Action BLR
Browning Model 1886 Lever-Action Carbine
Browning Model 1886 High Grade Carbine
Cimarron 1860 Henry Replica
Cimarron 1866 Winchester Replicas
Cimarron 1873 Short Rifle
Cimarron 1873 Sporting Rifle
Cimarron 1873 30" Express Rifle
Dixie Engraved 1873 Rifle
E.M.F. 1866 Yellowboy Lever Actions
E.M.F. 1860 Henry Rifle
E.M.F. Model 73 Lever-Action Rifle
Marlin Model 336CS Lever-Action Carbine
Marlin Model 30AS Lever-Action Carbine
Marlin Model 444SS Lever-Action Sporter
Marlin Model 1894S Lever-Action Carbine
Marlin Model 1894CS Carbine
Marlin Model 1894CL Classic
Marlin Model 1895SS Lever-Action Rifle
Mitchell 1858 Henry Replica
Mitchell 1866 Winchester Replica
Mitchell 1873 Winchester Replica
Navy Arms Military Henry Rifle
Navy Arms Henry Trapper
Navy Arms Iron Frame Henry
Navy Arms Henry Carbine
Navy Arms 1866 Yellowboy Rifle
Navy Arms 1873 Winchester-Style Rifle
Navy Arms 1873 Sporting Rifle
Remington 7600 Slide Action
Remington Model 7600 Special Purpose Slide Action
Rossi M92 SRC Saddle-Ring Carbine
Rossi M92 SRS Short Carbine
Savage 99C Lever-Action Rifle
Uberti Henry Rifle
Uberti 1866 Sporting Rilfe
Uberti 1873 Sporting Rifle
Winchester Model 94 Side Eject Lever-Action Rifle
Winchester Model 94 Trapper Side Eject
Winchester Model 94 Big Bore Side Eject
Winchester Model 94 Ranger Side Eject Lever- Action Rifle
Winchester Model 94 Wrangler Side Eject

Centerfire Rifles—Bolt Action

Alpine Bolt-Action Rifle
A-Square Caesar Bolt-Action Rifle
A-Square Hannibal Bolt-Action Rifle
Anschutz 1700D Classic Rifles
Anschutz 1700D Custom Rifles
Anschutz 1700D Bavarian Bolt-Action Rifle
Anschutz 1733D Mannlicher Rifle
Barret Model 90 Bolt-Action Rifle
Beeman/HW 60J Bolt-Action Rifle
Blaser R84 Bolt-Action Rifle
BRNO 537 Sporter Bolt-Action Rifle
BRNO ZKB 527 Fox Bolt-Action Rifle
BRNO ZKK 600, 601, 602 Bolt-Action Rifles
Browning A-Bolt Rifle
Browning A-Bolt Stainless Stalker
Browning A-Bolt Left Hand
Browning A-Bolt Short Action
Browning Euro-Bolt Rifle
Browning A-Bolt Gold Medallion
Browning A-Bolt Micro Medallion
Century Centurion 14 Sporter
Century Enfield Sporter #4
Century Swedish Sporter #38
Century Mauser 98 Sporter
Cooper Model 38 Centerfire Sporter
Dakota 22 Sporter Bolt-Action Rifle
Dakota 76 Classic Bolt-Action Rifle
Dakota 76 Short Action Rifles
Dakota 76 Safari Bolt-Action Rifle
Dakota 416 Rigby African
E.A.A./Sabatti Rover 870 Bolt-Action Rifle
Auguste Francotte Bolt-Action Rifles
Carl Gustaf 2000 Bolt-Action Rifle
Heym Magnum Express Series Rifle
Howa Lightning Bolt-Action Rifle
Howa Realtree Camo Rifle
Interarms Mark X Viscount Bolt-Action Rifle
Interarms Mini-Mark X Rifle
Interarms Mark X Whitworth Bolt-Action Rifle
Interarms Whitworth Express Rifle
Iver Johnson Model 5100A1 Long-Range Rifle
KDF K15 American Bolt-Action Rifle
Krico Model 600 Bolt-Action Rifle
Krico Model 700 Bolt-Action Rifles
Mauser Model 66 Bolt-Action Rifle
Mauser Model 99 Bolt-Action Rifle
McMillan Signature Classic Sporter
McMillan Signature Super Varminter
McMillan Signature Alaskan
McMillan Signature Titanium Mountain Rifle
McMillan Classic Stainless Sporter
McMillan Talon Safari Rifle
McMillan Talon Sporter Rifle
Midland 1500S Survivor Rifle
Navy Arms TU-33/40 Carbine
Parker-Hale Model 81 Classic Rifle
Parker-Hale Model 81 Classic African Rifle
Parker-Hale Model 1000 Rifle
Parker-Hale Model 1100M African Magnum
Parker-Hale Model 1100 Lightweight Rifle
Parker-Hale Model 1200 Super Rifle
Parker-Hale Model 1200 Super Clip Rifle
Parker-Hale Model 1300C Scout Rifle
Parker-Hale Model 2100 Midland Rifle
Parker-Hale Model 2700 Lightweight Rifle
Parker-Hale Model 2800 Midland Rifle
Remington Model Seven Bolt-Action Rifle
Remington Model Seven Youth Rifle
Remington Model Seven Custom KS
Remington Model Seven Custom MS Rifle
Remington 700 ADL Bolt-Action Rifle
Remington 700 BDL Bolt-Action Rifle
Remington 700 BDL Varmint Special
Remington 700 BDL European Bolt-Action Rifle
Remington 700 Varmint Synthetic Rifle
Remington 700 BDL SS Rifle
Remington 700 Stainless Synthetic Rifle
Remington 700 MTRSS Rifle
Remington 700 BDL Left Hand
Remington 700 Camo Synthetic Rifle
Remington 700 Safari
Remington 700 Mountain Rifle
Remington 700 Custom KS Mountain Rifle
Remington 700 Classic Rifle
Ruger M77 Mark II Rifle
Ruger M77 Mark II Magnum Rifle
Ruger M77RL Ultra Light
Ruger M77 Mark II All-Weather Stainless Rifle
Ruger M77 RSI International Carbine
Ruger M77 Mark II Express Rifle
Ruger M77VT Target Rifle
Sako Hunter Rifle
Sako Fiberclass Sporter
Sako Safari Grade Bolt Action
Sako Hunter Left-Hand Rifle
Sako Classic Bolt Action
Sako Hunter LS Rifle
Sako Deluxe Lightweight
Sako Super Deluxe Sporter
Sako Mannlicher-Style Carbine
Sako Varmint Heavy Barrel
Sako TRG-S Bolt-Action Rifle
Sauer 90 Bolt-Action Rifle
Savage 110G Bolt-Action Rifle
Savage 110CY Youth/Ladies Rifle
Savage 110WLE One of One Thousand Limited Edition Rifle
Savage 110GXP3 Bolt-Action Rifle
Savage 110F Bolt-Action Rifle
Savage 110FXP3 Bolt-Action Rifle
Savage 110GV Varmint Rifle
Savage 112FV Varmint Rifle
Savage Model 112FVS Varmint Rifle
Savage Model 112BV Heavy Barrel Varmint Rifle
Savage 116FSS Bolt-Action Rifle
Savage Model 116FSK Kodiak Rifle
Savage 110FP Police Rifle
Steyr-Mannlicher Sporter Models SL, L, M, S, S/T
Steyr-Mannlicher Luxus Model L, M, S
Steyr-Mannlicher Model M Professional Rifle
Tikka Bolt-Action Rifle
Tikka Premium Grade Rifles
Tikka Varmint/Continental Rifle
Tikka Whitetail/Battue Rifle
Ultra Light Arms Model 20 Rifle
Ultra Light Arms Model 28, Model 40 Rifles
Voere VEC 91 Lightning Bolt-Action Rifle
Voere Model 2165 Bolt-Action Rifle
Voere Model 2155, 2150 Bolt-Action Rifles
Weatherby Mark V Deluxe Bolt-Action Rifle
Weatherby Lasermark V Rifle
Weatherby Mark V Crown Custom Rifles
Weatherby Mark V Sporter Rifle
Weatherby Mark V Safari Grade Custom Rifles
Weatherby Weathermark Rifle
Weatherby Weathermark Alaskan Rifle
Weatherby Classicmark No. 1 Rifle
Weatherby Weatherguard Alaskan Rifle
Weatherby Vanguard VGX Deluxe Rifle
Weatherby Vanguard Classic Rifle
Weatherby Vanguard Classic No. 1 Rifle
Weatherby Vanguard Weatherguard Rifle
Wichita Classic Rifle
Wichita Varmint Rifle
Winchester Model 70 Sporter
Winchester Model 70 Sporter WinTuff
Winchester Model 70 SM Sporter
Winchester Model 70 Stainless Rifle
Winchester Model 70 Varmint
Winchester Model 70 Synthetic Heavy Varmint Rifle
Winchester Model 70 DBM Rifle
Winchester Model 70 DBM-S Rifle
Winchester Model 70 Featherweight
Winchester Model 70 Featherweight WinTuff
Winchester Model 70 Featherweight Classic
Winchester Model 70 Lightweight Rifle
Winchester Ranger Rifle
Winchester Model 70 Super Express Magnum
Winchester Model 70 Super Grade
Winchester Model 70 Custom Sharpshooter
Winchester Model 70 Custom Sporting Sharpshooter Rifle

Centerfire Rifles—Single Shot

Armsport 1866 Sharps Rifle, Carbine
Brown Model One Single Shot Rifle
Browning Model 1885 Single Shot Rifle
Dakota Single Shot Rifle
Desert Industries G-90 Single Shot Rifle

Harrington & Richardson Ultra Varmint Rifle
Model 1885 High Wall Rifle
Navy Arms Rolling Block Buffalo Rifle
Navy Arms #2 Creedmoor Rifle
Navy Arms Sharps Cavalry Carbine
Navy Arms Sharps Plains Rifle
New England Firearms Handi-Rifle
Red Willow Armory Ballard No. 5 Pacific
Red Willow Armory Ballard No. 1.5 Hunting Rifle
Red Willow Armory Ballard No. 8 Union Hill Rifle
Red Willow Armory Ballard No. 4.5 Target Rifle
Remington-Style Rolling Block Carbine
Ruger No. 1B Single Shot
Ruger No. 1A Light Sporter
Ruger No. 1H Tropical Rifle
Ruger No. 1S Medium Sporter
Ruger No. 1 RSI International
Ruger No. 1V Special Varminter
C. Sharps Arms New Model 1874 Old Reliable
C. Sharps Arms New Model 1875 Rifle
C. Sharps Arms 1875 Classic Sharps
C. Sharps Arms New Model 1875 Target & Long Range
Shiloh Sharps 1874 Long Range Express
Shiloh Sharps 1874 Montana Roughrider
Shiloh Sharps 1874 Military Carbine
Shiloh Sharps 1874 Business Rifle
Shiloh Sharps 1874 Military Rifle
Sharps 1874 Old Reliable
Thompson/Center Contender Carbine
Thompson/Center Stainless Contender Carbine
Thompson/Center Contender Carbine Survival System
Thompson/Center Contender Carbine Youth Model
Thompson/Center TCR '87 Single Shot Rifle
Uberti Rolling Block Baby Carbine

Drillings, Combination Guns, Double Rifles

Beretta Express SSO O/U Double Rifles
Beretta Model 455 SxS Express Rifle
Chapuis RGExpress Double Rifle
Auguste Francotte Sidelock Double Rifles
Auguste Francotte Boxlock Double Rifle
Heym Model 55B O/U Double Rifle
Heym Model 55FW O/U Combo Gun
Heym Model 88b Side-by-Side Double Rifle
Kodiak Mk. IV Double Rifle
Kreighoff Teck O/U Combination Gun
Kreighoff Trumpf Drilling
Merkel Over/Under Combination Guns
Merkel Drillings
Merkel Model 160 Side-by-Side Double Rifles
Merkel Over/Under Double Rifles
Savage 24F O/U Combination Gun
Savage 24F-12T Turkey Gun
Springfield Inc. M6 Scout Rifle/Shotgun
Tikka Model 412s Combination Gun
Tikka Model 412S Double Fire
A. Zoli Rifle-Shotgun O/U Combo

Rimfire Rifles—Autoloaders

AMT Lightning 25/22 Rifle
AMT Lightning Small-Game Hunting Rifle II
AMT Magnum Hunter Auto Rifle
Anschutz 525 Deluxe Auto
Armscor Model 20P Auto Rifle
Browning Auto-22 Rifle
Browning Auto-22 Grade VI
Krico Model 260 Auto Rifle
Lakefield Arms Model 64B Auto Rifle
Marlin Model 60 Self-Loading Rifle
Marlin Model 60ss Self-Loading Rifle
Marlin Model 70 HC Auto
Marlin Model 990l Self-Loading Rifle
Marlin Model 70P Papoose
Marlin Model 922 Magnum Self-Loading Rifle
Marlin Model 995 Self-Loading Rifle
Norinco Model 22 ATD Rifle
Remington Model 522 Viper Autoloading Rifle
Remington 552BDL Speedmaster Rifle
Ruger 10/22 Autoloading Carbine (w/o folding stock)
Survival Arms AR-7 Explorer Rifle
Texas Remington Revolving Carbine
Voere Model 2115 Auto Rifle

Rimfire Rifles—Lever & Slide Action

Browning BL-22 Lever-Action Rifle
Marlin 39TDS Carbine
Marlin Model 39AS Golden Lever-Action Rifle
Remington 572BDL Fieldmaster Pump Rifle
Norinco EM-321 Pump Rifle
Rossi Model 62 SA Pump Rifle
Rossi Model 62 SAC Carbine
Winchester Model 9422 Lever-Action Rifle
Winchester Model 9422 Magnum Lever-Action Rifle

Rimfire Rifles—Bolt Actions & Single Shots

Anschutz Achiever Bolt-Action Rifle
Anschutz 1416D/1516D Classic Rifles
Anschutz 1418D/1518D Mannlicher Rifles
Anschutz 1700D Classic Rifles
Anschutz 1700D Custom Rifles
Anschutz 1700 FWT Bolt-Action Rifle
Anschutz 1700D Graphite Custom Rifle
Anschutz 1700D Bavarian Bolt-Action Rifle
Armscor Model 14P Bolt-Action Rifle
Armscor Model 1500 Rifle
BRNO ZKM-452 Deluxe Bolt-Action Rifle
BRNO ZKM 452 Deluxe
Beeman/HW 60-J-ST Bolt-Action Rifle
Browning A-Bolt 22 Bolt-Action Rifle
Browning A-Bolt Gold Medallion
Cabanas Phaser Rifle
Cabanas Master Bolt-Action Rifle
Cabanas Espronceda IV Bolt-Action Rifle
Cabanas Leyre Bolt-Action Rifle
Chipmunk Single Shot Rifle
Cooper Arms Model 36S Sporter Rifle
Dakota 22 Sporter Bolt-Action Rifle
Krico Model 300 Bolt-Action Rifles
Lakefield Arms Mark II Bolt-Action Rifle
Lakefield Arms Mark I Bolt-Action Rifle
Magtech Model MT-22C Bolt-Action Rifle
Marlin Model 880 Bolt-Action Rifle
Marlin Model 881 Bolt-Action Rifle
Marlin Model 882 Bolt-Action Rifle
Marlin Model 883 Bolt-Action Rifle
Marlin Model 883SS Bolt-Action Rifle
Marlin Model 25MN Bolt-Action Rifle
Marlin Model 25N Bolt-Action Repeater
Marlin Model 15YN "Little Buckaroo"
Mauser Model 107 Bolt-Action Rifle
Mauser Model 201 Bolt-Action Rifle
Navy Arms TU-KKW Training Rifle
Navy Arms TU-33/40 Carbine
Navy Arms TU-KKW Sniper Trainer
Norinco JW-27 Bolt-Action Rifle
Norinco JW-15 Bolt-Action Rifle
Remington 541-T
Remington 40-XR Rimfire Custom sporter
Remington 541-T HB Bolt-Action Rifle
Remington 581-S Sportsman Rifle
Ruger 77/22 Rimfire Bolt-Action Rifle
Ruger K77/22 Varmint Rifle
Ultra Light Arms Model 20 RF Bolt-Action Rifle
Winchester Model 52B Sporting Rifle

Competition Rifles—Centerfire & Rimfire

Anschutz 64-MS Left Silhouette
Anschutz 1808D RT Super Match 54 Target
Anschutz 1827B Biathlon Rifle
Anschutz 1903D Match Rifle
Anschutz 1803D Intermediate Match
Anschutz 1911 Match Rifle
Anschutz 54.18MS REP Deluxe Silhouette Rifle
Anschutz 1913 Super Match Rifle
Anschutz 1907 Match Rifle
Anschutz 1910 Super Match II
Anschutz 54.18MS Silhouette Rifle
Anschutz Super Match 54 Target Model 2013
Anschutz Super Match 54 Target Model 2007
Beeman/Feinwerkbau 2600 Target Rifle
Cooper Arms Model TRP-1 ISU Standard Rifle
E.A.A./Weihrauch HW 60 Target Rifle
E.A.A./HW 660 Match Rifle
Finnish Lion Standard Target Rifle
Krico Model 360 S2 Biathlon Rifle
Krico Model 400 Match Rifle
Krico Model 360S Biathlon Rifle
Krico Model 500 Kricotronic Match Rifle
Krico Model 600 Sniper Rifle
Krico Model 600 Match Rifle
Lakefield Arms Model 90B Target Rifle
Lakefield Arms Model 91T Target Rifle
Lakefield Arms Model 92S Silhouette Rifle
Marlin Model 2000 Target Rifle
Mauser Model 86-SR Specialty Rifle
McMillan M-86 Sniper Rifle
McMillan Combo M-87/M-88 50-Caliber Rifle
McMillan 300 Phoenix Long Range Rifle
McMillan M-89 Sniper Rifle
McMillan National Match Rifle
McMillan Long Range Rifle
Parker-Hale M-87 Target Rifle
Parker-Hale M-85 Sniper Rifle
Remington 40-XB Rangemaster Target Centerfire
Remington 40-XR KS Rimfire Position Rifle
Remington 40-XBBR KS
Remington 40-XC KS National Match Course Rifle
Sako TRG-21 Bolt-Action Rifle
Steyr-Mannlicher Match SPG-UIT Rifle
Steyr-Mannlicher SSG P-I Rifle
Steyr-Mannlicher SSG P-III Rifle
Steyr-Mannlicher SSG P-IV Rifle
Tanner Standard UIT Rifle
Tanner 50 Meter Free Rifle
Tanner 300 Meter Free Rifle
Wichita Silhouette Rifle

Shotguns—Autoloaders

American Arms/Franchi Black Magic 48/AL
Benelli Super Black Eagle Shotgun
Benelli Super Black Eagle Slug Gun
Benelli M1 Super 90 Field Auto Shotgun
Benelli Montefeltro Super 90 20-Gauge Shotgun
Benelli Montefeltro Super 90 Shotgun
Benelli M1 Sporting Special Auto Shotgun
Benelli Black Eagle Competition Auto Shotgun
Beretta A-303 Auto Shotgun
Beretta 390 Field Auto Shotgun
Beretta 390 Super Trap, Super Skeet Shotguns

Beretta Vittoria Auto Shotgun
Beretta Model 1201F Auto Shotgun
Browning BSA 10 Auto Shotgun
Browning BSA 10 Stalker Auto Shotgun
Browning A-500R Auto Shotgun
Browning A-500G Auto Shotgun
Browning A-500G Sporting Clays
Browning Auto-5 Light 12 and 20
Browning Auto-5 Stalker
Browning Auto-5 Magnum 20
Browning Auto-5 Magnum 12
Churchill Turkey Automatic Shotgun
Cosmi Automatic Shotgun
Maverick Model 60 Auto Shotgun
Mossberg Model 5500 Shotgun
Mossberg Model 9200 Regal Semi-Auto Shotgun
Mossberg Model 9200 USST Auto Shotgun
Mossberg Model 9200 Camo Shotgun
Mossberg Model 6000 Auto Shotgun
Remington Model 1100 Shotgun
Remington 11-87 Premier Shotgun
Remington 11-87 Sporting Clays
Remington 11-87 Premier Skeet
Remington 11-87 Premier Trap
Remington 11-87 Special Purpose Magnum
Remington 11-87 SPS-T Camo Auto Shotgun
Remington 11-87 Special Purpose Deer Gun
Remington 11-87 SPS-BG-Camo Deer/Turkey Shotgun
Remington 11-87 SPS-Deer Shotgun
Remington 11-87 Special Purpose Synthetic Camo
Remington SP-10 Magnum-Camo Auto Shotgun
Remington SP-10 Magnum Auto Shotgun
Remington SP-10 Magnum Turkey Combo
Remington 1100 LT-20 Auto
Remington 1100 Special Field
Remington 1100 20-Gauge Deer Gun
Remington 1100 LT-20 Tournament Skeet
Winchester Model 1400 Semi-Auto Shotgun

Shotguns—Slide Actions

Browning Model 42 Pump Shotgun
Browning BPS Pump Shotgun
Browning BPS Stalker Pump Shotgun
Browning BPS Pigeon Grade Pump Shotgun
Browning BPS pump Shotgun (Ladies and Youth Model)
Browning BPS Game Gun Turkey Special
Browning BPS Game Gun Deer Special
Ithaca Model 87 Supreme Pump Shotgun
Ithaca Model 87 Deerslayer Shotgun
Ithaca Deerslayer II Rifled Shotgun
Ithaca Model 87 Turkey Gun
Ithaca Model 87 Deluxe Pump Shotgun
Magtech Model 586-VR Pump Shotgun
Maverick Models 88, 91 Pump Shotguns
Mossberg Model 500 Sporting Pump
Mossberg Model 500 Camo Pump
Mossberg Model 500 Muzzleloader Combo
Mossberg Model 500 Trophy Slugster
Mossberg Turkey Model 500 Pump
Mossberg Model 500 Bantam Pump
Mossberg Field Grade Model 835 Pump Shotgun
Mossberg Model 835 Regal Ulti-Mag Pump
Remington 870 Wingmaster
Remington 870 Special Purpose Deer Gun
Remington 870 SPS-BG-Camo Deer/Turkey Shotgun
Remington 870 SPS-Deer Shotgun
Remington 870 Marine Magnum
Remington 870 TC Trap
Remington 870 Special Purpose Synthetic Camo
Remington 870 Wingmaster Small Gauges
Remington 870 Express Rifle Sighted Deer Gun
Remington 879 SPS Special Purpose Magnum
Remington 870 SPS-T Camo Pump Shotgun
Remington 870 Special Field
Remington 870 Express Turkey
Remington 870 High Grades
Remington 870 Express
Remington Model 870 Express Youth Gun
Winchester Model 12 Pump Shotgun
Winchester Model 42 High Grade Shotgun
Winchester Model 1300 Walnut Pump
Winchester Model 1300 Slug Hunter Deer Gun
Winchester Model 1300 Ranger Pump Gun Combo & Deer Gun
Winchester Model 1300 Turkey Gun
Winchester Model 1300 Ranger Pump Gun

Shotguns—Over/Unders

American Arms/Franchi Falconet 2000 O/U
American Arms Silver I O/U
American Arms Silver II Shotgun
American Arms Silver Skeet O/U
American Arms/Franchi Sporting 2000 O/U
American Arms Silver Sporting O/U
American Arms Silver Trap O/U
American Arms WS/OU 12, TS/OU 12 Shotguns
American Arms WT/OU 10 Shotgun
Armsport 2700 O/U Goose Gun
Armsport 2700 Series O/U
Armsport 2900 Tri-Barrel Shotgun
Baby Bretton Over/Under Shotgun
Beretta Model 686 Ultralight O/U
Beretta ASE 90 Competition O/U Shotgun
Beretta Over/Under Field Shotguns
Beretta Onyx Hunter Sport O/U Shotgun
Beretta Model SO5, SO6, SO9 Shotguns
Beretta Sporting Clay Shotguns
Beretta 687EL Sporting O/U
Beretta 682 Super Sporting O/U
Beretta Series 682 Competition Over/Unders
Browning Citori O/U Shotgun
Browning Superlight Citori Over/Under
Browning Lightning Sporting Clays
Browning Micro Citori Lightning
Browning Citori Plus Trap Combo
Browning Citori Plus Trap Gun
Browning Citori O/U Skeet Models
Browning Citori O/U Trap Models
Browning Special Sporting Clays
Browning Citori GTI Sporting Clays
Browning 325 Sporting Clays
Centurion Over/Under Shotgun
Chapuis Over/Under Shotgun
Connecticut Valley Classics Classic Sporter O/U
Connecticut Valley Classics Classic Field Waterfowler
Charles Daly Field Grade O/U
Charles Daly Lux Over/Under
E.A.A./Sabatti Sporting Clays Pro-Gold O/U
E.A.A/Sabatti Falcon-Mon Over/Under
Kassnar Grade I O/U Shotgun
Krieghoff K-80 Sporting Clays O/U
Krieghoff K-80 Skeet Shotgun
Krieghoff K-80 International Skeet
Krieghoff K-80 Four-Barrel Skeet Set
Krieghoff K-80/RT Shotguns
Krieghoff K-80 O/U Trap Shotgun
Laurona Silhouette 300 Sporting Clays
Laurona Silhouette 300 Trap
Laurona Super Model Over/Under
Ljutic LM-6 Deluxe O/U Shotgun
Marocchi Conquista Over/Under Shotgun
Marocchi Avanza O/U Shotgun
Merkel Model 200E O/U Shotgun
Merkel Model 200E Skeet, Trap Over/Under
Merkel Model 203E, 303E Over/Under Shotguns
Perazzi Mirage Special Sporting O/U
Perazzi Mirage Special Four-Gauge Skeet
Perazzi Sporting Classic O/U
Perazzi MX7 Over/Under Shotguns
Perazzi Mirage Special Skeet Over/Under
Perazzi MX8/MX8 Special Trap, Skeet
Perazzi MX8/20 Over/Under Shotgun
Perazzi MX9 Single Over/Under Shotguns
Perazzi MX12 Hunting Over/Under
Perazzi MX28, MX410 Game O/U Shotguns
Perazzi MX20 Hunting Over/Under
Piotti Boss Over/Under Shotgun
Remington Peerless Over/Under Shotgun
Ruger Red Label O/U Shotgun
Ruger Sporting Clays O/U Shotgun
San Marco 12-Ga. Wildflower Shotgun
San Marco Field Special O/U Shotgun
San Marco 10-Ga. O/U Shotgun
SKB Model 505 Deluxe Over/Under Shotgun
SKB Model 685 Over/Under Shotgun
SKB Model 885 Over/Under Trap, Skeet, Sporting Clays
Stoeger/IGA Condor I O/U Shotgun
Stoeger/IGA ERA 2000 Over/Under Shotgun
Techni-Mec Model 610 Over/Under
Tikka Model 412S Field Grade Over/Under
Weatherby Athena Grade IV O/U Shotguns
Weatherby Athena Grade V Classic Field O/U
Weatherby Orion O/U Shotguns
Weatherby II, III Classic Field O/Us
Weatherby Orion II Classic Sporting Clays O/U
Weatherby Orion II Sporting Clays O/U
Winchester Model 1001 O/U Shotgun
Winchester Model 1001 Sporting Clays O/U
Pietro Zanoletti Model 2000 Field O/U

Shotguns—Side by Sides

American Arms Brittany Shotgun
American Arms Gentry Double Shotgun
American Arms Derby Side-by-Side
American Arms Grulla #2 Double Shotgun
American Arms WS/SS 10
American Arms TS/SS 10 Double Shotgun
American Arms TS/SS 12 Side-by-Side
Arrieta Sidelock Double Shotguns
Armsport 1050 Series Double Shotguns
Arizaga Model 31 Double Shotgun
AYA Boxlock Shotguns
AYA Sidelock Double Shotguns
Beretta Model 452 Sidelock Shotgun
Beretta Side-by-Side Field Shotguns
Crucelegui Hermanos Model 150 Double
Chapuis Side-by-Side Shotgun
E.A.A./Sabatti Saba-Mon Double Shotgun

Charles Daly Model Dss Double
Ferlib Model F VII Double Shotgun
Auguste Francotte Boxlock Shotgun
Auguste Francotte Sidelock Shotgun
Garbi Model 100 Double
Garbi Model 101 Side-by-Side
Garbi Model 103A, B Side-by-Side
Garbi Model 200 Side-by-Side
Bill Hanus Birdgun Doubles
Hatfield Uplander Shotgun
Merkel Model 8, 47E Side-by-Side Shotguns
Merkel Model 47LSC Sporting Clays Double
Merkel Model 47S, 147S Side-by-Sides
Parker Reproductions Side-by-Side
Piotti King No. 1 Side-by-Side
Piotti Lunik Side-by-Side
Piotti King Extra Side-by-Side
Piotti Piuma Side-by-Side
Precision Sports Model 600 Series Doubles
Rizzini Boxlock Side-by-Side
Rizzini Sidelock Side-by-Side
Stoeger/IGA Uplander Side-by-Side Shotgun
Ugartechea 10-Ga. Magnum Shotgun

Shotguns—Bolt Actions & Single Shots

Armsport Single Barrel Shotgun
Browning BT-99 Competition Trap Special
Browning BT-99 Plus Trap Gun
Browning BT-99 Plus Micro
Browning Recoilless Trap Shotgun
Browning Micro Recoilless Trap Shotgun
Desert Industries Big Twenty Shotgun
Harrington & Richardson Topper Model 098
Harrington & Richardson Topper Classic Youth Shotgun
Harrington & Richardson N.W.T.F. Turkey Mag
Harrington & Richardson Topper Deluxe Model 098
Krieghoff KS-5 Trap Gun
Krieghoff KS-5 Special
Krieghoff K-80 Single Barrel Trap Gun
Ljutic Mono Gun Single Barrel
Ljutic LTX Super Deluxe Mono Gun
Ljutic Recoilless Space Gun Shotgun
Marlin Model 55 Goose Gun Bolt Action
New England Firearms Turkey and Goose Gun
New England Firearms N.W.T.F. Shotgun
New England Firearms Tracker Slug Gun
New England Firearms Standard Pardner
New England Firearms Survival Gun
Perazzi TM1 Special Single Trap
Remington 90-T Super Single Shotgun
Snake Charmer II Shotgun
Stoeger/IGA Reuna Single Barrel Shotgun
Thompson/Center TCR '87 Hunter Shotgun.".

The PRESIDING OFFICER. Who seeks recognition? The Senator from New Mexico [Mr. DOMENICI] is recognized.

Mr. DOMENICI. Mr. President, I want to first talk about the point of order which I raised, which is before the Senate and the Senate is being asked to waive it. First let me say to everyone here, nobody should be under the impression that the minority party uses points of order to deny the majority party proposals, amendments, or bills that they desire. As a matter of fact, in the 103d Congress, points of order to block legislation have been used 33 times. Of that 33 times, 26 of those were used by the majority party to deny the minority party's bills, amendments, or the like. Only seven times has the minority used the point of order against the proposals that the majority desire. So I do not believe this is a partisan gimmick. This is an absolutely bona fide Budget Act point of order that I raise.

Now let me tell you why. As simply as I can put it, when the bill left the Senate, Mr. President, many were congratulating themselves and saying to Senator BYRD, the chairman of the Appropriations Committee, "You have come up with a good thing. You have generated a trust fund which can be used for things in the crime bill, and nothing else."

But let me tell you what else we said. We said the crime proposals are fully funded. We are going to pay for whatever is in the crime bill up to $22 billion. So we were going to pay in full $22 billion by taking it out of the rest of the budget of the United States, and the budgets for those 4 years were already in place. So you knew when you took this money out you were going to pay for crime, all $22 billion, and you were not going to affect the deficit.

So the truth of the matter is, the bill that left here was 100 percent financed, 100 percent deficit neutral.

Senator DOMENICI urged Republicans not to raise a point of order when it was 100 percent financed, 100 percent certain to be budget neutral. It would add nothing to the deficit.

Why is the Senator from New Mexico raising the point of order now? Here is how I see it: 57 percent of this crime bill's funding—57 percent, not 100—is paid for and will not affect the deficit—57 percent. That is not 100 percent. That means there is 43 percent somewhere else. Yes, Mr. President, 57 percent paid for and budget neutral; 43 percent not paid for and not budget neutral. So 43 percent of this bill, $13 billion, can indeed be added to the deficit and make the deficit worse.

Frankly, as one who works on budgets—and we hear so many Senators talk about we have not defeated this terrible, terrible plague of deficit spending—and I agree—then why should we not raise a point of order when the new proposal crafted in a conference is only 57 percent paid for and deficit neutral and 43 percent in the years 1999 and 2000 are not paid for. No matter how much you say there is a trust fund there, they are not paid for, nor are they budget neutral because we do not even have a budget for those years.

As a matter of fact, I will say for the first time, as I studied this last night, it dawned on me that as this package was put together, there were OMB people there. There were budget people from the White House there, and they would like very much to take as much of that crime funding and move it over and take it out of the 4 years for which we have budgets, because if they can move it out of there, they do not have to pay for it within current budgets. So the more they could slip it out, the least impact they would have on other programs that they want, besides crime, and the more certain they were that they could live with it in the outyears because there is no budget, and you can add to the budget a new $6.5 billion a year, called trust fund for crime, just like you will add HUD next year for 1999 and 2000, whatever billions it is, a program when it comes to 1999 and 2000. This program will be $6.5 billion and we will have to fund it. And since there are no caps or no budget, it will increase those.

Frankly, I am convinced of it. I made the point of order absolutely in good faith on straight budget grounds.

Since the point of order lies every time the bill comes back, even though you waived it the first time, there is another good reason. Another good reason is plain and simple: That the Senate produced a bill which had about $3.6 billion over 5 years—$3.6—for programs that were not directly law enforcement, State or Federal. Some call that pork, some call that prevention—$3.6. That was a very big package. In fact, when this bill first came to the floor, none of that was in and it was kind of startling to everyone that the Senate put some prevention money in. But I guess we started a rage because as the conference occurs, the $3.6 turns into $7. It was sort of a bidding war.

If you got some in the Senate, we get some in the House. If Republicans got some, Democrats get some. And from zero in the Senate when it reported its bill out, it went to $3.6 on the floor of the Senate and then to $7 billion. Let me be more specific on the $7, it is actually $6.9 billion, not $7. But I am using $7 versus $3.6 just to make the point that, indeed—indeed—that pot grew.

That is enough to come to the floor and say, "Look, I waived a point of order on a bill that I thought did this. Now it turns out it does that."

So, frankly, I think it was absolutely necessary that the Senate be advised and the public be advised that while there may be some very good things in this bill—and there are—clearly there are some things that are not so good and clearly there are some things that should not be in it. I cannot pick and choose because, obviously, the bill is here, it is done.

But essentially, I believe we legitimately ought to vote on whether or not we should let this bill get through here with those kinds of budget impacts. Much talk about deficits, much talk about a new commission to help us solve the problems of leaving our children and grandchildren with a legacy

and a burden on their shoulders that is actually taxation without representation, without any doubt.

And so here we are in the name of a trust fund that we all like to say does not really count—well, whose dollars are in that trust fund in 1999 and 2000, I say to Senator BROWN? They are dollars, they are tax dollars, and if they add to the deficit, it is $13 billion worth. That was not in the bill that left here.

My second point, I made the one that nobody should be concerned that we abuse this process. Nobody should think the minority party uses this process, this point of order. The record is pretty clear for the 103d Congress that it was used over and over to deny proposals Republicans had. As a matter of fact, a number of them had over 50 votes, and the reason they fell is because you need 60 votes, just like there will have to be 60 votes to overrule the point of order which the Senator from New Mexico made. I know one that had 56 votes. I know one had 58 votes and, nonetheless, lost; points of order raised from that side of the aisle, important pieces of legislation.

My last point is, last night as I was watching a recap of late yesterday afternoon's agenda on the floor and I had heard so much about NRA, I had seen headlines around the country that this is what this was all about, and I heard Senator STEVENS on the floor talk about the need for a cloture vote.

He acknowledged that was for pro-gun people. When I saw that, it dawned on me that we had forgot to tell everybody something. Mr. President, the conference report, if we had none of this going, if we did not raise the point of order, we did not ask for some amendments in a new and different way, none of that, if we just had the conference report here and ready to go, those who want the vote on cloture because it contains guns had that right all along. Nothing new was added to anything.

If TED STEVENS wanted to say, "Well, you are going to have to muster enough to sustain a cloture," he would have said that whether we had all of this going that has been labeled, all being done because of the NRA, that would have been an issue before this body in any event, and I assume it will still be. Whether we win or lose this point of order, there will be that vote required, which was there all along.

Now, my last point is that our leader, Senator DOLE, offered a proposal that makes sense and that is fair, the proposal that was turned down when the majority leader offered him 1 amendment instead of 10.

Now, Mr. President, the Dole amendment, the Dole proposal for 10 amendments, in this Senator's opinion, was very important to the American people and very important to this Senate.

First, we conclude that we ought to have 10 amendments and 1 of them ought to get rid of all of the so-called pork—not Republican, not Democrat, not House, not Senate, all of it, $5 billion. Four amendments had to do with that.

Six amendments had to do with putting back in the bill anticrime, antihabitual criminal, anti-letting felons out on the street when they ought to be in prison amendment. This last one had to do with making sure, when you appropriate all this money for States to build prisons, you build prisons, because the way the bill is couched you do not have to use that money. You can use it for so-called alternatives.

(Mr. KERREY assumed the chair.)

Mr. DOMENICI. Now, I think we would have had a better bill if we had voted those in, and I frankly believe they would have passed, which is the reason they probably were not offered by the majority leader in response to the offer of BOB DOLE, the Republican leader, because I believe it is obvious those amendments would pass. Those are the kinds of amendments that the American people want in a crime bill.

Lately, but for one television program where I watched the mayor of Kansas City, I understand a Democrat mayor—and I understand, if there is a philosophical leaning, he is a liberal Democrat mayor—I saw him on television saying he did not want this package because—I will paraphrase—to the cops on the beat it is a hoax, said he. But then the impression is left that all the policemen must want this.

Well, I do not very often read constituent letters in the Chamber. It is becoming a very much used tool by Senators. But I would like to just share one. I would like to share one that I got on August 24 from a sergeant in the police force:

> As a sergeant with the Albuquerque Police Department, I would like to voice my opposition to the crime bill. I am getting tired of President Clinton and other social engineers of Congress exploiting my profession to promote their social agenda.
>
> During roll call this morning, I listened as a group of officers discussed the crime bill that passed in the House of Representatives. Every officer vehemently disapproved of the bill because of the gun control provision.

But also:

> Wait, America is being told that law enforcement community supports this bill. True, the Fraternal Order of Police and other police associations are endorsing this crime bill. However, this is nothing more than [those who organize these groups] attempting to increase their membership [because they think they are going to get more policemen on the beat.]

Now, this point I call to your attention very, very specifically.

> In New Mexico,

Says this sergeant,

> the prison population, due to limited space, is about 3,500. The number of criminals on probation is roughly 14,500. Thus, the "overcrowding" of our prisons has not prevented Government from "overloading" criminals on our streets. We will never see crime control, until we have criminal control. That means more police, prosecutors, and prisons.

And he goes on indicating the other things he does not support.

Now, Mr. President, there are some saying that Senator DOLE in his proposal which was turned down, which brought us to this point of order, that all of this has been done to kill the crime bill. I do not think there is a chance in the world that this crime bill would have been killed if we would have voted up or down on some or all of the proposals that Senator DOLE made.

It seems that the Senate was asked to sit by and watch conference report No. 1, which failed the House, get changed and amended because certain House people wanted to change it and they changed it.

Incidentally, the occupant of the chair will be interested in this. It was heralded that they cut $3 billion out of the bill, 10 percent, from 33 to 30. Guess what? The $3 billion they cut was not covered by the trust fund. There was not enough money in the trust fund for that. So they were just authorized. So that was another nice gimmick. We have cut $3 billion, but we did not have the money to pay for that $3 billion anyway. I did not have a chance to say that before, but that happens to be the case. I remember that just looking at it. It comes to me as I talk here. But that is true.

So in this Senator's opinion, since we could not, could not have a right, we could not get these amendments voted on, I think the next best thing is to adopt a point of order, not waive it. That will essentially put us in the position where one of two things will happen. A series of amendments will occur or serious negotiations will occur about which we will probably get back to something like letting us vote on the amendments in behalf of the American people that Senator DOLE has tendered to the majority leader.

I ask unanimous consent the letter from the sergeant on our police force, Darren P. White, be made a part of the RECORD.

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

> DARREN P. WHITE,
> ALBUQUERQUE, NM,
> *August 23, 1994.*
>
> DEAR SENATOR DOMENICI: As a Sergeant with the Albuquerque Police Department, I would like to voice my opposition to the crime bill. I am getting very tired of President Clinton and the other social engineers of Congress exploiting my profession to promote their social agenda.
>
> During role call this morning, I listened as a group of officers discussed the crime bill that passed in the House of Representatives. Every officer vehemently disapproved of the bill because of the gun control provision. Wait, America is being told that the law enforcement community supports this bill. True, the Fraternal Order of Police and

other police associations are endorsing this crime bill, however, this is nothing more than organized labor selfishly attempting to increase their membership roles with the so-called 100,000 new officers it promises.

In New Mexico, the prison population, due to limited space, is about 3500. The number of criminals on probation is roughly 14,500. Thus, the "overcrowding" of our prisons has not prevented government from "overloading" criminals on our streets. We will never see crime control, until we have criminal control. That means more police, prosecutors, and prisons. Not basketball leagues or teaching convicted drug dealers art and crafts. The only craft a drug dealer should be taught, is art of making license plates.

I urge you to resist this bill if it is laced with programs that do nothing to fight crime.

Thank you.

DARREN.

Mr. DOMENICI. Now, lastly, Mr. President, there has been so much said about the cops on the beat and the community policemen that I am sure every Senator hears a new story every day about what it will do and what it will not do. I got so frustrated about that, I just said to my best people who know how to take things out of a bill, just tell me once and for all, and put it in writing, what this cops on the beat really is all about.

So I have, I think, an authentic, very good analysis. I am going to put it in the RECORD. I am not sure anybody will read it other than those who read CONGRESSIONAL RECORDS. But let me just suggest that there was an interesting article on the front page of the New York Times day before yesterday about the mayor of New York and new cops. And it essentially says Mayor Giuliani is not going to open his training center for new policemen now because he is waiting, to save money.

You understand what that means. That means he is saying I was going to hire new cops anyway, but since the Federal Government may send us some money, I am going to hold up.

There is nothing in this bill that prohibits cities across this land, and they will, from hiring new policemen anyway because attrition yields new ones and most forces add new ones anyway. Nothing in this except some platitudes about not supplanting, but you cannot even interpret it, so I do not believe we have any idea whether we are really adding 10,000 brandnew policemen that would not otherwise be there or not.

But I can tell you for sure. There is nothing like 100,000 possible; nothing like 100,000 possible. Somewhere between 18,000 and 25,000 is probable. But I can tell you that there are a number of scenarios which even say you will not get that many.

Second, it sounds to many, that the Federal Government is going to pay for policemen—100,000 new policemen in this crime bill. But everybody should understand that cities pay over a 3- to 5-year period as much as the Government for policemen, or more. So it is kind of fair to say that the cities and the Federal Government are going to get some new policemen if it works out that way. But certainly, we are not paying for them because $15,000 a year will not pay for a policeman.

Clearly, with so many other things in this bill about what you use this money for, I just would like everybody to have a chance to look at the analysis that I think led to the mayor of Kansas City saying, "I do not want to have anything to do with it." Incidentally, his closing remarks were,

I think I will be the mayor for 4 more years. I do not want to be here in the fourth year after the 3 years when we hire policemen and then I have to lay them all off because I am not going to have the money to pay for them because the program terminates and expects us to keep them on. Frankly, I do not want to be in that position with my police department.

COPS ON THE BEAT

The Cops on the Beat Program of the crime bill is advertised as providing 100,000 new police officers. But if you look at the purposes for which the funds can be used, and the suballocations for purposes not directly related to hiring additional policemen, it is clear that far, far fewer than 100,000 full-time police officers can or will be hired over the next 6 years.

First, grants can be made for three general purposes, not all of which would result in the hiring of new officers: Rehiring, hiring, and redeployment of police, including up to 20 percent for grants for equipment, technology, and support systems; troops to cops, in which funds are available to hire former members of the Armed Forces; and additional grant projects, which includes 10 eligible activities, only one of which is directly related to hiring additional police officers.

Second, up to 3 percent of the funds appropriated for this program are available for technical assistance grants, or for evaluations and studies by the Attorney General.

Third, funds must be made available for administration of the program itself; the 1995 Justice Appropriations Act allows $11,000,000 of the funds to be used for administration; one can assume a similar level for each of the next 5 years.

Fourth, up to 15 percent of grant funds can be used for purposes other than those authorized under the provision allowing for the hiring of additional police officers. These purposes include such things as: Specialized training to enhance conflict resolution; police participation in multidisciplinary early intervention teams; developing new technologies for crime prevention; developing new administrative and management systems to facilitate the adoption of community policing; and purchasing additional weapons.

None of these purposes is necessarily bad, but they have little or nothing to do with hiring additional police officers.

If you add up all the exceptions and other allocations, it is possible that as little as $6.2 billion of the $8.8 billion will actually be used to pay for the hiring of new police officers.

The authorization allows grants up to $75,000 per officer; if you divided $6.2 billion by $75,000 you get approximately 82,600. The problem is, these grants are provided for up to 5 years; therefore if you divided 82,600 by 5, you get roughly 16,500.

The proponents of this program will make two arguments in this regard: First, the program provides for a 75-percent Federal match, with a declining Federal match over the 5-year period; and second, the $75,000 payment is the maximum Federal share.

Both of these points are correct; however, even if you assume $50,000 per officer as the average support for both new hires and continuing support for existing hires, that only provides you with 24,790.

In addition, while the authorization contains a provision prohibiting the use of Federal grant funds to supplant State or local funds, we all know that money is fungible, and this prohibition will be very difficult to enforce. In the end, many local governments may not hire any more police officers than they originally intended.

Finally, while the declining Federal match frees up additional funds to provide a match for hiring other police officers, it also increases the cost to local governments; that is why the Democrat mayor of Kansas City has already stated that he will not participate in the program.

The bill only says in this regard that grants are reduced and eventually eliminated "looking toward continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support."

We also need to remember that the cost of a police officer involves more than his or her salary: Training, equipment, police vehicles, insurance, pension payments, and other benefit costs must be covered.

The point is, no one really knows how many police officers will be hired through this program. What is very clear, however, is that 100,000 cannot be hired under almost any scenario; the final figure will be close to 20,000.

[In millions of dollars]

Year	Appropriated or authorized	Minus 3 percent technical assistance	Minus administrative	Minus 15 percent other	Minus equipment allocation
1995	1,300	1,261	1,250	1,062	849.6
1996	1,850	1,794.5	1,783.5	1,516	1,212.8
1997	1,950	1,891.5	1,880.5	1,598.4	1,438.6
1998	1,700	1,649	1,638	1,392.3	1,253.1
1999	1,700	1,649	1,638	1,392.3	1,253.1
2000	268	260	249	211.7	190.5
Total	8,768	8,505	8,439	7,172.7	6,197.7

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I would like to take a moment. I do not intend to speak. But the American people want a crime bill and have waited 6 years for it. We have been filibustered on previous bills. The question obviously is we are prepared to vote. We are ready to vote right now.

I respect my colleagues, obviously, who want to speak. That is their right. But the question is why we cannot proceed to a vote. We have had 4 days on the bill. I think every Senator has risen previously on this bill at least once.

The question before the American people is why is the U.S. Senate talking on? When can we vote?

Mr. DOMENICI. I hope the Senator is directing that at me. I am still standing. I made the point of order. I have not had a chance to speak. I just spoke 20 minutes. I do not think that is an inordinate amount of time. It is a very serious issue. In fact many are saying why would we even make the point of order? I want to make the case.

Mr. KERRY. I am personally asking. I wonder if any Senator on the other side can give us a sense of when we might vote.

Mr. DOMENICI. I will leave the floor. I will try to seek the Republican leader out and ask him. I thank the Senator for his question.

Mr. KERRY. I thank the Senator.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Thank you, Mr. President.

The old saying about attorneys says if the law is on your side and the facts are against you, you argue the law. And if the law is against you, and the facts are in your favor, you argue the facts. But if the law and facts are against you, you simply argue. We have seen a little bit of that.

We have seen a strong anticrime bill leave the Senate which was fully paid for, as Senator DOMENICI pointed out, and return from conference with its character deeply changed. I believe it is fair to say that the conference committee had a dramatically different viewpoint than this body did and a dramatically different viewpoint than the people of this country. I want to be specific because I think it points to an enormous problem.

When we begin to explain our democracy, we hold out that it is based on the concept that the people are represented by those they elect. Elected officials are in turn supposed to be represented by the conference committee when two Houses of Congress come together to consider legislation. Unfortunately, we have seen a conference that took our Senate passed crime bill and return from conference with something quite different.

Let me illustrate the problem with specific examples. If you sell cocaine to schoolchildren in this country, the current law says you are going to serve at least a minimum of a year if you are convicted. You are going to go to prison for at least a year. That is the current mandatory minimum sentence.

This body thought you ought to get tough, thought you ought to get tough on people who sell cocaine to our kids in school. I think we were right. This body passed a mandatory minimum term of 10 years in prison. I think it is called for. If you sell cocaine to the children of this country in school, 10 years in prison is appropriate.

What did the conference committee do? The conference committee not only did not adopt the 10-year mandatory minimum sentence that this body adopted, the conference committee did not even leave the current law in place which calls for at least 1-year mandatory minimum sentence for selling cocaine to our kids. The conference committee even eliminated the 1-year mandatory minimum sentence.

Let me repeat that. The conference not only dropped the tough provision that this Senate is in favor of, but they cut back the mandatory minimum sentence that is in existing law. The conference was far more liberal than this body. They were far more liberal than the American people.

The conference report includes a safety valve for mandatory minimum sentences. This safety valve operates by allowing those who are convicted of drug offenses under title 21, United States Code, sections 841, 844 and 846—which are the offenses of selling and possessing drugs and so on—to petition to get out of jail early. The existing offense of selling drugs to a minor is in a separate section, but it implicates the other three sections, or the criminal may simply be charged under them. The conference report says that if you are convicted of selling drugs, you may be able to get out of jail early. That is the very opposite of mandatory minimum sentences.

That conference committee is a runaway conference committee. They may have represented themselves. But they did not represent this body and they did not represent the American people.

If you employ schoolchildren, these are kids in school—incidentally, if somebody really thinks there should be no mandatory minimum sentence for somebody who sells cocaine to their kids, I hope they will come to the floor. I hope they will speak up so the American people know who they are. Current law says if you employ schoolchildren to sell drugs, you are going to serve at least a minimum, at least a minimum, of 1 year in prison. The Senate thought that was not tough enough. This body voted to make that penalty a minimum of 10 years in prison.

The conference committee not only eliminated the mandatory 10 years in prison, they eliminated the 1 year in prison that current law calls for. This is a runaway conference committee, far more liberal than this body, or the American people.

If you sell cocaine to schoolchildren after a conviction for selling marijuana that resulted in a light sentence, current law says you have a 1-year mandatory minimum sentence. The Senate felt so strongly about it, we passed a provision to put the criminal away for life.

This was a tough bill when it left the Senate. If you are convicted for selling schoolkids marijuana and get a light sentence, and then come back and are convicted of selling cocaine, the Senate bill says you are going to jail for life. What did the conference committee do? They dropped our provision that put the criminal away for life.

If there is somebody here who thinks after you sell kids marijuana and are convicted, and then come back and sell schoolkids cocaine that you should not have significant jail time, I hope they will identify themselves. I think the American people want to know. The conference committee did not represent the people of this Senate and I do not believe it represents the people of this country.

Mr. BIDEN. Will the Senator yield on that point for just 10 seconds?

Mr. BROWN. I am happy to yield.

Mr. BIDEN. Did the Senator know that it was tripled for the very same thing the Senator is talking about?

Mr. BROWN. My understanding is the conference committee eliminated the mandatory minimum sentences. Is that not correct?

Mr. BIDEN. Not the 1 year the Senator is talking about, and we did instead triple the maximum penalty. We also instructed the Sentencing Commission, which is mandatory because you have to serve your time you get under those, to increase the penalties for all offenses in which an adult uses a minor.

Mr. BROWN. Let me be clear. The Senator is saying that the mandatory minimum sentence was not repealed?

Mr. BIDEN. That is correct. It is not repealed. The Senator is absolutely correct. It is not repealed.

Mr. BROWN. Let me say to the Senator that my understanding is that the conference committee adopted a safety valve, and it is far from being as strong as when it left this body. The safety valve allows convicted felons to challenge the sentence, and the administrative office of the U.S. Courts estimates that the safety valve will result in 900 released felons per year. That is not HANK BROWN talking. That is the administrative office of the U.S. Courts.

Mr. BIDEN. If the Senator will yield, that is HANK BROWN talking about what the courts said before they know what we did.

Mr. BROWN. So there is no safety valve?

Mr. BIDEN. There is a safety valve. The guidelines for selling drugs to kids is at least 5½ years, which they must serve under the guidelines. No one who sells drugs to kids would make an application because the guidelines are tougher than the minimum sentences, and because the safety value does not apply to that offense. The guidelines are tougher than the mandatory minimum sentences in a majority of the cases. That is why.

When you are going to put in jail thousands of people next year for selling drugs, the administrative office of the courts points out that even before we make the change—what the Senator said—that it would apply to 900 people. One would have to ask themselves, if it would only apply to 900 people, that assumes that we are not getting very many people put in jail. The truth is that thousands of people are being incarcerated under the Federal drug laws, and only 900 would even be eligible to ask. The reason for that is the mandatory minimums are not as strong, in many of the cases, as the guidelines. Bottom line: Nobody who sells drugs to kids and goes to the Federal courts will get anything less than 5½ years. I yield back to the Senator.

Mr. BROWN. I hope the Senator will help us on this, because I think it is a terribly important point. My understanding is that guidelines are not mandatory minimum sentences. The C.F. orders the S.C. to increase the guidelines: either the fine or the maximum sentence or both. In other words, there is no mandatory minimum in the conference report as there was in the Senate passed bill. Mandatory minimums mean exactly that—you have to serve the time, but I am informed that the guidelines do not mandate that minimum service. They allow the judge discretion; they do not dictate the minimum. Most importantly the conference report does not triple the sentence. It says the sentence will be increased, up to triple. There is no guarantee there will be a triple increase, it may only be an increased fine. Is that correct information?

Mr. BIDEN. As we would say, that is a distinction without a difference. The guidelines require you to serve that time in jail. The only difference between a mandatory minimum and a guideline is that we do not allow the sentencing commission to set the mandatory minimum, in effect. We say we are not going to go to the sentencing commission, we are going to, right here, say this is what the sentence is, and the sentencing commission be damned, they can have nothing to do with it.

But once the sentencing commission sets a time for a sentence for a commission of a crime, if the person is convicted under that particular provision of the law, the judge has virtually no discretion, up or down. So let me be explicit. We could pass here a mandatory minimum sentence of 5 years for someone walking sideways across this body, and the sentencing commission could set a 10-year sentence for that. If, in fact, the person was sentenced under the sentencing guidelines, they would get more time in jail than they would if they were sentenced under the mandatory minimum the Congress set. The only difference between a mandatory minimum and a mandatory guidelines is we, the Congress, in one case say if somebody violates the law by selling drugs to kids, what do you think should happen; and the sentencing commission, and whatever they think should happen, that becomes the sentence. In the other case, we say we are not even going to ask the sentencing commission what the penalty should be. We are telling them it should be a minimum of 5 years.

The irony is that the sentencing commission has been tougher than the U.S. Congress and President Bush, and President Clinton, and President Reagan. They have set down sentences that—because there is no parole under the Federal system, because of that, they must serve the time that the sentencing guidelines say. They have a book like this book, and a judge has to open the book and say, all right, John Doe has been convicted of violating section such and such, say, selling drugs to minors. Under the guidelines, I must put that person in jail for x amount of years, 10 years, or 9, or 2, or 7. What discretion do I, "Judge BIDEN," have as a Federal judge? I can say, you know, there are mitigating circumstances here, so instead of putting him in jail 10 years, I am putting him in for 8 years and 6 months; or there are extenuating or aggravating circumstances, and I can put him in jail now for 11 years, 6 months. That is the totality of the discretion.

So I point out to the Senator—and I will yield back because others want to speak—there are a total of 18,287 drug defendants. Only 3.4 percent, or 620 of them, would be affected by the so-called safety valve.

I yield.

Mr. BROWN. I want to express my concern with the safety valve in the conference report because it provides a way for criminals to get out of jail early. The administrative offices of the U.S. Courts estimates that the safety valve will result the release of 900 convicted drug felons per year. That is my concern: by moving away from mandatory minimum sentencing toward sentencing guidelines and that safety valve, criminals won't do the time.

When you have a conference committee that has a dramatically different view than the body it represents on legislation, it is quite likely to come back radically different, unless they are willing to follow the will of the body. This Member believes this is precisely what happened. That is why a bill that had tough mandatory minimum sentences when it left this body came back with weaker sentencing and a provision to allow 900 convicted felons out of jail early. That is why a bill that was 100 percent paid for when it left the Senate came back 43 percent unpaid for.

That is why it was important to amend the conference report, as we have suggested, or develop a separate vehicle to be sent back to the House to accomplish that amendment. Members will vote their conscience. Ultimately, the question we have to ask ourselves is: Have we respected the process and the wishes of the people of our States? My answer is that we have not.

This fight is not about guns, as has been pictured in the press. I am one who felt that the ban on semiautomatics was reasonable and I voted that way. But I do not think it is reasonable to add $13 billion to the deficit. I do not think it is reasonable to gut some of the strong anticrime provisions. I do not think it is reasonable for a conference committee to ignore the wishes of the body it is sent to represent. It is not reasonable to represent this as a fight over guns.

The American people want strong, tough laws. That is what Congress ought to deliver. They want an end to the pork barrel spending, and that is what Congress ought to deliver. My hope is that this body will respect the point of order, that it will move to open the bill to amendment, and that we will allow the will of this body to be reflected in statute, not the will of a small, unrepresentative minority.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I have some remarks I wish to make on the matter before us. However, I had heard that there may be some desire for a vote very, very soon.

In my usual accommodating fashion, I will simply inquire of the managers of the bill and I will withhold my remarks if a vote is imminent. If a vote is not imminent, then I would like to proceed with my remarks.

I inquire of the managers of the bill if I withhold my remarks, will we then be in position to vote now?

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, neither manager of the bill is on the floor at the moment. It is difficult to answer the Senator's question. But I assure him we could get to a vote sooner if he did not make a speech.

Mr. EXON. I simply say, Mr. President, in order to accommodate all, if during my remarks the managers decide it is time to go to a vote on the bill, if they would so advise the Senator from Nebraska, I would forthwith

withhold further comments until after the vote.

Mr. FORD. I say to the Senator, there will be other Senators on the other side who are sitting here waiting to make speeches. So I suspect it will be a while before they will allow us to take a vote even though we are ready to vote now.

Mr. EXON. I thank my friend from Kentucky.

Mr. CRAIG. Mr. President, will the Senator yield?

Mr. EXON. I yield for a question.

Mr. CRAIG. Let me say in response to the Senator, I am not here to speak on the point of order. I am simply sitting here listening. I do not know if anyone is now waiting on this side. It is not this side now holding up the vote. There is no one here now that I know of.

Mr. FORD. Mr. President, in answer to that, is the Senator ready to vote? We are ready to vote now.

Mr. CRAIG. I do not control the time on this side.

Mr. FORD. There is no time limit.

Mr. CRAIG. I wanted the Senator to understand I am not here to debate the point of order.

Mr. FORD. If there are no other speeches, then we are prepared to vote. We are ready to go. I do not see anybody on the Senator's side who is ready to make a speech, and the Senator from Nebraska has agreed not to speak so I think the Chair could put the question if the Senator is not here to make a speech or delay us.

Mr. BUMPERS. Could we vote, Mr. President?

The PRESIDING OFFICER. Is there further debate?

If there is no further debate——

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. EXON. Mr. President, without mental reservation or hesitation, I again have the audacity to come to the floor of the U.S. Senate without multicolored charts, graphs, or other visual aids. I know it is unique and I acknowledge it is old-fashioned, but I will try again to make my point and express my view with words. Please bear with me, as naked as I might appear without an easel or a chart. I do not intend to shock the Senate or violate its decorum.

The Senate is being challenged again to try and ferret out right from wrong or at least the appearance of right or wrong. Facts oftentimes are drowned out by rhetoric and partisan bickering. I hasten to add that there is plenty of room for reasonable difference of opinion, which is what intelligent debate in reaching a majority decision is all about. Now we find ourselves on the crime bill, but regardless of the subject I suggest the same principles apply.

What we say and what we do here, in reaching the final vote stage, is very important and often sets precedence for what we do or do not do in the future.

I am discouraged by the road we are seemingly following on a whole series of issues and procedures that in my view are contributing to a decay—to a decay, I emphasize—in what we all want to do. Reasonable rule of law and lawmaking oftentimes is interrupted.

First, on the matter before us, a point of order is being proposed against the conference report on the crime bill.

The clear technical point of order confronting us requires a 60-vote majority to overcome. It is also clear, and I believe all would agree, that we are being asked to take this action now despite the fact that all knew and understood that we refused to take the identical action several times previously, thereby directly or at least indirectly concluding such a point of order was not necessary.

Let me agree with all of that and simply say that I hope we can keep on course.

Let me digress for a few minutes to alert the Senate to a serious flaw I discovered in reviewing this as it adversely affects our legitimate proceedings. I cite the systematic erosion of the legitimate lawmaking processes with the wholesale granting of nearly unlimited power to the Senate-House conference committees. We are careening down a course, perhaps unwittingly, but careening just as surely. Such procedures are at the expense of and usurp the paramount authority of the House and Senate. The two bodies' floor debate and actions that preceded the floor debate, such as the hours and days of hearings by the appropriate committees and subcommittees of jurisdiction, are being subverted. The conference committees are alarmingly becoming a creature unto themselves. We are increasingly short-cutting the established procedures, including the all important rollcall votes, to the point where we might just as well eliminate all previous consideration, let the conference committees originate all legislation and present their findings to the House and Senate for confirmation and upon passage let the Congress be done with it.

What brings me to this seemingly facetious conclusion? Just take a look at this conference report before us. The House authorized $28.4 billion in spending for the crime bill. The Senate authorized $24.2 billion. If normal and reasonable procedures were followed, the joint House-Senate conference would meet to meld together the two bills and come up with an acceptable compromise between the different amounts approved in the two bodies. Likewise, it would be assumed that language differences would be compromised and resolved within the meaning and intent of the laws passed separately by the House and Senate. In this case, it would appear that the funding levels could not be lower than $24.2 billion in the Senate bill or higher than $28.4 billion in the House bill.

Guess what? The conference committee had originally brought forth a bill totaling $33 billion, nearly $5 billion more than authorized by either the House or Senate. Who gave the authority to the conference committee, clearly designed to compromise within the boundaries of legislation passed by the two bodies, to plow new ground by exceeding the maximum allowed spending total by $5 billion? After initial rejection by the House, it was fortunately reduced by $3 billion to $30 billion.

Please let all understand that I am not criticizing just this conference committee or any of its able members and certainly not the two primary Senate negotiators, Senator BIDEN or Senator HATCH. As much as anything else, they are victims of the system which has developed. It is undoubtedly true that given the strong feelings and opinions that surround the crime bill, they might not have been able to come to an agreement without raising the ante. But I still maintain that such action clearly violates what has been assumed as standard procedures under the rules.

Unfortunately, it has become commonplace by conference committees to originate initiatives not embraced by either body in their extensive lawmaking duties. This conference committee, like others, including possibly ones that I have been a party to, did their thing and took license from what has been going on since 1985 with Gramm-Rudman. It is this drift or avalanche to doing what comes naturally in violation, at a minimum, of what is reasonable for expected of us operating in a two-house democracy that concerns me very much.

I must concede Mr. President, that my suspicion of conference committees stems from a famous Nebraska predecessor of mine in the Senate, George Norris. George Norris served Nebraska with distinction in both the House and later in the Senate. He was, and still is, recognized as a legend in political leadership and parliamentary know-how and possessed a seasoned patience and determination to represent Nebraskans and Americans. Although I met him personally only once when I was young and he was old, I have always admired him greatly. One of the reasons I have always admired my colleague Senator ROBERT BYRD is that the Senior Senator from West Virginia resembles, in my view, as much as any public servant I have ever known, the character,

integrity, demeanor, and talent of George Norris. I say that to my colleagues only to demonstrate how genuine George Norris was and how we should learn or relearn one of his prominent warnings; Beware of the Senate-House conference committees.

George Norris, while he was serving Nebraska here in Washington, is given credit for being the father of the Nebraska one-house, nonpartisan, legislature. Some in derision have called it the Nebraska one-horse legislature. It is not perfect, as no one thinks is the case with some elements of all our democratic forms of government. As Governor of Nebraska I was known to take on the legislature sometimes not in the kindest of terms. However, we are not here to discuss the over-all merit or lack thereof of the Nebraska unique legislative system. Nevertheless, one shining success of the one-house legislature is that it does not have, and does not need, conference committees. That was a fundamental ingredient often cited by George Norris in creating the concept of the Nebraska system. I quote what he said in this regard:

> The greatest evil of a two-house legislature is its institution of the conference committee. When a bill passes one house and is amended by the other, however slightly, it then must go to a conference committee, the source of numerous errors and frauds. And in this conference committee the jokers are placed in otherwise good laws. There the bosses and the special interests and the monopolies get in their secret work behind the scenes. There the elimination of a sentence or a paragraph, or even a word, may change the meaning of an entire law.* * * both branches must take or reject it entirely * * * as a matter of practice, it has developed frequently that, through the conference committee, the politicians have the checks, and the special interest the balances.

The potential evils of the conference committees therefore have not been of just recent vintage. Unless bridled they could cause even more difficulties. The course we are on, as demonstrated vividly in this instance again, should be corrected.

I inquired of the Parliamentarian how we got into the present situation. It seems that it was ordained by Gramm-Rudman in 1985. Apparently it evolved because the Senate, without fully appreciating what it was doing, created a precedent by overruling the Chair and eroding the rules which previously placed reasonable restrictions on conference committees. I ask unanimous consent that the text of my letter to the Parliamentarian and his reply in this regard be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. EXON. Is it time to consider reversing course? We cannot do it immediately or thoughtlessly. It will take time. We do not want to jump from the frying pan into the fire. I suspect that back in the Norris days some reforms were approved. We need to do it again.

But let me return to the matter at hand. In my view we need a crime bill. However, I am not convinced that some warning and reservations should not be stated clearly about some of the overselling of this measure. I intend to support this bill because of the crime wave gripping America. I think it is not a cure-all and it might not be the bill I would write if I were decreed to be the sole author.

But all must realize that there are 535 Members of the Congress and we can't all have our own way. I have listened to this debate in great detail and have some reservations on some parts of this bill. In that context I am not different than many of my colleagues on either side of the aisle. The hard-working and extremely talented chairman of the committee, Senator BIDEN, does not like some portions of the bill. He is not alone. There are, or could be, many reasons to vote against this bill. But to do so would be to say we are not going to do anything on the overriding crime situation.

With that statement, though, let me take issue with some of the statements made by proponents that I think need to be corrected. There are too many overstatements and it should be understood that this measure is a long way from a cure-all on crime, but rather a step in the right direction.

The President, in his letter of August 22, 1994, tends to overemphasize what we should expect from the passage of this bill. Terms like "the toughest, smartest crime bill in our Nation's history" may be accurate on their face, but caution should be exercised in not bringing on unrealistic expectations. The President's phrase "will shut the revolving door on violent criminals" should have inserted the word "some" before violent. The President should have said, "we will shut the revolving door on some violent criminals." This measure should be understood to primarily address Federal court convictions under Federal law, a distinct minority of the arrests and convictions for violent crimes, including rape and murder.

The three-strikes-and-you're-out provision would not be applicable unless at least one of such crimes broke Federal law. The majority of such convictions would not come under the three-strike option that has been well-received by our aggrieved citizens. State laws would have to be changed accordingly to make it applicable in all cases. "Federal death penalties for the most heinous of crimes, such as killing a law enforcement officer," is too expansive since, again, it would apply only to cases of Federal officials or nonfederal officers who were in the act of assisting a Federal officer. The killing of a local policeman or sheriff not involving a Federal statute would not be covered. However, there are many other important considerations that the President mentioned in his letter that are effective and salutary, including 100,000 more police officers on the streets and the almost $8 billion for more prison construction.

My point is that the spending of approximately $5 billion a year, as much as that might sound, is only a small step in the right direction to meet the crime debacle facing America. It's only one-third of 1 percent of our total budget of over $1½ trillion. That's only the equivalent of a couple of bombers or a couple of submarines. There is much more to be done.

With some reservations about some of the money that is being authorized, and given the conclusion that we have an obligation to do something other than wring our hands in Washington, I intend to support the crime bill.

The Republican effort to change this bill again and head it back down the road of no return and near certain defeat, after nearly unanimously voting for it previously in its current not-so-different form, is politically motivated nonsense.

They may have the 41 votes necessary to block passage on a procedural vote. If that is so, they will have effectively killed the crime bill, notwithstanding their protestations of not being politically motivated.

I am still very concerned about the breakdown of supposed restrictions being abandoned in House-Senate conference committees. I hope that this event will spur some constructive corrective action on a bipartisan basis to undo what I feel the Senate unknowingly did in the passage of Gramm-Rudman. I have always thought that measure was a bummer budget-wise, but didn't fully realize what a bomb it also was in destroying the usual check and balance procedures. Long live the unfettered tether of the conference committee. George Norris would not like it. And neither do it.

Mr. President, I ask unanimous consent the letter from the President of August 22, 1994, that I referenced in my remarks, be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, August 22, 1994.

Hon. J. JAMES EXON,
U.S. Senate,
Washington, DC.

DEAR JIM: This week, the Senate has a historic chance to move us beyond old labels and partisan divisions by passing the toughest, smartest Crime Bill in our nation's history.

I want to congratulate members of Congress in both houses and both parties who have reached across party lines and worked in good faith to produce this Crime Bill. This isn't a Democratic Crime Bill or a Republican Crime Bill—it's an American Crime Bill, and it will make a difference in every town, every city, and every state in our country.

The Crime Bill produced by House and Senate conferees and passed yesterday by Democrats and Republicans in the House achieves all the same objectives as the bipartisan Crime Bill which the Senate passed last November by a vote of 95 to 4.

Many of the central provisions of this Crime Bill were included in the Senate bill:

Nearly $9 billion to put 100,000 new police officers on our streets in community policing;

An additional $4.6 billion for federal, state and local law enforcement (a 25% increase above the Senate bill);

$9.9 billion for prisons (a 30% increase above the Senate bill), coupled with tough truth-in-sentencing requirements that will shut the revolving door on violent criminals;

Life imprisonment for repeat violent offenders by making three-strikes-and-you're-out the law of the land;

Federal death penalties for the most heinous of crimes, such as killing a law enforcement officer;

A ban on handgun ownership for juveniles;

Registration and community notification to warn unsuspecting families of sexual predators in their midst;

A ban on 19 semiautomatic assault weapons, with specific protection for more than 650 other weapons; and

Innovative crime prevention programs, such as the Community Schools program sponsored by Senators Danforth, Bradley, and Dodd, and the Violence Against Women Act sponsored by Senators Biden, Hatch, and Dole.

One of the most important elements of this Crime Bill is the creation of a Violent Crime Reduction Trust Fund, which ensures that every crime-fighting program in the bill will be paid for by reducing the federal bureaucracy by more than 270,000 positions over the next six years. The idea for the Trust Fund came from Senators Byrd, Mitchell, Biden, Gramm, Hatch, and Dole, and the Senate approved it by a vote of 94 to 4. The Trust Fund will ensure that the entire Crime Bill will be fully paid for, not with new taxes, but by reducing the federal bureaucracy to its lowest level in over 30 years.

The Senate led the way in passing these important anti-crime proposals last November, and I urge you to take up this Crime Bill in the same bipartisan spirit that marked that debate. The American people have waited six years for the comprehensive Crime Bill. It's time to put politics aside and finish the job. After all the hard work that has gone into this effort by members of both parties acting in good faith, we owe it to the law-abiding citizens of this country to pass this Crime Bill without delay.

Sincerely,

BILL CLINTON.

EXHIBIT 1

U.S. SENATE,
Washington, DC, August 23, 1994.

Mr. ALAN FRUMIN,
Senate Parliamentarian U.S. Senate, Washington, DC.

DEAR MR. FRUMIN: It is clear that the House-Senate conference on the Crime Bill has authorized more funds than either the House or Senate included in their respective versions of this legislation. Is this fact a violation of the rules? It not, why not?

Is it true under present rules that it is not against the rules of either the House or Senate that a Conference Committee can report legislation above the total dollars authorized by either House and can include any other substantive language not included by either House?

Are there any restrictions whatsoever on House-Senate conferees? Are they required to live within the amounts and intent of the legislation which passed either or both Houses? Can House-Senate conferees act as an independent body and include provisions which were never considered by either House during enactment?

I have been advised by some sources that the Gramm-Rudman law set a precedent which has increased the power of conferees to go beyond what either House passed. Is this correct?

Since your reply will be important to my vote on the Crime Bill Conference Report, I would appreciate an immediate reply.

Sincerely,

JIM EXON,
U.S. Senator.

U.S. SENATE,
OFFICE OF THE SECRETARY,
Washington, DC, August 23, 1994.

Hon. J. JAMES EXON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR EXON: Thank you for your letter dated August 23, 1994, regarding Senate rules and precedents concerning the authority of House and Senate conferees as it pertains to the conference report on H.R. 3355, the Violent Crime Control and Prevention Act of 1994.

Rule 28, paragraph 2 of the Standing Rules of the Senate provides:

"2. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if a matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report is rejected or shall be recommitted to the committee of conference if the House of representatives has not already acted thereon."

The Senate and House go to conference in one of two ways—either with a bill passed by the first House and amended by only one amendment of the other House, or with a bill passed by the first House and amended by the second House with more than one amendment. Prior to 1985, the standard used to interpret Rule 28, paragraph 2, depended on which of these situations applied. If there was only one amendment in conference, the standard was quite permissive, and conferees could agree to any provision "not entirely irrelevant to the subject matter," contained in either the Senate or House versions of the bill. However, if the Senate and House conferees had more than one amendment committed to them, the standard was quite restrictive, with conferees limited to resolve the differences between the Senate and House provisions.

On June 6, 1932, the Chair declined to sustain a point of order against a conference report on the grounds that the conferees had exceeded their authority, since the matter at issue was "not entirely irrelevant" to provisions sent to conference by either the Senate or House. Again, on August 19, 1982, the Chair declined to sustain a point of order against a conference report on H.R. 4961, the Tax Reconciliation bill, applying the "not entirely irrelevant" standard.

In your letter you refer to a precedent that occurred during consideration of the Gramm-Rudman-Hollings balanced budget amendment that had the effect of expanding the authority of conferees in the Senate. On December 11, 1985, the Senate was considering the conference report on H.J. Res. 372, a bill to extend the public debt which also contained the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings). The joint resolution had gone to conference with a series of amendments. A point of order was raised against the report on the grounds that it contained subject matter relating to the balanced budget amendment that was not committed to the conferees by either House. The Presiding Officer applied the restrictive standard used when conferees had a series of amendments committed to conference, and sustained the point of order. However, this ruling was appealed and the Chair overturned by a vote of the Senate. This vote of the Senate had the effect of applying the permissive standard to all conference reports.

As a result of these precedents, in all cases the Senate applies the permissive standard with regard to what conferees may include in their report. In the Senate conferees may include matter in the conference report provided that it is not entirely irrelevant to the matter sent to conference by either house. In the instant case, the two houses went to conference to reconcile differences between the House amendment to the Senate amendment to H.R. 3355. Both amendments were omnibus crime bills drafted as substitutes for each other. Consequently, it is likely that the conference report would meet the rather permissive standard that has been enunciated and equally unlikely that it would violate Rule 28, paragraph 2 of the Standing Rules of the Senate.

I hope this information is useful. Please contact me if I can be of further assistance.

Sincerely yours,

ALAN S. FRUMIN,
Parliamentarian.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I agree with so much of what my colleague from Nebraska has just stated because I, too, am very concerned about how we got to where we are. I have been in a legislature before and I have served in the U.S. Senate for the last year. I always thought the rules were that you pass a bill in the Senate, you pass a bill in the House, and you have a conference to resolve the differences between the two. As my colleague from Nebraska has so ably pointed out, this is not a conference committee report that resolves the differences between two bills. It is a different bill. It is a new bill and, therefore, I think we should be able to amend it.

I am going to ask my colleagues to sustain the point of order so we can the amend this bill. I think Republicans have shown they want a crime bill because the vote that sent this crime bill to the House was 95 to 4. That was an overwhelming support for a crime bill. So I think the sincerity is there. But to ask us now to take a wholly new bill and pass it without amendments I think is unreasonable. I think we will get a crime bill if we sustain the point of order and we put more of the crime fighting back in and we take the deficit spending out.

I once heard a colleague of mine in the State legislature refer to a bill—he

said, "We labored mightily and we produced a mouse that has turned into a rat."

I supported the Senate bill because the good did outweigh the bad. But it did not have habeas corpus reform. I think the most important amendment we could make from the Federal Government to the front lines of local law enforcement is habeas corpus reform to stop the endless appeals from death row. We also could help by reforming the exclusionary rule to give our law enforcement officers the ability to do their jobs, to allow them to put people in prison when they have committed a crime and keep them there. That would be real crime fighting, something the Federal Government can do to help our local officials.

Our Senate bill did not have those two things but I would have liked to have had them. But I voted for the bill anyway because it did have good measures in it. It had truth in sentencing. Half of the prison building would have required truth in sentencing—85 percent of a sentence would have had to be served for a State to be able to use the new Federal prisons. The bill we have before us today has some hopefulness that a State will have a bigger percentage of the term served. But it does not really specify. In fact, most of the prison building money does not even have to be used for prison building. One of the amendments that the Republicans wanted to put on this bill was real prison building, bricks and mortar, with truth in sentencing required so we would know the prisons that we build would house the criminals and allow us to get them off the streets instead of pushing them out on the streets because we have overcrowded jails. That is happening in my State right now. We have 50 people walking the streets of Texas who were once on death row because they have been pushed out because of overcrowded prisons.

Mandatory minimum sentences for certain crimes were in the Senate bill—for selling drugs to children or having children sell drugs to children. We all know that is what the drug kingpins do. They do not go out there and sell drugs to children themselves, they get children to do it. And we would have had mandatory minimum sentences for those drug kingpins in the first bill we passed, but it is not in this one. We would have mandatory minimum sentences for people who commit crimes with firearms. Make it tougher on people if they commit a crime with a firearm. That is better than taking away second amendment rights. Let us make a person pay a price for using a gun. That might have some teeth in it. But this bill does not do that.

We passed a bill last year that was $22 billion, paid for—no deficit spending. It was a balanced bill. It had violence against women controls, more sentences, spending for that. This bill has violence against women, too, but it also has billions more than the Senate bill or the House bill, just as Senator EXON said. It was a $22 billion bill when it left the Senate, it was $27 billion when it left the House, it was $33 billion when it came out of the conference committee. That is not a resolution of differences, it is a new bill.

The House went in and made some changes, they cut 10 percent, $3 billion. The President and everybody else praised those House Members for cutting that bill back and said they had improved it. But now we would like to amend the bill, cut it back more and we are accused of being obstructionists. Mr. President, $1.62 billion was put in that bill in the conference committee that was not in either House. In fact it not only was not in either House it was basically a bill that was turned down by the Senate last year.

So I think we should sustain this point of order because this is not a conference committee report. It is a new bill, and I think we should be able to amend this bill if there is sincerity on both sides of the aisle about wanting a crime bill that is a real crime bill.

If we vote for this bill that creates a $13 billion deficit, that has social spending that may be good in another context, but, in fact, is not crime fighting, we are not meeting our responsibilities to the American people. We are not meeting our responsibilities to the hardworking taxpayers of this country who expect us to protect them from more deficit spending.

All of the programs in this bill are good programs. Standing on their own, every one of them will do some good. But the question is, how much more can people pay for? How many times are we going to go beyond the deficit and particularly on an unamendable bill that we cannot amend, that we are not able to come in and say let us prioritize the social spending, let us make it more balanced. We want the spending for the violence against women because it is long overdue and it will help stop the violence against women in this country.

But what about the arts and crafts classes in this bill? What about the dancing classes in this bill? They are good programs. But they are not crime-fighting programs. Let us have a chance to amend them.

We need to meet our responsibilities to the taxpayers of this country and to the victims of crime in this country, because we can pass a real crime bill, Mr. President. We can pass a bill that will do something to help those law enforcement officers on the front lines. We can help the cities that have so much crime, and they do need help, and we can do it by meeting our responsibilities to the taxpayers of this country at the same time. And, Mr. President, this bill does not meet that responsibility.

I hope that my colleagues will vote to sustain this point of order so that we can amend this bill. We have proven our sincerity on the crime bill. Ninety-five of us voted for it last year. It was a different bill than we have before us today. We should not be required to accept this bill without amendments. It is not a conference that resolves the differences between two bills, Mr. President. It is a new bill.

Let us open it up, let us amend it, and we will pass a crime bill from this body.

Mr. EXON. Will the Senator yield?

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Kentucky.

Mr. FORD. Will the Senator give me an opportunity? Since the ranking manager of the bill is on the floor, do you know how many more speakers you will have? We are just speaking because you are. We are ready to vote. I wonder if you have any more speakers.

Mr. HATCH. My understanding is there will be some other speakers. I do not at this present time know who they are.

Mr. FORD. Can you give us some idea?

Mr. HATCH. I wish I could, but I just do not know.

Mr. FORD. You do not know how many of yours are going to speak?

Mr. HATCH. I do not know.

Mr. FORD. Are you ready to vote?

Mr. HATCH. I have been ready to vote since early this morning.

Mr. FORD. Can you help us on your side to reduce the speeches so we might get to a vote?

Mr. HATCH. We are working on that.

Mr. FORD. I suggest that, and I yield.

Mr. HATCH. I suggest the absence of a quorum. I am sorry, my colleague wants to speak.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Thank you, Mr. President. Before the ranking member of the Judiciary Committee leaves the Chamber, I missed part of the conversation. Did the Senator say there are other speakers on the other side?

Mr. HATCH. As I understand it, there are, but I do not know who they are. They have not informed me, other than there are some who want to speak.

Mr. BUMPERS. I wonder if the Senator can tell us whether or not we are going to vote today on this.

Mr. HATCH. My personal belief is, and if I have anything to say about it, we will.

Mr. BUMPERS. That we will?

Mr. HATCH. That we intend to; at least I do.

Mr. BUMPERS. Mr. President, let me restate what virtually every speaker on this side said. I am prepared to stop in midsentence if somebody says they

are ready to vote. I hope that we can get to a vote here shortly.

As I say, I think I may be the only Member of the U.S. Senate who has not spoken on this, and I am not just busting to speak now, if we can get to a vote, knowing full well that no minds are going to be changed at this point anyway.

But as long as we are just caressing the sound of our voices—I love the sound of mine, too, I will go ahead and speak, but first I would like to yield for something or other to the Senator from Nebraska.

Mr. EXON. Mr. President, I appreciate very much your yielding without your losing the right to the floor.

I just want to take a few moments to thank my colleague and friend from Texas for her kind remarks about the statement I made about the conference report. I hope that, if nothing else, this process will alert the Senate to the big, big mistake we made that I referenced back in 1985 when we passed Gramm-Rudman and I inserted in the RECORD so the Senator from Texas and others can read what the Parliamentarian says we have to do.

Having said that, I will simply say, I only took this particular time to enter that into the RECORD and alert the Senator to it because previously I did not have the knowledge of what got us into the situation we are in now.

I will simply say that I do not agree that this latest—not the first nor the last—overstepping of the conference committee by their action should stop us in our tracks and should be the reason not to move ahead with putting this bill into law.

I will simply say to my friend from Texas, I think those who want to get 41 votes to block this maybe do not fully realize, but I warn you once again that if you do that, knowingly or unknowingly, you are killing any reasonable chance for a crime bill to be passed, and with the warts on the bill, with the warts that are caused by what we seem to have general agreement on with regard to overstepping of the bounds of the conference committee, it seems to me that we should point out that this was not the first and will not be the last until we change it. Therefore, I do not think that is a valid reason for not voting to go ahead with the crime bill now.

One last point, and I thank my friend from Arkansas. There has been considerable talk here about the violation of the authorized amounts in both the House and the Senate bill, and I think that is wrong. But I would say to the Senator from Texas and the Senate what the senior Senator from West Virginia told us yesterday. This is only an authorization bill and does not appropriate or allow anything to be spent. I think when this measure is taken up next year, as the chairman of the Appropriations Committee said yesterday, that would be the time when we can whittle, if we want, the amount authorized, because the Appropriations Committee, on which the distinguished Senator from Arkansas serves and knows so well, is the only group that can appropriate even one dime, let alone $30 billion, for this bill.

We will, therefore, have ample opportunity, if indeed we are concerned about the level of spending, to readdress that at the proper time in the appropriations bill.

I thank my friend from Texas for her remarks. I thank my friend from Arkansas for yielding for these remarks.

Mrs. HUTCHISON. Will the Senator yield for just a 1-minute rebuttal? Not rebuttal actually, because I do not disagree with my colleague.

Mr. BUMPERS. I really just came to the floor to direct traffic anyway. Next is the Senator from Texas, Senator HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas is recognized for a question.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the distinguished Senator from Arkansas. I want to say that I, too, am ready to vote. When the leaders have decided everyone has spoken, I hope we can do that expeditiously. But in the meantime, I would just like to say to my distinguished colleague from Nebraska, I do not disagree with him in that I understand this is an authorization. I do not see why allowing amendments of this bill that has so many changes in it would be a problem, because I really do sincerely believe that we can make progress.

But I do think that his point is very important, and it is a bipartisan point, that conference committees should really resolve the differences between two bills because when you vote on a bill, you assume that there is going to be some parameter around the bill that you pass unless it is drastically different from a measure that is passed by the House.

But to have a whole new bill come back in an unamendable form, I think, is a problem for people who did not like the changes. Obviously, if you like the changes, that is a different viewpoint.

I think as Members of the Senate, we can all probably stand together, and perhaps this will be a beginning of a look at conference committees. And perhaps we can come more closely to the bills that are passed from here, or at least resolving the differences without making new additions that were not passed by either House.

Mr. BIDEN. Will the Senator, the traffic cop, yield——

Mr. BUMPERS. Of course.

Mr. BIDEN. Without losing his right to the floor?

Mr. BUMPERS. Of course.

Mr. BIDEN. Mr. President, I thank our traffic police officer today, and if this bill passes, there will be 100,000 more of you before it is over.

Mr. President, I wish to make it real clear it has nothing to do with the leaders. My friend from Texas said "when the leaders are ready to vote." The Democratic leader is ready to vote this very instant. The Democratic whip is ready to vote this instant. All in the Democratic leadership, including the manager of the bill, who is not a Democratic leader, are ready to vote right now. The only one not ready to vote—and there may be very good reasons for it—is the Republican leader. But we are ready to vote right now.

I thank my friend from Arkansas.

Mr. BUMPERS. Mr. President, along the lines of the last thing that the Senator from Texas said, I wish to just start off by saying that when I came to the Senate almost 20 years ago, there was, on legislation such as this where the country was demanding a remedy and where the country's interest and its sense of direction were really at stake, a strong bipartisan spirit in this body. I can remember that on the most controversial issues we never failed to get 15 Republican votes.

Mr. President, regretfully, there has been a sea change in the partisanship, the stridency in this body. There has been a sea change in people's personal attitudes toward each other. It is a living tragedy. We have poll after poll to show that only 15 percent of the people have confidence in Congress to prove what a tragedy it is.

When I first came to the Senate, I used to view all of this from afar. I had my heroes: such as Wayne Morse, Phil Hart, Arthur Vandenberg, and John Connally. I could go on with all of those Senators who were famous in those days. I remember Senator Vandenberg, the father of foreign policy bipartisanship in the Senate. What a great debt this country, at that time at least, owed Senator Vandenberg.

Today Bill Clinton issues a Haitian policy, he issues a Cuban policy, a Bosnian policy, and within 5 minutes of the announcement of those policies, speaker after speaker comes to the floor of the Senate saying, "This is an outrage."

I sometimes mention my brother. He is very dear to me. He called the other day and he said, "That Haitian policy of the President is terrible; it stinks to high heaven." And I said, "Well, what is your Haitian policy?" And the phone went dead.

All I am saying is that the country's interest is served when people come here vowing to their constituents that they believe public service is a noble calling. I think we have lost sight of so much of that. I came here believing that public service is the highest calling. It is the reason I jumped into a field of eight to run for Governor. My father had convinced me that if I did not run for political office and choose

public service as a career, I had opted for something less than what I should choose.

He used to quote Sir Walter Scott's words to his son.

On his death bed, he admonished his son to "be good, be honest, because when you come to lie here, nothing else matters."

I have never until recently even questioned my choice of professions. And the reason I did not is because I, like you and every parent, love my children above all else. Anything you can do to preserve this great Nation and our democracy and give it a sense of noble direction that guarantees them a better life, yes, that is the highest calling of which I can think.

Now, here we have a crime bill, and like virtually every bill I have voted on since I have been in the Senate, it does not totally please me. If I were crafting a bill, it would be quite different. I did not craft it, although I tried to help mold it once it was crafted. But here we are addressing a crime bill which purports to address what 25 percent of the people in this Nation say is the No. 1 problem—violent crime. We debated it and debated it in November of 1993, and it passed out of the Senate 95 to 4.

Two of the four Senators voting against were Republicans, Senators DURENBERGER and HATFIELD. Every other Republican voted "Yea." And what were they voting on? Well, one thing they voted on was $4.3 billion worth of "pork," which they now say is awful. We even had "ee-yi-ee-yi-oh" sung by the Senator from New York this morning, with a pig on a chart in the background, saying this bill is full of "pork."

Why was it not pork in November of 1993 when everybody voted "aye," but now it is? It is so transparent, the answer is in the question. While the bill now has $6.1 billion in crime prevention programs, $4.3 billion of that was in the bill when it left here. Everybody thought that was just hunky-dory last year.

I am one who does not apologize for the social programs I vote for and I do not apologize for the crime prevention programs I vote for because this country is in dire need of these programs.

Incidentally, as I watched this debate this week I could not help but think a great crime prevention program for high school kids would be, instead of leaving school and "hanging out," make them watch C-SPAN. I can hear the thunder of eyelids closing right now. They would at least sleep through the time they would otherwise be "hanging out" and getting into trouble.

But did you know where more crime is bred than anyplace else in the country? After school where children otherwise would go home to an empty home—an empty house—oftentimes it is not a home.

So there is a program in the bill that says we will give the school districts some money to start programs to keep these children after school, what you call intervention, to try to prevent what would otherwise be a life of crime. That is pork? Our Lord and Savior would be in favor of that. He was.

I look through all of those programs that our friends on the other side of the aisle call "pork." I remember when I was trying to kill the space station because I felt that $10 billion over 5 years could be better spent elsewhere, such as on student loans and college grants for our children to go to school.

When I was elected Governor—my good colleague, Senator PRYOR is on the floor and he will remember this well—the prisons of Arkansas were under the control of the Federal courts. The whole system had been declared unconstitutional. That is what I inherited as Governor. The Senator remembers it well. People talk about how much it cost to keep an inmate. It was not costing us anything. We had 23,000 acres of farmland, and whatever we took in off the farmland is what it cost to run the prisons. And the inmates, so-called trustees, were the security guards at the prisons.

So I knew I was going to have to get deeply immersed in our prison system because I was insulted and embarrassed that our prison system actually was being controlled by the Federal courts. But I had never been in a prison before. I dreaded going down there. Yet I knew the press was expecting me to go at the first opportunity. So I finally went. I did not sleep for 3 nights afterwards.

I had been hearing legislators talk about Holiday Inn treatment at the prisons. I wish you could have seen the Holiday Inn treatment that these inmates were getting. It was the most barbaric place I have ever been in my life. I got to where I could go without so much equivocation and so on, so much reservation and trepidation, but it was always very trying.

For the people who think prison is a great place today just go visit the nearest one to you and see how you would like to be cooped up in it.

As I walked down the corridors of the prison, those poor inmates would hang on the bars because they knew the Governor had the right and the authority to sign their names and turn them loose any time he chose. The Governor is an authority figure in the prisons.

So I would visit with these inmates. Mr. President, in all the time that I visited prisons in my State, I talked to just one college graduate. That prison at that time housed 1,700 inmates. Today we have over 4,000 inmates. There was one college graduate. And I used to inquire about what they did before they got in trouble. I very rarely talked with anyone that was not essentially a drifter, never had a job, had nobody that cared much whether he had a job or not.

My point is this: My colleagues on the other side of the aisle say they do not like these so-called social programs. However, what if we were to rephrase it. "Do you like crime prevention?" Oh, sure. But if you call it pork or a social program, then it takes on a stigma that makes it almost unacceptable for anybody to favor.

The bane of this Nation is unbelievable; the violence, the incivility. And yet I promise you that building prisons, locking them up and throwing the key away, is a very, very partial answer.

The answer lies in making certain that children have someplace to go after school, making certain they have something to do at night such as the midnight basketball program in North Little Rock, which is a fabulous success. Oh, that is "pork," they argue.

Mr. President, yesterday morning as I drove in, I was listening to National Public Radio. There was a story about the Pepsi-Cola company, in one of the counties adjoining the District of Columbia. The sales manager and one of the interns that Pepsi-Cola had hired for a 6-week stint in that plant were interviewed. Interestingly, 100 people work there and it is African-American owned. They started a summer program for young African-American males, preferably the 17- or 18-year-old variety.

They had this one young intern whom they had chosen. He was so elated about this job he had for a short period of time and is now going on to college. But I can tell you his self-esteem has soared under that program. And after all, self esteem is what it is all about.

One woman called in, and said, "I have brought this to your attention before, and I am insulted that this is only for young African-American males. How about African-American females?" At first blush I thought that was a very good question. So the sales manager said, "The biggest problem we have in this country is the plight of young African-American males. Those are the people who, by the millions, we are not salvaging. An inordinate amount of crime is being committed by them, and we are sticking by our guns and trying to provide opportunities for them." It is not a big deal, and Pepsico is doing this on their own; it does not cost the Federal Government a penny. But I can tell you that they are salvaging young men who otherwise might end up in prison. This is what my colleagues call social programs, or pork.

I am a believer in social programs. I am a believer that because God gave me certain talents and, above all, devoted parents, that I owe more; it is just that simple.

In 1936 my father grabbed my brother and me to go see Franklin Roosevelt who was coming to Booneville, AR, which was 15 miles from my home. We

got in our 1935 Dodge and drove 15 miles over a gravel road because my father wanted his sons to see a President. And so when we get there, the train pulls in. There were 3,500 people in this little town. Two men, one standing on each side of Franklin Roosevelt, helped him to the back of the train. They were obviously holding him up. I tugged on my father's sleeve and I said, "Dad, what is wrong with him?" He said, "I will tell you later." So on the way home, he said, "I want to tell you boys something. President Roosevelt had polio, and he cannot walk and he cannot stand up." You will not believe this but a lot of people in America did not even know that because the press did not take pictures of him in a wheelchair. They never allowed anybody to take pictures of the braces on his legs. My father said, "If Roosevelt, carrying 12 pounds of steel on his legs, can be elected President, you boys have good minds and good bodies, so there is no reason why you cannot be President." I thought he was nominating me for the position. It obviously made an indelible impression on me, or I would not be telling you about it today. However, I believe as Franklin Roosevelt believed, that social programs have a role in our lives. I was lucky, because I chose my parents well. Everybody is not so fortunate. But our colleagues on the other side object to that. President Roosevelt brought us sewer systems, running water, paved streets, rural electricity, and on and on.

Mr. President, there are two conclusions from this debate which are inescapable. The opposition to this bill is an anti-Clinton approach, and it is secondly, designed to salvage the National Rifle Association's position, and that is an argument that is unassailable. The people in the House defeated this bill the first time because the National Rifle Association threatened them with their political lives. And why? Because the bill banned 19 military type assault weapons.

Another personal story: My father was a quail hunter, and I started quail hunting with him when I was 12 years old. We used shotguns. Rifles and handguns were absolutely prohibited. He made a great distinction between rifles and shotguns. I had never fired a rifle in my life, and when I went into the Marine Corps at the ripe old age of 18, I went out to the Camp Matthews rifle range for 3 weeks, learning how to shoot an M-1 rifle. I set a record that was not broken on that rifle range for 6 months. I had never fired a rifle before in my life, and I set a record. I had no more than fired that high score until I was sorry, because this colonel came up to me and said, "Son, we are going to make a sniper out of you." Snipers usually last about 10 minutes. I had no interest whatever in being a sniper—a good red-blooded American, I just did not want to see any of it. I do not know how I dodged that, but in the process they took me and showed me what is called a BAR, Browning automatic rifle. It weighed 35 pounds, and you carry it on your back. It was the most awesome thing I had ever seen. It was not a machine gun but a lot more than an M-1 rifle.

Mr. President, that BAR would still outweigh any of these 19 assault weapons that we ban in this bill. But, I can tell you that when it comes to firepower, that BAR was one of the Marine Corps' major weapons, and these assault weapons we are trying to ban fire more rounds at a faster rate.

So we have two things at work here: People who do not want President Clinton to be able to say this is a great victory for the American people and those who want to encourage the right of any lunatic to walk in and buy the most powerful weapon he has the money to pay for.

Finally, Mr. President, a point has been made and made and made. As Mo Udall used to say, "Everything has been said, but everybody has not said it." Not one dime of money can be spent by passing this bill. This is an authorization bill. Senator HOLLINGS chairs the subcommittee in the Senate, and that subcommittee will appropriate the money for virtually everything in this bill.

So to my friends on the other side, let me just say you are going to get bite after bite after bite out of this apple. This is not the end of it. You will get a chance to try to cut every one of these programs, from prison construction to the number of police on the streets, to the battered women program.

In closing, Mr. President, let me just plead with my colleagues to agree with me that this is not a perfect bill, but to also agree with me that this country is going to continue to deteriorate and degenerate, and crime is going to destroy it if we do not wake up and do something dramatic.

This bill is not going to stop the crime rate, but it is a beginning—as I said earlier—until we find programs that provide all Americans with economic well-being, provide all Americans with an education so they can distinguish between the kinds of lives they ought to be living and the kind they live with nobody intervening for them, and make it a bipartisan effort. The American people deserve no less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I come to the floor this afternoon to make a brief statement.

I have chosen not to debate at length on this particular matter. I think some of the characterizations have been overblown, certainly on benefits that will flow from this legislation, and perhaps even those who oppose it in terms of its detriment.

I must say I have listened with some dismay at some of the charges being leveled by those on the other side of the aisle to Members over here, and it takes a good deal of patience and restraint in order not to respond in kind.

But I would like to talk for a moment about another issue. The other issue deals with a group of assistant U.S. attorneys. There is an organization called the National Association of Assistant United States Attorneys. A matter has come to my attention which I think is quite disturbing, and it ought to be disturbing to every Member in this Chamber.

I am told that Senator HATCH had released a statement concerning this organization in the past day or two. I would like to comment just briefly about it.

A group of young assistant U.S. attorneys complained about a certain provision in the crime bill. They wrote a letter—I believe Senator BIDEN received a similar letter as Senator HATCH—dated August 17. Let me just read one paragraph. I will insert the full letter in the RECORD. But it says:

> The present crime bill contains a provision which not only severely negates the benefits of "mandatory minimums" for a certain class of offenders, but also permits the filing of 10,000 to 20,000 frivolous lawsuits which would cause prosecutors to spend their time in needless litigation instead of investigating and prosecuting criminals. The present provision would dilute prosecutors' ability to determine if a drug dealer has "substantially" cooperated. In effect, our leverage to get to the suppliers would be eliminated for certain type of drug traffickers. We cannot stand idly by and allow this very effective tool to be taken from us and the citizens we are sworn to protect.

The letter goes on to say considerably more, but that is the gravamen, that is the center of this particular letter.

These young assistant U.S. attorneys feel that their ability to go after drug traffickers will be harmed by the provision in the crime bill that is retroactivity.

They tried to bring this to the attention of the Justice Department.

During the first week in August, a Mr. Jay Apperson, who is an assistant U.S. attorney for the Eastern District of Virginia, Alexandria Division, Larry Leiser, who is president of the association, and Brian Flood, who is an employee of the association went to speak with the Justice Department. They met with Carol Dibattista, who is director of the Executive Office of the U.S. Attorneys Office at the Department of Justice, also with a woman who is legal counsel for the Executive Office, Andy Foist, who is a special assistant to the Attorney General and David Margolis, assistant deputy Attorney General.

I must say that something that was said at that meeting is profoundly disturbing to me.

As they walked into that meeting they were told that they were in violation of title 18, section 205, the Criminal Code, just by being there. Then they said: "We are not interested in prosecuting anyone. In other words, we just want you to know you are in violation of the criminal laws of the United States by virtue of the fact that you are assistant U.S. attorneys" coming in to raise a legitimate complaint about a provision in this legislation.

I find that astonishing, that even the implication, the hint, that somehow these young assistant U.S. attorneys, who are on the front lines fighting the drug dealers, are going to be accused of violating the criminal statutes.

As soon as that express or implied threat was made, Jay Apperson left the room. He did not want any part of it at that point. And the person—I am told at least—who was allowed to speak was a Mr. Brian Flood, who is not an assistant U.S. attorney.

Following this meeting, a number of conference calls were held. The Attorney General, Members of the Senate, were addressing the board of that association, and the board decided notwithstanding the arguments of Members of the Senate and the Attorney General, that they were going to issue a public statement that they were opposed, not to the bill, but to one section of the bill which they felt undermined their ability to deal effectively with drug dealers. So they voted to go public.

Then they issued a letter to both Senator BIDEN—he can correct me on this, if I am wrong—or at least to Senator HATCH. Then complaints started flooding into this association, and some of it is hearsay so I need not go into it now. I think it requires further investigation. But in any event, the board said: "No, we are not going to retract our statement, our public statement. We believe this particular provision is adverse to the Nation's interest."

On August 19, following a number of phone calls coming from Capitol Hill to that association, a letter was sent by DON EDWARDS, chairman of the Subcommittee on Civil and Constitutional Rights; JOHN CONYERS, chairman of the Committee on Government Operations; and BILL HUGHES, chairman of the Subcommittee on Intellectual Property and Judicial Administration. They wrote to the Attorney General and I will read that. I will take a few moments.

DEAR MADAM ATTORNEY GENERAL: We have recently learned of an organization called the National Association of Assistant United States Attorneys (NAAUSA). This organization has been lobbying Congress on the crime bill, and has been advocating policy positions that are inconsistent with those taken by the Department of Justice.

We are strong defenders of a citizen's right to lobby Congress, both individually and as a member of an association. However, we believe that the actions of NAAUSA are causing great confusion, because those with whom they communicate may well believe that they represent the positions of the Department

In addition, as you well know, we are in the midst of extremely delicate negotiations on the crime bill, and NAAUSA is advocating reopening issues that have not been in dispute in our efforts to produce a final bill.

We would appreciate your looking into this matter, and letting us know your findings.

Here we have three very senior Members of the House writing to the Attorney General to conduct an investigation or inquiry into this matter, and for her to let those Members know about her findings.

I hope the Attorney General will do much more than that. I hope the Attorney General will look into her own department to find out whether or not, when prosecutors for the Justice Department walk in requesting a meeting and are told they are in violation of the criminal laws of the United States, and that while the Department is not interested in prosecuting these young U.S. attorneys they at least ought to know they are violating the criminal law—I find that outrageous. I find that to be intimidation. I think that is a threat, at the very least an implied one.

I think the whole series of actions following that meeting were designed to shut this organization up along with these young assistant U.S. attorneys on the front lines.

I think the Attorney General has to do a lot of investigation in this to find out whether or not there has been an attempt to shut off the voices of those who have to prosecute the drug dealers, and whether or not it is public policy of this administration, or private policy, to muzzle these young attorneys who are charged with prosecuting the criminals who are violating our laws, saying you are in violation for walking through here, for trying to lobby the Justice Department. You work for the Justice Department, but you are in violation of the criminal laws for disagreeing with our official policy.

How outrageous. That is a scandal in itself. We had enough allegations about interference in trying to shut certain officials up who may have adverse information. Here are people trying to do their job. They feel this particular provision undermined their ability to get criminal convictions of those higher up the chain, and if they could not negotiate with these mandatory minimum sentences hanging over the heads of these individuals, they would be deprived of a very important tool.

So they came to the Attorney General's office saying we object to this provision, and they also contacted Senator BIDEN and Senator HATCH.

I think it is within their constitutional freedoms to do so. Their liberties are protected by this. I think it is within their constitutional right. I think it is their moral obligation.

And for anyone associated with the Attorney General's office, or indeed even the U.S. Senate to suggest that they may be in violation of the law by raising this objection in a private meeting—they had not gone public at this point, in a private meeting—to even hint saying, "We have got title 18 here."

I will submit it for the RECORD. I would like the Justice Department to show me where the members of the Justice Department who come and express an opinion in opposition to a certain provision in pending legislation, is somehow in violation of the criminal laws of the United States.

I would like to have the Justice Department brief me today, tomorrow, next week, and I would like to have the Attorney General conduct her investigation into this organization's activities and tell me what law was violated.

Mr. President, I ask unanimous consent to have these materials printed in the RECORD.

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

NATIONAL ASSOCIATION OF
ASSISTANT U.S. ATTORNEYS,
Alexandria, VA, August 17, 1994.

Hon. ORRIN HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: The National Association of Assistant United States Attorneys has as its members front-line litigators. Our members represent the United States in all civil and criminal matters. We are our nation's lawyers. Most of our members are prosecutors who work very closely with federal and local law enforcement agents.

In 1987, Congress enacted the Federal Sentencing Guidelines, which, in part, had stiff but appropriate sentencing provisions, incorporating mandatory minimum sentences for certain drug traffickers. Those mandatory minimums have given our prosecutors the ability to get drug dealers to cooperate by forcing them to work with us in giving up their source(s) of supply or face years of incarceration. When their cooperation is deemed to be "substantial" by a committee of Assistant United States Attorneys (or, in some cases, the United States Attorney), their sentences may be reduced by a federal Judge. In fiscal 1993, almost one-fifth of convicted defendants benefited by having their sentences reduced because they cooperated with law enforcement authorities. The results of that cooperation led to the arrest and conviction of numerous drug suppliers and their sources.

The present Crime Bill contains a provision which not only severely negates the benefits of "mandatory minimums" for a certain class of offenders, but also would permit the filing of 10,000 to 20,000 frivolous lawsuits which would cause prosecutors to spend their time in needless litigation instead of investigating and prosecuting criminals. The present provision would dilute prosecutors' ability to determine if a drug dealer has "substantially" cooperated. In effect, our leverage to get to the suppliers would be eliminated for certain types of drug traffickers. We cannot stand idly by and allow this very effective tool to be taken from us and the citizens we are sworn to protect.

The bill's present language is intended to address low-level drug traffickers who are so

minimally involved that they cannot have their sentences reduced because they truly cannot provide information or cooperation which would be deemed to be "substantial". In some instances under mandatory minimums (and the Department of Justice's requirement that prosecutors had to charge the most serious provable crime), some injustices occurred. We believe that should be corrected. However, Attorney General Reno fixed this problem some time ago by no longer requiring Assistant United States Attorneys to charge the most serious readily provable offenses if that would result in a miscarriage of justice. In addition, our Association proposed minor revisions to the present bill which would codify the intent to appropriately treat first time low level drug traffickers. We are not opposed to these goals and objectives. We are, however, very much opposed to the way the present bill achieves them.

We believe that prosecutors are in the best position to determine if an individual has cooperated substantially or truly has nothing to offer and therefore meets the other criteria to receive a reduced sentence in accordance with this bill's present language. We have proposed, therefore, that in order to qualify for "safety valve" relief, the current language be amended as follows:

(f)(5) is hereby amended by striking the current language and inserting:

(f)(5) the government certifies that the defendant has timely and truthfully provided to the government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan.

We urge the Committee to make the change we have proposed.

Sincerely,

LAWRENCE J. LEISER, AUSA,
President, NAAUSA.

NATIONAL ASSOCIATION OF ASSISTANT UNITED STATES ATTORNEYS POLICY BRIEF

MANDATORY MINIMUMS

The National Association of Assistant United States Attorneys represents frontline federal prosecutors, including criminal narcotics prosecutors and designated Organized Crime Drug Enforcement Task Force prosecutors, charged with enforcing the federal narcotics laws. We are encouraged that "The Mandatory Minimum Sentencing Reform Act of 1994", H.R. 3979, as amended, and adopted by the Committee on the Judiciary's Crime Subcommittee, recognizes the importance of limiting relief from provisions of existing mandatory minimum sentences to those defendants who have made every effort to provide assistance to the government.

The proposed amendment to Section 3553 of Title 18, United States Code, to create a relief mechanism from application of mandatory minimum sentences in certain cases, includes the criteria as set forth in paragraph (5) that the defendant has provided to the government all information the defendant has concerning the offense or other criminal conduct related to the offense.

While we are encouraged by the obvious recognition that any relaxation from mandatory minimum application should be limited to those who provide information to the government, we suggest that the existing language is problematic in its application. The first difficulty arises as to who is in a position to determine whether a defendant has provided the government all information. Only the government is able to make that determination, by comparing the information provided with other evidence of the case. The current language would conceivably allow the defendant to self-servingly state "that's all I know," without the government being in a position to test that assertion by debriefings, polygraph results, etc. In order to assist in this process, the defendant should be required to provide any evidence he can, in addition to information.

Similarly, we are concerned that this relief mechanism not be available to a defendant who has provided information which is not truthful, or to a defendant who in providing certain truthful information, nevertheless, also lies about other aspects or details so as to mislead investigators or obstruct the investigation.

It also should be required that the information be timely. Under the current language, a defendant who goes to trial and is convicted, would presumably be able to stand up at sentencing, tell the government what it has already proved, and avoid the mandatory minimums under this escape provision.

Accordingly, we seek amended language which would require that the defendant must provide timely information, truthful information, other evidence, and that the determination as to whether a defendant has provided all this be by certification by the government. Otherwise the sentencing court will be inundated by litigation calling upon it to make determinations it is not equipped to make.

This is the natural complement to the existing "Substantial Assistance" reduction mechanism currently embodied under Section 3553(e) of Title 18 United State Code. This provision has been responsibly applied by federal prosecutors throughout the country.

It reflects the recognition that the government is in the best position to make such a determination, and provides the incentive to the low-level defendant to work with the government in working up the ladder to identify and target higher-up drug traffickers. The current amendment properly recognizes that there are simply those who are not able to provide "substantial assistance" but who nevertheless have done everything they can to assist.

Simply put, society has a right to ask that a defendant provide all that he knows. If what he knows constitutes "substantial assistance" he will have already earned relief. (18 U.S.C. 3553 (e)). If it does not, and he meets the other requirements of the currently proposed legislation, then justice dictates that he receive a lesser sentence.

The amended language which we have suggested (attached) will assure that defendants continue to have an incentive to cooperate with the United States by providing all truthful information in a timely manner, while allowing those who, through no fault of their own, are simply not in a position to provide "substantial assistance," an opportunity to receive a sentence below current mandatory minimums.

(f)(5) is hereby amended by striking

"(5) no later than the time of the sentencing hearing, the defendant has provided to the Government all information the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan. The fact that the defendant has no relevant or useful other information to provide shall not preclude or require a determination by the court that the defendant has complied with this requirement."

and inserting

"(5) the government certifies that the defendant has timely and truthfully provided to the government all information, and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan."

HOUSE OF REPRESENTATIVES,
Washington, DC, August 19, 1994.

Hon. JANET RENO,
Attorney General of the United States, U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: We have recently learned of an organization called the National Association of Assistant United States Attorneys (NAAUSA). This organization has been lobbying Congress on the crime bill, and has been advocating policy positions that are inconsistent with those taken by the Department of Justice.

We are strong defenders of a citizen's right to lobby Congress, both individually and as a member of an association. However, we believe that the actions of NAAUSA are causing great confusion, because those with whom they communicate may well believe that they represent the positions of the Department.

In addition, as you well know, we are in the midst of extremely delicate negotiations on the crime bill, and NAAUSA is advocating reopening issues that have not been in dispute in our efforts to produce a final bill.

We would appreciate your looking into this matter, and letting us know your findings.

Sincerely,

DON EDWARDS,
Chairman, Subcommittee on Civil and Constitutional Rights.
JOHN CONYERS, Jr.,
Chairman, Committee on Government Operations.
WILLIAM J. HUGHES,
Chairman, Subcommittee on Intellectual Property and Judicial Administration.

[From the United States Code, title 18, section 205]

§205 ACTIVITES OF OFFICERS AND EMPLOYEES IN CLAIMS AGAINST AND OTHER MATTERS AFFECTING THE GOVERNMENT

(a) Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, other than in the proper discharge of his official duties—

(1) acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim, in consideration of assistance in the prosecution of such claim; or

(2) acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

(b) Whoever, being an officer or employee of the District of Columbia or an officer or employee of the Office of the United States Attorney for the District of Columbia, otherwise than in the proper discharge of official duties—

(1) acts as agent or attorney for prosecuting any claim against the District of Columbia, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim; or

(2) acts as agent or attorney for anyone before any department, agency, court, officer or commission in connection with any covered matter in which the District of Columbia is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

(c) A special Government employee shall subject to subsection (a) and (b) only in relation to a covered matter involving a specific party or parties—

(1) in which he has at any time participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or

(2) which is pending in the department or agency of the Government in which he is serving.

Paragraph (2) shall not apply in the case of special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

(d) Nothing in subsection (a) or (b) prevents an office or employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for, or otherwise representing, any person who is the subject of disciplinary, loyalty, or other personnel administration proceeding in connection with those proceedings.

(e) Nothing in subsection (a) or (b) prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for, or otherwise representing, his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except—

(1) in those matters in which he has participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rending of advice, investigation, or otherwise, or

(2) in those matters which are the subject of his official responsibility,

subject to approval by the Government official responsible for appointment to his position.

(f) Nothing in subsection (a) or (b) prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States if the head of the department or agency concerned with the grant or contract certifies in writing that the national interest so requires and publishes such certification in the Federal Register.

(g) Nothing in this section prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(h) For the purpose of this section, the term "covered matter" means any judicial or other proceeding, application, request for a ruling or other determination, contact, claim, controversy, investigation, charge, accusation, arrest, or other particular matter.

(As amended Pub. L. 101-194, Title IV, §404, Nov. 30, 1989, 103 Stat. 1750; Pub. L. 101-280, §5(c), May 4, 1990, 104 Stat. 159.)

FEDERAL SENTENCING GUIDELINES

See §2C1.3.

CODE OF FEDERAL REGULATIONS

Departmental proceedings, representation before Department of Agriculture, see 7 CFR 1.26.

Officers and employees of U.S., claims and matters affecting governmental activities of—

Disqualification of government officers and employees in representation before Board, see 14 CFR 300.11.

Practice of special government employees permitted before Board, see 14 CFR 300.12.

Persons who may practice before Bureau of Alcohol, Tobacco and Firearms, see 31 CFR 8.2.

LAW REVIEW COMMENTARIES

Public service by public servants. Lisa G. Lerman, 19 Hofstra L. Rev. 1141 (1991).

Section 205's restriction on pro bono representation by federal attorneys. Carolyn Elefant, 37 Fed.B.News & J. 407 (1990).

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2. Generally

Strict common-law notion of "agency" does not necessarily exhaust meaning of prohibition of this section against officers and employees of United States acting as agent for another in matter affecting United States. U.S. v. Sweig, D.C.N.Y. 1970, 316 F.Supp. 1148.

3. Officers or employees within section

This section which prohibits federal employees from appearing as agent or attorney on behalf of anyone in a proceeding to which the United States is a party bars federal employees enrolled in part-time legal studies from entering an appearance under court rule on behalf of indigent criminal appellants entitled to assignment of counsel, despite contention that role of a law student so appearing is neither that of an attorney nor that of an agent for appellant and that such appearance would not frustrate the legislative intent of this section. U.S. v. Bailey, 1974, 498 F.2d 677, 162 U.S. App. D.C. 135.

Veterans Administration's decision not to accept bid of contractor which had been preselected by Small Business Administration and which was only company negotiating with VA for construction of VA facility was not arbitrary or capricious, and contractor was not entitled to recover its bid preparation and negotiating costs; decision not to award contract was based on appearance of conflict of interest caused by contractor's representation during negotiation process by VA employee, in violation of executive order, VA regulations, and statute prohibiting government employee from acting as agent for anyone in connection with matter in which Government is party or has direct and substantial interest. Refine Const. Co., Inc. v. U.S., 1987, 12 Cl.Ct. 56.

Prosecution of claims

One who was still employee of Federal Trade Commission could not accept any compensation for his legal services in prosecuting class action in which it was alleged that Commission discriminated on account of race in failing to award promotions. Bachman v. Pertschuk, D.C.D.C. 1977, 437 F.Supp. 973.

A government attorney owning a corporation involved in a quit title action with the United States government and having a financial interest in the action is not involved in any real or apparent conflict of interest with his duties and * * *

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§216. PENALTIES AND INJUNCTIONS

(a) The punishment for an offense under section 203, 204, 205, 207, 208, or 209 of this title is the following:

(1) Whoever engages in the conduct constituting the offense shall be imprisoned for not more than one year or fined in the amount set forth in this title, or both.

(2) Whoever willfully engages in the conduct constituting the offense shall be imprisoned for not more than five years or fined in the amount set forth in this title, or both.

(b) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 203, 204, 205, 207, 208, or 209 of this title and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

(c) If the Attorney General has reason to believe that a person is engaging in conduct constituting an offense under section 203, 204, 205, 207, 208, or 209 of this title, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.

(Added Pub. L. 101-194, title IV, §407(a), Nov. 30, 1989, 103 Stat. 1753; Pub. L. 101-280, §5(f), May 4, 1990, 104 Stat. 159.)

Mr. COHEN. Mr. President, I would like to have the Attorney General conduct an investigation, conduct an investigation into her own department to find out if this is going on; and if this is going on, report back not only to the House Members who wrote this letter, report back to Senator BIDEN, to Senator HATCH or to me, or to any other member of the Senate Judiciary Committee and tell us whether this is the kind of tactic that ought to be employed in trying to insure the passage of legislation the department supports.

Mr. President, I will not take any more time. I see other Members are gathering and would like a vote on this measure.

Let me just indicate for the record that I think the Republicans ought to have an opportunity to vote on the 10 measures that were offered by Senator DOLE, because we feel that the bill that left the Senate was substantially weakened and that spending was significantly increased. We ought to at least have an opportunity to vote on that.

The majority has come back with a counterproposal, which I do not think

measures up to an equitable solution to this. So I intend to vote to sustain the point of order, not waive it.

But let me say once again for the Members, I have sat here and at home and watched some of the charges being made by Members on the other side who talked about, "Where is your character?" and "Have you no shame?"

I think it is pretty outrageous conduct, frankly. I debated whether to take the floor to start responding in kind, in terms of the kind of statements being made on the other side. My better judgment tells me not to.

I think there are elements in this bill which are worthwhile in passing. I think, overall, there are measures we can support. But I must say that I find it offensive that Republicans here are being treated even less generously than those in the House. And, having served for 6 years in the House many years ago, I can tell you it is not a pleasant place to be. The majority treats the minority there with absolute and utter contempt. They allow them little, if any, role in the House of Representatives. They steamroll over them every time on every issue.

And I must say that the practice is starting to gain momentum even here. It is getting more partisan here, getting more political here, because the rights of the minority are not being given fair consideration.

So if we are going to start down this path, and we did so a short time ago, when the leader starts offering amendments and filling up trees and the rest do not get their opportunity to vote on our amendments, that poisons the well. There are a lot of those of us on this side who try to work with the majority. When we are not able at least to have a reasonable voice, an opportunity to shape legislation, then I think it is going to harden the lines on this side.

I hope it does not happen. I hope it does not happen. There is a lot of legislation to go. We have a major health care bill that some of us are trying to work on on a bipartisan basis and hopefully we will be constructive and perhaps even successful.

In any event, Mr. President, I want to just conclude my remarks by saying, I feel that Republicans made a reasonable offer to have an opportunity to vote on a series of amendments that would strike some of the funding that would increase the penalties for those who want truth in sentencing—and I believe we ought to have truth in sentencing. A first-time offender for a felony should be required to serve 85 percent of his sentence. If you are using minors to engage in the drug trade or you are selling to minors, you ought to go to prison. If you are committing a crime with a firearm, you ought to go to prison. If you are an alien who has committed a crime and you finished up your sentence, you ought to be deported without further delay.

And if the retroactive portion of this legislation was depriving the front-line U.S. attorneys, assistant U.S. attorneys, from prosecuting cases, they ought to be heard and not muzzled and not threatened overtly or implicitly that they are somehow in violation of the criminal laws of this country.

Mr. President, I yield the floor.

THE CRIME BILL: GOOD FOR THE NATION, GOOD FOR SOUTH DAKOTA

Mr. DASCHLE. It has been 9 months since 95 Senators, liberal Democrats and conservative Republicans alike, joined together to pass a comprehensive crime bill. Our cooperative effort was fueled by a common belief that reducing crime and violence must be one of our most important national priorities. And I think we all still share that belief.

Crime is a problem that affects every single community in America. It affects wealthy neighborhoods as well as low-income housing projects, rural areas as well the inner cities. It is a widespread national problem which cannot be tackled overnight.

Nor is it a problem which can be solved by this legislation alone. However, this crime bill would make significant progress toward a safer society by beefing up law enforcement nationwide, building new prisons, increasing the penalties for criminal behavior, and providing the children of our country with alternatives to drugs and violence.

This legislation would provide $30.2 billion over 6 years for national crime anticrime efforts. Although the price tag seems steep, it's important to note that every dollar provided by the bill would come from cutting civilian employment with the Federal Government.

That's right—this bill will enhance our crime fighting capabilities and pay for it by getting rid of more than 250,000 bureaucrats, not by increasing spending.

The centerpiece of the crime bill is the cops on the beat program, which would allow State and local governments to put an additional 100,000 police officers on the streets in communities nationwide. This would increase the number of State and local law enforcement officers in this country by 20 percent.

For my home State of South Dakota, this bill means a guarantee of at least $44 million to hire more than 500 additional police officers. Common sense tells us that where there is an increased law enforcement presence in a community, there will be better crime prevention and apprehension of criminals in that community.

It's well known that many States are faced with overcrowded prisons and are forced to release violent criminals after they have served only about one-half of their sentences. Again, common sense tells us that we cannot hope to reduce crime if we don't shut this revolving door and keep violent criminals in prison where they belong.

This crime bill would provide $7.9 billion to States to cover the costs associated with the construction of new prisons, ensuring additional space for violent criminals. States can also free up prison cells for violent offenders by using these funds to establish military-style boot camps for those convicted of non-violent crimes. These boot camps have shown promise in test cases and are a prudent use of scarce crime-fighting resources. In fact, the cost of housing an inmate at bootcamp is one-third what it would be for incarceration in a traditional prison facility.

Of these funds, South Dakota can expect approximately $13 million to build and operate prisons and boot camps. And if my State adheres to the truth in sentencing guidelines contained in the bill, guidelines which require violent criminals to serve a greater percentage of their sentences, an additional $13 million is possible.

Strengthening criminal penalties must go hand in hand with expanding prison capacity. Criminal offenders must know that when they break the law, there is a prison cell with their name on it and that they will be in that cell for a longer period of time.

The most well-known sentencing provision in the crime bill is the three-strikes-and-you're-out law. For individuals convicted of a third violent felony, this provision will require that Federal judges hand down mandatory life sentences. This says to criminals that if you persist in pursuing a life of violence, we will insist that you spend your life in jail.

For my home State, perhaps one of the most important aspects of this bill is the special rural crime initiatives. According to the FBI's most recent report, crime in rural areas is rising faster than in any other area in the country. A look at some of the report's statistics illustrates this disturbing trend.

For example, violent assaults in rural areas have increased 30 times faster than in the Nation's 25 largest cities. Rapes in rural areas rose more than 9 percent, while at the same time dropping almost 4 percent in urban areas. And arrests for drug violations rose by 23 percent in rural areas during 1992.

The crime bill recognizes that what may work to fight crime in large cities will not necessarily be successful in rural areas. To address the unique challenges presented by rising crime in rural America, the bill would allot $245 million in assistance to State and local law enforcement. Of this amount, South Dakota is expected to receive approximately $6.5 million.

Additionally, the bill would create drug enforcement task forces in each Federal judicial district in rural America. These task forces would team Federal agents and prosecutors with State

and local law enforcement to fully investigate and prosecute drug trafficking cases. In this way, the expertise of the Federal Government in fighting illegal drugs would be shared with rural police officers and sheriffs who have relatively little experience in dealing with such problems.

The crime bill does not stop there when it comes to illegal drugs. Instead, it recognizes the proven success of the Edward Byrne Memorial Formula Grant Program by providing $1 billion for anti-drug efforts in each of the 50 States. In fact, when the President proposed the termination of this program in his fiscal year 1995 budget proposal, more than 90 Senators voted to retain funding for this effective program.

In fiscal year 1995, my home State will receive $2.1 million to help support 17 anti-drug projects, ranging from drug task forces to addiction treatment for juveniles. Because many of these programs would be undercut without Federal support, the Byrne Grant Program is enthusiastically supported by South Dakota's attorney general and various law enforcement officials across the State.

And again, the crime bill does not stop there when it comes to illegal drugs. The bill includes $383 million for treating the drug addictions of prison inmates across the country. This is wise use of crime-fighting funds for two reasons. First, it has been shown that treating the drug addictions of prisoners cuts recidivism rates in half. Without a drug habit to support, these individuals are less apt to return to a life of crime upon their release.

Second, for every dollar spent on drug treatment for criminal offenders, we save $3 through reducing crime and reducing other costs associated with drug addictions. It's not often that you can find a proposal which is good for society and saves money.

And finally, Mr. President, I would like to address the issue of spending on crime prevention programs.

A number of Republican Senators have denounced this bill as too expensive and filled with wasteful social spending. In reality, more than 3 of every 4 dollars authorized by the bill will be used to hire more law enforcement officers and build more prisons. This certainly doesn't sound to me like a bill laden with pork.

It's time to move beyond the rhetoric and to talk in frank terms about what will really help this Nation to overcome its crime problems. I believe we must start by recognizing that we cannot end crime as we know it simply by shutting away today's criminals. It is just as important for us to prevent the Nation's children from becoming the criminals of tomorrow.

Far too many children, in rural and urban areas alike, do not have alternatives to drugs and violence. They do not have afterschool programs and sports leagues. They do not have positive role models in their lives. They do not have anything to keep them off the streets and out of trouble.

Our children are this Nation's future. We owe them the chance to lead fulfilling lives as law-abiding citizens.

The crime bill will provide local governments the opportunity to apply for crime prevention block grants. Because cities and towns know best what resources are already available for their children and what needs currently go unmet, they will decide how these funds are to be spent. For example, localities can establish boys and girls clubs in low-income areas, fund nighttime sports leagues in high-crime areas and programs designed to give young people an alternative to joining a gang.

I suspect the reason that the crime prevention initiatives in the bill have been so roundly denounced is because my Republican colleagues feel that they will get political mileage out of it. That may be a time-honored tradition of our political system. But it is simply wrong to play politics with measures which will have a very real and positive effect on the lives of young Americans.

For 6 years, the Congress has worked on developing a comprehensive response to the problems of crime and violence in our society. This measure before the Senate represents the culmination of that effort. It has been thoroughly debated and is supported by a majority of the Congress and by the President.

This bill has been endorsed by the major law enforcement, prosecutorial and State and local governmental organizations in this country. Supporters include the Fraternal Order of Police, the National Sheriffs Organization, the International Brotherhood of Police Officers, the National Troopers Organization, the National District Attorneys Association, the National Association of Attorneys General, the National League of Cities, the United States Conference of Mayors, and the National Association of Counties.

In short, Mr. President, the Congress has devoted considerable time and effort to fashioning a crime bill which will come down hard on criminals and improve the lives of law-abiding citizens. The American people have waited long enough for this bill. I hope they will not have to wait much longer.

Mr. KENNEDY. Mr. President, I have spoken previously in support of the crime bill, but today I want to talk specifically about the Violence Against Women Act included in the bill.

One of the most compelling reasons to pass this crime legislation is that it contains the Violence Against Women Act—a needed set of the measures to reduce such violence and help the large numbers of women who are victimized by it.

These reforms are urgently needed. Domestic violence is the most common cause of traumatic injury to women in the United States. Nationwide, a woman is attacked and beaten every 18 seconds. In Massachusetts last year, 29 women were murdered in crimes of domestic violence, an average of one every 12 days. Fifteen more have lost their lives to family violence so far this year.

The Violence Against Women Act offers the comprehensive approach that has long been needed to address this worsening problem.

I commend Senator BIDEN for the effective work he has done in preparing these provisions and guiding them through the legislative process. He has done a masterful job.

To reduce domestic violence, the bill provides funds to train and educate police, prosecutors and judges so that violence within the family will be taken seriously and treated as the crime that it is. It creates Federal penalties for crossing State lines to commit spouse abuse. It requires all States to enforce antistalking orders.

To make streets safer for all women, the bill provides funds to assist law enforcement. It increases rape prevention education. It provides grants to prevent crime in public transportation and recreational areas. It encourages women to prosecute their attackers by extending "rape shield" protections to bar irrelevant inquiries into a victim's sexual history. And it creates a civil rights cause of action for victims of gender-motivated crimes of violence.

In addition, the bill contains urgently needed funds to help victims of violence. It supports counselors and shelters for battered women. It includes a provision I sponsored to restore the national toll-free domestic violence hotline, which went out of business 2 years ago for lack of funds.

The national hotline is a lifeline for many women. It averaged over 180 calls a day—65,000 calls a year—in the 5 years it was in operation. The majority of callers were women who had been beaten and believed they were in imminent danger. When they called the hotline, they were directed to resources available in their own communities—shelters, counselors, legal aid, and other forms of assistance.

The Violence Against Women Act also includes a provision that Senator HATCH and I sponsored to protect the confidentiality of counseling programs for rape victims. Courts in some States, including Massachusetts, have recently ordered rap crisis centers to disclose their counseling records to defendants in criminal cases.

The consequences are potentially disastrous. Rape counseling programs are of enormous help in enabling women to cope with the trauma of sexual assault and to recover from its debilitating effects. But these programs can only work if the victims participating in them can be sure that their counseling

sessions will remain completely confidential. If there is no guarantee of privacy, women will not seek the counseling they need to help them recover.

The YWCA in Springfield, MA, runs a very successful rape counseling program, as do many YWCA's around the country. Recently, a State court ordered the YWCA to turn over its counseling files to a defendant in a rape case. To protect the victim's privacy, the YWCA initially resisted the court order. But as the penalties mounted for contempt of court, it was forced to comply.

As a result, a number of women have cancelled their participation in that counseling program, and in similar programs in other parts of Massachusetts. That result is tragic and unacceptable.

The provision in the Violence Against Women Act that Senator HATCH and I sponsored encourages States to enact legislation giving the maximum possible protection to the confidentiality of these records, without violating the constitutional rights of the defendant. Clearly, we need to do more to protect the rights of the victims of sexual assault, by preserving the confidentiality of their treatment for the trauma they have suffered. This measure is a major step forward.

No woman who fears crime on the street or violence in her home will have this or any of the other benefits of the Violence Against Women Act if passage of the crime bill is blocked. I urge the Senate to reject the point of order and to approve the bill.

Mr. HELMS. Mr. President, needless to say, I will vote against the conference report on the crime bill. The Democrats stuffed it with pork—about 7 billion dollars' worth, moreover. This bill spends $7 billion on welfare type programs having nothing to do with fighting crime. Welfare programs don't stop crime—if they did, then there would not be a tidal wave of crime engulfing most American cities.

However, I am pleased that the conference report on the crime bill includes the Helms-Gramm-Graham amendment, section 20409, regarding prison overcrowding and the eighth amendment. This amendment will prevent Federal courts from arbitrarily using prison crowding as the basis for imposing prison caps that force States to release early thousands of violent criminals.

Mr. President, I spoke at length about this amendment on November 10, 1993, but I want to take a few minutes to summarize the provisions of this amendment. First of all, this amendment had strong bipartisan support in both Chambers—it passed the Senate by a 68 to 31 vote and an identical provision was included in the House bill.

This amendment is necessary because in deciding if prison crowding constitutes cruel and unusual punishment, some Federal courts presently look at how the conditions affect the entire prison population, instead of the effect the conditions have on the specific inmate.

This broad-brush judicial approach often leads courts to put a cap on the prison population, which limits the number of inmates allowed in the prison. Frequently, a consent decree is agreed upon by both sides before the case goes to trial. As a result, States are thus forced to grant criminals and pretrial detainees early releases from prison. These criminals pose a serious threat to public safety because they often go back to their old habits of robbing and killing people. In my statement back in November, I highlighted a few of the horror stories.

Mr. President, prison caps should be a remedy of absolute last resort. This amendment requires courts to evaluate claims of cruel and unusual punishment based on how prison conditions affect individual inmates, not the effect on the entire prison population.

The standard set forth in this amendment is intended to apply to State correctional facilities as well as local detention facilities, which often have mixed populations of sentenced and pretrial detainees. For example, the Philadelphia prison system, which is under a consent decree, has facilities that contain both types of prisoners.

Furthermore, this legislation is intended to ensure that a Federal court will first make a finding that the prison conditions are, in fact, unconstitutional before it approves a consent decree establishing a population cap.

Finally, this legislation applies to existing consent decrees, including those where the decrees where entered before a finding of a constitutional violation. State and local governments can make an immediate request for a review of the consent decree—State or local governments do not have to wait 2 years to file such a request. A court must modify or terminate the consent decree unless the prisoners can establish that the continued enforcement of the cap is necessary to prevent a constitutional violation. This just makes sense, if the prison conditions no longer violate constitutional rights, then a prison cap is no longer appropriate.

Mr. President, I ask the distinguished ranking Republican on the Judiciary Committee, Mr. HATCH, if my interpretation of this amendment is accurate.

Mr. HATCH. Mr. President, I agree with the explanation of the amendment that the Senator from North Carolina has laid out for the Senate.

Mr. HELMS. Mr. President, as the able Senator knows, the Congressional Research Service concluded that "Congress' power under the 14th amendment and its power over the Federal courts generally do enable it to act in the manner prescribed * * *."—Memorandum of April 20, 1993. I ask the Senator if careful consideration was given to the constitutional issues surrounding this issue.

Mr. HATCH. Mr. President, we did consider the constitutional issues here and we concluded that the approach taken in this amendment is constitutional.

Mr. HELMS. I thank the Senator and I yield the floor.

Mr. HATFIELD. Mr. President, to listen to the debate on this budget point of order by some Members, one would think that the idea of a crime trust fund was unanimously supported in the Senate on previous occasions.

This is not true. When the Senate considered this idea on November 4 of last year, there was a Republican voice of dissent regarding this idea. I voted against it then, and will do so again. I would ask unanimous consent to have my statement from November 4 included in the RECORD following my remarks.

[See exhibit 1.]

Mr. HATFIELD. If my colleagues have had a change of heart regarding this issue, I commend them. To me, opposition to waiving this point of order has nothing to do with holding up the crime bill. This is not an issue of guns—I voted for the ban on military-type weapons—nor is it about trying to delete the misguided death penalties that I oppose in this bill—we lost that fight.

The issue here is taking $30 billion of taxpayer dollars and ignoring the normal budget process in order to create a trust fund. We have some trust funds, such as the highway trust fund, that are dedicated to a specific purpose and independently funded with ongoing revenue sources. But, we have never seen a creature like the one created in this bill.

There is no crime tax or fee to fund this trust fund after 5 years. What will happen to these programs then? When I spoke in November, I mentioned some of the other daunting issues that might deserve special trust fund treatment: housing, child nutrition—many of the needs we meet in discretionary spending.

I support many of the programs offered in this bill. The programs that are worthy can compete within the normal appropriations process for funding. Programs that are not a priority may not receive funding. This is what we do every day on the Appropriations Committee; it is the crux of the constitutional duty of Congress to make these tough decisions.

If these are worthy programs, let the President request the money for them annually, and let Congress decide annually if they are working. It is our job to make these determinations. We should not simply put the whole spending process on automatic pilot.

I will vote to sustain a point of order, not because of assault weapons, not because of so-called pork spending, but

because the trust fund violates the Budget Act, and is the wrong approach to take on this issue.

EXHIBIT 1

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Under the previous order, the Senator from Massachusetts is to be recognized at the conclusion of the remarks of the Senator from California.

Mr. HATFIELD. I did not understand that.

Mr. KERRY. Madam President, I have been in process of ceding here. I want to tie up the floor a while. I will yield to our colleague if he did not have a long statement.

Mr. HATFIELD. I have 5 minutes.

Mr. KERRY. I am happy to yield to the Senator for 5 minutes because I will be longer than that.

If I could have the understanding, Madam President, that the floor would revert to me I would appreciate it, and I so ask unanimous consent.

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

The Senator from Oregon.

Mr. HATFIELD. Madam President, I thank the Senator from Massachusetts. I must confess I did not understand we were under a time agreement at this time.

The PRESIDING OFFICER. There is no time agreement. That was the previous order agreed upon before the Senator from California started to speak.

Mr. HATFIELD. I would be happy to defer back to the Senator from Massachusetts to await my turn to have the floor, but I only want 5 minutes.

Mr. KERRY. Madam President, as I said I am happy to let my colleague go for 5 minutes unless he feels he wants to wait.

Mr. HATFIELD. I appreciate it.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1101

Mr. HATFIELD. Madam President, I just want to speak briefly to the proposition of a trust fund being proposed as a way to fund the crime bill.

Madam President, I cannot be too emphatic to say that I oppose creating new trust funds outside of the normal budget process unless such funds are funded by non-Federal sources or some independent sources.

As important an issue as crime prevention is, and I applaud the committee for its efforts not only this year but in years before, I believe that crime prevention programs can compete successfully with other discretionary programs in the normal budget and appropriations process.

We can get up here on the floor, in my view, and we can argue for a trust fund for funding child nutrition—setting aside discretionary funds within our budget for this worthy purpose. We could argue for a trust fund for Border Patrol needs or for mass transit or for assisted housing or for tax collection or any other vital Federal function. We have many vital Federal needs.

If we create enough special trust funds we can put our entire appropriations process on automatic pilot, pack up and go home.

I do not believe we should do that. We have many tough decisions to make in the appropriations process, but we should not shirk from them just because they are tough decisions.

Let us consider the funding requirements for violent crime and all the needs for its reduction, along with all other demands for Federal discretionary dollars and not create a special trust fund which would fall outside the constraints of the Budget Act, unless the funding would also fall outside of the Federal Treasury.

Now, Madam President, I would like to remind my colleagues of an interesting vote which occurred on this floor on October 27. The Senator from Texas [Mr. GRAMM] had proposed that we take the money dedicated to the superconducting super collider, instead apply it against deficit reduction.

Madam President, it is very interesting. On a Budget Act point of order, there were only two Republicans that voted against the question—Mr. STEVENS of Alaska and myself. Thirty-seven Democrats voted against it. The proponents got only 58 votes. The budget waiver was denied by two votes.

The arguments used were simple. The appropriations process ought to be able to make priorities across the board and to reallocate those dollars saved from the superconducting super collider, rather than earmarking them against the so-called budget deficit, an objective which we all think is very important.

Today, we are hearing the arguments being made from that same side of the aisle that somehow we ought to take these savings made from the President's reinvention of Government and put them in a trust fund for crime prevention.

Madam President, the principle is the same as that we defeated by an interesting combination of 2 Republicans and 37 Democrats on October 27.

Now I just think it ought to be clearly established here that we are talking about a fundamental principle that has been tested on this floor for a worthy cause within the last few weeks. And yet, today, we hear the whole proposition being put to us again, because of the importance of crime—and I do not disagree with the vital importance of crime—but the proposed approach is wrong.

I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from Oregon.

I must say, I am glad I let him speak before me, because everything that I say will be an effort to try to contradict the reservations that have been articulated by the Senator.

I well understand his concerns about trust funds. But this is an issue unlike any other issue that confronts us today.

The argument that I will make is an argument that this is a national emergency, similar to those we have met in many other ways.

I would point my colleague's attention to this chart, which I ask colleagues to focus on. That book that was written, "Keep Your Eye on the Prize", well, let us keep our eyes on the prize.

We are a nation that was willing to spend $120 billion in a couple of years to bail out the savings and loans; a nation willing to spend $100 billion for the Department of Energy weapons cleanup; the Stealth bomber, $44 billion; the space station, $37 billion over 5 or 6 years.

You can run down the list of items.

We just spent $6 billion in a couple of hours of debate to bail out people from the floodwaters of the Midwest. And now we are unwilling to say that we are going to declare a national emergency for the flood of crime which is ripping at the fabric of this country.

Our bill currently has, what, $9.6 billion, up from $5.6 billion last week, and now it is contemplated to rise to $12 billion over 5 years. That is about $2.4 billion a year, when Americans are dying at a rate that is faster than GI's died during World War II.

Madam President, I read to my colleagues the Constitution of the United States from the Senate Manual: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility * * * do ordain and establish this Constitution" of this country.

Our entire Constitution is founded on the notion that we will ensure the domestic tranquillity of this country.

Mr. HATFIELD. Will the Senator yield for just one question?

Mr. KERRY. The Senator would be honored to yield for a question.

Mr. HATFIELD. The Senator, I think, makes an excellent point. I could not disagree with him one iota on the significance and the national character of this terrible issue.

But is the Senator not aware that in the Budget Act we have provisions for emergencies of this kind? All the President has to do is to declare an emergency. And, as a member of the Appropriations Committee for over 20 years, almost without fail, we have responded to those emergencies and we have handled it without establishing a trust fund.

I will respond as a member of the Appropriations Committee, as ranking Republican of the Appropriations Committee, to the money required to fight the war against crime that we consider in this authorization bill. But I will say to the Senator, I do not see where he feels that it is so vital and necessary to establish a trust fund, merely to separate funds from the pool of domestic discretionary moneys for a special purpose.

Mr. KERRY. Madam President, I say to the distinguished Senator, who really, I know, is as committed to doing something—I am not trying to suggest he is not—but who understands the budgeting process very well around here. I wrote a memo to the President the other day suggesting he declare a national emergency. And I have talked with the leadership about it, and others.

There is obviously the dilemma that, when we are trying to live within certain budget constraints, we want to send all the right messages. You do not want, hopefully, to have to come back and declare a budget emergency each year, because we are talking about outyears in the effort to fund here.

So the establishment of a trust fund is a way of guaranteeing to Americans, as well as to the police forces, to the prison construction process, to the guards, to those who are part of what we call the criminal justice system, that, in effect, we are not relying on the vagaries of American politics to come up next year and the next year to meet the need of the deficits. The fund is there; this is for real.

Now I would like to make the argument to the Senator from Oregon as to why I think this is so important. I ask my colleagues to try to strip away what cloaks us so quickly around here, which is this horrible partisan mantle.

I applaud a lot of what the Senator from Texas said a moment ago. I would like to see if we could get both sides together and find the best of a legitimate approach so that we defuse the rhetoric and so that we take the partisanship away and respond, because, while there are differences among us, there ought to be a consensus that this problem—I do not even want to call it a crisis, it is a horribly overused word—that this problem has now reached a level in this country that

demands of us a different kind of response. Not a Democratic response, not a Republican response, but, frankly, just a fundamental approach of common sense and downright, sort of back home plain talk that Americans expect of us here.

I would like to suggest to my colleague, the only way you can measure what the approach ought to be here is to put in context what is happening in this country.

Madam President, I want to congratulate the Senator from Delaware, the chairman of the Judiciary Committee, because he has been one of the prime advocates of this. He has pushed and cajoled through all of his years here, and he has brought to the floor year in and year out a bill that has tried to do more than we, his colleagues, were willing to do.

And now we are at a point where we have had a bill that, just in the last week has gone from $5.9 billion to $9.6 billion, now to $12 billion. Something tells me there is something cooking here where people are beginning to make a measurement of what is really at stake.

Madam President, if we are going to decide whether or not to create a trust fund, and if we are going to think realistically about how much money to put into that trust fund, then we need to take a few minutes to try to strip away the politics and think in reality about what is happening to this country of ours, as a consequence of not just crime but a whole set of circumstances that have their own momentum, that have really broken loose and now have a life of their own.

Mr. NICKLES. Mr. President, for years now, many of us have been fighting for a tough, anticrime bill. Unfortunately, the conference report that we have before use today is full of pork-barrel spending and falls far short of meeting the needs of law-abiding Americans. This bill spends billions of dollars on programs that have no connection with fighting crime and spreads money around on new programs and purposes when the Federal Government is already spending billions of dollars for such purposes.

First, there is too much social spending in the bill. The President is trying to pass his failed economic stimulus package by calling it a crime bill. The pork contained in this bill, under the title of "Crime Prevention," is more than double what the Senate passed. In round numbers, the Senate provided $3.6 billion and the conference report provides $6.9 billion, even after the $2.1 billion cut made by the House Republicans.

EXAMPLES

The $1.6 billion for the Local Partnership Act provides revenue sharing grants to localities for education, drug abuse treatment, and job training programs to prevent crime. There are no requirements on how recipients spend the money. Funds are distributed according to a formula which rewards cities with a low population, high unemployment, and a high tax burden.

The $695 million for the Model Intensive Grant Program are grants to be distributed by the Attorney General for crime prevention in chronic high-intensive crime areas. The criteria for the program are very general, allowing recipients to spend money on virtually anything so long as the applicant for the funds claims the spending is linked to crime control no matter how tenuous the link. This includes spending on deterioration or lack of public facilities, and inadequate public facilities such as public transportation, as well as drug treatment. Fifteen cities will be handpicked by the administration to receive these grants.

The $270 million for the National Community Economic Partnership. This antipoverty program provides lines of credit through HHS to nonprofit community development corporations for communities to improve the quality of life. No pretense of tying the use of these funds to any sort of crime control is made.

The $100 million for the Ounce of Prevention Program. This program is established to coordinate all of the wasteful spending programs established by this bill. The Council is given $100 million of its own grant money to hand out on a discretionary basis.

Second, the $13 billion in deficit spending creates a trust fund that is not deficit neutral because it does not extend budget caps in the out years—1999 and 2000. The Senate crime bill capped its spending in every year, 1995–1998. The conference agreement extends the spending 2 years beyond the caps. There is nothing to require Congress to rein in spending in out years.

Third, it expands criminal rights by repealing mandatory minimum sentences for many drug traffickers, dealers, and conspirators. In the original conference report, this provision was applied retroactively and would have resulted in the early release of up to 16,000 prisoners. Thanks to Republican demands in the House, this provision has been changed to only apply prospectively. Nevertheless, prosecutors still do not support this provision because it does not require certification that defendants have provided truthful information in order to qualify for a lesser sentence.

The conference report also removes mandatory minimum sentences for the use of a firearm in the commission of a crime and rejects mandatory minimum sentences for selling drugs to minors or employing minors in a drug crime.

Fourth, prison money equals $7.9 billion. None of the money in this bill that is designated as "prison money" is required to be used for actual bricks and mortar. This money can be used for any purpose that is at minimum remotely connected to prisons. In order to receive any of this money, a State is required to implement a comprehensive correctional plan which must include drug diversion programs and professional training for correctional officers in dealing with violent offenders, prisoner rehabilitation and treatment programs, prisoner work activities, and job skills programs.

Fifth, it only hires 20,000 police at $8.9 billion. Contrary to statements that this bill will provide funding for 100,000 more police on the street, this bill guarantees full funding for only 20,000 permanent new cops over the next 6 years, or one-fifth the number claimed by bill supporters. This is equivalent to adding about one new officer to every police department in the Nation. In addition, the $8.9 billion in grants are distributed by the Attorney General on a discretionary basis. This allows the Attorney General to decide which cities and States receive the community policing funds. This invites handouts to politically connected big-city mayors and politicians.

Sixth, victims restitution: during Senate debate on the crime bill, I offered an amendment that required mandatory restitution to victims of violent crime. That amendment passed and became part of the Senate crime bill. However, the conference report, although providing for mandatory restitution to women and victims of child molestation, fails to include my broader victims' rights reform. The revised conference report does make court-ordered restitution a nondischargeable debt in bankruptcy, but this is a hollow change so long as restitution orders are discretionary with the court.

CONCLUSION

This bill is not the toughest, smartest crime bill in the history of the United States. While deleting good crime control provisions, the bill still ladles out nearly $7 billion on new social programs. This is in addition to the already existing 266 prevention programs which currently serve delinquent and at-risk youth. The Federal Government already spends over $3 billion a year on these programs. Why then are we spending more money on these Great Society style programs at the expense of more prison space to keep violent criminals behind bars?

Senate and House Republicans tried to work with Democrats on a truly bipartisan crime control measure. More than a year ago, Senate Republicans were the first to offer their own anticrime initiative, most of whose provisions were included in the final bill we approved on a bipartisan vote. But since then, congressional Democrats have larded on billions in new spending and weakened tough provisions that the Senate approved.

The problem with this conference report is not partisanship or even special interests. This crime bill is far too soft on crime and far too ladened with congressional pork. In order to produce the toughest, smartest crime bill in the history of the United States, Congress needs to reinstate the tough crime control provisions that were dropped in conference and eliminate the billions of dollars of wasteful social spending.

Mr. BURNS. Mr. President, there are many aspects of the crime bill which I

do not agree with. There is too much social spending, too many Federal strings, and Montanans clearly do not support that. One other aspect of the crime bill which Montanans do not agree with is the gun control provision.

Make no mistake about it, I do not support gun control. I never have and I never will. Montanans believe in our constitutional rights—be it private property or the right to bear arms. Montanans are fair people, but this is an issue which most Montanans are not willing to negotiate on—it is plain and simple, this is an issue of the integrity of our Constitution. I am one of those Montanans who believes in our second amendment rights.

There are some other interesting points to raise in this debate. The ban which is included in the crime bill would not just ban the sale and manufacture of 19 semiautomatic weapons. It would ban somewhere between 160 to 182 firearms. The reason we do not know exactly how many would be banned is because the language before us is vague—the people who crafted this language do not know about guns. In fact, on the list of 670 firearms which are exempted, only 85, or 13 percent, are even semiautomatics. Even more alarming is that with this being so broad and vague, it is unclear how the BATF would enforce this language. I do not think giving the BATF more latitude to control guns is wise.

Another ironic point is this provision does nothing to stop crime. Less than 1 percent of all serious crimes involve the use of semiautomatics. All this ban does is infringe upon law-abiding citizens' rights and takes away guns from the sportsmen of Montana and the entire United States.

There are 820,000 people who live in Montana. And I have heard over 10,000 times from Montanans who oppose gun control. Since coming to the Senate, I have received more mail on this issue—with this position—than any other. It is plain and simple, Montana does not believe in gun control and neither do I.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President,

> The country needs and, unless I mistake its temper, the country demands bold, persistent experimentation. It is common sense to take a method and try it; if it fails, admit it frankly and try another. But above all, try something. The millions who are in want will not stand by silently forever while the things to satisfy their needs are within easy reach.

Franklin D. Roosevelt spoke these words in 1933. Today, these words are as true as when they were first heard over 60 years ago. Throughout American history, each generation has had to face new challenges unknown to its parents.

Today, this generation's challenge is to create a safe community in which our children survive to become responsible adults instead of career criminals. For this reason, I stand in support of the crime bill now under consideration.

Traditionally, crime is a problem that has been dealt with at the local level. Now, crimes that were once of local concern have become national in scope. For example:

High profits from the drug trade have created competition among street gangs to franchise chapters in towns across this Nation, like fast food franchises, with the sole purpose of peddling drugs in our schools; and

Local law enforcement officers who now face greater physical harm from criminals who are better armed and use more sophisticated techniques than the police.

As a result, this Nation, specifically the Federal Government, is boldly experimenting. The Federal Government is stating that it will be a full partner in the local communities' fight. This experiment has been 6 years in the making. Let me reiterate some of its history.

On November 18, 1988, the Anti-Drug Abuse Act of 1988 was signed into law. This act, concerned with stopping the abuse of narcotics and drugs, began the momentum. However, it was realized at the time that there needed to be a more comprehensive approach to the fight against crime.

The Crime Control Act of 1990, started this more comprehensive approach. It contained provisions aimed at: first, rural drug use; second, hired additional DEA and FBI agents; and third, codified a Crime Victims' Bill of Rights in the Federal justice system. Unfortunately, this act was gutted and unable to meet the needs of the communities. Once again, we realized that more had to be done.

On March 12, 1991, Senator BIDEN introduced S. 618. This legislation called for: First, aid to State and local law enforcement agencies; second, increase in penalties for criminals who commit firearm offenses; third, measures for youth violence; fourth, assistance for rural crime and drugs; fifth, drunk driving provisions; and sixth, assistance for victims of crime.

On June 6, 1991, Senator BIDEN introduced S. 1241, which was characterized as the same as S. 618. However, the new legislation included the Brady handgun bill.

After a House-Senate conference agreement, this legislation failed a vote for cloture on November 27, 1991, and it was carried over to the 2d session of the 102d Congress.

Again, a second cloture motion failed on March 19, 1992.

And when a third cloture motion failed on October 2, 1992, the hope for relief to our communities dimmed with the end of the 102d Congress.

In essence, we stand at the threshold of a true opportunity that is within reach, one last hurdle before the finish line.

This bill is not perfect. It contains measures that I did not support. For example, I voted against Senator FEINSTEIN's assault weapons ban because I believe that Congress does not have the expertise to determine what weapons should be prohibited. The role of Congress is to set general policy. The role of Congress is not to manage minutiae.

However, the negatives of the bill are outweighed by the greater good that results from its implementation. In my home State of New Mexico, the bill enjoys wide support from different areas of the community for many reasons.

First, the Fraternal Order of Police, the New Mexico Municipal Police Chiefs, and Richard C de Baca, the secretary of New Mexico's Department of Public Safety support this legislation. This legislation goes after those violent offenders who are committing most of the crimes.

According to the Judiciary Committee, New Mexico will receive approximately 500 additional police officers from this bill. Sheriff Bert W. Delara from Sandoval County states while endorsing this bill that "Regardless of size [referring to the size of his county], crime affects us equally." Mr. President, this bill will help all New Mexico counties regardless of size.

Additionally, New Mexico will receive approximately $26 million for prison grants, including military-style boot camp prisons;

Further, the rural areas of New Mexico will receive approximately $6.5 million for drug and crime enforcement.

Second, the National Association of District Attorneys endorses this bill.

According to the Judiciary Committee, New Mexico will be eligible for an additional $1 million dollars for judges, prosecutors and public defenders.

Third, and last, the New Mexico Municipal League endorses this bill, specifically the Local Partnership Act.

Again, according to the Judiciary Committee, the cities and towns in New Mexico will receive approximately $13.5 million in direct grants.

In summary, our society is faced with new levels of crime that other generations did not have to face. In order to meet these challenges, we must propose new types of solutions and this bill is the answer. It is not perfect. It represents 6 years of delicate compromise and hard work on the part of many people of good will. Our present actions are too important to let this opportunity slip away. Mr. President, this crime bill helps the citizens of New Mexico. It helps all the citizens of this country. I urge the Senate to adopt the conference report.

SEXUALLY VIOLENT PREDATORS ACT

Mr. GORTON. Mr. President, among those provisions I support in the crime bill is title XVII, subtitle A, section 170101, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. Section 170101 is the result of two separate bills combined to achieve a similar purpose:

The encouragement of States to register, track, and notify communities about individuals who have been convicted of crimes against children or sexual offenses. The sex offenders component is modeled after elements of Washington State's law that also provides for community notification of dangerous sex offenders.

Some of my colleagues have asked me whether this section represents a minimum or maximum of what States may do in regards to these offenders. Let me make this very clear: Nothing in section 170101 of subtitle A, title XVII limits what States may do. The intent of the legislation is to set only a minimum of what States may do. States wishing to require additional types of offenders and additional requirements are completely free, and encouraged to do so. Our intent is simply to establish a minimum level of requirements regarding sex offenders.

Other colleagues have inquired as to the level of State flexibility in complying with the definitions and other language in this section. Our intent was to allow the broadest level of flexibility to States in complying with these sections and implementing their programs. In addition, we anticipate that the Attorney General will use broad discretion in reviewing State efforts and will provide maximum flexibility.

It should be clear that those States with any type of sex offender and community notification program, including Washington State, would be considered in compliance already. Again, our intent is set forth minimum standards and allow States the broadest discretion in implementing their own programs. That is why States have in effect a full 5 years to comply with section 170101, title XVIV.

As I said at the beginning of my statement, section 170101 of title XVII combines two separate measures: The Jacob Wetterling Act, and the Sexually Violent Predators Act. When such a combination occurs, the result is bound to be less than perfect. Had I opportunities to improve on the language and clarify some sections, I certainly would have done so. If we find that some clarifications need to be made, we will make that our top and immediate priority.

Finally, the overwhelming support for this measure is an indication that Congress feels this measure strikes a proper balance between the constitutional rights of convicted criminals and society's need to protect itself from violent crime. No rights are infringed on in any way under this legislation. Instead, we have taken moderate, but essential steps to bring additional security to our neighborhoods and families from those who would victimize them.

Mr. BAUCUS. Mr. President, I rise in support of the conference report on the crime bill.

I join Montana's Attorney General Joe Mazurek, U.S. Attorney Sherry Matteucci, police officers and prosecutors across the State in calling for the Senate to pass it now.

And I join virtually all Montanans in asking the Senate to stop the posturing, stop the politics, and start doing the people's work.

CRIME PROBLEM GROWING IN MONTANA

We Montanans are proud to call our State "the last, best place." We love our way of life. But in the past several years, it has become very clear to us that even the last, best place is not immune from the germs of crime and hate which have infected so much of the Nation. We have gangs, we have thugs, and we have killers. The problem is already bad, and it is getting worse.

Here are just a few examples.

Mike Salvagni of Bozeman is the county attorney for Gallatin County, population 50,463. His office prosecuted 92 violent crimes in 1990. In 1991, he prosecuted 108 such crimes. In 1992 it was 115, and last year it was 125. Put another way, 1 in every 400 Gallatin County citizens fell victim to a violent crime just last year. And Gloria Edwards, who runs the County's Victim and Witness Support Program, helped 194 people who saw or were victimized by violent crime last year alone.

Just yesterday in Helena, a man went on trial for murdering his 19-year-old fiancee and her 18-month-old baby boy a year ago last June.

Then take Billings. On two occasions, last year police officers apprehended a skinhead on his way to a local bar. Both times, the man had an assault rifle. And both times, he told the police he wanted to kill some Mexicans.

That July, a Billings man shot and killed his sister-in-law. He then grabbed his two young children and fled in his car, with the police in hot pursuit. Once cornered, he attempted to use his own children as human shields while firing at the police.

And last fall, two rival youth gangs met in a confrontation in the parking lot of a Billings fast food restaurant. They beat each other up with baseball bats. One young man took a handgun and shot a rival gang member in the arm.

Finally, remember the winter morning in 1992, when just before the Christmas holidays, a disturbed Montana teenager bought an AK-47 rifle at a store near his college in Great Barrington, MA? He walked straight onto campus and began shooting. He killed two people and wounded four more before he was overcome.

TOO MANY CRIMINALS FOR MONTANA JAILS

These are not just graphic, isolated incidents. Crime is on the rise in too many Montana communities.

In Billings, for instance, a new jail built in 1987 to provide more space for prisoners is already overflowing. The jail was built to hold 138 prisoners. At times it now swells to 170.

L. Chuck Newell, in the Yellowstone County Sheriff's office, tells us of the changes he has observed in his 20 years in the department. He says the community used to have one homicide a year. Now they have four. The coroner's office logs up to 350 deaths a year. Fewer officers handle a caseload that is up by 60 percent. Lieutenant Newell says they are shorthanded at every level.

And the criminals are getting younger. Some of the kids they arrest in Yellowstone County are just 11 or 12 years old.

Then look at Dawson County, by the North Dakota border. With the county seat of Glendive, Dawson County has a population of 9,505, spread out over 2,500 square miles of land. Jerry Navratil, the county attorney, tells me they are sending 20 percent more people to the prison at Deer Lodge than they used to, mostly for burglaries and sexual assaults. This in one of the most tranquil, beautiful, rural places in America. Jerry says the community is stretched very thin. He doesn't know how they can cope without help.

FOCUS FIRST ON PUNISHMENT

Mr. President, this is intolerable. The very first, most important, most critical responsibility of government is public safety. Protection of the citizens. And Montana law enforcement needs the help this bill will provide. It will not solve the problem. But it will help. It will toughen penalties, it will prevent crimes, and it will support law enforcement.

Let us begin with the dramatically tougher Federal crime penalties it establishes. The crime bill's punishment provisions include:

Federal death penalties for 60 crimes ranging from murdering a law enforcement officer, to drive-by shootings, to murders committed during carjackings.

A "three strikes and you're out" provision, requiring life imprisonment without parole for criminals committing three violent felonies or drug offenses. They will be off the streets forever.

Authorizes prosecution of teenagers as adults, when they are accused of murder, attempted murder, aggravated assault, armed robbery, and rape.

WHAT THE CRIME BILL MEANS FOR MONTANA LAW ENFORCEMENT

Tougher punishment is essential. And so is greater Federal support for law enforcement. Let me now state for the record what the crime bill will mean for Montana's prosecutors, prisons, and police in six critical areas.

Passing the crime bill guarantees that Attorney General Mazurek, county prosecutors like Mike Salvagni and Jerry Navratil, police officers like Lieutenant Newell, Governor Racicot and our local officials will receive, at the very least:

Police. Montana will receive at least $44 million over the next 6 years, so

Montana's State government and police chiefs can hire new police officers and buy modern equipment.

Prisons. Montana will receive $12 million for prison grants. This will be used primarily to build new prisons and to construct boot camps for younger offenders.

Rural Crime. Montana will receive $6.5 million over the next 6 years for drug and crime enforcement specifically dedicated to fighting rural crime. This will help Montana train officers to investigate drug trafficking and related crimes. It will give us more DEA agents. And it will help us enforce drug free truck stops and rest areas.

Brady bill. Montana will receive its share of a national $130 million authorization to establish a national instant criminal background check system, and help States improve their criminal records to ensure that local police departments do not bear the burden of carrying out an unfunded Federal mandate.

Drug treatment. Montana will receive $1.5 million over the next 6 years to treat drug-addicted prisoners in Montana prisons. Drug treatment is proven to be one of the most effective ways to prevent recidivism.

Violence against women. Montana will receive $2.9 million in grants for police, prosecutors and victim services, and $1 million in grants to set up shelters for battered women and their children.

TIME TO ACT IS NOW

When this bill emerged from the conference committee, it cost about $7 million more than the Senate bill I had earlier supported. That was too much. I believe the House of Representatives, and the House Republicans in particular, acted appropriately in scaling back the cost. But the time for delay has come to an end.

The Great Falls Tribune wrote on Tuesday, "the Senate should approve a bill most Americans want and that the nation needs." The Billings Gazette followed suit, saying that "the House of Representatives nudged the crime bill off gridlock. But so far the Senate is sitting in the dark, building walls when it ought to be building consensus."

I agree with both. In particular, I think the debate over the crime bill has shown why Americans are angry at politicians. The people are not interested in political maneuvering—they want their Government to do something about America's problems. And they do not see that happening. What they see is posturing, rhetoric, and obstruction.

After watching the interminable Senate debate a couple of days ago, my friend Chuck Merja, a farmer from the town of Sun River, sent me a fairly disgusted fax. He wrote, speaking of both sides:

If these people had been anybody but adults, they would have had various restrictions put on their lives until and unless they could act in a cooperative manner.

Chuck is absolutely right. It is time to stop shouting and start cooperating to solve America's problems. That is all the people of Montana want. I believe it is all that Americans want. It is time to get to work and pass this bill.

Mr. AKAKA. Mr. President, we have spent 4 days debating whether or not we should take up the conference report adopted by the House. The bill before us represents a balanced approach to making our neighborhoods and our homes safer. We have the opportunity to provide crime-free environments for our families, and we must not delay the passage of this bill any longer.

Despite the complaints I've heard this week, the crime bill retains funding for more policing, more punishment, and more prevention.

This bill will put 100,000 new police officers on the streets, walking the beat, working with citizens to prevent and solve crimes. Under current figures, the Senate Judiciary Committee estimates that Hawaii is guaranteed a minimum of $44 million over the next 6 years, which would assist the State in hiring at least 500 new police officers.

We cannot turn our backs on those who are placing their lives on the line to protect us. We in the Senate can show our support by passing this legislation. This bill includes money for rural law enforcement, implementation of the Brady bill, increased funding assistance for DNA testing and research, and funds for our courts.

The crime bill deals with youth crime and violent young offenders. It includes innovative incarceration programs and tough alternative approaches, such as boot camps, that provide the discipline and training necessary to deter young people from embarking on a life of crime. The measure also supports discretionary authority to prosecute hardened young criminals, 13 years old and above, as adults for the most violent crimes.

A second objective of the crime bill is to ensure that the punishment fits the crime. Despite efforts by law enforcement, too often violent criminals are returned to the streets. The bill includes tougher sentencing procedures, including life imprisonment on a person who commits a serious violent felony under Federal law, after having been previously convicted of two or more serious violent felonies, under Federal or State law.

The measure would also encourage the States, through Federal grants money, to keep violent criminals from being released prematurely due to jail overcrowding.

A third part of this bill would help States and local governments fund programs to steer young people away from crime and gangs through initiatives ranging from antigang programs to police partnerships. States and local governments would retain the flexibility to target areas of need rather than have the Federal Government dictate use. Funds could also be available for triad partnerships between senior citizens and police.

Mr. President, another key provision of the crime bill is the Violence Against Women Act, which I strongly support and cosponsored. It is imperative that the Federal Government provide increased resources to combat sexual and domestic violence through education programs, law enforcement training, and a national domestic violence hotline.

Nearly every major law enforcement organization in the country supports passage of this bill. They are joined by the two largest prosecutor associations and groups representing cities, towns, and counties. All are unanimous in their agreement that swift passage of the crime bill will benefit all citizens.

These men and women, who are on the frontline of the fight against crime, do not believe that this crime bill places too much emphasis on keeping kids out of jails. Rather, they see the bill as a means to strike a balance between prosecution and prevention. In a recent conversation with Honolulu prosecuting Attorney Keith Kaneshiro, he noted that 80 percent of Hawaii's prisoners with drug problems do not receive treatment.

Mr. Kaneshiro said drug treatment in prisons is critical because the bulk of crimes committed in Hawaii are drug related. This includes a dramatic rise in domestic violence cases, partially due to the increased use of crystal methamphetamine, which causes violent behavior.

Again, I wish to emphasize that the conference report is a balanced measure—law-abiding citizens should not live in fear for their safety, nor should children and teenagers dread going to school because a classmate may be armed. We can make a difference, and I urge my colleagues to support the passage of this conference report.

CRIME BILL POINT OF ORDER

Mr. ROTH. Mr. President, I want to express a few concerns I have pertaining to this debate over the crime bill, and specifically this budget act point of order.

My first—and most immediate—concern, Mr. President, regards the people of Delaware, men, women, and children, who are suffering beneath a frightening increase in crime. Over the past 12 years alone: Violent crime has increased over 55 percent in Delaware; manslaughter has increased by 28 percent; forcible rape has increased 158 percent; robberies are up 49 percent; and, murder has gone up a staggering 28 percent.

Something must be done. There's no question that crime in my State is a very serious problem.

Is this a perfect bill? No. In fact, there are a number of improvements I would like to see, and I would support amendments that would strengthen the bill. But the simple fact is that with the dramatic increase in the amount of crime experienced in Delaware these past 12 years, we need a crime bill for certain.

The second concern I have is that the point of order now in question—based on the previous position of this Senate, recorded by vote on several occasions—should not now derail the crime bill.

The pending conference report is subject to a point of order because of the funding mechanism that is the very heart of the legislation. This funding mechanism is the violent crime reduction trust fund, which fences off the savings realized from the reduction of the Federal Government work force. It is to insure that the savings associated with the reduction of more than a quarter million Federal employees are dedicated to fight crime and not frittered away on unnecessary programs.

The point of order lies not because of deficit spending but because the fence around the trust fund was not constructed by the Senate Budget Committee. The trust fund was created, in part, by action taken by the Governmental Affairs Committee, on which I serve as the ranking minority member, to reduce the Federal work force, as well as by action taken by the Judiciary Committee to fight crime. These two themes were married on the Senate floor on two occasions—last November when the Senate considered the crime bill and adopted the Byrd amendment 94–4 and last February when the Senate unanimously adopted the Roth amendment which made the Byrd amendment part of the Federal Workforce Restructuring Act.

When the Senate considered the Federal Workforce Restructuring Act, which mandated a reduction of more than a quarter million Federal employees, my main concern was that the savings would not be used to fight crime but would be wasted on less worthy programs. And I was not alone. So widespread was this concern in the Senate that a motion to instruct conferees to insist on the Roth amendment was adopted 90–2. And when the conference report came back to the Senate without the Roth amendment, it took two cloture votes before the legislation was finally adopted.

The issue for which so many of us fought long and hard was a guarantee that the savings from the Federal Workforce Restructuring Act would be spent on crime. We were concerned—very concerned—that the House crime conferees would insist that the crime bill be subject to regular appropriations and not be funded by a trust fund from savings through Federal employee reductions. We therefore demanded that the trust fund be included as part of the act that created the savings rather than wait for the trust fund to be included here in the crime bill.

The savings from the reduction in the Federal work force will, under the terms of the conference report, be fenced off to be spent only on crime fighting. The fact that the fence was not created by the Budget Committee is a technicality that should not obscure the fact that the trust fund is what so many Senators have so long fought for. This point of order lies only because of our efforts to guarantee that the savings from Federal employee reductions would be spent to fight crime. I do not find that reason very persuasive and therefore cannot support this point of order.

POLICE CORPS PROVISIONS OF THE CRIME BILL

Mr. SPECTER. Mr. President, I am very pleased that the conference report on the anticrime bill contains a provision I have fought long and hard for, one that will make a real difference to public safety, the Police Corps. I am disappointed, however, that the authorized funding for this critical program was cut to only $100 million over 5 years. This sum is simply inadequate.

I introduced the first legislation to create the Police Corps back in 1985 at the suggestion of New York lawyer Adam Walinsky. Since that time, I have supported it and have sought to get it enacted in every comprehensive anticrime bill we have considered. The Police Corps passed the Senate as part of the 1990 anticrime bill, but did not survive conference because of House objections. It again passed the Senate in 1991 and that year was included in the conference report, which was blocked in the Senate because of its habeas corpus reform provisions. After Senator SASSER and I again reintroduced police corps authorizing legislation during this Congress, it was included by the distinguished chairman of the Judiciary Committee in the anticrime bill that passed the Senate. The House included similar provisions in its anticrime bill.

Although there had been earlier speculation that the authorization levels called for in both the Senate and House bills would be cut in conference, supporters of the Police Corps were able to convince the conferees of the importance and merit of the Police Corps, and the funding levels were retained, albeit outside the anticrime trust fund set up by the bill.

Unfortunately, however, when the bill was recommitted to conference, the authorization level was cut back to only $100 million over 5 years. While this amount will now all come from the anticrime trust fund, it is inadequate to do the job conceived of for the Police Corps. I understand that the cut in funds for the Police Corps was due to a misunderstanding and was the unintended effect of an agreement made among certain Members of the House of Representatives to delete funding for programs outside the trust fund. As a result of this unintended cut in funding levels, we will need to return to this issue later this year and seek to increase the authorization.

The Police Corps is not a new idea. It is based on the Reserve Officers Training Corps concept: In return for the Federal Government providing scholarship funds to college students, these students will agree to serve as police officers for 4 years. The Police Corps will tap the sense of duty and commitment that young Americans have always shown to improving their communities and the world. In addition to the ROTC, we have seen this commitment at work in the Peace Corps and most recently in the National Service Program. To these successes will be added the Police Corps, whose graduates will bring their commitment to confront the pressing issue of public safety.

In order to assist hard-pressed communities to hire Police Corps graduates into the ranks of their police departments, the Police Corps Program will now provide a Federal subsidiary of $10,000 per officer per year for each of the 4-year term of service. The 4-year term will reduce the costs to the communities, because most pensions vest after 5 years of service.

The strong bipartisan support of both Houses for the Police Corps provides ample evidence of the promise of this vital program. I am certain that that promise will be redeemed by the service of the dedicated Police Corps graduates who will soon be patrolling our communities, making a real difference in the lives of the American people. I am pleased and proud that this bill will authorize the Police Corps. But as contained in the bill, the Police Corps is only a start, a promise. We will have to redeem that promise by seeking additional authorization levels, and I intend to do so at the earliest possible moment.

I thank the Chair and yield the floor.

ON THE DRUG COURT PROVISIONS OF THE CONFERENCE REPORT

Mr. SPECTER. Mr. President, I wanted to briefly express my strong support for the drug court provisions of the conference report on the omnibus anticrime bill.

In 1989, a blue ribbon commission established by the Philadelphia Bar Association recommended that the city of Philadelphia establish a drug court to take nonviolent, drug using offenders out of the criminal courts and require them to undergo drug treatment. Unfortunately, because of fiscal constraints Philadelphia was unable to establish the proposed drug court. While I have actively sought an appropriation for drug courts since 1990, no such funds were ever appropriated because the program was not authorized. In the 102d Congress, I introduced legislation

to authorize Federal financial assistance to States and local communities to enable them to establish drug courts. That idea found its way into the Senate-passed crime bill late November and it was retained in the conference report.

Skimming low-level, drug-using offenders out of the criminal courts would allow these courts to devote their time to trying and punishing the more serious offenders. Requiring them to receive drug treatment would help break the cycle of drug abuse, commission of a crime to support the drug habit, arrest, jail, and release, at which point the offender is back at square one.

It seems to me that the prospect of breaking this cycle would reduce crime, make our communities safer, and lower the costs associated with crime. Money will be saved on police, jails, prosecutors, and courts, not to mention the reduction in losses due to the crimes that will not occur.

Some people question the effectiveness of drug treatment in reducing crime and breaking the cycle of recidivism. Research into the effectiveness of the Dade County, FL, drug court demonstrates that persons who have completed the drug treatment have lower incarceration rates, less frequent rearrests, and longer times to rearrest than similar defendants who did not go through the drug court program. Other studies have demonstrated the success of drug treatment in reducing both drug dependency and recidivism.

I believe that the provisions of this bill authorizing $1 billion over 5 years for drug courts will enable communities throughout the country to establish drug courts to combat drug abuse and stop the cycle of crime before it really starts. As a leading proponent of drug courts, I expect that as Federal funds become available, Philadelphia and other cities will become able to establish and implement drug courts to address the problem of drug-related crime.

I thank the Presiding Officer and yield the floor.

UTAH MOTORCYCLE ENTHUSIASTS

Mr. HATCH. Mr. President, in my home State of Utah there are some 22,000 men and women who are motorcycle enthusiasts. Whether it be for pleasure, sport, or work, they use motorcycles to get to and from their points of destination.

These men and women are, for the most part, good citizens of the State of Utah. They work hard in their communities. In fact, these men and women have biked throughout the State every Christmas in a run to gather toys for needy Utah kids.

They have been leaders in Utah's highway beautification program, leading the antilitter campaign.

They have worked hard with the Utah legislation on bills to help in biker safety, helmet laws, and rider education.

They are not the stereotype bikers from Marlon Brando's "Wild Ones," and yet, I feel, I might have perpetuated that stereotype when I mentioned—earlier this week—that criminal motorcycle gangs might have wanted to terrorize Utah communities.

Earlier this week, I recalled what my father-in-law has said to me on many occasions—do not let Congress take away his right to own a firearm. Every time a ban the gun debate erupts in Congress, folks out West reel back with horror. My father-in-law told me that a criminal element would never go into his small town of 700—because homeowners had the right to own guns, and no person would even think about confronting them. That is how they held the peace. That is how they would combat any of the so-called bad guys.

I inadvertently said—in retelling that story during the debate on this crime bill—that criminal motorcycle gangs could roll into these small towns and terrorize the townspeople, were it not for law-abiding citizens like my father-in-law.

What I should have said was criminal motorcycle gangs might come to Utah. Certainly, there was no intention for me to infer anything about our Utah clubs, or any other law-abiding motorcycle clubs.

Again, let me salute the 22,000 men and women in Utah who use motorcycles, and the millions more across the great country who use cycles as a way of life.

Mr. BIDEN. Mr. President, the Senator from Utah today made a number of statements about this bill—how it is weak and wasteful.

The primary Republican criticism has been of the prevention programs. Here are the facts about those programs.

PREVENTION PROGRAMS IN REVISED CONFERENCE REPORT—SEPARATELY FUNDED PROGRAMS

Violence Against Women Act: $1.62 billion.

Community Schools/FACES: $810 million.

Local Partnership Act: $1.62 billion.

Drug Treatment in Prisons: $270 million.

Model Intensive Grants: $626 million.

Certainty of Punishment for Juveniles: $150 million.

Community Youth Academies: $36 million.

Family Unity Demonstration: $22 million.

National Community Economic Partnership: $270 million.

Urban Recreation and At-risk Youth: $4.5 million.

Gang Resistance Education and Training: $45 million.

VIOLENCE AGAINST WOMEN ACT: $1.62 BILLION

Senator HATCH is a cosponsor.

The $820 billion Law Enforcement and Prosecution Grant Program to fight violence against women assures that at least $410 million will go to police and prosecutors to help catch and convict abusers. That is at least $205 million each to police agencies and to prosecutors. At least $205 million more is guaranteed to go to services for victims of domestic violence.

Another program under the Violence Against Women Act provides $120 million to help State and local police implement pro-arrest programs, so the aggressor goes to jail and cannot resume the beating as soon as the cops leave.

Some $200 million will pay for rape prevention education, to teach boys and girls that just because he spends $10 on a date he is not entitled to sex.

Also $325 million will help pay for more battered women's shelters, so victims do not have to endure continued abuse in the home simply because they have no place else to go.

COMMUNITY SCHOOLS/FACES: $810 MILLION

This Afterschool-Safe Haven Program is the product of much hard work by Senators BRADLEY, DANFORTH, DOMENICI, and DODD. It is in the Republican bill and it provides for: Supervised sports programs, work force preparation, entrepreneurship, tutorial and mentoring programs, and the purchase of sporting and recreational equipment and supplies, meals, an initial physical examination, and provision of first aid and nutrition guidance.

LOCAL PARTNERSHIP ACT: $1.62 BILLION

The House defeated, 247 to 143, a motion that would have instructed conferees to eliminate the LPA, signaling strong support in the House of Representatives for this provision. Indeed, 27 Republicans in the House voted against instructing conferees to eliminate LPA.

This program gets Federal dollars quickly and directly to where they are needed most—to local officials who know best where they are needed on the front lines of this battle. It also gives the local officials the flexibility to use the money to address their most urgent and critical crime prevention problems—such as drug treatment, education, or jobs.

DRUG TREATMENT IN PRISONS: $270 MILLION

The Republicans are always talking about the revolving door, about how criminals shuttle in and out of prisons. Well, we know—and the Republicans know as well, they say it all the time—that the revolving door is fueled by addiction to alcohol and drugs.

And we know from a host of studies—including one by the former drug director, William Bennett—that treating addicted offenders, helping them kick the habit, cuts their crime rates in half. It breaks the cycle of recidivism and shuts the revolving door. It is that simple.

The total $383 million in the conference report for prison treatment is

enough to treat nearly 350,000 State and Federal inmates, preventing tens of thousands of crimes that would be committed if these offenders needed fast money for their next fix.

MODEL INTENSIVE GRANTS: $626 MILLION

This initiative targets crime-fighting aid to urban and rural areas that have been especially hard-hit by violence and drug trafficking.

The Model Intensive Grant Program is virtually the same as the Drug Emergency Areas Program that has enjoyed broad bipartisan support in the Senate in previous crime bills, including cosponsorship by Senators GORTON and D'AMATO. And the bipartisan Drug Emergency Area Program is a 5-year effort totaling $1.5 billion, substantially more than what is proposed here.

It brings together law enforcement officials with educators, community leaders, and others to streamline their efforts to relieve the conditions that encourage crime, like an abandoned building that has been taken over by crack dealers, and to provide meaningful and lasting alternatives to involvement in crime, by coordinating with other programs to give kids a place to go besides the streets.

CERTAINTY OF PUNISHMENT FOR JUVENILES

The juvenile justice system is overwhelmed with delinquents but starved for programs that hold these kids accountable, that provide them with meaningful punishments and services that can turn them around before it is too late.

We are always hearing about the kid who shot somebody who had been arrested 10, 15, 20 times. Well the reason is because many of their offenses are not serious enough to send them to a juvenile prison, so they get put on probation. The juvenile probation officers are as overloaded with cases as the probation officers in the adult system.

The result is these delinquents go totally unsupervised, unpunished, and totally undeterred.

This program will help fill this critical gap in the juvenile system, and hold young offenders accountable before they become adult offenders.

COMMUNITY YOUTH ACADEMIES: $36 MILLION

These programs follow on the strategy behind the certainty of punishment programs. They recognize that despite the terrible increase in violent crime among juveniles, the fact is most kids are not out there committing murders and muggings. They are stealing and vandalizing.

FAMILY UNITY DEMONSTRATION: $22 MILLION

These programs keep nonviolent offenders' families together, to reduce recidivism and welfare dependency.

This program allows nonviolent offenders to stay with their small children—kids up to the age of 7—so that they do not grow up without a parent, without the family bonds they need.

It also serves to remind the offenders that they have obligations—not only to society, but to their children as well.

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NATIONAL COMMUNITY ECONOMIC PARTNERSHIP: $270 MILLION

This program is a response to a profound lack of capital in communities in need and will make a significant contribution to restoring vitality to our urban streets. The former Secretary of HUD, Jack Kemp, understood the long-term imperative of rebuilding our cities.

URBAN RECREATION AND AT-RISK YOUTH: $4.5 MILLION

This program will provide expanded recreational opportunities in high-crime areas. Having something constructive to do is the most logical alternative to crime in our cities, particularly when school is out.

GANG RESISTANCE EDUCATION AND TRAINING: $4.5 MILLION

One of the most dangerous components of the prevalence of gangs in our cities is the intense peer pressure on kids to join gangs. This program is an ambitious effort to foster personal responsibility and to embolden kids to resist such pressures. This program is to gangs what the DARE Program is to drugs. There is broad support for this concept.

LOCAL CRIME PREVENTION BLOCK GRANT

Some $377 million allotted directly to local governments, based on their jurisdiction's share of violent crime, for the purposes listed below.

OLYMPIC YOUTH DEVELOPMENT PROGRAM

Senators DOMENICI and STEVENS fought for inclusion of this program in the Senate bill. This prevention program says the same thing as the Community Schools Program—money for supervised sports and recreation programs, purchase of sporting and recreational equipment and supplies, hiring of instructors and other staff, provision of meals for participants, provision of an initial basic physical examination, and provision of first aid and nutrition guidance.

BOYS AND GIRLS CLUBS

For boys and girls clubs, $36 million was in the Republican bill.

JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

This program is also in the Republican bill, sponsored by Senators DOLE and HATCH. It is "to develop and provide parenting classes to parents of at-risk youth, to develop and provide training in methods of nonviolent dispute resolution to youth of junior high school and high school age, and to establish sports mentoring and coaching programs in which athletes serve as role models for juveniles to teach that athletics provides a positive alternative to drug and gang involvement."

MIDNIGHT BASKETBALL

Nighttime sports leagues keep kids off the streets and out of trouble. They build values like teamwork, sportsmanship, and personal responsibility. They put youngsters who may have few positive influences in their lives in touch with coaches and parents who care.

The kids won't just be out on the court; in order to play, they must attend job counseling or other educational programs as well.

Republicans have targeted midnight basketball as one of the most egregious cases of wasteful spending in this conference report, even though President Bush honored a midnight basketball league as his 124th Point of Light in 1990.

POLICE PARTNERSHIPS FOR CHILDREN

This program will provide aid to child victims of crime, who suffer violence at a rate five times higher than adults. It puts a protective, comforting net of law enforcement officers and family service workers around small children who have been traumatized by violence, on a 24-hour-a-day basis, so they are there when the children need them the most.

SAFE LOW-INCOME HOUSING

Provides incentives to get police officers to live in the communities they serve, investing them in the livelihood of their neighborhoods and making their neighbors feel safe.

A low-income neighborhood in Portland, OR, Police Chief Charles Moose and his wife bought a home and moved in. The residents say they feel safer knowing he is there, and they have been able to venture out in the evening for the first time in years.

CHILD VISITATION CENTERS

This is another program that is aimed at preserving the family unit. It is designed to strengthen the family and protect children, by providing a supervised place for abusive parents to visit with their kids.

The Carnegie Corp. released a report earlier this year warning of the profound long-term dangers posed to children by exposure to child abuse and family violence. This program tries to soften the trauma these children experience.

YOUTH EMPLOYMENT AND SKILLS

Programs to encourage private employers to hire at-risk teens and young adults, who must avoid crime, drug use, and stay in school to stay in the program.

ANTICRIME YOUTH COUNCILS

There is no greater indication of personal responsibility than individuals who participate in efforts to not only resist crime but also to actively combat it. We owe it to ourselves to encourage efforts such as these, which involve youths in planning responses to violence and in resolving disputes, to give kids a stake in their schools and their communities.

HOPE IN YOUTH

The Carnegie Corp. study cites an example of the Roar Program. In Boston that targets children who are at risk for school failure. The program uses pediatric visits to inspire an interest in reading.

School failure is a significant cause of later delinquency. The hope in youth program recognizes this, and would fund innovative programs like Roar that will make a difference in our future.

GANG PREVENTION SERVICES FOR BOYS AND GIRLS

This program is designed to provide educational, health, career, and other services to at-risk youths who might otherwise elect lives of crime and drugs. Reading, recreation, or drama, have repeatedly turned kids away from drugs and crime.

SAFE SENIORS CORRIDORS

This program seeks to better protect one of society's most vulnerable groups—senior citizens. It establishes greater police presence and supports crime prevention activities by community groups.

At the suggestion of several Republican Representatives, a dozen prevention programs were condensed into one, $377 million local crime prevention block grant.

The $377 million total represents an 8-percent cut from the $409 million total these programs had in the initial conference report.

These dollars will be distributed directly to local governments, according to their share of violent crime.

Each of the key purposes of the dozen programs is included in the block grant, covering everything, including midnight basketball, Olympic youth development centers, boys and girls clubs, gang prevention and enforcement.

Total funding for the block grant is $377 million. The formula allots a minimum 0.25 percent to each State, or roughly $940,000, with the rest allocated based on each State's share of violent crime. The funding goes directly to units of local government, based on their share of their State's violent crime, for the following purposes:

Olympic youth development program for "supervised sports and recreation programs" afterschool and on weekends and holidays.

Boys and girls clubs to establish boys and girls clubs in public housing.

Juvenile drug trafficking and gang prevention grants for "prevention and enforcement programs to reduce the formation or continuation of gangs, and the use and sale of illegal drugs by juveniles."

Midnight basketball. Nighttime sports leagues keep kids off the streets and out of trouble. They build values like teamwork, sportsmanship, and personal responsibility.

Police partnerships for children to provide aid to child victims of crime, who suffer violence at a rate five times higher than adults.

Safe low-income housing provides incentives to get police officers to live in the communities they serve, investing them in the livelihood of their neighborhoods and making their neighbors feel safe.

Child visitation centers designed to strengthen the family and protect children, by providing a supervised place for abusive parents to visit with their kids.

Youth employment and skills for programs to encourage private employers to hire at-risk teens and young adults, who must avoid crime and drug use, and stay in school to stay in the program.

Anticrime youth councils to give students a structure to work with law enforcement and community and school organizations to address issues regarding youth and violence.

Hope in youth targets children who are at risk for school failure with peer counseling, mentoring, and outreach programs.

Gang prevention services for boys and girls to provide educational, health, career, and other services to at-risk youths who might otherwise elect lives of crime and drugs, and to support training programs and research efforts.

Safe seniors corridors to establish greater police presence and support crime prevention activities for senior citizens.

Triad for programs for the FBI and U.S. attorneys to prevent crime against the elderly.

Despite the criticism, these programs work.

BOYS AND GIRLS CLUBS

A 1992 evaluation by Columbia University and the American Health Foundation found that public housing projects with clubs experienced 13 percent fewer juvenile crimes; 22 percent less drug activity; and 25 percent less crack presence than projects without clubs.

COMMUNITIES IN SCHOOLS HOUSTON (HOUSTON, TX)

This program aims to keep at-risk kids in school—as opposed to out on the streets committing crimes. Professionals set up shop in the schools and provide one-on-one counseling, mentoring, tutoring, job training, and crisis intervention.

An independent evaluation reported that approximately 90 percent of the kids served by the program are still in school at the end of the school year. In contrast, one-third of students entering high school statewide fail to graduate.

"PAT"—POLICE ATHLETIC TEAMS (BIRMINGHAM, AL)

The Birmingham Police Department sponsors softball, basketball, baseball, and golf teams for kids from disadvantaged neighborhoods. The catch: The kids must study for at least an hour every night—the program supplies tutors—and must maintain a "C" average in order to play.

The police department reports that juvenile crime has dropped 30 percent in neighborhoods served by the program.

SOUTHWEST KEY DAY TREATMENT PROGRAM (AUSTIN, TX)

Southwest Key caseworkers provide round-the-clock tracking of kids who have had a brush with the law, and who are out on probation or parole. The program counsels the kids and their parents, and also requires the kids to attend daily work-related, social skills and recreation sessions.

The Texas Youth Commission reports that the kids who complete the program have a 65-percent lower rearrest rate than kids released from institutions directly into standard parole services.

PROJECT FIRST CLASS MALE (FORT LAUDERDALE, FL)

In this program, counselors meet with at-risk young boys at school and in their homes with an eye toward promoting sexual abstinence and reducing teen pregnancies.

An independent evaluation reports an 85-percent success rate in preventing new pregnancies.

THE PHOENIX HOUSE (NEW YORK, NY)

Phoenix House provides live-in high schools for juvenile drug abusers. In addition to traditional curricula, the program helps kids kick their habits and develop self-esteem, discipline, and personal responsibility.

Phoenix House reports that 85 percent of its graduates remain drug and crime free for the 3 to 5 years that the program charts their progress.

THE JUVENILE DIVERSION PROGRAM (PUEBLO, CO)

This program for nonviolent first-time offenders requires kids to sign a behavioral contract and become involved with a nonprofit agency; the kids are also tutored, counseled, and required to pay restitution to their victims.

The program reports that 83 percent of its graduates are not rearrested in the 2 years the program follows them.

STARS—SUCCESS THROUGH ACADEMIC AND RECREATIONAL SUPPORT (FORT MYERS, FL)

STARS, which has received accolades from Republican Senator CONNIE MACK, provides at-risk kids with positive, adult-guided tutorial and recreational programs.

The Fort Myers Chief of Police reports that, in the last 3 years, the program has led to a 27-percent reduction in juvenile arrests and a dramatic reduction in repeat-offender arrests.

SPECIALIZED TREATMENT SERVICES (MERCER, PA)

This program targets delinquent kids with mental health problems for intensive counseling and academic services.

The program reports that more than 80 percent of the kids who complete the program do not get into serious trouble during the 5 years that they are tracked upon release.

THE CRIME CONFERENCE REPORT—FACT VERSUS FICTION

Fiction: The crime conference report is full of pork.

Fact: Nearly $8 of every $10—was 71 percent, now 77 percent—in the crime conference report is for police, prisons, and Federal and State/local law enforcement.

The crime conference report increases funding from the levels in the Senate-passed bill for prisons, Byrne grants to State and local law enforcement, Federal law enforcement, immigration reform, and drug courts.

Program	CC report funding	Senate funding	Change
Prisons	$9.7 billion	$6.5 billion	Up $3.2 b.
Byrne grants to State/local law enforcement	$1.0 billion	$0	Up $1 b.
Federal law enforcement:			
FBI	$250 million	$250 million	Same.
DEA	$150 million	$100 million	Up $50 m.
Treasury	$550 million	$180 million	Up $370 m.
Criminal aliens/INS reforms	$1.19 billion	$0	Up $1.19 b.
Federal subtotal (also includes U.S. attorneys, DNA, SCAMS, courts, and Justice Department)	$2.637 billion	$1.731 billion	Up $906 m.
Drug courts	$1.0 billion	$1.2 billion	Down $200.

Fiction: The crime conference report funds social welfare programs that have nothing to do with fighting crime.

Fact: The prevention programs in the crime conference report are supported by law enforcement—like the Fraternal Order of Police, the National District Attorneys Association, and the International Brotherhood of Police Officers—who cite prevention programs as critical to a long-term cure for crime.

Many of the prevention efforts funded by the conference report have enjoyed bipartisan support over the years:

PROGRAM AND KEY SUPPORTERS

Violence Against Women ($1.6 billion): Senators BIDEN, BOXER, DOLE, and HATCH.

Community Schools ($810 million): Senators BRADLEY, DODD, DANFORTH, and DOMENICI.

Anti-gang Grants (In $377 million block grant): Senators DOLE and HATCH.

Drug Treatment in Prisons ($383 million): Senator BIDEN and former Drug Director William Bennett.

Olympic Youth (In $377 million block grant): Senators STEVENS and DOMENICI.

Midnight Basketball (In $377 million block grant): President Bush—who honored a midnight basketball league as one of his "points of light" in 1990.

Boys & Girls Clubs (In $377 million block grant): Senators BIDEN, DOLE, and HATCH.

Family Unity ($22 million): Senators SIMON and DURENBERGER.

Model Intensive Grants ($626 million): Senators D'AMATO and GORTON—among others—supported Drug Emergency Areas Act on which these grants are modeled.

Fiction: Sports and recreational activities don't belong in a crime bill.

Fact: Giving at-risk kids an alternative to gangs, drugs, and violence does fight crime. President Bush, in honoring a local Maryland midnight basketball program as one of his Points of Light in 1991, said, according to the New York Times:

> The last thing midnight basketball is about is basketball. . . . It's about providing opportunity for young adults to escape drugs and the streets and get on with their lives.

It's not coincidental that the crime rate is down 60 percent since this program began.

Fact: The Republicans put these kinds of crime prevention programs in their latest crime proposal. For example:

Olympic Youth Development Centers: $125 million for "sporting and recreational equipment * * * meals * * * an initial basic physical examination * * * first aid * * * nutrition guidance.* * *"—July 1994 Republican Crime Proposal, title X, subtitle E.

Child-Centered Activities: $400 million for "supervised sports programs * * * workforce preparation * * * entrepreneurship * * * tutorial and mentoring programs * * * sporting and recreational equipment * * * meals * * * an initial basic physical examination * * * first aid * * * nutrition guidance.* * *"—July 1994 Republican Crime Proposal, title X, subtitle E.

Juvenile Drug Trafficking and Gang Prevention Grants: $100 million "to develop and provide parenting classes to parents of at-risk youth * * * to develop and provide training in methods of nonviolent dispute resolution to youth of junior high school and high school age * * * to establish sports mentoring and coaching programs in which athletes serve as role models for juveniles to teach that athletics provides a positive alternative to drug and gang involvement.* * *"—July 1994 Republican Crime Proposal, title X, subtitle E.

Boys and Girls Clubs in Public Housing: $36 million for "the Secretary for Housing and Urban Development, in consultation with the Attorney General, [to] enter into contracts with the Boys and Girls Clubs of America * * * to establish Boys and Girls Clubs in public housing * * * [and for] a report * * * that details * * * the effectiveness of the programs in reducing drug abuse and gang violence."—July 1994 Republican Crime Proposal, title X, subtitle H.

Fiction: The crime conference report will fund only 22,000—not 100,000 new police officers.

Fact: The crime conference report does buy 100,000 new police officers:

It provides $8.8 billion in total funding to implement community policing programs.

This includes $7.5 billion to cover $75,000 per officer for 100,000 new officers over 6 years.

The remaining $1.3 billion will cover the costs of implementing and administering the community policing programs.

The basis of this 22,000 fiction—an estimate that police officers get paid an average salary of $70,000 per year (at that rate, $8.8 billion would pay $70,000 per year for 6 years for about 22,000 police.) Of course, few police make that kind of money—nationwide averages are about $30,000 per year.

The Conference Report does require that States, cities, and localities match this commitment of Federal dollars with dollars of their own, but this is neither an unfunded mandate—no city or community need apply for the money—nor is it an unworkable requirement.

Indeed, under President Clinton's fiscal year 1994 police supplemental, the exact same matching requirements were in place, and cities and towns stood in line trying to participate in the program. In fact, the Justice Department could only fund 1 of every 10 cops applied for with this $150 million.

Mayors and local officials of both parties strongly support this program because they want the real help in putting more cops on the streets to fight crime.

Fiction: The violent crime reduction trust fund in the crime conference report is now subject to a point of order objection in the Senate.

Fact: The trust fund has always been subject to a technical point of order, now as well as in November when Senators BYRD, MITCHELL, and BIDEN—joined by Senators DOLE, GRAMM, HATCH, DOMENICI, MACK, and others—first offered it as an amendment to the Senate crime bill.

The point of order arises because the trust fund is within the jurisdiction of the Budget Committee, but was not considered by that committee before being added to the crime bill. Of course, the Senate as a whole carefully considered the trust fund at the time the crime bill was on the floor, where it enjoyed overwhelming, bipartisan support. No one raised the point of order objection at that time.

But, every Senator was told that the trust fund was subject to this point of order by none other than Senator DOMENICI on the evening the Senate passed the Byrd amendment establishing the trust fund:

Senator DOMENICI I am sure the distinguished chairman [Senator BYRD] agrees with me that the pending amendment violates section 306 of the Congressional Budget Act.

Senator BYRD I do concur * * * I want to be clear that a 60-vote point of order does lie against the pending amendment [Byrd amendment]. The distinguished Senator from New Mexico and I discussed this earlier today, and we both agreed that it did, that it would lie. * * * May I say to the Senator, I will just as zealously guard the legislative process in the future as I have in the past. It was only because of the very extenuating circumstances throughout this country today, that I think cry out for solutions, that I have taken this approach. (November 4, 1993)

And, after this recognition Senator DOMENICI, joined the Byrd amendment as an original cosponsor, and stated:

I think it is historic. From my standpoint, as money is saved from reducing the work force of the United States. * * * I join in saying if we are going to spend it, we probably ought to spend it for the most serious domestic issue in our country. (November 4, 1993)

SENATE VOTES ON TRUST FUND

Gramm Amendment locking in cuts in federal bureaucracy for FY94–FY99, October 28, 1994—yes: 82, no: 14.

Byrd Amendment establishing Violent Crime Reduction Trust Fund, November 4, 1994—yes: 95, no: 4.

Gramm Amendment to add Violent Crime Reduction Trust Fund to Federal Workforce Restructuring Act of 1993, March 11, 1994—yes: 90, no: 2.

Gramm motion to instruct crime bill conferees to support Trust Fund, May 19, 1994—yes: 66, no: 32.

Biden motion to instruct crime bill conferees to support Trust Fund, May 19, 1994—yes: 94, no: 4.

QUOTES ON BYRD TRUST FUND AMENDMENT

He [Senator Byrd] was the one who came up with the funding mechanism. I just want to personally compliment him for it, plus the ability to put this together the way we are putting it together.—Senator Hatch, November 4, 1993.

From day one, Republicans have insisted that any anticrime bill we pass must be fully paid for. Security has a price and it is a price we at least attempt to pay by establishing a violent crime reduction trust fund. In the months ahead we will see whether we live up to the trust fund commitment.—Senator Dole, November 19, 1993.

[on motion to instruct crime bill conferees] First of all, it asks our conferees to stay with the funding mechanism that Senator Byrd offered. I was a cosponsor of it. It was broadly supported, bipartisan effort. * * * So the first thing I want our conferees to do is stay with our funding mechanism. It was endorsed earlier in the House and has been adopted three times in the Senate. Every time we have gotten down to the goal line, trying to make it the law of the land, it ended up being killed. I do not want it to die this time. Without it, there are no prisons, no additional police officers on the streets, and no effective crime bill.—Senator Gramm, May 19, 1994.

OTHER BUDGET POINTS OF ORDER

Republican-proposed and passed:

Treasury-Postal Service Appropriations, 1995—June 22, 1994: Gorton motion to waive to permit consideration of the Gorton amendment which prohibits the use of any funds to enforce an IRS prohibition against selling dyed diesel fuel to recreational boaters where the person selling the fuel collects the tax and requires IRS to establish a collection system to allow the sale of dyed diesel fuel to recreational boaters. Seventy-two Senators all agreed that this was necessary based on some changes in tax structure that were made as part of the repeal of the luxury tax on boats. But, this added to the deficit, CBO-scoring $6 million fiscal year 1994 and $25 million in fiscal year 1995, because establishing the new system cost more than the tax revenue collections. (Passed 79–20, 42 Republicans and 37 Democrats voted to waive point of order.)

Senator NICKLES motion to waive section 305(b) point of order—prohibiting non-germane amendments), expressing Sense of Senate that Senate should adopt balanced budget constitutional amendment. (Passed 63–32, all 40 Republicans voting voted for the motion, and were joined by 23 Democrats.)

Republicans proposed to waive section 306 but none passed:

Senator CRAIG motion to waive section 306 to permit consideration of Senator Murkowski amendment expressing sense of the Senate to eliminate Presidential election campaign fund checkoff and use funds for natural disaster trust fund. (February 10, 1994; motion defeated, 58 nay—37 yea; 36 Republicans voted to waive.)

Senator DOLE (for Senator DURENBERGER) motion to waive section 306 to permit consideration of Senator Durenberger amendment expressing to establish natural disaster relief trust fund. (February 10, 1994; motion defeated, 54 nay–41 yea; 34 Republicans voted to waive.)

Budget points of order have been waived by unanimous consent:

Waiver of point of order regarding Senator Heinz' amendment regarding congressional action to remove Social Security trust funds from the definition of the deficit. (Passed by U.C., June 19, 1990.)

Waiver of point of order prospectively for a Senator Chafee amendment creating a refundable tax credit. (Passed by U.C., September 23, 1992.)

Democratic proposed, and passed:

Omnibus Budget Reconciliation Act of 1993: Bumpers motion to waive to permit consideration of the Bumpers amendment which allows States to withhold a portion of AFDC benefits for families whose preschool children are not immunized (June 25, 1993, passed, 69–29; supported by 39 Republicans and 30 Democrats.)

Senator FORD's motion to waive Budget Act directing Secretary of Transportation to establish a national noise policy, and other changes. (October 18, 1990; passed 69–31; supported by 30 Republicans and 39 Democrats.)

Supplemental appropriations bill for 1990: Motion to waive point of order to permit consideration of Hollings-Rudman amendment to increase spending for the State Department. (39 Republicans support the motion to waive, motion passed—62–30, April 26, 1990.)

Several passed relating to unemployment compensation:

October 27, 1993, motion waived 61–39; Republicans voted to waive.

February 4, 1992, Senator DASCHLE's motion to waive agreed to 88–8; 34 Republicans voted to waive.

October 1, 1991, Senator SASSER's motion to waive agreed to 65–34; 8 Republicans voted to waive.

April 26, 1990, Senator HOLLINGS's motion to waive agreed to 62–30; 2 Republicans voted to waive.

Fiction: The crime conference report will add to the deficit or require tax increases.

Fact: The conference report pays for $30.2 billion of programs through the violent crime reduction trust fund, which uses the money saved from cutting the number of Federal bureaucrats the hire cops, build prison spaces, and otherwise fight crime.

The conference report does not contain or require new taxes of any kind.

And the trust fund does not add to the deficit, indeed, the trust fund lowers the budget caps to ensure that all crime spending is deficit neutral.

As explained by JIM SASSER, the chairman of the Senate Budget Committee, the trust fund:

Guarantees that the money will be available. . . . [It] achieves real savings, locks them in, and then provides for their use to fund the crime bill. It provides a real and enforceable method to pay for this important purpose.

In addition every year these dollars must be appropriated from the trust fund. There is no direct funding. So, the trust fund cannot add to the deficit.

Fiction: The conference report dropped provisions requiring the swift deportation of criminal aliens.

Fact: The conference report includes the summary deportation provision from the Senate bill—with slightly modified language. This provision would speed deportation by eliminating the requirement that a hearing be held and by eliminating layers of appeals.

The conference report also includes $160 million for the Immigration and Naturalization Service to hold deportation hearings in prisons—so criminal illegal aliens will be ready to be deported as soon as they have finished their sentences.

PRISONS

Prison grants: The crime bill provides $7.9 billion in prison grants to States, comprising 50 percent—$3.9 billion—for grants to States which have

implemented truth-in-sentencing—that is, second-time violent and serious drug offenders must serve 85 percent of their sentence. This was a House Republican proposal offered by Representative BILL MCCOLLUM, and

Fifty percent—$3.9 billion—for general prison grants to all States, without the truth-in-sentencing requirements.

Alien incarceration: $1.8 billion to reimburse States for cost of incarcerating illegal criminal aliens.

The prison provision in the conference report takes aim at violent offenders. The provision has three purposes:

First, to ensure that prison cell space is available for the confinement of violent offenders.

Second, to free up prison space for the confinement of violent offenders.

Third, to implement truth-in-sentencing laws for sentencing violent offenders.

Every dollar in the conference report's $7.9 billion prison grant program must ensure that prison space is available to put violent offenders behind bars.

The language is explicit: it says that, in order for a State to qualify for the money, it must:

> Provide assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve correctional facilities to ensure that prison cell space is available for the confinement of violent offenders.

That is an explicit condition of the money.

This language lets the States use the money in a way that best maximizes their prison space to get us to the goal: getting violent offenders behind prison bars—whether it's prison construction, or operation, or boot camps which get nonviolent offenders out of expensive prison cells.

States will apply for money to build prisons. The States are clamoring for more prison money. Right now, 34 States are under court order for prison overcrowding.

But States are also in desperate need for money to activate and operate existing prisons:

Utah is planning to build 1,000 prison beds, but the State does not have the money to do it. If we pass this bill, these beds could be filled with violent offenders.

California has 13,000 beds planned but not funded.

The State of Georgia has over 3,000 beds planned and not funded, and 3,000 more already built that are empty due to lack of operating funds.

In South Carolina, over 2,000 beds are empty due to lack of operating funds.

If half of the $7.9 billion is used by the States to build new prisons and half to operate them, this crime bill would fund over 125,000 new prison beds across the country.

MANDATORY MINIMUM FOR DRUG OFFENSES INVOLVING MINORS

This provision provides a 10-year mandatory minimum sentence for someone over 21 who sells drugs to a juvenile—includes low-level marijuana exception; buys drugs from a juvenile—no marijuana exception; uses a juvenile to sell drugs; or uses a juvenile to avoid detection of a drug offense.

Senator GRAMM's proposal also includes a two-time loser provision—someone who twice commits these offenses goes away for mandatory life.

Under the current guidelines, defendants today get at least 5–6½ years, absent mitigating factors, for a first offense of committing these crimes. They can get more if the quantity of drugs is great.

However, other provisions in the crime bill address this problem.

Using kids to sell drugs near schools and playgrounds.—Provides up to triple the penalties otherwise authorized for using a juvenile to sell drugs in a drug-free zone—near schools, playgrounds, video arcades, swimming pools. Under current law, these defendants get at least 5–6½ years for the first offense. By providing for triple the maximum penalty, the Commission will amend the guidelines to provide for an even stiffer sentence.

Solicitation of minor of commit crime.—Directs the Sentencing Commission to enhance sentencing guidelines—for all crimes—where defendant uses juvenile to commit crime or encourages juvenile to commit crime, would thus cover selling drugs to minors or using kids to sell drugs. Directs Commission to take into account variety of factors in fashioning stiffer penalties: severity of crime; number of kids the defendant uses or involves in the crime; and proximity in age between offender and minor.

Under this proposal, a 22-year-old who buys one joint from his 17-year-old buddy goes away for 10 years, mandatory. If he is convicted twice of buying a joint from his buddy—he goes away for life. Period. Ten years for buying one joint; mandatory life for two.

That young man, under the Republican proposal, gets the same sentence as a 40-year-old drug kingpin who sells PCP to a 12-year-old. He gets the same sentence as the guy who sells $100,000 worth of cocaine to an 18-year-old. The 22-year-old should be punished. But to give him the same sentence as the drug kingpin selling to children makes no sense.

That is exactly the problem that Senator HATCH himself, in a very thoughtful law review article in which he criticizes mandatory minimum sentences, points out.

The Senator from Utah wrote:

> Mandatory minimums employ a relatively narrow approach under which the same sentence may be mandated for widely divergent cases.

The Senator also says:

> Mandatory minimums often result in sharp variations in sentences based on what are often only minimal differences in criminal conduct or prior record.

The provisions that are already in the conference report will ensure tougher penalties that make sense, and distinguish between the 22-year-old buying a joint for the first time from his buddy and the 40-year-old kingpin who makes his living selling drugs to 13-year-olds.

When we write sentences, we must make sure that punishment fits both the crime and the criminal. And by directing the sentencing commission to enhance penalties—as opposed to imposing mandatory minimums—we make sure that the kingpin gets a tougher sentence than the first time kid who sells drugs to his friend.

CRIMINAL ALIENS

The Republicans keep claiming that the conference report does not include the Senate provisions on expediting the deportation of criminal aliens. But the conference report does include many of those provisions.

Most important, the conference report includes the Senate's expedited deportation provisions. The conference report eliminates many procedural requirements for deporting illegal aliens who commit crimes in the United States. It eliminates the need to hold hearings, and it virtually eliminates appeals.

The conference report also provides almost $1.2 billion for immigration enforcement. This money will be used for several things: To speed processing of frivolous asylum claims, to add border patrol agents, and to expedite the deportation of criminal aliens after they have finished their sentences.

The conference report also doubles penalties for alien smuggling; creates new penalties for those who are ordered to leave the United States but do not do so; and doubles penalties for those who use false documents to get into the United States.

The conference report is slightly different from the Senate-passed bill. For example, the conference report deletes a provision that would have allowed deportation of legal immigrants—not people who are here illegally—but people who have lived here for decades, solely because they may have committed a minor offense 30 or 40 years ago. This provision would have eliminated the immigration judge's right to even consider whether deportation in a particular case is fair.

Another provision would have required Federal judges to start holding deportation hearings. This might be a good idea, except that the expedited deportation provisions of the conference report eliminated the need for any type of hearing in many of those cases. In addition, forcing Federal judges to learn about complicated immigration laws is a waste of resources

when there are already procedures that work.

FEDERALIZATION OF STATE GUN CRIMES

This provision would expand Federal jurisdiction to all State crimes of violence—including property crimes—and drug trafficking in which an offender possesses a gun.

It carries strict mandatory minimum penalties: 10 years mandatory for gun possession during the crime and 20 years for discharging the gun. A second conviction for gun possession means 20 years. Three convictions equals mandatory life.

These penalties for gun possession during State crimes of violence are stiffer than those on the books for the comparable Federal crimes—which carry a 5-year mandatory for using or carrying a gun for the first offense.

This provision is a breathtaking, unprecedented expansion of Federal criminal jurisdiction: It would make every gun crime committed in America a Federal crime.

Today, over 95 percent of criminals are investigated, prosecuted, tried, and incarcerated at the State level, because local police are the experts when it comes to busting street gangs, street thugs, and street punks.

This provision holds out a promise to the American people that will necessarily be broken. The Justice Department recently reported that offenders armed with handguns committed over 900,000 violent crimes in 1992. The total capacity of our Federal prisons today is a little over 80,000.

Federalizing all crimes committed with guns does not lend the weight of Federal authority to the fight against gun violence.

To the contrary: It renders the Federal authority meaningless. For when the Federal system bites off more than it can chew, it erodes the confidence of the American people in the ability of justice to be served.

The conference report provides $9 billion to put 100,000 local police officers on America's streets and in our neighborhoods, compared to $250 million for the FBI.

That is smart policy—helping the States do their job and keeping Federal officers doing what they do best: Investigating and prosecuting complex, multi-state crime organizations and drug rings.

It also reflects the reality that 95 percent of all crime is State crime—and that, for over 200 years, we have gone out of our way not to create a Federal police force and not to federalize State crimes unless there is a compelling Federal nexus.

THE TRUST FUND DOES NOT ADD TO THE DEFICIT

This point rests on little more than an accounting rule. The Republicans point out that in fiscal year 1999 and fiscal year 2000 there are no discretionary budget caps, so there is no budget total agreed to by a congressional budget resolution. So the argument goes, we cannot guarantee that the crime bill will not add to the deficit in fiscal years 1999 and 2000.

This is a "red herring". The trust fund language in the crime bill specifies that the $13 billion in reductions to fill the trust fund in 1999 and 2000 will be made from "comparable amounts for budgetary purposes"—in other words, none of us know how many discretionary dollars the Federal Government will have to spend in 1999 and 2000, but whatever the total, it will be reduced by $6.5 billion in 1999 and $6.5 billion in 2000.

We do not know exactly how much money will be in the Federal Government's discretionary "check book." But, whatever the amount, the trust fund tells us to put aside $6.5 billion of our total in a special checking account—kind of like a "Christmas club"—that we will only use to pay for the police, prisons, and prevention in the crime bill.

Mr. COATS. Mr. President, the crime bill, now before the Senate, is substantially different than the $22 billion crime bill that passed the Senate in November 1993.

Rather than a tough-on-crime, bricks-and-mortar bill that put its money where its mouth was, what stands before us now is a social welfare spending boondoggle that could add as much as $13 billion to the deficit but not one penny's worth of crime prevention to any street in America.

Gone are nearly 30 tough-on-crime provisions, including those that would enhance mandatory minimum sentences for selling drugs to minors or employing minors in a drug crime; mandatory minimum sentences for using a gun in the commission of a violent or drug-related crime; the expeditious deportation of illegal aliens who have committed a crime in the United States; and stiff penalties for violent street-gang crimes.

In their place is 10 billion dollars' worth of social welfare programs that will not only do nothing to reduce the rate of crime in our cities, but that also duplicate the work of seven different Federal agencies and over 266 similar programs that have already been funded under the current 1994 fiscal budget.

As former Attorney General Ed Meese recently pointed out, Congress already funds a Juvenile Justice and Delinquency Prevention Program to the tune of $72 million; a Juvenile Gangs and Drug Abuse Program at $5.6 million; a Delinquency Prevention Program worth $13 million; a program for Neglected and Delinquent Children at $35.4 million; a $57 million program of demonstration grants for the prevention of alcohol and other drug abuse among high risk youth; a $10.6 million initiative to curb youth gangs. And more than $442 million for a program called Drug-Free Schools and Communities.

Every year, American cities spend millions of dollars as well on these same anticrime tactics, yet crime continues to rise.

Clearly, if these programs worked, America would have the safest streets in the world. Yet, while the number of programs and the amount of funding rises with every passing year, so does the populations of our prisons and the rate of violent crime in our streets.

Mr. President, this bill does not need $3 million to locate missing Alzheimer's patients, or $45 million to construct six new sports centers for the U.S. Olympic Committee.

It does not need a task force to study nonindigenous plant and animal species and their possible introduction in Hawaii. It does not need a provision that any product with a "Made in the USA" label must have a certain domestic content and be assembled in the United States.

This bill does not need to transfer key dollars away from important law enforcement programs such as the FBI and the DEA.

In short, Mr. President, what we don't need is a potpourri of politically correct social solutions that fund two social workers for every one policeman.

What we do need is a tough crime bill—and one that includes the one provision that was specifically prohibited by the conference bill—the provision that allows the teaching of moral values in schools.

Mr. President, that's the one prevention program America really does need—and the only one that might actually work.

For until Americans are as serious about arresting the moral decay of our society as we are about arresting criminals, we will never get to the root of our crime problem nor reduce the incidence of random and violent crime in our streets.

Mr. President, ultimately, no piece of legislation will win or lose the war on crime. What we are witnessing is the utter breakdown of our culture, and that tide will only be stemmed by repairing the breakdown of our families and restoring moral order to our lives. Broken families lead to broken lives, and broken lives too often lead to lives of crime.

If Congress is really serious about social spending, it will do all it can to help families, not waste their hard-earned tax dollars on programs that won't work.

Mr. BROWN. Mr. President, I rise to express my regret that this crime bill is not the tough, paid for crime bill the Senate passed last November. In contrast to the tough, paid for crime bill we passed, this conference report lets criminals out of jail early, it wastes taxpayer dollars on needless pork

projects and duplicative social spending, and it increases the deficit by $13 billion.

I want to make it very clear, as I have before, that to this Senator, this vote is not about guns. This vote is not about assault weapons. I supported the Feinstein amendment to the Senate crime bill, and I would do so again today. I support the assault weapons ban.

My opposition to this bill instead stems from the deep flaws in it which arose from a conference committee that did not adequately represent this body or the American people.

My opposition to this bill stems from the fact that we must accept the early release of 900 convicted drug felons each year if we are to accept the bill.

My opposition to this bill stems from the fact that we must accept a $1.6 billion stimulus package that has nothing to do with crime if we are to accept the bill.

My opposition to this bill stems from the fact that we must accept billions of dollars for things like dance lessons, artistic enrichment, nutritional training, arts and crafts, and sports programs if we are to accept the bill.

My opposition to this stems from the fact that we must accept for the people of the State of Colorado and other States, an increase in the deficit if we are to accept this bill.

I want a tough crime bill that represents the wishes of the American people when it comes to fighting crime. This bill does not meet that test.

I yield the floor.

Mr. SASSER. Mr. President, if I were asked to describe the past 18 months, I would say they have been a remarkable year-and-a-half of accomplishments.

They have been about doing something for working men and women in America.

Doing something about the issues that matter most for people who are struggling for a better life, doing something about the issues which were pushed into the shadows by the previous two administrations.

Over the past year and a half, we slashed the deficit. We cut Government spending. We reduced the size of the Federal work force. We created over 3.8 million jobs. We passed family and medical leave.

Today we stand poised to deliver to the American people legislation to help make them safe and secure in their homes and neighborhoods.

Mr. President, the crime bill now before the Senate is the most far-reaching and comprehensive assault against violent crime in my memory.

I believe it is time that we stopped all of the hand wringing and windy rhetoric about crime. Talking about crime is not going to put a rapist behind bars. Talking about crime is not going to break up a street gang. Talking about crime is not going to stop a hoodlum from mugging your wife or sticking up your store.

No, Mr. President, it is time we stopped talking and acted on the American people's challenge to do something about crime. It is time we took bold and dramatic action against crime. And we can do just that by voting for this bill.

This legislation addresses the epidemic of crime and violence that has swept the Nation—from the cities' mean streets to our once peaceful backroads.

The crime bill before the Senate today is a carefully constructed attack on crime. It is an effective counterpunch against violence and lawlessness.

And, Mr. President, I want to say right from the start that we pay for the resources needed to fight crime. I have seen far too many crime bills pass through this Chamber which promised plenty, but delivered little money to back those promises.

This bill takes a fundamentally different approach. It creates a separate trust fund which guarantees that money will be available to get these crime programs off the ground. It will provide $30.2 billion—the bulk of which will go to put police on the streets and keep criminals behind bars where they cannot threaten law-abiding citizens.

It was my great honor and privilege to work closely with the distinguished President pro tempore, Senator BYRD, to construct the violent crime reduction trust fund.

I believe this is a wonderful concept—the fiscal centerpiece of the legislation—which marries our vow to fight crime to our commitment to fiscal responsibility.

We pay for the war on crime by cutting Federal employment by at least 272,000 positions. Once our task is completed, the Federal work force will reach its lowest level since President Kennedy sat in the Oval Office.

I want to take a moment to explain how the trust fund works. First, the trust fund achieves real, scorable reductions in spending on the Federal work force. We do this by imposing enforceable limits on Federal full-time positions.

Second, the trust fund reduces the caps on discretionary spending. This ensures that the Congress cannot use these savings for any other purpose but to fight crime. This money is specifically earmarked to protect our fellow citizens and their families.

If a Senator sought to spend the money for any other purpose than the crime bill, then that spending would be counted against the newly lowered discretionary caps—not against the crime trust fund. If that spending caused these lowered caps to be breached, then any Senator could raise a point of order that would take 60 votes to waive.

In addition, if the Senate waived the point of order, or passed a law that exceeded the newly lowered caps, the bill requires the President to order across-the-board cuts to lower the level of appropriated spending to the level of those caps. Mr. President, that is real enforcement.

Third and last, the crime bill creates the violent crime reduction trust fund itself. It deposits into that fund the amount of money by which the bill lowers the appropriations caps. Congress may then spend this money only for the purposes authorized in the crime bill without triggering a point of order or the across-the-board cuts.

Now what are we going to do with this money? This legislation recognizes that the war on crime is not going to be won in the Halls of the Capitol. The war on crime is going to be won in States, cities, towns, and counties throughout America. States like Tennessee. Cities like Nashville and Chattanooga. Counties like Cheatham and Bradley.

Most crime is local so the response must be local. It is the local police officer who is on the frontline in the fight against crime. But there are not enough police officers to hold back the tide of crime. They are outnumbered. And it's time we sent in more troops.

Through a matching grant program, the bill before us today will put 100,000 more police officers on the street. This will allow our municipalities to adopt powerful community policing programs. And that's what we need—a community policing program with officers walking the streets, knowing the neighborhoods and building a relationship of trust with residents and local merchants.

I estimate that over the next 5 years, my own State of Tennessee could hire between 1,000 and 2,500 new officers if we pass the crime bill.

And those ranks could be bolstered even further through the police corps initiative which is based on legislation which Senator SPECTER and I introduced.

Our legislation is modeled on the highly successful Reserve Officer Training Corps. In return for scholarship assistance, a student agrees to serve 4 years in a State or local police force upon graduation from college.

The police corps will allow young people to gain the benefits of a college degree. And it will allow local police forces to deploy additional manpower in the fight against crime.

The police corps graduates will also share their experiences with family, friends, and community. I strongly believe this will increase the respect and support for the brave men and women who put their lives on the line for us every day.

The crime bill also includes important new programs to address the problem of domestic violence. The distinguished chairman of the Judiciary

Committee is to be commended for his tireless efforts to combat this terrible scourge.

Sadly, domestic violence is all too common in America. The FBI now estimates that every 15 seconds, a woman is beaten by her husband or boyfriend. Domestic violence is now the leading cause of injury to women. It knows no geographic boundaries. It knows no economic station in life. It also profoundly affects the children in the household.

For too long, domestic abuse has not been taken seriously. It was the crime no one wanted to talk about. Well, this bill speaks to the problem loudly and clearly.

The crime bill provides $24 million to Tennessee for programs to combat violence against women. It provides increased funding for shelters for battered and abused women. It includes Federal penalties for interstate stalking and spousal abuse. It makes gender-based violence a civil rights violation.

I am also extremely proud that the crime bill contains a $154 million rural crime component.

Rural crime is rising at a faster rate than in any part of America. The statistics are numbing.

Violent assaults rose 30 percent faster in rural America than in our 25 largest American cities. Let me repeat that. Violent assaults rose 30 percent faster in rural America than in our 25 largest American cities.

The number of rapes jumped by more than 9 percent in rural counties while decreasing 4 percent in urban America.

In 1992, rural drug arrests rose by 23 percent. As drug enforcement increased along the gulf coast, the drug smugglers moved inland to States like Tennessee which has many small rural airstrips and airports.

The crime bill would not only provide money for hiring more police to fight drug-related crime. It also sets up a rural drug enforcement task force in every Federal judicial district that contains significant rural areas. It allows us to explore new ways to attack the special problems rural law enforcement agencies face.

Other portions of this bill toughen the penalties for crimes and furnish the funds to build prisons and boot camps. It levies the ultimate penalty—the death penalty—for six crimes. I believe the American people are right. Let us stop coddling criminals.

Now, as with any comprehensive bill, there are parts of this legislation which I do not favor. As my colleagues know, I have long been an opponent of gun control. What we need to control are the vicious criminals who prey on our citizens. I therefore opposed the ban on so-called assault rifles contained in the conference report.

But in spite of those misgivings, I believe that the bill as a whole is right on target. We need those additional 100,000 police officers on the street. We need the tougher penalties for violent crime. And we need to provide to our local communities the desperately needed resources and programs that are the core of this legislation.

Despite many worthwhile programs, opponents of the crime bill have attacked it for containing pork. However, conferees have scaled back the bill by more than $3 billion and produced the bipartisan measure we have before us today.

Mr. President, it is time we stopped the talking. It is time that we stood up for the law-abiding, working men and women of America. It is time we answered their pleas for safe streets and neighborhoods in which their children can play and grow. It is time to end the silence on domestic violence. Mr. President, it is time we passed this crime bill.

Mr. MOYNIHAN. Mr. President, I will vote in favor of the conference report on the crime bill. It is admittedly not perfect, but it does include several important provisions that in my view deserve support. Here are five good reasons to vote for this bill:

First, the bill contains a ban on 19 semiautomatic assault weapons. This was approved in the Senate bill as a result of the valiant efforts of the distinguished Senator from California, Senator FEINSTEIN. No one claims that this ban will end gun violence, but these are weapons of war and have no place in civilian hands. Predictably, the National Rifle Association has lobbied hard against this provision. Their behavior is appalling, and they ought to be ashamed.

Second, the bill authorizes $9 billion to put 100,000 new police officers on our streets in community policing. New York City has been a leader in community policing since the tenure of then-Commissioner Lee P. Brown, now Director of the Office of National Drug Control Policy. New York attests that community policing works.

Third, the bill provides for Truth in Sentencing Incentive Grants for prison construction and maintenance. These grants will go only to States which demonstrate that persons convicted of violent crimes serve 85 percent of the sentence imposed. I voted for this provision, in slightly different form, when Senator BYRD offered it as an amendment to the Senate crime bill last November. It passed the Senate by a vote of 94–4.

Fourth, the bill prohibits the possession of handguns or ammunition by—and the sale of handguns or ammunition to—juveniles. This is common sense and long overdue.

Fifth, the bill extends the 1986 ban on armor-piercing cop-killer bullets to a new type of bullets not covered by the 1986 statute. As the Senators from Massachusetts and Ohio, Senators KENNEDY and METZENBAUM, noted on the floor earlier, this provision was adopted by unanimous consent when the Senate considered the crime bill last year. I was the author of the Law Enforcement Officers Protection Act of 1986, which first banned these insidious bullets, and of the amendment in this bill extending the ban to the new type of cop-killer bullets, such as the Swedish M39B. The M39B does not fall under the 1986 ban because of its unique construction: it is made with an extra heavy steel jacket. We must act to ban these new rounds, which can easily pierce bullet-proof vests, before police officers are killed.

These are just a few examples of the worthy provisions in this anticrime legislation. I should also like to add one institutional reason that we must proceed to an up or down vote on the conference report. Our colleagues on the other side of the aisle suggest that we ought not vote on this conference report, but instead should take up the bill passed by the House earlier this year. Or, in the alternative, that we should take up a fully amendable version of this conference report.

That is a prescription for permanent gridlock. Our colleagues ask us to engage in a novel legislative procedure that has no end point. They ask that we disregard the rules under which the Congress operates. Elemental among these is that conference reports are not amendable. This has been well settled since 1796, according to the Senate Historical Office.

The first House to act on a conference report has three options: adopt it, reject it, or return it to the conferees for further consideration. This is what happened in the House of Representatives over the weekend.

Once the first House to act adopts a conference report, however, the conference committee is automatically dissolved. The other Chamber may then only vote up or down on the conference report.

The House of Representatives has adopted this conference report, and the Senate's only task is to adopt it or reject it. If we discard this established procedure to take up a new crime bill which must again be approved by the House and again be approved by a conference, we will set in motion a never-ending cycle. It would be an awful precedent and would prevent us from ever finishing anything.

Mr. President, President Kennedy often said "To govern is to choose." It is time for our colleagues to make their choice on this legislation. Let us now proceed to an up or down vote on the conference report—and let us pass this important legislation.

Mr. LEVIN. Mr. President, I will vote for the conference report of the crime bill because we need to take strong and comprehensive action to fight the rising levels of violence that is occurring

on our streets and in our neighborhoods today.

I recognize the bill we are voting on today is not a cure-all nor is it a perfect bill. But it can assist law enforcement officers and State and local governments that are on the front lines in the battle against crime by giving them some of the tools they need to fight crime.

The bill before us includes some provisions that can make a meaningful difference in preventing and punishing criminal activity.

First, the bill includes an important assault rifle provision which restricts the manufacture, transfer, and possession of certain semiautomatic assault weapons by specifying 19 weapons that would be restricted, along with other weapons which meet specified characteristics. At the same time, the amendment makes clear that it does not place restrictions on the firearms that are used for hunting and sporting purposes.

Our police have strongly urged us to adopt this provision, and I was pleased to work with Senator DIANNE FEINSTEIN in getting this provision included in the Senate crime bill through a floor amendment. It is an essential part of the final crime bill package that we are voting on today. In adopting it we stand with our police in the all too real battle against violent crime that they face every day on the streets.

Second, this bill contains the authorization and actual Federal matching funding to assist local communities in putting more police on the streets. Quite simply, increasing the number of police on the streets reduces crime. By increasing police visibility in communities, this bill does more than send the signal that we want to take our neighborhoods back. It increases the tools that enable us to do it. Although the Federal funds provided in this bill are in the form of matching funds and are phased down over 5 years, it is my hope that this funding can be continued after that.

The bill we are voting on today could provide for as much as $300 million in discretionary funds for Michigan over the next 6 years for additional community policing.

Third, the crime bill conference report contains initiatives to reduce gang violence through increasing penalties and through grants to encourage young people to direct their energies to alternative associations and activities. It also takes steps to improve the safety in our schools so that students can concentrate on learning for the next century instead of worrying about the violence in the next hallway.

Fourth, the crime bill conference report also includes increased funding levels for States to implement the background checks that are required by the Brady bill and increased funding for additional technical automation for law enforcement agencies. I offered an amendment to the Senate crime bill requesting that the FBI report to the Congress on how it can accelerate and improve automatic fingerprint systems at the State and Federal level in order to use fingerprints found at the scene of a crime to identify more criminal suspects more quickly and effectively.

These increased funding levels will permit the FBI to establish and improve the technology in this area and may offer significantly enhanced tools to prevent crimes on a number of fronts. This same technology will make it more likely that a criminal who commits one crime will be apprehended before he or she can commit more crimes.

Fifth, I am pleased that the crime bill recognizes the important role that boot camp prisons can play in the corrections system. The bill adds two major opportunities for Federal funding of State boot camp prisons. I have been an early supporter of boot camp prisons because they offer an innovative approach to punishing young, nonviolent offenders. These facilities offer a tough program that teaches discipline and responsibility as well as keeps young offenders away from hardened career criminals. The bill before us includes an amendment that I offered with Senator COATS to improve the boot camp grant program by ensuring that States offer appropriate post-incarceration programs to make sure that the lessons of boot camp stick.

Sixth, I am especially pleased the bill includes the Local Partnership Act in the form I worked to keep in the bill. It provides for $1.6 billion for direct funding to localities around the country for anticrime efforts, such as drug treatment, education and jobs. According to the grant formula for this provision, this translates into $57 million in direct grants to cities and town in Michigan. The wide discretion allowed in this program will permit local governments the flexibility to use the funds for those programs where the need is greatest in the areas of education, drug treatment, and jobs programs.

As a consistent opponent of the death penalty, I wish this bill did not contain the new provisions to impose the death penalty. As I indicated during consideration of the Senate crime bill when I offered an amendment to replace the death penalty provisions with life in prison without the possibility of release, I oppose the death penalty because the judicial system makes mistakes and too many of these mistakes have been made in capital cases.

Each year that we have debated this issue has added to the list of cases in which individuals who had been put on death row were later released because the wrong person was convicted in error. Nor does the death penalty deter crime. In fact, of the 14 States with the highest murder rates, 13 have the death penalty and 1 State does not have the death penalty. Also, the violent images which are so graphically connected to the imposition of the death penalty are part of the atmosphere of violence which is all too pervasive in our communities and homes.

Mr. President, on balance, however, I believe this bill will improve our capacity to fight and prevent crime and merits our support, so I will vote for it.

Mr. GREGG. Mr. President, I oppose the crime bill conference report because it is a $30.2 billion bill which is short on tough crime fighting provisions and long on big Government spending. I find it hard to believe that during a year when taking a bite out of crime has consistently topped most Americans' wish list, that we have before us a bill without teeth for effective law enforcement, which may in the end add to the Federal debt.

At a time when citizens, communities, and law enforcement officials across the Nation are crying out for our help, it seems as if some Members of Congress have turned a deaf ear.

I am disappointed that this bill fails to include tough anticrime measures that would have helped combat some of the worst acts of crime plaguing our communities today.

Last weekend, House Republicans worked to improve the bill which was slightly improved. I regret that the Senate Republicans were denied the opportunity to continue efforts to restore the bill to a true crime fighting measure.

The conference report does not chart a bold new course for attacking our crime problem. It dusts off a failed social spending agenda and gives it a bright shiny new crime label. Rather than attack the problem head-on with tough law enforcement measures, this conference report simply throws money at the problem by creating $7 billion in new prevention and treatment programs. These numerous new social programs duplicate current Federal programs, and in most instances, have only a marginal connection to crime. The Federal Government now has 266 programs that serve delinquent and at-risk youth. The conference report simply adds another layer of unnecessary Government bureaucracy without any attempt to coordinate with existing programs. Additionally, the requirements for these programs are so loose that it is anyone's guess as to whether the funds will actually be used for anything remotely related to crime. In these times of scarce Federal resources, such provisions can only be called irresponsible. In attacking the crime problem, we must balance prevention and treatment efforts with tough penalties so that we will send a clear signal that criminal behavior will not be tolerated. Unfortunately, this bill tips the scales of justice too far in

favor of the criminal. It's time that we tip the scales back in favor of the many crime victims and their families.

If this were a serious effort to produce a tough crime fighting measure, why were many of the provisions that passed in the Senate with a wide margin of support removed? The conference report does not include tough mandatory minimum sentences for selling drugs to minors or employing minors in a drug crime. Mandatory restitution to victims of violent crimes was eliminated. The bricks and mortar prison building program was substantially changed so that the funds may not even be used to build prisons to house violent criminals. If this were truly a Violent Crime Control and Law Enforcement Act, then these provisions would have been included and enhanced. Unfortunately, the title of the bill is as misleading as its intentions.

In any bill of this magnitude, we must also be concerned with the budgetary impact. I am deeply concerned with the real potential that this bill has for creating $13 billion of deficit spending in its last 2 years of funding. It is ironic that a crime bill which is touted as protecting our children may, in fact, burden them in later life as their generation attempts to grapple with a Federal debt we have failed to control.

We all deserve a break from the constant fear for our safety, our homes, our children. I voted for a tough crime bill last November, which included tough mandatory minimum sentencing, funding for prisons, and a clear message that the crime problem would be aggressively attacked. Now, it seems that the American people will be burdened with more ineffectual social programs disguised as crime prevention and $13 billion in deficit spending. I am appalled that the anticrime bill that I voted in favor of last year has been replaced by the pro-criminal, anticrime bill that is now before us.

Mr. METZENBAUM. Mr. President, I am pleased that the House and Senate conferees agreed to strike from the House version of the anticrime bill an amendment that would have once again allowed the forced retirement of police officers and firefighters. I am especially pleased that there was strong bipartisan support for striking this provision, particularly among my colleagues in the Senate.

Mandatory retirement is wrong; it is cruel, blatant age discrimination. In 1986 it was outlawed as an employment practice. But, to ease the transition for State and local governments, Congress at that time permitted them to keep mandatory retirement rules and maximum hiring ages for their public safety officers for a temporary phase-out period. We did this even though most State and local governments don't have any maximum hiring or retirement ages.

I was a party to that deal in 1986; so was Senator John Heinz and Senator FORD. So were many of the groups that are now trying to overturn that deal and get mandatory retirement reinstated. They do this despite studies by the FBI Academy, Pennsylvania State University, and others that make clear that age is not a predictor of performance for public safety officers. The only way to know whether someone is able to do the job is to give him or her a fitness test. And these studies and the experiences of hundreds of State and local governments who test for this purpose, prove that such tests are feasible, reliable and desirable.

I hope that State and local governments across this country that previously used mandatory retirement will now comply with the Age Discrimination in Employment Act. I firmly believe they will soon learn that older workers are a fit and vital addition to our Nation's workforce.

CONFERENCE REPORT ON CRIME BILL

Mr. LAUTENBERG. Mr. President, I rise in strong support of the crime bill.

Mr. President, when I grew up in a working class family in Paterson, NJ, it was a different time in a different era. There was a strong sense of family. A strong sense of community. A strong sense of values.

Those days are gone, Mr. President. And, unfortunately, many of yesterday's values are gone as well.

Today, in many ways, the fabric of our society is ripping apart. Too many children are growing up without fathers. The values of work, community and mutual respect are not getting passed down to the next generation. Our streets increasingly are dominated by disorder and filled with fear.

Mr. President, we need to pull together as a society. We need to consolidate and restore order to our streets. We need to reestablish the values of work community, and respect for others. And we need to eliminate the anxiety and fear that lie quietly but powerfully under the surface of American life.

Mr. President, this crime bill will not, by itself eliminate crime or reestablish the old fashioned values of community. But the bill stands as a symbol of a deep national yearning to move back in that direction. A yearning to live our lives with a basic feeling of security. And a yearning to rebuild and restore our social fabric.

It also stands for the proposition that we have to make some basic choices. Choices about where our priorities are as a country. How we want to spend our money. Choices about how to reconcile our basic human compassion and tolerance with the need to protect ourselves and our children from crime.

This crime bill makes those choices. And it's basic message is clear: security must come first. Protecting our children must come first. Restoring order must come first. Restoring our social fabric must come first.

Mr. President, this is not a perfect bill. In many ways, it doesn't go as far as I would like. However, it's an honest attempt to restore a sense of security in our neighborhoods, and to keep dangerous criminals and dangerous weapons away from our children. It will make a real difference.

Mr. President, there isn't time to mention all the important elements of this legislation, but let me just touch on a few highlights.

First, this bill will add 100,000 new police officers around our Nation. Not to sit behind a desk, but to get out on the streets, walking the beat. Community policing like this isn't a new idea, Mr. President. It's an old fashioned idea. A good, old fashioned idea. It made sense when I was growing up. And it makes sense to return to it today.

Second, this bill gets tough on criminals. In doing so, it reaffirms the old fashioned value of individual responsibility. The legislation includes a wide variety of tough penalties, which together should send a strong message to all Americans: you are responsible for your own actions, and if you fail to live up to those responsibilities, you will be held accountable.

I am especially supportive of the three strikes and you're in provision in the bill, under which three-time offenders can be put away for life. With no parole. And no ifs, ands or buts about it.

The bill also encourages States to adopt so-called truth in sentencing laws. These are laws that require criminals to serve at least 85 percent of their sentences. In my view, all States should enact tough laws along these lines.

Mr. President, Americans are sick and tired of criminals getting out of prison after serving only a fraction of their sentences. We read about convicted rapists getting sentenced to 10 years, and then getting out after only 2 or 3. Sometimes quicker. And it's just outrageous. It's not fair to the victim. And it's not fair to the rest of us, whose security is being placed at risk.

Does it cost money to keep criminals behind bars? Yes. But some things are worth it. And personal security is one of those things. There's no excuse, just no excuse, to be letting dangerous criminals out free to roam the streets and prey on innocent Americans.

Another important element of the bill is its ban on assault weapons. These deadly weapons of war have no place on our streets, and should be banned outright. In fact, I wish the conferees had gone further, and omitted the grandfather clause that exempts from the ban weapons that are lawfully possessed at the time of enactment. I realize that opposition from pro-gun Senators would have made it virtually impossible to pass a broader

ban at this time. However, I am hopeful that Congress will reconsider this in the future and get all assault weapons off our streets.

There are several other gun control provisions in the bill that I strongly support. For example, the legislation would ban the transfer of handguns to minors, a proposal I have cosponsored. The bill also would tighten the regulation of firearm dealers. There are too many rogue dealers on the loose today, selling guns out of their kitchens or even the trunks of their cars. This has got to stop, and this bill, while not going nearly as far as a related bill I have cosponsored with Senator SIMON, still would make a real contribution.

However, a serious concern of mine about this bill, Mr. President, is its provision to exempt pawn shop redemptions from the Brady law.

As you know, Mr. President, the Brady law generally provides for background checks for people who seek to obtain a handgun. The law was enacted at the end of last year, after we finally broke the legislative stranglehold of the National Rifle Association. I was proud to be a part of that effort. It was a victory of the public interest over the special interests; a victory of sanity over madness.

Unfortunately, Mr. President, the special interests are back. And their effort to unravel the Brady law has now begun to bear fruit.

Under this provision of the conference report, when a felon redeems a gun he or she has pawned, there would be no requirement of a background check. And no requirement of a waiting period. The felon could get the gun back right away, with no hassle, no fuss, and no questions asked.

Mr. President, this backtracking on the Brady law doesn't make any sense to me. After all, criminals often go to pawn shops to hock their guns. Why shouldn't we use the opportunity to catch them, and deny them their dangerous weapons?

After all, convicted felons, drug addicts, and juveniles don't have a right to those guns. To the contrary—they're specifically prohibited under Federal law from possessing firearms. That prohibition was designed to protect the safety of law-abiding Americans. But it isn't worth the paper it's written on if it's not properly enforced.

So I find this exemption deeply disturbing. And I am hopeful that the provision will be reconsidered in the future.

I am very pleased that the legislation includes provisions based on the Violence Against Women Act, which I have cosponsored. Rape, spousal abuse, and other forms of domestic violence are an extremely serious problem in our Nation, and require a strong, multidimensional approach. This bill not only would increase penalties for sexually related offenses, but it would support a variety of prevention and treatment programs. In addition, the bill would help protect rape victims from unfair personal attacks in the trial process.

In addition to measures to protect women and victims of domestic violence, I am especially pleased that the conferees were able to strengthen provisions to provide for notification of the community when a violent sexual predator moves into the neighborhood.

This is a matter of special concern to me because of a recent tragedy in New Jersey. Not long ago, a 7-year-old girl, Megan Kanka, was sexually assaulted and then brutally murdered. The man who has confessed to this outrageous killing already had been convicted of sexually related offenses. Yet when he moved into Megan's community, nobody in the neighborhood was notified of his criminal history. So this convicted sex offender was free to mingle freely with the neighborhood children and to gain their trust. Meanwhile, the children's parents had no idea who he was, or the extreme danger he posed.

This kind of situation is simply intolerable, Mr. President. Something is terribly wrong when a dangerous sex offender can move into a community filled with young children, without any of the neighbors even being notified of his presence. It's time we did something about this, Mr. President. It's long past time.

The conference report takes some significant steps in remedying this unacceptable situation. The bill has been strengthened to allow State and local law enforcement agencies to release information concerning released sexual offenders and sexual predators that is necessary to protect the public. While I would have wanted the bill to include a clear requirement for community notification, the bill produced by the conference committee is an important movement in the right direction.

It is my hope that State and local law enforcement agencies will make broad use of their authority under this provision and take the steps necessary to provide parents and families with the information they need to protect their children. I will continue to work with Senator GORTON on a bill that I have cosponsored with him to make such notification mandatory.

In my view, Mr. President, when you are talking about dangerous sexual offenders moving into a community, the neighboring parents have a right to know. Because nothing is more important than protecting our children.

Mr. President, I also want to briefly note another provision in the bill based on legislation I authored, the Motor Vehicle Theft Prevention Act, which would establish a voluntary theft prevention program for owners of motor vehicles. I will have a separate statement on this proposal that discusses its provisions in more depth.

In conclusion, Mr. President, this is an excellent piece of legislation that deserves prompt enactment. It responds to a real problem, and proposes realistic solutions that are consistent with the values of most Americans. I urge my colleagues to support it.

MOTOR VEHICLE THEFT PROVISIONS IN CONFERENCE REPORT ON CRIME BILL

Mr. LAUTENBERG. Mr. President, the conference report before us includes legislation I authored, the Motor Vehicle Theft Prevention Act, to address the growing national problem of motor vehicle theft.

The Motor Vehicle Theft Prevention Act, or MVTPA, would establish a national framework for State and local vehicle theft prevention programs. The legislation is based on programs operating in various jurisdictions around the country, typically called Combat Auto Theft [CAT] or Help End Auto Theft [HEAT].

Under these programs, a vehicle owner may voluntarily sign a form stating that his or her vehicle is not normally operated under certain conditions, typically between the hours of 1 a.m. and 5 a.m. Decals are then affixed to the vehicle. If a law enforcement officer later sees the vehicle being driven under the specified conditions, the decals provide grounds for establishing the reasonable suspicion necessarv to stop the vehicle and make appropriate inquiries.

The MVTPA directs the Attorney General to develop a uniform design for decals and consent forms, so that the program can be taken nationwide. Participation will be entirely voluntary on the part of States, localities, and individual vehicle owners.

Mr. President, the problem of auto theft has increased substantially in recent years. According to the Uniform Crime Report, between 1984 and 1991, motor vehicle theft increased by 61 percent, to almost 1.7 million offenses per year. Around the country, there is an average of one motor vehicle theft every 19 seconds. The total value of stolen vehicles now exceeds $8 billion annually.

There are many dimensions to the vehicle theft problem. To a large extent, stealing cars has developed into a full-fledged industry, run by professionals. Criminal conspirators are stealing cars, sometimes after a buyer gives them an order for a particular part, and selling the parts on the black market. Chop shops are taking in stolen cars, breaking them down, and making large profits. And increasingly, organized rings of criminals are exporting cars abroad, where they may be worth three times more than in the United States.

In many parts of the country, the problem of auto theft is primarily one of juvenile crime. Children, some not even teenagers, are stealing cars at an appalling rate. They start young—sometimes they're barely tall enough to see over the steering wheel. Unfortunately, it doesn't take long for them to

become experts, able to enter and steal a car in a matter of seconds.

Beyond the costs and inconvenience to owners, and the higher insurance rates that result, auto theft is also a highway safety problem. Auto thieves, particularly juveniles, often drive recklessly, sometimes to avoid the police, and that leads to death, injuries, and destruction of property.

Clearly, Mr. President, there is no magic formula for eliminating auto theft. Much of the responsibility rests with local and State law enforcement agencies. But auto theft is a crime with a clear interstate dimension. So the Federal Government also has an important role.

About 2 years ago, the Congress approved the Anti-Car Theft Act of 1992, legislation which I strongly supported and which included several proposals that I had sponsored. Among other things, the new law established Federal criminal penalties for carjacking, authorized grants for anticar theft committees, tightened export controls, and strengthened the vehicle parts marking program.

More, however, must be done. And while the MVTPA is no cure-all, it can make an important contribution.

The concept for the MVTPA was first developed in New York City in the mid-1980's by State Senator Leonard Stavisky. New York's program allows law enforcement officials to stop the vehicles of participating owners if the vehicles are being operated between the hours of 1 a.m. and 5 a.m., the period during which most thefts are believed to occur. To participate, an owner must sign a consent form stating that the car is not normally driven during those hours. The owner then gets two decals to place on the rear and side windows, which tell the police that the car may be stopped during the designated hours. Participation is entirely voluntary.

It's a simple, inexpensive, and innovative concept. And by all indications it has been extraordinarily successful.

In New York City, over 70,000 vehicles have participated in the program. In 1990, only 60 were stolen. Cars without decals were about 65 times more likely to be lost to theft.

The success of the program in New York has led to similar success stories around the country. Over 100 jurisdictions have adopted the program, including Dallas, Houston, Philadelphia, St. Louis, St. Paul, and San Diego. New Jersey and New York have programs that operate on a statewide basis. The idea has even been adopted in England, Canada, and Australia.

As a testament to the program's effectiveness, several insurance companies have voluntarily reduced the insurance rates for vehicles that participate in the program.

As I have explained, Mr. President, the Motor Vehicle Theft Prevention Act directs the Attorney General to develop a uniform design for decals and consent forms, so that the program can be taken nationwide.

There are several benefits of establishing a national program. First, it will increase the use of this approach, by increasing its visibility and making it more practical and economical for jurisdictions to participate. Although the idea is spreading rapidly, many local officials remain unfamiliar with the concept. At the same time, many officials, particularly those in small towns, are interested in the program, but do not believe it is cost effective to develop and produce a decal when only a small number may be needed. Mass production of decals and consent forms would enable many more municipalities, particularly smaller towns, to participate.

Greater participation in the program should mean reduced thefts, which also means saved lives, reduced insurance costs, and lower costs of enforcement to the law enforcement and judicial systems.

The second primary benefit of establishing a national framework for the program is that it will help law enforcement officials apprehend thieves who drive stolen cars across State or city lines. Currently, if a car is stolen in one town and driven into another, law enforcement officials in the second town may be unfamiliar with the decals used in the first town and may not be in a position to lawfully stop the car. A uniform design will eliminate this problem.

Mr. President, some have asked how a program like this works, since professional auto thieves should be able, with some work, to scratch off the decals. Most officials I have talked with, believe that the program works because time is of the essence to auto thieves, who typically will enter a car and drive away in a matter of seconds. Many cars are stolen in exposed areas, such as shopping center parking lots. So thieves feel they cannot afford the time to get into a car, climb into the back seat, and scratch off two decals. Also, most decals are manufactured so as to be very difficult to dispose of, and many leave a mark even if they are scratched off.

The bottom line, in any case, is that the program works. The results speak for themselves. And under this bill, if State or local officials are skeptical about the program's likely effectiveness in their jurisdiction, they are free not to participate.

I would also note, Mr. President, that this type of program is entirely consistent with the Constitution's fourth amendment protections against unreasonable searches and seizures. Under well-established constitutional law, the police may stop a vehicle if an officer has a reasonable suspicion of criminal activity. Under this bill, a law enforcement officer will be allowed to stop a car only if the car is being operated under conditions that create such a reasonable suspicion. It is also important to again emphasize that participation in the program is entirely voluntary.

Mr. President, the problem of auto theft is of great concern to law enforcement officials, the insurance industry, and highway safety advocates. This proposal is supported by the Fraternal Order of Police, the Alliance of American Insurers, and Advocates for Highway and Auto Safety.

I also want to express my appreciation to Senator BIDEN for his support and assistance on the Motor Vehicle Theft Prevention Act.

Mr. President, I have prepared several questions and answers about the Motor Vehicle Theft Prevention Act that will help explain the legislation in greater detail. I ask unanimous consent that they be printed in the RECORD at this point, along with other materials related to the legislation.

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

QUESTIONS AND ANSWERS—MOTOR VEHICLE THEFT PREVENTION ACT

Isn't it wrong to allow car owners to waive the constitutional rights of passengers, or people to whom they might lend their car?

According to well-established constitutional law, a person may consent to be searched under circumstances in which the search would otherwise be unconstitutional, so long as the consent is given voluntarily. However, a law enforcement officer may stop a vehicle without consent, if the officer has a "reasonable suspicion" of criminal activity.

Vehicles may be stopped under the Motor Vehicle Theft Prevention Act (MVTPA) not simply because the owner has consented to be stopped, but also because the existence of a decal on a vehicle being driven under the specified conditions provides grounds for establishing a "reasonable suspicion" of criminal activity.

The "reasonable suspicion" arises because, in order to receive a decal, the owner must sign a certification establishing that: (1) the vehicle is not normally driven under the specified conditions, and (2) "the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner". Therefore, if the vehicle has such a decal, and is being driven under those circumstances, there is an objective, reasonable basis for a police officer to suspect that the car is not being driven with the owner's consent.

To illustrate the point, the decal might be considered the functional equivalent of a large, highly visible placard attached to the rear of a car that says: "If this car is being driven between 1 and 5 a.m. it probably has been stolen." If a police officer sees such a car being driven at 2 a.m., he or she will be entirely justified in stopping the car to see if it has been stolen. In fact, in the case of a decal under the Motor Vehicle Theft Prevention Act, the officer would have an even stronger basis for stopping a vehicle, since decals may be affixed to a vehicle only if the

owner personally has signed a written statement certifying that the car is not operated under the specified conditions. In either case, the fact that a passenger has not personally consented to a stop, or may not have seen the placard or decal when he or she entered the car, does not affect a police officer's right to stop the vehicle.

Moreover, under the terms of the legislation, the decal design must include an express statement explaining that the vehicle may be stopped if operated under the specified conditions. The decal must be "highly visible". So, although this is not required by the Constitution, passengers (and drivers other than the owner) will get notice of the possibility that the car may be stopped under certain conditions.

How can this type of program be successful when thieves can just peel off the decals?

The primary goal of the program is not to apprehend auto thieves, but to protect vehicle owners from having their car stolen in the first place. The effectiveness of the program as a deterrent is well established.

In 1990, for example, of 71,000 vehicles participating in the C.A.T. program in New York City, only 60 were stolen. Vehicles without decals were 65 times more likely to be stolen. Many of the other 100-plus jurisdictions that have these programs report similar success.

The demonstrated effectiveness of the program explains why several private insurance companies offer discounts to owners who participate. It also explains why the legislation is endorsed by the Alliance of American Insurers and State Farm, the nation's largest auto insurer, as well as the National Fraternal Order of Police and Advocates for Highway and Auto Safety. In addition, it explains why the concept is spreading so rapidly around the U.S. and abroad.

Why does the program work when professional thieves are able to remove decals? First, decals are produced so as to be very difficult to remove. While professional thieves are able to do so, most cannot afford to spend the time it takes to get into the back seat and scratch the decals off. Vehicles typically are stolen in a matter of seconds. From the perspective of a prospective thief, who needs to escape as soon as possible, the additional time it takes to scratch off the decals makes such a vehicle an unattractive target.

In any case, the bill is entirely voluntary. States and municipalities need not participate if they don't think the program will work. And even in States/municipalities that establish programs, vehicle owners who don't think the decals will help are also entirely free not to participate.

Who will produce the decals?

The Federal government could produce the decals itself, or could procure the decals from private sources. Alternatively, if the Attorney General determines that private firms would produce and market the decals adequately, there may be no need for direct Federal production or procurement of decals. Private firms could simply be allowed to produce the decals and then market them to municipalities and States. If the Attorney General so chose, I would urge her to consider the establishment of quality standards, under her general authority to promulgate regulations under the legislation.

For example, the Attorney General could require manufacturers to get approval for their decals before they are used by participating jurisdictions. This would ensure that decals used accurately reflect the Attorney General's design, and that the appearance of the decals produced by different manufacturers remains uniform.

How quickly must the Justice Department act to make the program operational?

Under the legislation, the program must be developed within 180 days of the date of enactment. No separate appropriation is necessary. I would expect the costs for the program to be borne under the general appropriation to the Department for salaries and expenses. These costs should be very limited, especially if the Attorney General decides not to directly produce or procure decals, but to leave production to the private sector.

Who would distribute the decals and consent forms at the State and local level?

That's left up to the State and local governments under the legislation, though nothing precludes the Attorney General from promulgating regulations on this matter, if appropriate. In New York, administration is handled by police departments.

Would States and localities be allowed, or required, to charge a fee to participants in the consent-to-stop program?

States and localities may charge fees, but they are not required to do so. Many jurisdiction may be able to fund the program from private sector donations.

How can we be sure that law enforcement officials will know what the decals mean?

As a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program, and with the conditions under which motor vehicles may be stopped under the program.

Can the Attorney General establish more than one set of conditions under which vehicles may be stopped?

Yes. If the Attorney General does so, she must establish separate decal designs and consent forms for each set of conditions. For example, she might use different colored decals to designate different sets of conditions.

Typically, existing programs are based on the use of vehicles during late night hours. It may be best to at least start the program with only one set of conditions, such as driving during the hours between 1 a.m. and 5 a.m. However, in drafting the legislation, I wanted to provide the Attorney General with the flexibility to establish other types of conditions, if they make sense.

For example, it may be appropriate to establish a decal design for vehicles that are not normally operated during business hours. I understand that a program operating in San Francisco in conjunction with the BART transit system operates during daytime hours—to protect owners who commute to work and who park in mass transit parking lots during the day.

Also, since many senior citizens and others do not drive on fast-moving highways, some have suggested that the Attorney General might consider a decal design that allows a vehicle to be stopped if operated on such a highway, or above a certain speed. Another possibility would be to establish a design indicating that the vehicle is not normally operated outside of a given geographical area, such as a county or state. Such a design could include a space for printing the name of the prescribed normal driving area.

Having raised these possibilities, I would urge the Attorney General to be cautious. Before adopting a wide variety of conditions, I would hope that she would take reasonable steps to ensure sufficient interest among vehicle owners. A plethora of conditions could prove needlessly confusing to law enforcement officers.

Can owners take decals off their car if they want to?

Yes. They need not inform anyone or do anything else, although conceivably the Attorney General, or a State or local government, might establish such a requirement.

What happens when you sell your car?

In New York, you must take the decals off when you sell your car. Under the legislation, the Attorney General would have the authority to promulgate regulations requiring owners to remove decals upon sale or transfer of the vehicle.

What if some kids, as a prank, get some counterfeit decals and start putting them on cars. And then someone driving in the car is stopped, without realizing that a decal has been put on his car. Wouldn't the stop violate the driver's constitutional rights, since he has not consented to be stopped?

No. The basis of the stop would be the officer's reasonable suspicion of unlawful activity, not the driver's consent. The presence of the decal will give an officer reasonable suspicion to stop the car (assuming it is being driven under the specified conditions). However, the legislation includes a provision that makes it illegal to affix a theft prevention decal to a motor vehicle unless authorized to so so under the law. The maximum penalty is $1,000.

Once an officer has stopped the car, what kind of questions can he or she ask?

The legislation doesn't say anything about the questions that a police officer asks once the car has been stopped. Police will ask the same type of questions that an officer would ask now if the officer stops a car because of a suspicion that it has been stolen.

For example, the officer might ask the driver for his license and registration forms. If the driver says he doesn't have them, he can ask further questions like: (1) where do you live? (2) how long have you owned the car? (3) from whom did you buy the car? (4) how much did you pay for the car? (5) what model year is the car?

Most police can determine through such questions whether the driver is really the owner, or has the consent of the owner. Also, the police can call their office, which can check the National Crime Information Center (NCIC) computer data bank, which maintains records of cars reported stolen.

How long can an officer hold a car to ask such questions?

The legislation doesn't change the rules about how long the police can hold a car that has been stopped because they suspect it has been stolen. Generally, the stop can only be for a few minutes, unless the police through questions or otherwise, determine that there's probable cause to detain the person further, or to make an arrest.

Does the legislation seek to establish a new form of "reasonable suspicion"?

No, Congress may not change constitutional law, and this legislation does not seek to do so. The bill operates entirely within the existing structure of Fourth Amendment doctrine. It does not change the meaning of "reasonable suspicion"; it works by establishing the factual conditions that give rise to a "reasonable suspicion", as that term is currently defined.

What if a police officer sees a vehicle with a decal being driven under the specified conditions, but happens to know that the car is being driven by the owner and the officer does not have a reasonable suspicion of criminal activity; does the legislation authorize the officer to stop the vehicle simply on the basis of the decal?

No. Under the bill's language, the existence of a decal on a vehicle provides a basis

for a stop-and-question procedure "to determine whether the vehicle is being operated by or with the permission of the owner". Signing a consent form constitutes consent to be stopped for this purpose, not to be stopped on an arbitrary basis. Where an officer already knows or believes that the car is being driven by or with the permission of the owner, and has no reasonable suspicion of criminal activity, the legislation does not authorize a stop.

Would police officers be allowed to stop a vehicle on the basis of the driver's race, gender or age?

No. The legislation makes clear that vehicles may not be stopped on the basis of race, color, national origin, gender or age. Stops would be allowed only on the basis of a reasonable suspicion that a vehicle has been stolen.

Are vehicle owners likely to be coerced by police officers to participate in the program?

No. I am not aware of any evidence that this has been a problem in the cities that have adopted CAT or HEAT programs, nor is there any reason to believe that police officers would want to coerce citizens to participate. Moreover, the legislation contains safeguards to ensure that owners understand that participation is entirely voluntary. Under the bill, before obtaining a program decal, an owner must sign a consent form that clearly states that participation in the program is voluntary.

Mr. LIEBERMAN. Mr. President, there has been so much sound and fury on this floor since the Senate began debating the revised crime bill conference report sent over from the House on Monday, I hesitate to add to the din.

But I do want to speak today because the voices of my constitutents—particularly the police officers and prosecutors who are on the line fighting crime and violence every day, as well as the victims of crime and the many people who give up their liberties everyday because of fear of crime—are being lost in the partisan noise.

The mayors, police chiefs, prosecutors, school officials, community leaders, domestic violence shelter directors, boys and girls clubs leaders, and citizen community watch groups are simply incredulous. They cannot believe what is happening on the floor of the Senate as they struggle to deal with violent crime on the streets of our cities and towns. They cannot believe that on the eve of what looked like certain passage of a crime bill that might actually give them real help instead of unreal rhetoric from the Federal Government, we may turn our backs on them because some Senators can't support a bill that is very good, but like all things produced by mortals, not perfect.

If given the opportunity we could all think of amendments to improve this bill. I know there are provisions in the bill that Senator BIDEN himself, who has worked so tirelessly and effectively on this bill and others, would like to strike and replace with others. But he recognizes, as do I, that we must operate by consensus here in this democratic body and accept some finality to the process. Not to do so, dooms this bill and every other.

If the outlines of this bill were described to pundits a year ago—80 percent of funds for putting more police on the streets and building more prisons; three-strikes-and-you're-out; 60 death penalties; tougher penalties for gang crimes, drug use, sex offenses, crimes against children and crimes against the elderly; tightening evidentiary rules; treating violent juveniles as adults; more money for courts, prosecutors; and 20 percent of the funds going to prevention programs and all of this to be paid for by cutting Federal Government workers—they might assume that the bill was too conservative to pass.

But it did pass the House. And a very similar bill, which served as its foundation, passed the Senate 95–4 last November.

This is a tough bill. Almost 80 percent of the money will go to our States, cities, and towns for more police and more prisons. To Connecticut, that may mean 1,000 or even 1,500 more police on our streets, and millions of dollars to help the State build enough prison cells so that criminals—especially violent criminals—will one day serve their full sentences. It is a mockery of our system of justice that they so rarely do so now.

Of the remaining 20 percent devoted to prevention, almost one-third will go to helping police, prosecutors, and judges battle violence against women and aid those who provide shelter and assistance to those who have been abused. I have visited shelters all over Connecticut, talked to the women and children they serve, and if it were up to me I would devote even more resources to their support. For too long violence against women was taken as a private matter, a family matter. It is not, violence against women is a crime—a serious crime—it is treated that way in this bill.

The other prevention dollars in the bill are intended to provide some hope to communities desperate to find ways to turn young people away from violent crime. They focus on young people, because that is where we have seen the greatest rise in murder and violence.

They include opening schools in poor neighborhoods after hours to provide safe havens, sports programs, supporting coordination between police and community groups, and drug treatment programs in and out of prisons. Not every program will work, but many will, if what police in Connecticut and my own visits to boys and girls clubs in housing projects throughout the State, a boxing club in Hartford, a high school in New Britain and a baseball league in Bridgeport tell me.

The focus in a crime bill should properly be law enforcement and corrections. The focus of this bill is.

Let us not let the perfect be the enemy of the good. Our communities have been waiting far too long for us to act. Let us do so without further delay.

Mr. HATFIELD. Mr. President, when I spoke against the Senate version of the crime bill last fall, I noted the crisis of spirit facing this Nation. I noted the manner in which our society is embracing violence, and is not moving to address its underlying causes. While there are provisions in this conference report that I can support, it relies too heavily on some of the same misguided notions as the bill that passed last fall. For this reason it is with much frustration that I announce that I cannot support this bill.

The Federal Government can only aim to influence a small portion of the crime that afflicts urban and rural areas all across America. Most crimes are under State and local jurisdiction. It does little good to federalize more crimes, or try to tell the States what is best in their own local communities. In this way, many proposals in this bill are merely symbolic. This is especially true of the vast expansion of Federal death penalties.

The misguided creation of dozens of new death penalty crimes is the most distressing fault in this bill. I strongly believe that violent criminals should be caught, prosecuted, and locked up. If they commit heinous crimes, they should remain in prison, away from law-abiding citizens. But, I have opposed the barbaric act of State-sponsored killing throughout my life because it does nothing to assist in these goals. The death penalty serves only to further pummel even more violence into our decreasingly civilized society while focusing the debate away from the real issues at stake. It does not deter crime more than true life sentence does. It offers us only a fig leaf, nothing more. This is a dangerous trend because it points us away from the real problems facing States, localities, and neighborhoods all across this country who are engaged in trench warfare on the crime problem.

By the time a child is old enough to wield a gun and shoot someone over a vial of crack or over a pair of basketball shoes, we have already lost them. The death penalty will not outweigh their concern about the bullets of a rival gang member. They are not going to stop and think about the death penalty any more than they stop and think about spending the prime years of their life going nowhere in a crowded prison.

Earlier today I noted my opposition to the crime trust fund in this bill. Some of the programs in this bill are very worthy and should be funded, others may not be as worthy. These are the decisions usually made on an annual basis by the Appropriations Committee. Setting aside $30 billion of taxpayer money into a temporary fund

that has no revenue source for the future, and has no annual review of these programs, is not in the best interests of the people we are here to represent.

This omnibus crime bill is now over 440 pages long. It concerns me that Congress often creates these enormous pieces of legislation because it does not allow us to vote on the merits of specific proposals. Regardless of my opposition to this bill, I have consistently supported many prevention programs contained in it. I authored one of the programs included in it, to provide for community initiatives attacking domestic violence. Another provision I sponsored would help police ensure the safe return of wandering Alzheimer's victims, freeing police time for pursuit of violent offenders. In addition, I was a cosponsor of the Violence Against Women Act now included in this bill, to improve the safety of women in the home, on the street, and on college campuses.

But, most of the focus of this bill is on incarceration: federalizing more crimes and building more prisons. We cannot afford to keep turning back the clock to the same crime policies that have failed us in the past. We now have almost a million people in our prisons, more per capita than any democratic country in the world. Nevertheless, there were about 2 million violent crimes reported last year. It is obvious we cannot legislate this problem out of existence.

We can keep building more prisons, and we will keep filling them. We can throw billions of tax dollars at incarceration for the rest of our lives. But, where will that leave us? It may leave us with more people wasting away in prison. But, it will not leave us with people who have a decent education, a well-paying job, and a moral sense of direction in their life.

If we are going to face realities here, we are going to have to quit clinging to symbolic gestures and admit the frightening truth that there is only so much that the Federal Government can do about the problem of neighborhood crime. More importantly, the Federal Government may not possess the tools needed to address the real cause of crime in society: the erosion of our moral fiber. Too often we legislate incrementally, looking for the quick political fix while ignoring the long-term causes of the problems.

Penalties that affect small numbers of offenders will not halt the deterioration of a society that not only tolerates but embraces violence in all of its forms. Symbolism makes us feel good, but it rarely works.

The responsibility belongs to each of us, individually, to stand up for the values that have been the bedrock of this Nation and have seen it through all of its crises for over two centuries. We can no longer tolerate dehumanization in our communities. We have a tradition in this country of rising to all challenges that face us. Confronting the crisis of spirit which underlies the violence in our society may be our biggest challenge yet.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have discussed the procedure on the bill with the distinguished Republican leader, the managers of the bill, the distinguished Senators from Delaware and Utah. I will not put a formal agreement, but we have agreed informally that we should bring this matter to a conclusion and that we would proceed with statements of approximately 5 minutes, first by the Senator from Utah, then the Senator from Delaware, then the distinguished Republican leader, and then myself, and then we will vote on the motion to waive the Budget Act.

I now estimate that vote will occur at approximately 4:15.

I inquire of the distinguished Republican leader and the Senator from Utah whether that is an agreeable manner in which to proceed.

Mr. HATCH. That is reasonable.

Mr. MITCHELL. I thank my colleagues.

Mr. HATCH. Mr. President, I am happy to have this long process finally come to a halt, so we can vote and make a determination what we are going to do.

I think everybody understands what the game is here. Everybody understands that we are going to vote on a point of order. If the point of order is sustained, then we will have a concurrent resolution, to which we will try to vote on 10 amendments. Four of them are amendments that would cut pork out of this bill. Six of them are amendments that would strengthen the bill.

So there have been two aspects to our arguments. One is the bill is laden with pork—and we are leaving some in, even at that —and the other is to try to strengthen this bill with the amendments this body voted on and put into our Senate bill but were unceremoniously stripped out of the bill by the House because they do not want it to be as tough a crime bill as we want it to be.

And there is little or no reason to strip out amendments that would require mandatory minimum penalties for people who use a gun in the commission of a crime, mandatory minimum penalties for selling drugs to kids, mandatory minimum penalties for employing kids to sell drugs; that really would give us the right to deport criminal aliens after they serve their time; that would rectify and straighten out the mandatory minimum repeal problems that we have because the language in the conference report is the House soft language.

We want the Senate language which all of us voted for, or most all of us voted for, in order to be tougher against crime and to get those first-time convicted drug lords when we get them.

Last but not least—I have left it to last—we wanted to tighten up the prison language so that we use that money for bricks and mortar, rather than just about anything they want to that they call prisons. We wanted to tighten it up so there is not $11 billion in grants in this bill.

The fact of the matter is, the majority leader has offered to lump these four pork amendments in this gravy-sucking hog bill into one amendment, knowing that he can get 51 votes on his side to defeat us on it and keep those moneys in, and probably release some of his Members to vote against it who might be up this year. We cannot play that charade.

There are two sides to this. We want to cut back on the pork and we want a tougher bill. And the reason they do not want these last six amendments is because we would win on them and the American people would win on them.

Now I am very concerned about it, because I believe that we have to roll the dice. We are going to vote on this point of order. If we win, we win. If we lose, we lose. I will be happy just to get it over with, because it has been a long ordeal and I am happy to accommodate my colleagues on it.

But make no bones about it, there are a lot of promises by this administration as to what this bill will do and it will not. There are not going to be 100,000 police on the street next year or the next year or the next year or the next year. And if there are any police, the States are going to get stuck with the ultimate costs.

There are not going to be the reductions in crime that have been prophesied by those who are pushers of this bill. And, I might add, there are not going to be a lot of things that they say that are tough on crime, because this bill is not tough on crime. Most of this money is going to be used to reelect people they want to reelect.

Mr. President, that is hard language, but that is the way it is. It is the way it has been around here for almost 60 years—business as usual.

We have this Federal Government that is in everybody's lives, that is dominating all of us, and is ferociously sucking all of the taxes out of all of our people through deficit spending to a point where it is wrecking the country. That is what is involved here.

I hope we will vote for the point of order. If we do not, then that is what is going to happen to us. And we are going to point out every year from here on in why the American people have been suckered once again.

I yield the floor.

The PRESIDING OFFICER (Mr. FORD). The Senator from Delaware.

Mr. BIDEN. Mr. President, we are—I was going to say finally at an end—but

even after we go through this, we still have a cloture vote to go through, so we are not finally at an end, but we are getting there.

A number of things have been said on the floor the last couple of weeks that I am sure every Senator on both sides of the aisle who said them, everything they said, they believed every word they said. And because they have not had a chance, I suspect, to read all of what is in this bill, they have mistakenly—in terms of a factual sense—characterized what this bill does or does not do.

Let me start off by dealing with part of what my friend—these are just several illustrations I will give—my friend from Maine, Senator COHEN—he is truly one of my close friends—he cited two aspects of what he talked about, the National Association of Assistant U.S. Attorneys, one of which related to whether or not someone was going to—had threatened them or not threatened them, whether they could meet. I do not know about that, so I will not respond to that. But on the other part of that, what they were worried about, whether or not that was taken care of substantively in their letter sent to me, and Senator HATCH and I spoke to them on the telephone. They had a telephone conference. They called me. I was on a telephone conference with these individuals after receiving the letter.

They said, "The present crime bill contains provisions which not only severely negate the benefits of mandatory minimums for certain class of offenders but also would permit the filing of 10,000 to 20,000 frivolous lawsuits." Then it goes on. "The bill's present language was intended to address low-level drug traffickers who are so minimally involved that they cannot have their sentences reduced." Then it goes on, "We are not opposed to those objectives," and it says, "This is the language we want corrected," and it gives language.

They told me the thing they most worried about was the retroactive provision. That is the number—that would affect 10,000 to 20,000 people. We took that out. That is not in this bill; rectroactivity—the thing they were concerned about, spoke to me about, I had a telephone conference with them about—is not in the bill.

I do not speak to the second issue. I will look into it as the Senator has asked, about whether or not they were threatened or not threatened. I do not know the facts on that.

No. 2——

Mr. COHEN. Will the Senator yield?

Mr. BIDEN. I only have 5 minutes.

Mr. COHEN. Just the point, if you would have walked into a room and a Justice Department official would say, "You are in violation of the Criminal Code; we are not interested in prosecuting you, but we will sort it all out later"——

Mr. BIDEN. I would fire them.

Again, I do not ever question what my friend from Maine said. I do not know that; that is a different issue from the second point about what things apparently were just misunderstood; we did not have enough time; my Republican friends were not involved in this. We had 11 days of debate on this bill in the Senate in November; 102 amendments were offered.

We then, when we finally got to conference, had 19 hours of open, contemporaneously televised CNN debate between Democrats and Republicans, Republicans and Republicans, and Democrats and Democrats, in the clear sunshine of the klieg lights of CNN, C-SPAN, and other stations.

There were numerous amendments. I do not know how many amendments—29 Republican amendments offered in that process. I do not know what is required to constitute participation, but I thought that was participation.

Third point, on the issue—I am just picking three things. It was said today by one of my colleagues who is an able lawyer and a member of the committee, he sincerely thought that the mandatory minimum sentences for selling drugs to children were repealed in this legislation.

That is factually not true—factually not true. Not only was it not repealed, these minimum mandatory sentences for selling to minors, under a statute that was not touched by the Congress, title 18, United States Code, section 5—859 and 861, there are existing minimum mandatories.

And, in addition to that, two sections were added to that continued existing minimum mandatory. On page 246 of this legislation, sections 14005 and—14006 and 14008, we increased the penalties for those who sell or use minors—increase the penalties—increase them.

Last, this notion that this is not tough. There are 60 new death penalties, brand new—60. There are 70 additional enhancements of penalties; that is, you go to jail longer. This notion that the—the idea the last statement of my distinguished friend from Utah made that this is—I thought he said "a giveaway program for reelection" or something. I do not know what it was.

The point of the matter is what we did between the vote you all voted on in November and the one that came back, the conference report that I brought back in here has an additional $1.3 billion more for law enforcement than when it left here; and it has an additional $3.2 billion for prisons than when it left here.

So it is pure misinformation, unintentionally delivered by couriers on both sides of the aisle, to suggest that, A, there is less money for cops; B, there is less money for prisons, and so on.

This bill will save people's lives. This is necessary. I hope to the Lord we, in fact, waive the budget point of order and get on with the next filibuster.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, first let me send to the desk the amendments that we would have offered, had the motion to waive not been approved.

I ask unanimous consent they be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DOLE. Again, I think in our dealing with minors on drugs and those who employ minors to sell drugs, we increased the minimum penalty from 5 to 10 years. I think that is the difference. The Senator from Delaware may have increased the maximum. We increased the minimum penalty. We think it ought to be increased—it was increased.

Mr. BIDEN. That is right—exactly.

Mr. DOLE. Mr. President, I want to begin by thanking my Republican colleagues in the House for their efforts last weekend on the crime bill.

Restoring the key public notification provision of the Megan Kanka law; preventing the retroactive repeal of mandatory minimum sentences for drug offenders, cutting some spending—these are all steps in the right direction and House Republicans deserve credit for hanging in there and making a bad bill a little bit better.

But, Mr. President, what does it say about the liberal leadership in Congress when House Republicans have to resort to legislative trenchwarfare to prevent 16,000 convicted drug dealers from getting out of jail early?

What does it say about the toughness of the so-called crime bill when Republicans have to fight tooth-and-nail to ensure that the public is notified when violent sexual predators are living in their communities?

And what does it say about our crime-fighting priorities when the new and improved crime bill still earmarks billions and billions of dollars not for law enforcement, but for a gaggle of social-spending programs.

Yes, the conference report has been improved, but it still falls far, far short of the tough crime-fighting plan the American people deserve.

So, Mr. President, Republicans here in the Senate want to be helpful. Just like our House colleagues, we want to improve the crime bill, make it stronger, tougher, better—and that's why we would like to offer a series of 10 tough-on-crime and tough-on-pork amendments.

First, there's still too much social spending, nearly 7 billion dollars' worth which happens to be $3 billion more than the amount of social spending contained in the crime bill passed

by the Senate last November. Yes, there was some pork in the Senate bill too much pork and, to be fair, Republicans have to confess that we, too, participated in the spending-spree last November.

But we have done something unusual around here, we have gone back home and listened to the American people. And the message we are hearing loud and clear is that the American people do not want a pork bill, they want a crime bill, a tough-on-crime bill.

All the fancy arithmetic can not hide the fact that when the crime bill passed the Senate last November it was a $22 billion measure. The conference report, as it now stands, is still a $30 billion package, nearly a 40-percent increase. So, obviously, somewhere along the way, the crime bill was hijacked by the big-dollar social spenders. That is a fact.

And that's why Republicans are prepared to strike out nearly all of the social spending, all of the pork, nearly 5 billion dollars' worth—so we can pass a lean and mean, 100 percent fat-free crime bill.

We can start with the $1.6 billion Local Partnership Act. This bill was originally introduced in 1992, not as a crime-fighting measure, but as a way to pump Federal dollars into the inner cities. And guess what? The Local Partnership Act happens to reward those cities with high tax rates and high rates of unemployment. So, if you are a place like Wichita, KS, that has managed to keep its economic house in order, you are out of luck. And to my knowledge, there has not been a single hearing—not one—on this measure—even though it proposes to spend nearly $2 billion of the American people's money.

Then, there's the $1 billion drug-court proposal that funds health care, education, housing placement, child care—anything, in other words, but crime control. And again, no hearings.

Another goodie is the national community economic partnerships, a $270 million program administered by the Department of Health and Human Services to provide grants to local community groups in order to, and I quote: "Improve the quality of life." There is not even the pretense of trying to link the spending to fighting crime.

And, let us not forget the $625 million model intensive grant program, which throws Federal money at 15 lucky cities handpicked by the administration. Funding under this program can be used to address such crime problems as the deterioration or lack of public facilities, public transportation, and street lighting.

These are just some of the big-ticket items—and there are little items as well.

Take the community-based justice program, which sounds great in theory until you read the fine print. This $50 million program adopts the criminal as a victim of society approach, requiring prosecutors to: "focus on the offender, not simply the specific offense, and impose 'individualized sanctions' [such as] conflict resolution, treatment, counselling, and recreation programs." The program defines young violent offenders as individuals up to 22 years of age "who have committed crimes of violence, weapons offenses, drug distribution, hate crimes, and civil rights violations."

There's also the $5 million urban recreation program, which is designed to improve recreation facilities in our cities. There's the ounce of prevention program, which is more like a $90 million pound of pork. There is something called the family and endeavor schools program, which provides $243 million in grants for sports, arts and crafts, social activities, and dance programs.

And, of course, there is midnight basketball, which is now hidden in the local crime prevention block grant program.

If you think all these programs were added to the crime bill just to give kids something to "say yes to," as President Clinton likes to claim, you are wrong. They are designed not to fight crime, but to placate the most liberal members of the Democrat Party, who have insisted all along that without the pork, there will be no crime bill.

Of course, it is a very high price to pay. According to the General Accounting Office, the Federal Government currently runs 154 job-training programs with an annual cost of $25 billion. Here is the report. GAO also estimates that the Federal Government spends more than $3 billion annually on 266 programs designed to curb juvenile delinquency. Here's another report—prepared by the Charles Stewart Mott Foundation—that lists some of these programs.

So, Mr. President, the Federal effort is already there. We do not need more programs, more duplication, more runaway spending, more debt for our children and grandchildren.

We have spent trillions and trillions of dollars on the Great Society and the War on Poverty, and yet, during the past 30 years, violent crime has increased by a staggering 500 percent. Apparently, we still have not learned.

From day one, Republicans have argued that the most effective prevention program is not the pork barrel, but the prison cell. Too often, criminals who have been arrested, sentenced, and convicted have slid through the revolving prison door—legally, and with tragic consequences. That is why Republicans have insisted that State prison grants be conditioned on the adoption of truth-in-sentencing laws: If a criminal receives a 15-year sentence, he should serve 15 years, not 5 or 10 years, as is so often the case.

Unfortunately, when it comes to keeping violent criminals behind bars, the conference report flunks the credibility test.

For starters, there is no guarantee that a single dime of the money allegedly earmarked for prisons will build a single brick-and-mortar prison cell. As currently drafted, all of the funding can be used for boot camps, half-way houses, and other prison alternatives. So, reading the fine print is critical and Republicans want to offer an amendment that would clean this language up.

In addition, 50 percent of the State prison grants aren't conditioned on any truth-in-sentencing requirement at all. And the other 50 percent is conditioned on a watered-down version of truth-in-sentencing, allowing States to receive the grants if they require that second-time—not first-time—violent offenders serve at least 85 precent of their sentences.

The conference report also contains something called the reverter clause. Under this loophole, any funds allotted for the watered-down version of truth-in-sentencing, remaining available at the end of the fiscal year, will be dumped into the non-truth-in-sentencing pot for the next fiscal year. This means that States that do not want to adopt a truth-in-sentencing law may be able to delay their grant applications until the following year and receive the prison funds with no strings attached.

Yet, when there are strings attached, they are greased with what can only be described as Great Society mumbo-jumbo. For example: in order to receive a prison grant, States must implement something called a "comprehensive correctional plan." The plan must include "drug diversion" programs and "appropriate professional training for corrections officers in dealing with prison rehabilitation and treatment programs, prisoner work activities, and job skills programs."

So, Mr. President, as if they do not have enough to do already, State prison officials will become social workers, as well, courtesy of the great minds in the U.S. Congress.

Again, Republicans want to correct these problems through the amendment process, but our colleagues on the other side of the aisle have precluded us from doing so.

Other tough-on-crime proposals were left on the cutting-room floor: Mandatory minimum penalties for those who use a gun in the commission of a crime; new Federal penalties for gang violence; Senator SIMPSON's proposal to ensure that criminal aliens are swiftly deported once they have served out their sentences; even mandatory restitution for the victims of violent crime. All embraced by the Senate. But all dropped by the liberal conference committee.

And let us not oversell the so-called 100,000 cops on the street proposal. If

you read the fine print, the States and localities will be picking up most of the police-hiring tab. In fact, one expert—Princeton University Professor John Diiulio, a registered Democrat and a gun-control advocate—estimates that the crime bill fully funds only 20,000 cops, and only 2,000 around-the-clock police officers.

So, Mr. President, who is kidding whom?

I want to pass a crime bill, and my Republican colleagues want to pass one, too. But if the crime bill is seriously flawed, as it surely is, then it is our responsibility—not as Republicans but as Members of the U.S. Senate—to fix what is wrong and make the crime bill even stronger.

And contrary to what some of my colleagues on the other side of the aisle are saying, the budget point of order is not some "procedural trick" that Republicans have only recently discovered. Senate Democrats have raised budget points of order at least 26 times in the 103d Congress—26 times—including against Senator HUTCHISON's initiative to repeal the retroactive tax increase.

Again, Mr. President: we are prepared to offer 10 amendments. We are prepared to agree to time limits on debate. But we are not prepared to stand by idly as Congress sticks the American people with a $30 billion pork-barrel juggernaut that is more hype than tough-on-crime substance.

I assume the headline will read, "Republicans Hand Clinton a Victory," and it ought to read that way because that is precisely what is going to happen here this afternoon and maybe that is the way it ought to work. That is bipartisanship, I guess. I commend my Republican colleagues in the House for sticking together long enough last weekend to make some changes in the bill. We were not able to do that on our side of the aisle. We tried. We made every effort. We thought we were in good faith and I think we could have saved several billion dollars in spending. But we are not going to have that opportunity because we are going to lose—lose this. But we are going to win with the American people.

I have looked upon this since the start—it is win-win for this side of the aisle. It is going to demonstrate again to the voters that we need more Republicans elected in November. This is an issue that is not going to go away.

This is a bill that left here—we can talk about 4 years, 5 years, 6 years—that sort of makes your eyes glaze over, but it is a $22 billion bill that became a $33 billion bill. That is something I think the American people understand.

I regret I failed as a leader to keep our people together on this side of the aisle. I commend the distinguished majority leader. He is more persuasive with Republicans than I am, and I commend him for it.

But we do the best we can. There were a lot of good changes made on the House side and we thought we could make some additional good changes on the Senate side. And we have not given up, because we will be back next year.

A lot of this is just authorization. It has to be appropriated. We are going to have more numbers next year and we will have a chance to do this one more time. And there will be other legislation coming up this year.

There is no doubt about it, we want a tough crime bill. I know of nobody who does not want a tough crime bill. But I think this has become a big, big spending bill. When the Wichita Eagle in my State, not known as a conservative paper, says let the crime bill die because it costs too much, I think they make a point. And the people across my State of Kansas and across the Midwest and across America know what this is. We are only dealing with Federal crime. This will not touch but 5 percent, and we are about to launch into a $30 billion spending program. There are going to be some good features in anything that big, but it is a big, big spending program.

But we are going to lose. That is the way it works. You win some, you lose some. We would rather win, obviously. We do not have much practice at it. But we are working on it. We would rather win. It is still a $30 billion package. It should have been at most a $25 billion package. We should have a chance to vote on some of these provisions on law enforcement, but we are denied that, too.

And I do not fault the majority, because they made us an offer, which they felt was in good faith. I think they knew in advance they had the votes. So when you have the votes, any offer is in good faith. We thought we made a good faith offer. We had the votes for about 24 hours. That is not bad for our side, keeping people together for 24 hours.

So we are prepared to vote. We do not know when the cloture vote may come. Maybe today, maybe Saturday. I guess that would be the normal course of events. But it just seems to me that once the American people understand—in fact, I understand on "Nightline", the program is going to be: Why are people so fed up with Washington?

Here is example No. 1. No. 1, right here. Let us do business as usual: spend a lot of money and tell people you are going to solve their problems; $30 billion. Somebody has to pay for it. That is why people are fed up with Washington. Everybody says, "Oh, we don't want to stand in the way. Oh, we don't want to hold it up. We don't want to inconvenience anybody, so we're going to vote to move this process along." Why not vote one time for the American people? Why not say we are not going to do anything until we cut spending in this bill? We might go from 18 percent to 20 percent with the American people; maybe, maybe not.

So there are a lot of goodies in this $30 billion package. You can stuff a lot of good things. We have not even figured them all out yet. We are not certain they are going to build one prison cell. That was some of the language we wanted to tighten up, but we never had a chance to tighten it up. We are not certain—I guess we are certain. If you commit a violent crime, you do not do your time. You have to do two violent crimes. You get a discount on the first one, and that will come as a great shock to the American people who are scared to death to be in their homes alone at night, or scared to death in the cities. So there are a lot of things in this bill. I am advised by the distinguished Senator from Utah that 30 tough provisions were dropped in conference.

So we are happy to be able to cooperate and accommodate the majority leader, because I think once you have lost, you have lost, and there is no use dragging this on, on this vote. But there will be other votes. And we are going to continue telling the American people precisely what we have done here today. What we have done here today is say, "You don't know anything about it out in the countryside; we know better. We're the ones in the Capitol. We're not going to listen to anybody outside Washington, and we've been here a long time and we're going to prove we are right." Well, I do not think the American people think we are right. They are opposed to crime, but they learned a long time ago, you do not just solve it by spending $25 billion, $30 billion.

So we congratulate the distinguished majority leader, and we hope that the next time around we may be on the winning side.

EXHIBIT 1

STRIKE THE MODEL INTENSIVE GRANTS

This amendment strikes the $625.5 million Model Intensive Grants program. Under this program, 15 cities are hand-picked by the Administrator, are given complete discretion on how to spend this money, and funds may be spent on any purpose loosely tied in the grant application to crime reduction. This program was not a part of the Senate bill. The amendment is as follows:

"In title III, strike subtitle C."

STRIKE THE LOCAL PARTNERSHIP ACT

This amendment strikes the $1.62 billion "Local Partnership Act" from the bill. The LPA is part of the Administration's repackaged stimulus package which takes the form of revenue-sharing grants to be distributed for 3 general purposes: education to prevent crime, drug abuse treatment to prevent crime, and job programs to prevent crime. Funds are distributed according to a formula which rewards cities with a low population, high unemployment, and a high tax burden. This program was not a part of the Senate bill. The amendment is as follows:

"In title III, strike subtitle J."

STRIKE HOUSE SOCIAL SPENDING

This amendment strikes approximately $737 million in social spending programs

which were not a part of the Senate passed crime bill. They include the Local Crime Prevention Block Grant program, the Family and Community Endeavor Schools program, the Community-Based Justice Grants program, the Urban Recreation Program, At-Risk Youth Program, and the Police Recruitment program. The amendment is as follows:

"In title III, strike section 30402, section 30403(b)(2), and subtitles B, G, H, O, and Q."

STRIKE SENATE PASSED SOCIAL SPENDING

This amendment strikes over $1.9 billion in social spending programs, some of which were supported by Republicans, from the bill. All of the programs removed by this amendments had passed the Senate as part of the Senate-passed bill, although, in some instances, their authorization levels were increased in conference. The programs removed by this amendment include the National Community Economic Partnership program, the Community Schools program, the Ounce of Prevention program, the Family Unity Demonstration Project, the Gang Resistance Education and Training program, and the Drug Courts program. The amendment is as follows:

"In title III, strike section 30401, section 30403(b)(1), and subtitles A, D, K, S, and X.

"Strike title V."

PRISON GRANTS AMENDMENT

This amendment strengthens the prison grants title of the conference report as follows:

The conference report currently allows the prison funds to be spent on alternative correctional facilities in order "to free conventional prison space". The amendment requires that prison grants be spent on conventional prisons to house violent offenders, not on alternative facilities.

The amendment removes from the bill a provision which would have conditioned state receipt of the prison grants on state adoption of a comprehensive correctional which would include diversion programs, jobs skills programs for prisoners, and post-release assistance. Accordingly, these grants will be used to build and operate prisons instead of implementing diversion program and the like.

The amendment also conditions prison grants on state adoption of truth in sentencing for first-time violent offenders. The conference report only required states to ensure truth in sentencing for second-time violent offenders.

The amendment also deletes a reverter clause which provides that truth in sentencing incentive funds which are not quickly spent will be reverted back to non-incentive grants. This reverter clause would essentially remove any incentive to comply with the truth in sentencing grants. The amendment is as follows:

"In title II, strike subtitle A and insert the following:

"Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants

"SEC. 20101. GRANTS FOR CORRECTIONAL FACILITIES.

"(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual States and to States organized as multi-State compacts to construct, develop, expand, modify, operate, or improve conventional prisons to ensure that prison cell space is available for the confinement of violent offenders and to implement truth in sentencing laws for sentencing violent offenders.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this subtitle, a State or States organized as multi-State compacts shall submit an application to the Attorney General which includes—

"(1) assurances that the State or States have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public;

"(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

"(3) assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve conventional correctional facilities to ensure that prison cell space is available for the confinement of violent offenders;

"(4) assurances that the State or States have involved counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation or improvement of correctional facilities designed to ensure the incarceration of violent offenders, and that the State or States will share funds received under this section with counties and other units of local government, taking into account the burden placed on these units of government when they are required to confine sentenced prisoners because of overcrowding in State prison facilities;

"(5) assurances that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds;

"(6) assurances that the State or States have implemented, or will implement within 18 months after the date of the enactment of this Act, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veteran's benefits to which they are entitled;

"(7) if applicable, documentation of the multi-State compact agreement that specifies the construction, development, expansion, modification, operation, or improvement of correctional facilities; and

"(8) if applicable, a description of the eligibility criteria for prisoner participation in any boot camp that is to be funded.

"(c) CONSIDERATION.—The Attorney General, in making such grants, shall give consideration to the special burden placed on States which incarcerate a substantial number of inmates who are in the United States illegally.

"SEC. 20102. TRUTH IN SENTENCING INCENTIVE GRANTS.

"(a) TRUTH IN SENTENCING GRANT PROGRAM.—Forty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 shall be made available for Truth in Sentencing Incentive Grants. To be eligible to receive such a grant, a State must meet the requirements of section 20101(b) and shall demonstrate that the State—

"(1) has in effect laws which require that persons convicted of violent crimes serve not less than 85 percent of the sentence imposed; or

"(2) since 1993—

"(A) has increased the percentage of convicted violent offenders sentenced to prison;

"(B) has increased the average prison time which will be served in prison by convicted violent offenders sentenced to prison;

"(C) has increased the percentage of sentence which will be served in prison by violent offenders sentenced to prison; and

"(D) has in effect at the time of application laws requiring that a person who is convicted of a violent crime shall serve not less than 85 percent of the sentence imposed.

"(b) ALLOCATION OF TRUTH IN SENTENCING INCENTIVE FUNDS.—The amount available to carry out this section for any fiscal year under subsection (a) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation by 1993.

"SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.

"(a) VIOLENT OFFENDER INCARCERATION GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 shall be made available for Violent Offender Incarceration Grants. To be eligible to receive such a grant, a State or States must meet the requirements of section 20101(b).

"(b) ALLOCATION OF VIOLENT OFFENDER INCARCERATION FUNDS.—

"(1) FORMULA ALLOCATION.—Eighty-five percent of the sum of the amount available for Violent Offender Incarceration Grants for any fiscal year under subsection (a) and any amount transferred under section 20102(b)(2) for that fiscal year shall be allocated as follows:

"(A) 0.25 percent shall be allocated to each eligible State except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent.

"(B) The amount remaining after application of subparagraph (A) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"(2) DISCRETIONARY ALLOCATION.—Fifteen percent of the sum of the amount available for Violent Offender Incarceration Grants for any fiscal year under subsection (a) shall be allocated at the discretion of the Attorney General to States that have demonstrated the greatest need for such grants and the ability to best utilize the funds to meet the objectives of the grant program and ensure that prison cell space is available for the confinement of violent offenders.

"SEC. 20104. MATCHING REQUIREMENT.

"The Federal share of a grant received under this subtitle may not exceed 75 percent of the costs of a proposal described in an application approved under this subtitle.

"SEC. 20105. RULES AND REGULATIONS.

"(a) The Attorney General shall issue rules and regulations regarding the uses of grant funds received under this subtitle not later than 90 days after the date of enactment of this Act.

"(b) If data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for that State for the purposes of allocation of any funds under this subtitle.

"SEC. 20106. TECHNICAL ASSISTANCE AND TRAINING.

"The Attorney General may request that the Director of the National Institute of Corrections and the Director of the Federal Bureau of Prisons provide technical assistance

and training to a State or States that receive a grant under this subtitle to achieve the purposes of this subtitle.

"SEC. 20107. EVALUATION.

"The Attorney General may request the Director of the National Institute of Corrections to assist with an evaluation of programs established with funds under this subtitle.

"SEC. 20108. DEFINITIONS.

"In this subtitle—

"'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

"'State' or 'States' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

"SEC. 20109. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle—

"(1) $175,000,000 for fiscal year 1995;

"(2) $750,000,000 for fiscal year 1996;

"(3) $1,000,000,000 for fiscal year 1997;

"(4) $1,900,000,000 for fiscal year 1998;

"(5) $2,000,000,000 for fiscal year 1999; and

"(6) $2,070,000,000 for fiscal year 2000."

MANDATORY MINIMUM PENALTIES FOR USE OF A FIREARM

This amendment provides a mandatory minimum penalty of 10 years imprisonment for anyone who uses or carries a firearm during a crime of violence or drug trafficking crime. If the firearm is discharged, the person faces a mandatory minimum 20 years imprisonment. If death results, the penalty is death or life imprisonment. The amendment is as follows:

"At the appropriate place insert the following:

"SEC. . INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

"Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: 'Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"'(A) be punished by imprisonment for not less than 10 years;'

"'(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years;' and

"'(C) if the death of a person results, be punished by death or by imprisonment for not less than life.'

"'Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.'."

USE OF MINORS IN DRUG TRAFFICKING

This amendment provides a mandatory minimum sentence of 10 years imprisonment for anyone who employs a minor in drug trafficking activities. The amendment provides for a sentence of mandatory life imprisonment for a second offense. The amendment is as follows:

"SEC. . MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

"(a) EMPLOYMENT OF PERSONS UNDER-18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

"(1) In subsection (b) by adding at the end the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

"(2) in subsection (c) (penalty for second offenses) by inserting after the second sentence the following: [1]Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other provisions of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.[1]"

DRUG SALE TO MINORS

This amendment provides a mandatory minimum prison sentence of 10 years for anyone 21 years of age or older who sells drugs to a minor. The amendment provides for a sentence of mandatory life imprisonment for a second offense. The amendment is as follows:

"SEC. . MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS.

"(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

"(1) in subsection (a) (first offense) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

"(2) in subsection (b) (second offense) by inserting after the second sentence 'Except to the extent a greater sentence is otherwise authorized by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.'."

CRIMINAL ALIEN DEPORTATION

This amendment inserts the Simpson criminal alien deportation provisions which were rejected in conference. Virtually identical legislation was included in the Senate-passed crime bill. The amendment provides for the expedited deportation of non-permanent resident aliens convicted of certain violent felonies upon completion of the prison sentence. The amendment would also allow federal judges to enter deportation orders at the time of sentencing. Once the sentence is served, the criminal is automatically deported. This reform should be restored to the crime bill. The amendment is as follows:

Strike sections 1301, 1302, and 1304 and

At the appropriate place, insert the following:

TITLE L—DEPORTATION OF ALIENS CONVICTED OF CRIMES

SEC. 5001. EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) EXPANSION OF DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

"(43) The term 'aggravated felony' means—

"(A) murder;

"(B) illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code);

"(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive materials (as defined in section 841(c) of that title);

"(D) an offense described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded $100,000;

"(E) an offense described in—

"(i) section 842 (h) or (i) of title 18, United States Code, or section 844 (d), (e), (f), (g), (h), or (i) of that title (relating to explosive materials offenses);

"(ii) section 922(g) (1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924 (b) or (h) of title 18, United States Code (relating to firearms offenses); or

"(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

"(F) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;

"(G) a theft offense (including receipt of stolen property) or budgetary offense for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 33 months;

"(H) an offense described in section 875, 876, 877, or 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

"(I) an offense described in section 2251, 2251A, or 2252 of title 18, United States Code (relating to child pornography);

"(J) an offense described in section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations) for which a sentence of 5 years' imprisonment or more may be imposed;

"(K) an offense that—

"(i) relates to the owning, controlling, managing, or supervising of a prostitution business; or

"(ii) is described in section 1581, 1582, 1583, 1584, 1585, or 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

"(L) an offense relating to perjury or subornation of perjury if the offense involved

causing or threatening to cause physical injury to a person or damage to property;

"(M) an offense described in—

"(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18, United States Code; or

"(ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents);

"(N) an offense that—

"(i) involves fraud or deceit in which the loss to the victim or victims exceeds $200,000; or

"(ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion) in which the revenue loss to the Government exceeds $200,000;

"(O) an offense described in section 274(a)(1) of title 18, United States Code (relating to alien smuggling) for the purpose of commercial advantage;

"(P) an offense described in section 1546(a) of title 18, United States Code (relating to document fraud) which constitutes trafficking in the documents described in such section;

"(Q) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 15 years or more; and

"(R) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to convictions entered on or after the date of enactment of this Act.

SEC. 5002. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) ELIMINATION OF ADMINISTRATIVE HEARING FOR CERTAIN CRIMINAL ALIENS.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(f) DEPORTATION OF ALIENS WHO ARE NOT PERMANENT RESIDENTS.—

"(1) Notwithstanding section 242, and subject to paragraph (5), the Attorney General may issue a final order of deportation against any alien described in paragraph (2) whom the Attorney General determines to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony).

"(2) An alien is described in this paragraph if the alien—

"(A) was not lawfully admitted for permanent residence at the time that proceedings under this section commenced, or

"(B) had permanent resident status on a conditional basis (as described in section 216 or 216A) at the time that proceedings under this section commenced.

"(3) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in his discretion.

"(4) The Attorney General may not execute any order described in paragraph (1) until 14 calendar days have passed from the date that such order was issued, unless waived by the alien, in order that the alien has an opportunity to apply for judicial review under section 106.

"(5) Pending a determination of deportability under this section, the Attorney General shall not release the alien. An order of deportation entered pursuant to this section shall be executed by the Attorney General in accordance with section 243. Proceedings before the Attorney General under this section shall be in accordance with such regulations as the Attorney General shall prescribe and shall include requirements that provide that—

"(A) the alien is given reasonable notice of the charges;

"(B) the alien has an opportunity to have assistance of counsel at no expense to the government and in a manner that does not unduly delay the proceedings;

"(C) the alien has a reasonable opportunity to inspect the evidence and rebut the charges;

"(D) the determination of deportability is supported by reasonable, substantial, and probative evidence; and

"(E) the final order of deportation is not adjudicated by the same person who issued such order.".

(b) LIMITED JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) in the first sentence of subsection (a), by inserting "or pursuant to section 242A" after "under section 242(b)";

(2) in subsection (a)(1) and subsection (a)(3), by inserting "(including an alien described in section 242A)" after "aggravated felony"; and

(3) by adding at the end the following new subsection:

"(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.".

(c) TECHNICAL AMENDMENTS.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(1) in subsection (a)—

(A) by striking "(a) IN GENERAL.—" and inserting the following:

"(b) DEPORTATION OF PERMANENT RESIDENT ALIENS.—

"(1) IN GENERAL.—"; and

(B) by inserting in the first sentence "permanent resident" after "correctional facilities for";

(2) in subsection (b)—

(A) by striking "(b) IMPLEMENTATION.—" and inserting "(2) IMPLEMENTATION.—"; and

(B) by striking "respect to an" and inserting "respect to a permanent resident";

(3) by striking subsection (c);

(4) in subsection (d)—

(A) by striking "(d) EXPEDITED PROCEEDINGS.—(1)" and inserting "(3) EXPEDITED PROCEEDINGS.—(A)";

(B) by inserting "permanent resident" after "in the case of any"; and

(C) by striking "(2)" and inserting "(B)";

(5) in subsection (e)—

(A) by striking "(e) REVIEW.—(1)" and inserting "(4) REVIEW.—(A)";

(B) by striking the second sentence; and

(C) by striking "(2)" and inserting "(B)";

(6) by redesignating subsection (f), as added by subsection (a) of this section, as subsection (c);

(7) by inserting after the section heading the following new subsection:

"(a) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be deportable from the United States."; and

(8) by amending the section heading to read as follows:

"EXPEDITED DEPORTATION OF ALIENS CONVICTED OF COMMITTING AGGRAVATED FELONIES".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of enactment of this Act.

SEC. 5003. JUDICIAL DEPORTATION.

(a) JUDICIAL DEPORTATION.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(d) JUDICIAL DEPORTATION.—

"(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony), if such an order has been requested prior to sentencing by the United States Attorney with the concurrence of the Commissioner.

"(2) PROCEDURE.—

"(A) The United States Attorney shall provide notice of intent to request judicial deportation promptly after the entry in the record of an adjudication of guilt or guilty plea. Such notice shall be provided to the court, to the Service, to the alien, and to the alien's counsel of record.

"(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 20 days prior to the date set for sentencing a charge containing factual allegations regarding the alienage of the defendant and satisfaction by the defendant of the definition of aggravated felony.

"(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under section 212(c), the Commissioner shall provide the court with a recommendation and report regarding the alien's eligibility for relief under such section. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

"(iv) The court may order the alien deported if the Attorney General demonstrates by clear and convincing evidence that the alien is deportable under this Act.

"(3) NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.—

"(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of

an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order. If the conviction is reversed on direct appeal, the order entered pursuant to this section shall be void.

"(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order or deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

"(4) DENIAL OF JUDICIAL ORDER.—Denial of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a).".

(b) TECHNICAL AMENDMENT.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking "The" and inserting "Except as provided in section 242A(d), the".

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to alter the privilege of being represented at no expense to the Government set forth in section 292 of the Immigration and Nationality Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

SEC. 5004. RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.

(a) DEFENSES BASED ON SEVEN YEARS OF PERMANENT RESIDENCE.—The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking "has served for such felony or felonies" and all that follows through the period and inserting "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final. For purposes of this section, the term 'sentence' does not include a sentence the execution of which was suspended in its entirety.".

(b) DEFENSES BASED ON WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended—

(1) by striking the final sentence and inserting the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony."; and

(2) by striking "or" at the end of subparagraph (C) and inserting "or" at the end of subparagraph (D).

SEC. 5005. ENHANCING PENALTIES FOR FAILING TO DEPART, OR REENTERING, AFTER FINAL ORDER OF DEPORTATION.

(a) FAILURE TO DEPART.—Section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) is amended—

(1) by striking "paragraph (2), (3), or 4 of" the first time it appears; and

(2) by striking "shall be imprisoned not more than ten years" and inserting "shall be imprisoned not more than four years, or shall be imprisoned not more than ten years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 241(a).".

(b) REENTRY.—Section 276(b) of the Immigration and Nationality Act (8 U.S.C. 1326(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after "commission of" the following: "three or more misdemeanors involving drugs, crimes against the person, or both, or"; and

(B) by striking "5" and inserting "10";

(2) in paragraph (2), by striking "15" and inserting "20"; and

(3) by adding at the end the following sentence:

"For the purposes of this subsection, the term 'deportation' includes any agreement in which an alien stipulates to deportation during a criminal trial under either Federal or State law.".

(c) COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding after subsection (b) the following new subsection:

"(c) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

"(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

"(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.".

SEC. 5006. MISCELLANEOUS AND TECHNICAL CHANGES.

(a) FORM OF DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media, in the discretion of the special inquiry officer, or, where waived or agreed to by the parties, in the absence of the alien.".

(b) CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.— No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)) shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 5007. CRIMINAL ALIEN TRACKING CENTER.

(a) OPERATION.—The Attorney General shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien tracking center.

(b) PURPOSE.—The criminal alien tracking center shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1995 and $6,000,000 for each of fiscal years 1996, 1997, 1998, and 1999.

MANDATORY MINIMUM REFORM AMENDMENT

The House bill effectively repeals mandatory minimum penalties for many drug traffickers and dealers in the guise of providing a "safety valve" mandatory minimum penalty exception for first-time, non-violent drug offenders. According to the Administrative Office of the U.S. Courts, this provision could reduce the sentences for as many as 900 drug offenders annually.

The original Senate-passed crime bill contained a much narrower mandatory minimum reform measure which returned a small measure of discretion to federal courts in the sentencing of truly first-time, non-violent drug offenders. In addition, the court would have to find that the defendant did not finance the drug sale, he did not sell the drugs, nor was he a leader or organizer. Generally, it would apply to the so-called "mules." This amendment restores the Senate passed version and also adds a provision which assures that the "safety valve" will not be abused by the courts. This added improvement requires certification by prosecutors that the defendant cooperated with law enforcement.

The Senate voted overwhelmingly to instruct its crime bill conferees to insist on the Senate passed version. That instruction passed by a vote of 66 to 32.

This amendment, in a similar form, passed the Senate by a vote of 58 to 42. In doing so, the Senate rejected the broad mandatory minimum reform approach currently contained in the conference report. The amendment is as follows:

Strike title VIII and insert the following:

TITLE VIII—APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES

SEC. ___. FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

"(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

"(2) OFFENSES.—An offense is described in this paragraph if—

"(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

"(B) the defendant does not have—

"(i) more than 0 criminal history point under the sentencing guidelines; or

"(ii) any prior conviction, foreign or domestic, for a crime of violence against the person or drug trafficking offense that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a crime of violence against the person or drug trafficking offense;

"(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

"(i) as a result of the act of any person during the course of the offense; or

"(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

"(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person who possessed a firearm to do so and the defendant had no knowledge of any other conspirator involved possessing a firearm;

"(E) the defendant was not an organizer, leader, manager, or supervisor of others (as

defined or determined under the sentencing guidelines) in the offense;

"(F) the defendant was nonviolent in that the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense;

"(G) the defendant did not own the drugs, finance any part of the offense or sell the drugs; and

"(H) the Government certifies that the defendant has timely and truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan.".

(b) HARMONIZATION.—

(1) IN GENERAL.—The United States Sentencing Commission—

(A) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by subsection (a), and promulgate policy statements to assist the courts in interpreting that provision; and

(B) shall amend the sentencing guidelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(2) EMERGENCY AMENDMENTS.—If the Commission determines that an expedited procedure is necessary in order for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182; 101 Stat. 1271), as though the authority under that section had not expired.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) and any amendments made to the sentencing guidelines made by the United States Sentencing Commission pursuant to subsection (b) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of this Act. Notwithstanding any other provision of law, any defendant who has been sentenced pursuant to section 3553(f) who is subsequently convicted of a violation of the Controlled Substances Act or any crime of violence for which imposition of a mandatory minimum term of imprisonment is required, he or she shall be sentenced to an additional 5 years imprisonment.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, Members of the Senate, this is a good, strong, fair, balanced bill. It passed the House of Representatives with a substantial bipartisan majority. I hope it will do the same in the Senate.

This is not about a victory or a defeat for any political party or any political officeholder. This is a victory for the American people who have been scarcely mentioned in this debate, the millions of Americans who live in fear of violence, whose lives are blighted and restricted by that violence, by its threat, by the fear. This bill does not just deal with Federal crimes. It will put 100,000 police officers on the streets of this country, local police officers, to deter and prevent violent crime and to deal with criminal activity when it does occur. And it includes substantial prison funding to assist States in the construction of prisons.

I strongly urge my colleagues to defeat the point of order. Despite all of the talk, this point of order is not about money. This bill passed the Senate just a few months ago by a vote of 95 to 4. Republican Senators voted for it by a margin of 42 to 2. That bill covered 5 fiscal years 1994 through 1998. The conference report before us covers 6 fiscal years, 1995 through the year 2000. And in the 4 years common to both bills, the amount of money spent in the bill before us is less in each year than the amount of money that was in the bill that Republican Senators voted for by a margin of 42 to 2.

There were no complaints about money then. There was lavish praise for the provision now in the bill that is the subject of the point of order. The very people making the point of order to attack this provision in the bill, which ensures that the money will be spent to fight crime and not for other purposes, those very people praised that provision when it was proposed and, indeed, engaged in a competition for credit to suggest that they were responsible for coming up with this suggestion. Now we are told it ought to be subject to a point of order to bring the whole bill down.

Now, Mr. President, and Members of the Senate, an effort has been made here to suggest that because the conference report cannot be amended, there is something wrong or unusual or sinister about that. Every Senator knows, of course, that is not true. Every Senator knows that we debated this bill for 11 days, and 102 amendments were offered. And every Senator knows that in the previous Congress, we debated it for even more days and hundreds and hundreds of amendments were offered to this bill.

Over the past 6 years, no issue has been more debated, no issue has had more amendments offered, no issue has been more lengthily discussed than this issue here. Any implication that anyone is being shut off or cut off or foreclosed from offering amendments is directly contradicted by the record.

We have had more than enough debate. We have had more than enough amendments. We have had 6 years of debate and hundreds of amendments and, finally, there comes a time to act. Finally, there comes a time when delay is no longer an option. Finally, there comes a time when we must stand up and answer the roll: Are we or are we not willing to put our votes where our speeches are and do something about the tide of crime and violence and fear that engulfs so many in our Nation?

That is the only issue before us, and it ought not to matter to a single Senator who gets credit or who does not get credit or which party benefits or which party does not benefit. What ought to matter is what is right for the American people. And this bill is right for the American people. They want it passed. They know that they do not want their children to grow up in a climate of fear, a climate in which no individual can reach the full limit of his or her potential as a free citizen in our society.

The first responsibility of any society—any society—is the physical security of its citizens. Our society is not meeting that test. This bill will help us do so. I urge my colleagues, resist the temptation to take a political action. Do what is right for the people of this country. Defeat this point of order and pass this crime bill.

I yield the floor.

I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive section 306 of the Congressional Budget Act of 1974, to permit further consideration of the conference report on H.R. 3355.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—61

Akaka	Feinstein	Mikulski
Baucus	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boren	Harkin	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Jeffords	Reid
Bumpers	Johnston	Riegle
Byrd	Kassebaum	Robb
Campbell	Kennedy	Rockefeller
Chafee	Kerrey	Roth
Conrad	Kerry	Sarbanes
Danforth	Kohl	Sasser
Daschle	Lautenberg	Simon
DeConcini	Leahy	Specter
Dodd	Levin	Wellstone
Dorgan	Lieberman	Wofford
Exon	Mathews	
Feingold	Metzenbaum	

NAYS—39

Bennett	Domenici	Kempthorne
Bond	Durenberger	Lott
Brown	Faircloth	Lugar
Burns	Gorton	Mack
Coats	Gramm	McCain
Cochran	Grassley	McConnell
Cohen	Gregg	Murkowski
Coverdell	Hatch	Nickles
Craig	Hatfield	Packwood
D'Amato	Helms	Pressler
Dole	Hutchison	Shelby

Simpson	Stevens	Wallop
Smith	Thurmond	Warner

The VICE PRESIDENT. On this vote, the yeas are 61, and the nays are 39. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The motion to waive the Budget Act having been agreed to, the point of order falls.

The question is on agreeing to the conference report. Is there further debate?

Mr. MITCHELL addressed the Chair.

The VICE PRESIDENT. The majority leader.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, prior to the vote, I discussed with the distinguished Republican leader how best to proceed on this matter following the vote in the event the motion to waive was agreed to. And we have agreed to engage in a colloquy now on the floor restating our private discussions.

Mr. President, I inquire through the Chair of the distinguished Republican leader whether the Senate will now be in a position to act on the conference report, or whether it will be necessary to file a cloture motion to close debate on the conference report.

Mr. DOLE. Mr. President, if the majority leader will yield, I think it will be necessary to file a cloture motion. I am not——

Mr. MITCHELL. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order.

The Republican leader is recognized.

Mr. DOLE. Under the agreement we were working on, we had an agreement that there would be a cloture vote. We can possibly do it by consent, but we feel it is better to file a cloture motion. I am not suggesting we will wait until Saturday to have the vote, but just as a matter of process and procedure, there would be a record of the cloture motion having been filed. I think the Senator from Idaho wishes to speak, and others wish to speak. We can do it before Saturday, I hope. Today is Thursday.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I thank the distinguished Republican leader.

I send a cloture motion to the desk, and I ask that it be stated.

The VICE PRESIDENT. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report accompanying H.R. 3355, the Violent Crime Control and Law Enforcement Act:

Joe Biden, Joe Lieberman, Edward M. Kennedy, Tom Daschle, Jeff Bingaman, Harlan Mathews, Max Baucus, Fritz Hollings, Charles S. Robb, Dianne Feinstein, Dan Inouye, Wendell Ford, Patrick Leahy, Harris Wofford, Dale Bumpers, John Glenn.

Mr. MITCHELL. Mr. President, we will continue our discussions in an effort to determine whether it is possible to reach agreement to have the vote on the cloture motion at a time prior to the time on which the vote would occur under the rules absent any consent agreement.

Under the Senate rules, if no agreement is reached, the cloture motion would ripen for a vote 1 hour after the Senate came into session on Saturday. My hope is that we can agree to reach a conclusion on the matter before then. I understand that that is not possible now and, of course, that is appropriate and understandable.

I now suggest that the debate commence or continue on the matter, and I will discuss the matter further with the distinguished Republican leader and make an announcement as soon as I am able to do so.

Mr. DOLE. I say to the majority leader, we will discuss that on this side, and I will get back to him. I hope there is some hope of that happening.

Mr. MITCHELL. I thank my colleague.

Mr. BIDEN addressed the Chair.

The VICE PRESIDENT. The Senator from Delaware [Mr. BIDEN] is recognized.

Mr. BIDEN. Mr. President, I said this week that we are in the last phase of this process. We have one more hurdle to go to get this crime bill passed. And now we will get down to the single item that has made the difference all along for the last 6 years: Guns. The issue will be assault weapons or no assault weapons. I hope no one has any misunderstanding about that. We are ready to go ahead and debate.

Mr. BYRD. Mr. President, may we have order in the Senate?

The VICE PRESIDENT. The President pro tempore's point is well taken.

The Senate will be in order. Members will clear the aisles. Members in the rear of the Chamber will cease conversation.

The chairman of the committee, the manager of the bill, the Senator from Delaware, is recognized.

Mr. BIDEN. Mr. President——

The VICE PRESIDENT. The Senators will cease audible conversation. Order has been requested.

The Senators in the well to the left of the Chair will cease audible conversation.

Mr. BIDEN. Mr. President, I want to say that I realize for several of our colleagues, this was a very, very difficult political vote for them to make. It is not my prerogative to thank anyone, because I think what was done here was done truly because we can make a difference with this legislation. Nonetheless, I want to personally thank all of those of you who I called dozens of times and who are willing to cast this vote, Democrats and Republicans alike. I thank you all very much. I just hope we can now bear down. Senators METZENBAUM, FEINSTEIN, and DECONCINI have been the leaders on my side of this issue as it relates to the matter we are about to debate. I am sure you will hear a lot more of them than you will of me, and than you have in the last 6 years on this issue, because they know the issue better than I. I thank everybody for their cooperation.

I yield the floor.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, as you know, the assault ban was not part of the offer. That was a matter that, had the offer been accepted or had we won the point of order, we would not have been arguing about the assault ban. But we lost the point of order. Now we must address that ban—a ban which I believe violates the second amendment to the Constitution.

The second amendment protects the individual's right to bear arms—to bear arms to protect the family, to hunt, to engage in sporting activities. The so-called assault weapons ban violates that right. It is based on hysterical fear and is unjustified in both law and in fact. I will continue the fight against the ban and for the second amendment.

Mr. President, the semiautomatic assault weapons ban is a misleading substitute for fighting crime. Criminals generally obtain firearms from the black market, from other criminals, or by stealing them, rather than by obtaining them from gun shops or licensed dealers.

This is especially true for so-called assault weapons, which, in any event, are little used in the commission of crimes. Less than 1 percent of all serious crimes involve the use of assault-style weapons. (NRA drawn from Uniform Crime Reports and State criminological data; Ralph Z. Hallow, the Washington Times, May 5, 1994, at A8.) The fact that these firearms are semiautomatic merely means that a round is fed into the chamber when the weapon is fired. They are not machine guns. Indeed, they fire no differently than any semiautomatic hunting rifle.

Moreover, even if criminals are unable to obtain specific semiautomatic firearms, they will obtain other firearms to commit crimes. This measure is just one more step in an ongoing effort to take firearms out of the hands

of law abiding citizens. Of course, that effort will be magnified if this ban becomes law. The Clinton administration is part and parcel of this effort. It is the most anti-second amendment administration in memory, if not in our Nation's history.

Furthermore, the number of firearms that would be banned is unclear. That is because not only are certain enumerated firearms, such as Uzi's, Kalashnikovs, and Colt Ar-15s, the civilian version of the M-16, prohibited but unspecified military-looking firearms that have certain features, such as folding stocks, bayonet mounts, flash suppressors, or protruding pistol grips, are also banned. The number of these latter types are unclear, but what is certain is that various and long-used hunting and competition firearms would be banned. Finally, the limitation on magazines to 10 rounds makes little sense since a magazine can be inserted in a moment and it is easy to jury-rig it to hold more rounds. Enforcement will be a big government nightmare.

VAGUE, OVERBROAD, AND UNENFORCEABLE

The proposed ban on semiautomatic firearms is so vague and overbroad that enforcement becomes a nightmare.

How many firearms are banned? One would think that this provision would at a minimum clearly answer this question. Not true. Nineteen named firearms are banned, but also copies, types and replicas, and firearms having certain characteristics or modifications, such as a combination of folding stocks, pistol grips that protrude beneath the action of the weapon, bayonet mounts, flash suppressors, and barrels having threaded muzzles, are also banned. In a response to a series of letters from Senator CRAIG, John W. Magaw, Director of the Bureau of Alcohol, Tobacco, and Firearms, admitted that most of the firearms listed in Senator CRAIG's letter—between 100 and 160, depending on how one counts modified firearms—would be banned as assault weapons types and that the list "should not be considered to be all inclusive."

What is being banned? Although supporter's of this ban claim that only deadly assault-type weapons and their copycat versions are being banned, the ban extends to firearms such as the venerable Springfield M1A rifle, which is now used as a primary competition weapon, and the popular Colt AR-15, the civilian version of the military M-16, used for hunting and sporting purposes. That is because these weapons have military characteristics, such as a bayonet mount, a flash suppressor, or a folding stock, modifications that do not alter the main function or attribute of these firearms one iota. indeed, flash suppressors are typically used to prevent impairment of vision and to reduce recoil, and are, thus, invaluable in sharpshooting competitions. Ironically, President Clinton, during a recent bird-shooting trip to Maryland's eastern shore, borrowed a semiautomatic Benelli M1 Super 90 Field Auto Shotgun to bag his quarry. That is a popular upscale Italian shotgun that is legal. However, if, after these provisions were enacted, the President used the same Benelli model with cosmetic changes, such as the addition of a collapsible alloy or plastic stock and a pistol grip, he would have found himself on the wrong side of the law.

THE MYTH OF APPENDIX A

Appendix A of the assault weapons ban provisions exempts from the definition of a semiautomatic assault weapon a list of 670 specific hunting and sporting firearms. But this number is very misleading. First of all, only 85, less than 13 percent of the 670 firearms listed in the appendix, are even semiautomatic weapons. The appendix includes single-shot .22s, bolt-action shotguns and blackpowder cartridge guns, not exactly items that can be considered military-type weapons. Thus, the list is inflated in order to appear to be exempting more semiautomatic firearms than it does. Moreover, the 670 figure is even further inflated—it lists many model variations of the same firearm. The Remington Model 11-87, a semiautomatic shotgun, appears on the list 10 times; the Remington Model 870 pump shotgun is listed 16 times. And the list does not contain even one semiautomatic handgun. Thus, whole categories of sporting and home defense firearms are not excepted.

THE UNENFORCEABILITY PROBLEM

Because it is unclear how many firearms would be banned and, especially, what would be banned, enforcement could become a nightmare if BATF takes an aggressive position. Given past experience with BATF and the antigun position of the Clinton administration, this concern is very real. This nightmare situation is aggravated by the fact that magazines holding more than 10 rounds are prohibited. Since it is fairly easy to jury-rig magazines to increase round capacity and because magazines are easily concealable, enforcement of this provision is nearly impossible. There are millions of magazines in circulation today, and they are essentially untraceable. And how do you distinguished between magazines that have been grandfathered and newly obtained ones? Since magazines now have no serial or other markings, it would be essentially impossible to prove that a magazine was manufactured at a given time, and therefore impossible to prove that a crime had been committed.

Furthermore, in jurisdictions that have so-called assault weapons prohibitions, compliance has been minimal: 10 percent in California, and approximately 1 percent in Denver, Boston, and Cleveland. (Independence Institute 34, 35). These laws have made criminals out of normally law-abiding citizens.

CALIFORNIA EXPERIENCE

California's experience with its 1989 assault weapons ban, the Roberti Act, demonstrates that such bans are unworkable and that its underlying premises are deeply flawed. The Roberti Act, unlike the prohibition before us, bans only specific firearms. The act bans some firearms, such as the Springfield BM-59, but not almost identical weapons, such as the Springfield twin, the Beretta BM-59. The result, even under this law, has been utter confusion. The California Department of Justice cannot internally agree what weapons are banned. About half of the 65,000 guns registered under the law, which allows current owners to retain their firearms upon registration, are invalid, according to an Associated Press review of registration studies conducted for the California Department of Justice. (David Morris, the Press Enterprise, March 15, 1993, Riverside, CA). In many cases the California Department of Justice accepted registration fees for firearms not covered by the ban because the Department's employees could not understand what guns were covered. Similarly, to lessen confusion, local law enforcement officials have been supplied with folders of photographs of banned weapons. And, more importantly, innocent possessors of lawful firearms have been falsely arrested and prosecuted. These enforcement problems are nothing compared to what would happen if the proposed conference report passes, because of the broader scope of its assault weapons ban provisions.

ASSAULT WEAPON BAN IS UNNECESSARY

I want to respond briefly to several myths about so-called assault weapons. These firearms are not machine guns, which automatically discharge all rounds upon pulling the trigger. Semiautomatic firearms, on the other hand, can only discharge one round at a time. A round is advanced into the chamber after each firing. Semiautomatics do not fire the deadlier, high-power ammunition used by firearms for combat rifles, such as for a Browning Automatic Rifle. Moreover, semiautomatic rifles are commonly owned, approximately 3.3 million Americans own them, are highly accurate, and thus, are especially suited for home and self-defense. Indeed, Professor Gary Kleck, recipient of the American Society of Criminology's 1993 Hindelang Award, has found that firearms—including semiautomatic rifles—are used for self-defense about 2.5 million times annually (Los Angeles Times, April 29, 1994; Orlando Sentinel Tribune, April 10, 1994). Furthermore, some competition rules require semiautomatic rifles, while semiautomatic shotguns are popular for trap, skeet, and sporting clays. Significantly, so-called assault weapons are seldom used in the commission

of crimes. Why then the cry for their ban? Because they look like military weapons, they appear menacing. Accordingly, they are the best candidates for the gun control movement's drive ultimately to rip the second amendment entirely out of the Bill of Rights.

CRIME STATISTICS

I want to mention a series of statistics that place a ban on semiautomatic assault weapons in perspective. The fact is, a ban on semiautomatic assault weapons would do little to reduce the incidents of violent crime because such weapons are not the weapons of choice for violent criminals.

PERCENTAGE OF ASSAULT WEAPONS SEIZED BY LOCAL POLICE DEPARTMENTS

In Denver, in 1991, only 14 of the 1,752 guns seized by the Denver police were assault weapons (David B. Kopel, the Washington Times, May 5, 1994, at A18. According to the Colorado Attorney General's Office).

Of 689 guns seized by the Akron, OH, police in 1992, fewer than 1 percent were classified as assault weapons (Ralph Z. Hallow, the Washington Times, May 5, 1994, at A8).

In Baltimore County, in 1990, only two assault weapons were among the 644 logged in the police property room (Ralph Z. Hallow, the Washington Times, May 5, 1994, at A8; Baltimore Police Department firearms submissions).

Reports by all jurisdictions that reported police seizure data from 1980 to 1992 show that assault weapons amount to no more than 3.9 percent of guns seized in any jurisdiction, and are usually about one percent or less (David B. Kopel, the Washington Times, May 5, 1994, at A18.)

ERRONEOUS CONCLUSIONS DRAWN FROM TRACE STATISTICS OF THE BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

Firearms traces track the commercial possession of firearms from the manufacturer or importer to its first retail purchasers. Police can, and frequently do, request traces on firearms recovered at crime scenes, those found and turned in by citizens, or recovered under many other circumstances. Firearms need not have been used to commit violent crimes—indeed, most firearms traced have neither been used to commit, nor have another connection to, violent crimes. The BATF keeps statistics on the number of assault weapons it traces (NRA).

Yet, despite the tenuousness of such statistics, some newspapers erroneously reported in 1989, based on the BATF traces, that the percentage of assault weapons used in violent crimes was 10 percent for Chicago, 19 percent for Los Angeles, 11 percent for New York City, and 13 percent for Washington. In each of those cities, however, police departments conducted complete counts of all assault weapons which had been seized from criminals: 3 percent for Chicago, 1 percent for Los Angeles, 1 percent for New York City, and 0 percent for Washington, DC (Independence Institute 28).

There have been other erroneous conclusions drawn from BATF trace reports as well, including claims that 8 percent to 10 percent oi guns used in crimes are assault weapons and that assault weapons are 20 times more likely to be used in crime than other guns. These statistics are misleading for two reasons: First, assault weapons are used in only about 1 percent of gun crimes, and second, BATF traces only 1 to 2 percent of all guns used in violent crime and these guns are not randomly selected. Even BATF admits its statistics are tenuous since traces and the Uniform Crime Reports may not be truly representative of all crimes (David Kopel, the Washington Times, Aug. 5, 1994, at 18; Ralph Z. Hallow, the Washington Times, May 5, 1994, at A8; NRA; Independence Institute 29).

Mr. President, in conclusion, this ban is simply unnecessary. It takes away a fundamental right of the American people.

The VICE PRESIDENT. Does the Senator from Alaska seek recognition?

Mr. STEVENS. Yes, Mr. President.

The VICE PRESIDENT. The Senator from Alaska [Mr. STEVENS] is recognized.

Mr. STEVENS. Mr. President, I have seen some demonstrations on this floor of what I call ungentlemanly conduct, but since we now have a couple of ladies, I will call it conduct unbecoming of a Senator. I see no reason for the recent expression from the other side of the aisle that required a cloture motion, because some of us feel we have not been heard.

If you want to look at the RECORD since we got on this bill, more than half—as a matter of fact, I believe their time on the floor since we have been on the bill has been two-to-one. I personally was making a statement on the bill, and when our leader came in, I relinquished the floor to the leader so he could make a statement concerning the negotiations that were going on, and I have not as yet been able to get back to the floor.

It should have been no surprise at all that there are some of us who are very disturbed about this bill. But I find it very unfortunate, after almost 26 years here, to find that my insistence on the exercise of my rights as a Senator somehow or other is leading to comments from the other side of the aisle that I consider to be unbecoming of a Senator. If anybody wants to make a matter of personal privilege about this, I would be glad to yield to you. But as far as I am concerned, that is wrong. It is wrong. We have our rights. One of the first things Mike Mansfield told me is, "Do not forget, every Member of this Senate has equal rights right here. Every Member of the Senate has equal rights right here." I found people interrupting me during conversation and asking a question of another Member. I think the expressions from the other side of the aisle concerning particularly my right to express the feelings of many members of my State very offensive, Mr. President. For that reason, it is going to take a little bit more time to handle this bill.

Mr. President, I believe that we still have a way to go back to work and produce a true crime bill. We are going to talk here not just about guns; we are going to talk about the crime bill still. A true crime bill must deal with stopping criminals and strengthening the entire law enforcement and criminal justice system. I still believe this bill does not do that. We attempted to bring about, through a procedural mechanism, a way to allow the Senate to toughen the crime bill that was weakened by the process that it has gone through so far. I do not think this bill conforms to the budget. It does not conform to the goal of bringing the crime bill into compliance with the goal of improving the law and order system of this country.

The amendments to reduce the cost of the bill which would have been addressed by the point of order cannot now be offered to the bill.

(Mr. FORD assumed the chair.)

Mr. STEVENS. Before I forget, Mr. President, I ask unanimous consent that the comments I made the day before yesterday that were part of this statement appear in the permanent RECORD for this day as interrupted text of my statement in the Senate.

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

Mr. STEVENS. I might state to the Chair, I did make arrangements with the Reporter's office so that that previous statement could be carried over.

The PRESIDING OFFICER. The Senator is also thoughtful.

Mr. STEVENS. Mr. President, I was particularly concerned with the procedure we had before to bring back into this bill the language that would have tightened the prison language, that would have insisted on mandatory minimum penalties for gun crimes, to ensure prison funding goes to build prison brick and mortar cells and not prison alternatives, to bring about mandatory minimum penalties for selling drugs to minors, and to restore mandatory, not discretionary mandatory, but mandatory minimum penalties for employing minors to sell drugs.

I believe the Simpson amendment expediting criminal alien deportation should have been included in this bill, and I do not believe that we should have included the mandatory minimum repeal provision.

I have some real problems about this bill because I believe the Senate has also yielded now to a strange House procedure. We have allowed the House to take a conference report back to the

House after defeating that conference report. It amended the conference report, called it a conference report again, and sent it to us, and we are treating it like it is a conference report. It is not.

That conference report was not amendable in the House or the Senate. Once having been defeated, they should have sent us a new bill. If they had, we might have had a chance to deal with this appropriately.

What bothers me most, Mr. President, is there are nine States, the congressional delegation from which have a majority in the House. Nine States control the House. Here it takes 25 States plus 1 to control the Senate. A State like mine has one Member of the House. California has over 50. California, New York, Texas, Florida, Ohio, Pennsylvania, Illinois, New Jersey, and Michigan control the House.

I do not believe we should have allowed the House to adopt a procedure which we will live to regret, a procedure which allows the House, through its Rules Committee procedure, to treat a conference report in any way it wishes to treat it.

They have put up some strange rules in the House recently, but the way they handled this conference report, let us suppose they do it on the health care bill. What happens if they do it to one of our appropriations bills?

This is the strangest procedure I have seen in more than 25 years here in the Senate.

I think that there is no question that this bill offends many of us. I have said before how offensive the unfunded mandates are to States like mine.

We get out of the billions of dollars that go to assist law enforcement, we are talking about $44 million under this bill. We get $44 million spread over a period of 6 years and the strings on that $44 million is such that I am sure my State will turn it down because it means we have to match the money with 25 percent the first year, 50 percent the second year, 75 percent the third year, and we are paying it all from there on.

We agree to keep these people on for 6 years, but the mandate is really unfunded. Many of us have been talking about that for a long time, and I believe, Mr. President, that there is a question about that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STEVENS. Mr. President, I talked 2 days ago about the problems of the conferees and the way they dealt with this bill. The conferees eliminated funding incentives for States to make violent criminals serve at least 85 percent of their imposed sentences. I still do not understand that. That provision I felt was critical to reducing violence.

As a former U.S. attorney, I was very interested in the 1988 Department of Justice study that the average violent offender received an 8-year sentence but actually spent less than 3 years behind bars; for the average 8-year sentence, only 37 percent leads to actual periods of time in a prison.

The majority of the violent offenders are back on the streets in less than 2 years, according to that report. Two-thirds are out in 4 years.

I think many people here know what those violent felons do when society lets them out early. They resume their criminal life. The record shows and that report shows the robberies, the beatings, the murders; they continue.

Another study found that 63 percent of violent criminals released from prison were rearrested within 3 years, one-third for extremely violent offenses.

I have long believed that the solution was to make violent felons serve long prison terms and let the world know that a punishment for a crime is going to be fully served.

Once a person commits a violent crime, particularly with a gun, no other deterrent, in my opinion, works, not rehabilitation, not gun control. The only safe choice for a person who has used a gun once for a crime is to spend time, a long time behind bars.

Even though we know incarceration does work, the conferees greatly weakened the provision to make violent criminals serve at least 85 percent of their sentences. While the conference approved needed spending for prisons, none of this money is actually to go for new conventional prison cells. The Senate approved $6.5 billion in prison grants, to build more prison space. The conferees increased the money but insisted that much of the money be spent on rehabilitation programs, not incarceration of criminals.

I said before that $3.3 billion in social spending that is in the conference report, the budget point of order for that has just been set aside by the Senate. That, too, we will live to regret.

There is a 92-percent increase in this bill over the moneys in the Senate bill for programs which are not related to apprehending, convicting, and jailing criminals.

We sent to the conference a bill with tough mandatory gun crime penalties. You want to talk about guns. That is what I was talking about—guns. We have long insisted upon long sentences for abuse of the use of the right to have guns. We sought 10 years for firearm possession during a crime. We sought 20 years for firing a gun during the crime. We sought 30 years for using a machine gun or silencer for a crime. Everyone talks about these bad guns. No one is willing to really punish those who use them.

I think anyone who uses a gun with a silencer, in my judgment, actually shoots at another person, has intended to commit murder and it ought to be treated as an intended murder. The provision to do so was stripped out of this bill by the House.

Those were some of the provisions that we offered, those of us who believe that we have a right to have guns.

We wanted to bring about the death penalty if someone is killed with a firearm. That is the position of those who believe in the second amendment rights—extreme punishment for anyone who abuses those rights. But all of those provisions were taken out of this bill. All of them.

And then people say, "Why do you want to have any debate on this bill?"

Let me repeat again. We requested 10 years for firearm possession during a crime, 20 years for firing a gun during a crime, 30 years for using a machine gun or silencers during a crime, and the death penalty if someone killed a person with a firearm.

What is wrong with that? I do not see anything wrong with it. As a matter of fact, that is what we believe in.

The House rejected those mandatory sentences for gun crimes. We tried to have a procedure to get them back in. And what did they do? They found another strange procedure. When we voted on this bill before the Senate the last time, the House had sent to conference a bill that did not have a provision concerning semiautomatic weapons. It was not in the House bill when it went to conference.

A group of us went over and visited with Members of the House and said, "What happens if the crime bill from our side containing the Feinstein amendment goes to conference?" They said, "There is no way. There is no way that that can come back to the House," because the House has a point of order against a provision coming back to the House on which no hearing has been held, which was not part of the bill that was sent to the conference. That was already discussed here on the floor.

But we went over to check on whether that was truly the case, and we were told it was. So we joined in sending the bill to conference, because we thought that we would face that on another issue.

Mind you, Mr. President, there was another bill that had been passed with that provision in it. We knew we were going to face that provision. That was an entirely different bill. But the House—after we passed this bill, the Senate crime bill—sent to the conference, contrary to the rules of the House and Senate, a bill that dealt with the semiautomatic weapons ban.

Now, people who talk about why we are disturbed about the abuses of the

processes of the two bodies of this great legislature on this bill ought to look at what has happened.

I wonder sometimes if we are in control; if the other side will be as restrained as we have been about the tyrannical abuse of the processes of the Congress by Members of the other body and by the Members of the other side of the aisle here on this bill.

Mr. President, I believe that the House, in rejecting mandatory sentences for gun crimes, took the wrong course. They went to the semiautomatic weapons ban which has been discussed here.

Now those firearms are often confused with machine guns. Many people say that we are trying to block machine guns. Machine guns were blocked in the Machine Gun Act years ago. Automatic weapons are barred already. Machine guns are tightly restricted under existing Federal law. We wanted to tighten it even further, to say anybody that used a machine gun and kills someone would face the death penalty. I really think that it is unfortunate that was not done.

The firearms banned in this bill are functionally identical to thousands of firearms that are owned throughout my State and used legitimately day in and day out. They are used lawfully in Alaska, and in many areas of this country. They are used by the people who really believe they have second amendment rights; that they have the right to use those weapons. They view this bill and the Feinstein amendment as a step towards national gun registration, a means to confiscate, a means to bar the ownership and use of guns for the purposes we use them now.

And I have not heard one person on the floor of the Senate pledge that they would not support such measures. We are watching a progression now, one after another, toward adopting a policy as existed in Great Britain for many years, that you could not own guns. I hope everyone noticed they are starting to modify those gun laws in Great Britain.

Many Alaskans have asked, rightly, if they ban these firearms that are functionally identical to the firearms they now own, can Federal restrictions on their weapons that they now have and now use and now need be far behind? I think Alaskans are right to ask that question. I have not heard any answer to it here. I hope maybe some people will come and make a pledge that that is not the case.

This gun ban represents another step in the broader war against the second amendment. It has been estimated there are about 200 million firearms in this country. About one in every other home has a firearm.

Many people forget there are people who buy firearms for self-defense. Less than .02 percent—let me say that again—.02 percent of these guns are misused on an annual basis. About 1 million guns a year are used defensively, for self-defense; about a million.

In fact, there are more instances of guns being used defensively than there are instances of guns being used for arrests in this country.

There is no correlation between the gun ownership rates and crime rates. That is not so. It cannot be demonstrated at all.

Over the first 30 years of this century, American per capita handgun ownership remained stable. The homicide rate increased tenfold. Between 1937 and 1967, handgun ownership rose 250 percent. Now, the homicide rate dropped over this same period as handgun ownership rose.

Let me state that again. Between 1937 and 1967, handgun ownership in this country rose 250 percent. The homicide rate dropped 35.7 percent.

I visited Switzerland many times, Mr. President. It has a militia system. It distributes guns, pistols, and machine guns to every adult citizen. The males are required to have them and keep them at home. Rifle sales are unregulated in Switzerland. And there is almost no gun crime in Switzerland. The overall criminal rate is well under the United States rate. It is well under the crime rate of most European countries, including those that have absolute strict gun control.

Now, I do believe that this bill—a $30 billion bill—contains too much in social programs. It has not included the provisions—I do not know why they do this. I understand a lot of people disagree with us on gun ownership, but why did the House and why did the Senate conferees agree to delete the penalties for the misuse of guns?

The thing that really bothers me, as a former prosecutor, is why did they delete a provision that said if a person used a silencer in the commission of a crime they would be treated as a very violent criminal, as someone who intended to commit murder? I know of no other reason to put a silencer on. In fact, I do not know of anyone who has ever used silencers in terms of sporting or legalized activity.

But we tried to put a heavy penalty on anyone using it in the commission of a crime. Maybe there is some legitimate use for it—I cannot think of one now—but there is certainly no legitimate use for one in a commission of a crime.

We said, anyone that has a silencer and has that silencer during the commission of a crime is guilty of a very heinous crime.

And as one of the people that originated that idea, why should we not punish these people hard? Maybe if we punish people who misuse guns very harshly, others would understand that those of us who want to use guns legally, lawfully, and have them for their own legal use would be less pestered by the kind of legislation that we face now and the criticism that we are receiving during the consideration of this bill.

I hope someone will come out here and tell me why we should not have the same rights as anyone else on the floor of the Senate. The normal handling of a cloture session is 2 days. If it is shorter than that we have agreed to give up some of our rights. I do not remember many people on the other side of the aisle who have given up theirs. I know the distinguished Senator from Ohio certainly did not give up his, when we spent night after night handling his amendments to the natural gas bill. Maybe he can tell me why he is so abusive of us, who are trying to exercise our own rights for a few hours and discuss these provisions.

Again, these are provisions I tried 2 days to follow up on the statement I started on Tuesday. People know I have been back out here, time and time again, to finish this statement.

I cannot believe we ought to be in the position we are in today, where we have to justify the rights we claim under the second amendment. I think there should be more people trying to explain why they believe we do not have those rights. If they explain them forcefully enough I think they will exercise more people to join us in defense of our rights. Because as I said there are more people who use guns defensively in this country than there are police arrests.

Let me tell the Senator, I remember one particular time when General Westmoreland was coming back from Vietnam and I asked him to join me for a day and just relax and go fishing with an old friend of mine, who is now deceased. We were out in Resurrection Bay, near Seward. We were on board the boat already and we arranged for General Westmoreland to be helicoptered to a beach near where we were fishing, and we went to get him in a small boat. We came back on the boat and as Westmoreland got on the boat my good friend, Ken Brady—as I said now deceased—was reeling in an enormous halibut. It was really one of those great and beautiful days in Resurrection Bay; you do see forever. It was actually in early evening, in the summertime—the Arctic summer.

Ken knew he had an enormous, enormous halibut. So he pulled out a handgun, as he should have, as he was reeling this halibut in. I might say, Westmoreland's assistant was a little bit worried when he pulled out that handgun, worried what he was doing with it, but we promptly told him what it was all about.

As Ken got that halibut close enough to the boat that he could really get near it, he took the handgun and tried to shoot him. Just as he did, that halibut jumped up and he took off like a skate, and by the time he stopped he

had taken all of the line out of this reel, he was gone just—bam—gone. And, of course, lost.

But the point I am making is I cannot remember going fishing in a boat off Alaska without a gun on board. I cannot remember going into the woods in my State—and I toured through the countryside—without a gun.

I have another memory of a time when I was campaigning and we decided we would film a spot concerning the great fishing in the Karluk River on Kodiak Island. I had a gun with me. One of my friends was along with me, watching the photographer. We were in bear country. I was out fishing with a fly line, with a spinning rod. The kings were there. I was not doing too well, but they were there. He, my friend, said, "Back up." We usually do not back upstream while we are fishing, but I did for a little ways. And he said, "I want you to move a little bit to your left."

I said, "Why would I move to my left?" I looked to my left and here was this enormous Kodiak brown bear, as close to me as the President pro tempore of the Senate is now. And I have that on film. I reeled in and got out of there. But the only thing I am saying to you is we would have been absolute fools to have been in that place without our guns.

We did not shoot the bear. We did not bother the bear and would not have, unless he bothered us. But we have a right to these guns, Madam President. We have a right to them. And many of them have the same—same intrinsic mechanisms that this bill bans, those specific guns.

Are we next? Are we next? Are we going to take away our shotguns? The rifles we use for hunting? The shotguns we use when we go out to get some of the vast number of waterfowl that come to our country, the north country? Are we going to lose our handguns that we carry with us when we are out fishing for halibut?

I really think there has to be some consideration given to those of us who have guns, who believe we have the right to have them, and now see this path, the path being established, without regard to whether it would be more effective to put a deterrent in the system and put these people away who misuse the right to use guns.

Again, if you want to go back and look at it, the provisions we suggested that were in the Senate bill—and as a matter of fact, passed by an overwhelming majority in every instance—were deleted by the House for no reason other than they were guns. They were gun provisions. I have heard the other side of the aisle talk about our gun provisions and I said to the leader the other day, we are going to talk about guns. And everybody thought I was going to stand up here and talk just about the semiautomatic weapons banned in this bill. They do not listen.

I know my good friend from West Virginia listens. But I will tell the Senate, I am going to have some other things to say before I am through. I did not know when this was going to start today. But I believe the country is being pushed by a lobby that is more well financed than the NRA ever was. They believe their destiny is to take guns away from the American people. I have actually seen some of their materials that indicate that the second amendment does not mean what it says.

Madam President, as I started the statement I said I cannot support this bill. I now say I will not support this bill. There is a lot in it that as a former prosecutor I think is necessary. But if you weigh this bill in terms of its provisions to prevent crime, if they are to punish people who commit crime, and its provisions to punish people who misuse their rights to use guns, it is woefully imbalanced.

The moneys we tried to strike out with the point of order are far outweighed by the harm this does to those of us who really believe we have second amendment rights.

I will speak further later on, and yield the floor at this time to my good friend.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from West Virginia.

Mr. BYRD. Madam President, I will only speak for 6 or 7 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

TARA'S SON ON THE BANKS OF THE POTOMAC

Mr. BYRD. Mr. President, anyone genuinely knowledgeable about the United States Senate knows that this is an assemblage of extraordinary and contrasting personalities, of brilliant and sometimes lovably eccentric men and women—in the best sense of that word "eccentric"—drawn from a sometimes dizzying array of backgrounds, with a broad spectrum of expertise and perspectives.

But from time to time, even here in the U.S. Senate, one or another Senator arrives on our scene bearing such qualities and character that cause that Senator to stand out even here.

In this instance, I refer to our much admired friend, the Senior Senator from New York, the Honorable DANIEL PATRICK MOYNIHAN, a Senator who graces the Senate with his logic, eloquence, wit, and taste—one who is niggardly in his use of words but precise in his choice.

Among our colleagues, Mr. President, Senator MOYNIHAN is, as it were, sui generis.

I remember reading the 85 Federalist Papers that were written by John Jay, Alexander Hamilton, and James Madison. And the thought has occurred to me that here in our own midst is a Senator who could very well have joined in the writing of those papers, those essays, in the effort to convince the various conventions in the States, and particularly to convince the people of New York State to support the Constitution that had been written in Philadelphia. PAT MOYNIHAN would have added luster to that illustrious trilogy.

During his long, varied, colorful, and distinguished career, Senator MOYNIHAN has been a stevedore, a college professor, a bartender, an ambassador, a subcabinet member, and a United States Senator. Senator MOYNIHAN has served executive branch roles under both Democratic and Republican Presidents. Even as a working, serving Senator, PATRICK MOYNIHAN still contributes significantly to national scholarship with his articles and his informed speeches. His ineffable serenity and obstinate veracity of vision have, more than once, probed through the mists of the future to foresee coming problems and to suggest solutions which, after time's pages have been turned, proved to be correct and wise.

Senator MOYNIHAN is, indeed, perhaps the nearest example that we have here in the Senate currently of a genuine "Renaissance Man"—an expert in multiple scholarly fields and disciplines, all at once.

Moreover, to know DANIEL PATRICK MOYNIHAN is to understand, perhaps, the wellsprings of the incomparable era of Irish culture during the fifth and sixth centuries A.D., when Ireland was the repository of Classical and Christian civilization against the onslaughts of Nordic and Asian barbarians who toppled the last pillars of Roman authority in Western Europe and established a battery of semi-civilized kingdoms over provinces once ruled by the Caesars.

Senator MOYNIHAN embodies the charm and brilliance of Celticism at its best. To examine the corpus of Senator MOYNIHAN's published works is to come to grips with the reflections of a visionary possessed of a tempered, nearly galaxy-wide view of reality. To paraphrase the famous *Star Trek* epigram, Senator MOYNIHAN's mind has gone where few, if any, minds have ever gone before. Senator MOYNIHAN is a virtual "Davy Crockett of ideas," pioneering and cutting trails into the unknown economic and social wilderness that is the next century.

"In a most blinkered, bespectacled, logic-chopping generation, nature has gifted this man with an eye."

Madam President, a piece in the New York Times magazine of August 7, 1994, captures perhaps better than any recent featured article on Senator MOYNIHAN the breadth, depth, height, and caliber of this outstanding U.S. Senator and American statesman. I ask

unanimous consent that this article titled "The Newest Moynihan" be printed in the RECORD.

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

[From the New York Times Magazine, Aug. 7, 1994]

THE NEWEST MOYNIHAN

(By Todd S. Purdum)

"I don't think the air-conditioner adds much," Daniel Patrick Moynihan says, his long, slim fingers fiddling with the vents of a rental van on the morning after Memorial Day. "I'm going to suggest we turn the air-conditioner off. It's a beaut-i-ful day. We don't get many. We just open the windows, you see, and air comes."

The Moyni-van is rolling out of Binghamton, an old shoemaking city in the Southern Tier of New York State, toward the Democratic State Convention in Buffalo. The candidate has just held a small rally on the courthouse lawn in front of a bronze statue of Daniel S. Dickinson, the last New Yorker before him to head the lordly Finance Committee of the United States Senate, in 1850. With that event, Moynihan has formally begun his campaign for a fourth term in an office it once seemed entirely improbable that he would win.

Kevin Ryan, his young driver and personal aide, stammers and begins a balancing act that will last all day: toying with the knobs of the air-conditioner, trying to tune it low enough to escape his boss's notice without suffocating the passengers in the rear seats. But the Senator, who simply rolls up his window the moment the noise of rushing highway makes conversation impossible, is already on to other things. He begins a running discourse on the history, geology, architecture and politics of the cities and counties he is passing through on this brilliant May day, his voice spluttering and stuttering like Jiffy Pop on a campfire.

Now he explains the depth of the Finger Lakes; now the origin of cobblestone houses; now the prevalence of towns like Homer, Marathon and Ithaca, named in a fit of 19th-century republican idealism. As the van approaches Auburn along Route 20—the path Alexis de Tocqueville took on his survey of American prisons in the 1830's—the topic is the past, and the dangers of its casual disregard.

"I have an incom-plete theory," says Moynihan, who is cherished and mocked in Washington for no shortage of the same. "In the 1950's, with a progressive government and newspaper, you got into urban renewal and destroyed everything of value in your town." He is looking out the window, addressing the strip malls and gas stations that make up Auburn's mediocre modernity. "If you'd had a reactionary newspaper, and a grumpy mayor, you might still have it."

Might still have it, indeed. Entering his fourth decade at the center of debate on social policy, Pat Moynihan has become the Grumpy Mayor of America. It is a role he relishes, although it has made for an excruciatingly delicate relationship with a young Democratic White House that often sees him as an impediment to its sweeping goals. His campaign manager, closest adviser, defender and wife of 39 years, Elizabeth Brennan Moynihan, attributes it to a simple problem: "They definitely don't get him."

Getting him has never been easy. He is the only member of the Senate who had an honored seat at the funerals of both Richard M. Nixon and Jacqueline Kennedy Onassis. His Irish soul composed the epitaph for Camelot, answering Mary McGrory's lament the weekend of J.F.K.'s assassination that "We'll never laugh again" with the soft certainty, "Heavens, Mary, we'll laugh again; we'll just never be young again." His Irish wit led the diarist H.R. Haldeman to describe him as the most upbeat presence in the early Nixon White House, the "shot in the arm that the rest of the staff lacks." Moynihan was the prescient heretic and brilliant self-promoter who had the temerity to argue—before Ralph Nader was a household word—that better cars and seat belts, not better drivers, were the key to auto safety; who warned anyone he could find on Saturday, Nov. 23, 1963, that the Federal Government had better get Lee Harvey Oswald into custody to protect his life and avoid conspiracy theories; who accurately prophesized, years in advance and without honor, the collapse of the black family, the fall of the Soviet Union and the havoc that the Reagan revolution would wreak in the form of crippling deficits.

He is the onetime barkeep who (it is often said on Capitol Hill) can be unreliable after lunch and he is the relentless scholar and commentator who has written or edited 16 books—more (it is also said) than most politicians have read. He also just happens to be the most popular politician in his state, with favorable ratings about 60 percent. Six years ago, Moynihan won the state by the largest majority of any contested election in the history of the Senate, carrying 61 to 62 counties.

Now, after 17 years harrumphing and needling and inveighing on his pet topics, from transportation to welfare reform, he finds himself in the seat of Russell Long, the long-time lion of the Finance Committee, wielding power over taxes and Social Security and trade—half the Federal budget. He ascended to the chairmanship when President Clinton plucked Lloyd Bentsen from the post to be Treasury Secretary. It was a swap the Clinton White House has long since had occasion to ponder, since in confronting the challenge of the President's massive proposal for reshaping the nation's health care system, Moynihan has given the Clintons, and much of the rest of Washington, no end of grief. Indeed, the struggle over the health care bill has been nearly as much a test of Moynihan as of the President.

The Senator's cautionary tale of Auburn's missing grump helps explain why. Moynihan has always been more confident perceiving problems than devising solutions, more comfortable pointing than leading. The organizing political principle of his public life has been a restless skepticism of Utopian ideals. Asked to describe his credo, Moynihan at first demurs. "Nothing I want to give a name to," he says. "I'm not a Socialist and I'm not a Libertarian. I was never a Stalinist and I was never a Trotskyite. I guess if I had to say—and I don't have to say, but you asked—it's an avoidance of ideology." He pauses, then adds acidly: "'Which side are you on? If you're not on our side, you're on their side.' There's a different their all the time."

Twenty-four years ago, zealous liberals and sour conservatives in the Senate Finance Committee killed Moynihan's dream, as Richard Nixon's urban policy czar, of providing poor Americans with a guaranteed income. From this and other bitter experiences, Moynihan has developed a wariness that has only increased with age. Now, at 67, he confesses he is not sure that Government can master even the modest challenges he has forced it to spend money on—like converting the old General Post Office into a grand new Penn Station in Manhattan, to redeem the destruction of the old one 30 years ago.

This worries him, and the word he picks to describe it is the physicist's term for the amount of energy unavailable for useful work: entropy. What worries him even more is the thought of making immodest promises and, as he wrote 20 years ago, "the failure of executives and legislators to understand what is risked when promises are made."

"He believes the function of Government is to do good in society, and he's always looking for ways in which it can do good," says James Q. Wilson, the U.C.L.A. social scientist and a friend of 30 years. "But he's also prepared to admit that good intentions are not enough and that sometimes where people set out to do good, evil follows."

The van rolls westward. Moynihan peers out at another town, reading aloud a convenience store sign. "Qwik-Fill Mi-ni Marttt!" he spits in contempt. "Now do we call that progress?"

Outside the Ontario County courthouse in Canandaigua, Moynihan is holding a short rally. "As you all know," he cheerily tells a blank-faced crowd, "this is the courthouse where Susan B. Anthony was tried in 1873 for vot-ing in the election of 1872." Like many Moynihan asides that start out seeming to have no point, this story in fact has one. He tells it to apologize for being late, having dallied too long in nearby Seneca Falls, where the Women's Rights National Historical Park opened last year, thanks in part to the sponsorship of . . . Daniel Patrick Moynihan, who, he notes, won 60 percent of the vote in Ontario County six years ago and would like to again.

Moynihan starts to leave when a combo of high-school students strikes up "Danny Boy." He climbs carefully back up the steep steps, waves to quiet the small crowd and points to the saxophonist.

"Here's a young man," he says, "prac-ticing to be Pres-ident!" It is an affectionate reference and the crowd laughs. But its delivery tells much about his relationship with this President. The Senator likes to style himself as the only person to have served in the Cabinet or subcabinet of four Presidents—Kennedy, Johnson, Nixon and Ford—and he has lectured them and their successors for years. When Clinton was still a high-school student shaking Kennedy's hand in the Rose Garden, Moynihan was already correcting Kennedy's arithmetic in the Oval Office as an Assistant Secretary of Labor. Now, as chairman of the Finance Committee, Moynihan has power over virtually every aspect of Clinton's agenda and the public preceptorial between them has fascinated Washington for much of the last 18 months. The two are as stylistically different as it is possible to be: Clinton the ultimate flesh-presser, Moynihan skittish and shy around strangers or a crowd he can't dominate.

Back in the van, Moynihan's face pickles at the memory of Clinton confessing to a young woman on MTV that he wears briefs, not boxers. "I don't mind the question, but how could he have answered? He should have said: 'Young lady, I don't think that's a-propriate. Go wash your mouth out with soap!'" On "Meet the Press" a few Sunday mornings after the Buffalo convention, Tim Russert, a former top Moynihan aide, asked the Senator to clarify the President's position on health care. Moynihan smiled cryptically: "Ask him on. He'll come on, you know, if you had a little basketball hoop or something like that around here."

Such references bewilder the White House and even Moynihan's own aides, who profess

much mutual respect and affection between the two men. "I was just saying he's a guy who's always jogging and jumping around and doing things like that," Moynihan explained later. "And he goes on television a lot, the way other Presidents have never done. You know, that's something new in Presidential politics, those, you know, talk shows."

In many ways, Clinton is the heir to the centrist Democratic gestalt that Moynihan worked for years to make respectable. As Governor of Arkansas in 1988, Clinton was actively involved in the passage of Moynihan's Family Support Act, which required more work training for welfare recipients along with stricter child support enforcement. Just before the 1992 election, Moynihan's newsletter to constituents pronounced a blessing: "I have to say, I like the idea of a 46-year-old Governor coming to Washington with a zest for new ideas."

But almost from the beginning, there was trouble, and not just over style. "He's cantankerous, but he couldn't obstruct us even if he wanted to," an anonymous top Administration official was quoted as saying by Time magazine, referring to Moynihan. "We'll roll right over him if we have to." Moynihan has spent a good part of the months since showing who would do the rolling. In public and private, he criticized the President's health bill as often as he supported it. Last fall, he dismissed the Administration's cost estimates for a health care bill as "accurate fantasy." When the White House signaled that it might hold off on welfare reform, Moynihan described Clinton's end-welfare-as-we-know-it campaign promise as crass "boob bait for the Bubbas." He added that there was no health crisis and threatened to hold health care "hostage." Later, when asked on live television whether a special prosecutor should look into the Whitewater affair, Moynihan's "Yep" made him the first senior Democrat to say to.

The Finance Committee's chief of staff, Lawrence O'Donnell Jr., who confesses that as a Harvard student he was too intimidated to take Moynihan's class, attributes the frictions partly to junior aides and partly to Moynihan's own candor.

"Pat Moynihan does a very simple thing that at the end of the 20th century has become the most inexplicable trait a politician can have: he says what he thinks."

"He's a brilliant and complex man who speaks his mind," says George Stephanopoulos, the senior Clinton adviser who is often on Moynihan patrol. "Washington isn't always prepared for that. I think we understand Senator Moynihan and that he believes in the President's agenda. That doesn't mean there aren't tactical differences, or realities of the Senate, which he communicates very clearly."

There have been big differences. Moynihan complained that the Clintons' plan was drafted in secret, took too long to produce and ended up too complex to ever draw the bipartisan support he believes is necessary to pass and implement such a major program. From the beginning, he warned that his committee was narrowly divided, and he suggests that the Clintons adhered to a rigid party line long past the time when bipartisan compromise was possible. His own ability to deal, he suggests, was hamstrung by their inflexibility.

In a speech last month, Moynihan also complained that the health debate "has been plagued with press accounts of White House aides doubting this Senator, questioning that committee, detecting hidden motives—the while, of course, hiding themselves behind the anonymous leak." Privately, Moynihan complained that the Clinton plan's tilt against the high-cost medical specialties—the pride of New York's premier hospitals—smacked of 60's radicalism.

The White House and its most ardent Democratic allies countered, sotto voce, that the chairman was simply not on board and that for all his garrulous, accommodating affability he was not stroking his committee and could not deliver the votes. It became a dialogue of the deaf. In the end, Moynihan lost effective control of the narrow 11-to-9 Democratic majority on his committee. In the frantic hours before the July 4 recess, a bipartisan group of moderates produced a bill much less ambitious than Clinton's, one that would not guarantee the President's bottom line of universal coverage. Instead, the bill hopes to provide new subsidies for the poor, intended to cover 95 percent of all Americans by the year 2002; a commission would figure out how to deliver coverage if that percentage was not met. About the best most Democrats would say for the bill was that it kept the legislative process alive and gave the Senate majority leader, George Mitchell, a fig leaf to wrap around the other proposals on the floor.

As usual, Moynihan satisfied neither the liberals nor the conservatives. "If he really believes this was a potential danger to American medicine, there's much more he could have done to fashion a bipartisan bill," says Bill Kristol, the conservative analyst and Moynihan's former teaching assistant at Harvard. "I'm worried that Pat will have failed to influence the outcome in any meaningful way." He adds: "He's never in anybody's camp. In a way, that's admirable. It's also fair to ask, if you are going to be in real politics, don't you have to choose sides?"

Moynihan says with some heat that he was whipsawed between the White House's unrealistic expectations and unexpectedly partisan intransigence from the Republicans. But that reveals the failure of the chairman's single strategy: he had counted on cooperation from Bob Dole, his ally from the 1980's when the two joined forces to rescue the Social Security system. When the support did not materialize, he seemed to have no clear idea where to turn. In his own defense, Moynihan points with pride to his proposal for a trust fund, financed by an assessment on insurance premiums, to support the nation's great academic medical centers and teaching hospitals, which happen to be located overwhelmingly in New York.

"If anyone had a bill out of the Finance Committee four years ago with that much in the way of insurance subsidy, insurance change and commitments, you would have said, 'My goodness, what on earth has happened?'" He adds: "Down in the White House, they never could quite hear us say, you know, that nothing is 100 percent. We don't collect 100 percent of our taxes; the census doesn't count 100 percent of the population."

As staunchly as Moynihan defends the jerry-built bill, however, the fact remains that it was not truly his, merely a bill eked out by a fractious committee. Instead of laying to rest doubts about Moynihan's loyalty and legislative acumen, the bill exacerbated them. The unkind whispering on the Hill was that, by contrast, even Bentsen, the old Texas Tory, would have been a better soldier for his President: unruffled, sly, but in the end willing to twist arms and persuade wavering colleagues, whatever his private doubts. Bentsen even attended a couple of meetings with White House aides and committee members, ready to act as an informal liaison.

The liberals on the Finance Committee were deeply disappointed by Moynihan's performance, though characteristically none are eager to talk about it for attribution. "He's done more clenching of teeth than talking," says one Senate aide, explaining the reluctance of that aide's employer, a Democrat, to offend Moynihan openly.

On the topic he most cares about, welfare, Moynihan's relations with the White House have been much better, mostly because it has done what he wants: stress that welfare cannot be a permanent dependency. After brutally deriding the Secretary of Health and Human Services, Donna E. Shalala, in her confirmation hearings for appearing to back away from Clinton's campaign promises on the topic, he has goaded and prodded, all the while refusing to say exactly what changes he favors.

Indeed, when the President unveiled his welfare reform plan in June, Moynihan was so delighted at Clinton's emphasis on the danger of growing illegitimacy—a Moynihan crusade for three decades—that he said he would co-sponsor the bill, through he thinks its central tenet of ending benefits after two years may be unrealistic. In his first hearing on it last month, he dealt with Shalala like a Dutch uncle and praised her testimony as "historic."

"We've come round to recognizing it, that's the big thing," Moynihan says. "You have to do something about how children are raised in our society. The specifics of a bill, how you're going to finance it or whatever, we've gotta work out."

Such persistence "drives the true believers absolutely nuts," says Moynihan's old friend Roger Kennedy, the director of the National Park Service. "He's not the vagrant, capricious spirit. They are. They focus intensively on something for three months and then move on to something else. He's consistent, slogging along for 30 years on the same thing. And then, when the cavalry runs in, he's still there, worrying about family structure."

If family structure has been Moynihan's most consistent theme, it has also been the most painful subject of his personal and professional life. In part that's because when Pat Moynihan talks about unstable families, he knows what he's talking about. As he said in a rare outburst during an interview with The New York Times nearly three decades ago: "I grew up in Hell's Kitchen. My father was a drunk. I know what this life is like."

In 1937, when Pat was 10, his father, John, an advertising copywriter for RKO Pictures, left home and never saw Pat again. Margaret Moynihan and her three children dropped out of middle-class life in the New York suburbs into an unhappy second marriage and a series of grim apartments. Pat shined shoes, graduated first in his class at Benjamin Franklin High School in East Harlem, worked as a stevedore on the Hudson River piers and ultimately found escape via City College and the Navy's V–12 program, which sent him in 1944 to train at Middlebury College. On the G.I. Bill, he went on to college at Tufts, returning on vacations to tend bar in a tavern his mother had opened near Times Square. He finally broke out for good with a Fulbright Scholarship to the London School of Economics.

Moynihan waves off any attempt to see reflections of his upbringing in his work. "Oh, don't, don't, don't, don't," he says, lightly but firmly. "We don't talk about that. I've

been around the world a lot, yeah. But there's less here than meets the eye."

Perhaps, but perhaps only because Moynihan's triumph over a shattered home is one of the exceptions that proves his rule. He began his government career as an aide to Gov. W. Averell Harriman of New York in the mid-1950's, then dipped into academia at Syracuse University before joining the New Frontier in 1961. In 1965, he left Washington for an unsuccessful run for New York City Council President and a return to academia. But it was with a report that year to President Johnson entitled "The Negro Family: The Case for National Action" that he made his biggest policy splash.

In the report, Moynihan warned that rising illegitimacy rates and a "tangle of pathology" posed grave threats to the stability of black families and put at risk the gains in income and equality that blacks had managed to achieve through the civil rights movement. Moynihan saw himself as a liberal watchman on the heights, summoning his country to make whole in reality the revolution already occurring in law.

"From the wild Irish slums of the 19th-century Eastern seaboard to the riot-torn suburbs of Los Angeles," he wrote at the time in a Jesuit magazine, "there is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any set of rational expectations about the future—that community asks for and gets chaos."

Instead of being praised, Moynihan was bitterly denounced as blaming the victim and fueling racism. He retreated from the fray into what friends say was the most painful period of his life. Even now, he speaks of it only with the tightest reserve. "Well, it has made for difficult weekends, you could say."

It's cold comfort that Moynihan's thesis is barely debated today. "It set a bad example to others who might have carried on that work," he says. "We took a generation to pick it up again."

And the controversy continued. In 1969, after an interlude at Harvard, Moynihan broke with his follow Democrats and returned to Washington as Richard Nixon's chief urban affairs adviser. There, a new storm broke over a memorandum, leaked to The New York Times, in which Moynihan counseled the President to focus on the problems of other minorities and cool overheated rhetoric.

"The time may have come when the issue of race could benefit from a period of "benign neglect,'" Moynihan wrote. The memo was immediately interpreted as calling for neglect of black Americans, and Moynihan was despondent. "Moynihan in to see me, disturbed about staff leaks designed to screw him," Haldeman wrote in his diary on March 31, 1970. "Made point he's ruined in Democratic Party because of the 'benign neglect' memo. He's really distressed, mainly because he has nowhere left to go."

Moynihan moved on—back to Harvard, then to India as Ambassador for Nixon and to the United Nations as chief delegate for Ford. But the controversy never really went away. This year Moynihan's opponent in the Democratic primary for the Senate nomination is the Rev. Al Sharpton, the protean black street protester who made a surprisingly strong run for the Senate two years ago. No one gives Sharpton a chance of doing much more than annoying Moynihan, but he has used his campaign to do just that. "I represent the historic disfavor he's had in the African-American community," says Sharpton, who turned what was to have been a 2-minute speech at the Buffalo convention into a 15-minute broadside against Moynihan. "He rose to fame talking about the black family, and I'm a broken family product." Sharpton goes on to describe himself as the character that Shakespeare (had he written a play about all this) would have introduced at the peak of Moynihan's career "to bring back all the questions."

Indeed, when Gov. Mario M. Cuomo, eager to soothe Sharpton and avoid alienating black voters, went out of his way to meet with the minister in Buffalo, he thanked Sharpton for an innocuous introduction, allowing that it was "benign." The Moynihan forces hit the roof at what they saw as deliberate dig. Since then, half a dozen meetings between the Senator and Governor to discuss the impact of health care legislation were scheduled and mysteriously canceled by Moynihan's office at the last minute.

Moynihan's relations with New York's black political establishment have always been touchy, and they were not helped last year when he made a speech recalling how much more livable the city was 50 years ago. Mayor David N. Dinkins, in an uphill re-election bid, took that as a slap at his stewardship. Even Representative Charles B. Rangel of Harlem—who has endorsed Moynihan—refers to him as "Mon-a-han," in a kind of can't-be-bothered semi-slap. As the fourth-ranking Democrat of the House Ways and Means Committee (the Finance Committee's tax-writing counterpart), Rangel was often called on by its former chairman, Dan Rostenkowski, to find out what on earth Moynihan had meant by some obscure remark. Rangel inevitably returned just as puzzled.

"If he selects his audiences very carefully, those astute enough to understand the papers that he writes, he'll have no problems," Rangel said of Moynihan in a recent interview on the "MacNeil/Lehrer Newshour." But when it's an across-the-board audience and when it appears as though he is indicting rather than providing solutions, I think the professor part of Pat Moynihan has many, many problems." When I asked Rangel to repeat the remarks, he declined, saying he had already heard complaints from Moynihan's staff.

Just last month, Moynihan stepped into controversy again. During a hearing on welfare, he noted that within the next decade half of all American children will be born out of wedlock. That prospect, Moynihan said, marked such a change in the human condition that biologists could talk of "speciation"—the creation of a new species. Sharpton promptly denounced Moynihan as a "Harvard version of Jimmy the Greek," a reference to the Las Vegas oddsmaker who lost his job as a television commentator after saying that black athletes were fleetfooted because they had been bred that way in slavery.

The bitterest pill for Moynihan may be that such criticisms enabled the insurgent Reaganauts to call the problems intractable and retreat from Government spending for the cities and the poor.

"It was the last moment of a kind of expectancy about activism in Washington," Moynihan says of his Family Assistance Plan in the Nixon years. "The problem, then as now," he wrote with typical candor in 1992, "is that no one has a clue as to what it would take for public policy to be sufficient."

On a frigid February day last year, Clinton and Moynihan made a pilgrimage to the home of Franklin D. Roosevelt in Hyde Park, N.Y., where the President pressed for his economic plan. When they reboarded Air Force One, Moynihan banged a table top in the V.I.P. cabin and growled with Falstaffian flair; "Whisky! Get me a whisky!"

Nervous White House aides fluttered for a moment, unsure whether he was joking, until, one of them later recalled, "I think the assumption was, if the Senator wants a drink, bring him a drink."

Moynihan's drinking is a subject his friends and enemies raise matter-of-factly. He drinks, by all evidence, more than most public figures in this era of white wine and designer water, and reporters and Washington insiders collect Moynihan drinking stories like baseball cards. There is Moynihan, asked for a late-night comment on the death of the Irish Republican hunger striker Bobby Sands in 1981, declaiming unintelligible dialogue from "Juno and the Paycock." Moynihan burbling an air-check for the Democratic response to one of President Bush's weekly radio addresses, then snapping into clear voice when the broadcast begins. Moynihan consuming, according to a tablemate, 14 glasses of wine at a recent White House dinner, asking the waiters to keep all three of his glasses—white, red and Champagne—full.

"He's a rogue," one old friend says simply. "Pat's an Irish country person. And he drinks too much. We all know him: he's the smartest guy in town, who doesn't have enough good people to talk to, who exhausts himself and those close to him and"—by drinking—"finds surcease from that enormous intellect. He's a man who could easily be a squire in the west of Ireland. But then there'd be other squires and a bishop and a community to talk to."

In his classic chapter on Irish New York in "Beyond the Melting Pot" in 1963, Moynihan mused on the curse of his race. A dominant social fact of the Irish community is the number of good men who are destroyed by drink. In ways it is worse now than in the past: a stevedore could drink and do his work; a lawyer, a doctor, a legislator cannot."

No one suggests that Moynihan's drinking—which friends say appears to have tapered off a bit with age—has seriously affected his work. On most mornings these days, he leads long and complicated hearings on health care, welfare or trade, perched on his dais like a lanky Jimmy Stewart on a lily pad, praising a colleague, goading a witness, recounting a favorite lesson.

Asked why people talk about his drinking so much, Moynihan says quietly: "People just always have, and there's nothing I can do about it." Asked if it's a problem, he replies, "It's not a problem for me. I'm sitting here, doing my work.

Moynihan's drinking may be the least of his eccentricities. This is a man who, if any aide tells him "the White House called," is sure to interrupt with a peremptory: "No! Houses don't talk. You spoke to a person. Now, who was it? Begin again."

In the Senate, he lives by his own clock. After morning hearings and the twice weekly Democratic caucus lunches, he is apt to repair to the gym and an afternoon of reading and telephoning in his hideaway just off the Senate floor. He'll visit the floor for a speech and return to his office in the late afternoon. He bunches his appointments at the end of the day, sometimes forcing constituents to scramble for the last shuttle back to La Guardia.

He avoids the Washington social circuit and generally dines quietly at home with Liz or close friends. A light sleeper, he reads into the night. Though he affects disinterest in his own press, by 8 or 8:30 a.m. he has read The Washington Post and The New York Times "more thoroughly than the owners of either of those journals," says O'Donnell, chief of staff for the Finance Committee. During the summer, in a former one-room schoolhouse on his farm in the tiny Catskills hamlet of Pindars Corners, Moynihan bangs out his books and scholarly articles.

In an era of handlers and "message" meetings, Moynihan writes his own constituent newsletters (they are as likely to review history as to tout his accomplishments) and rewrites the efforts of consultants into his own distinctive 30-second campaign commercials, with never an actor or gauzy soft-filter in the lot.

He also spends inordinate time checking his footnotes. To show the Senator's sympatico relationship with Clinton, Stephanopoulos reveals that Moynihan keeps up an active correspondence with the President. A recent note praised Clinton's speech to the French National Assembly after the D-Day commemorations, in which Clinton warned of the dangers of resurgent ethnic nationalism. Moynihan suggested that the President gather experts to review the problem, the way the Manhattan Project developed the atomic bomb for F.D.R.

But a follow-up phone call with Stephanopoulos revealed Professor Moynihan's double-edged sword. When Stephanopoulos said he guessed this would be like "Dr. Einstein" coming to the White House, Moynihan broke in.

"Doctor? I don't think he was a doctor," said the Senator. Stephanopoulos, a Rhodes Scholar, apologized for the seeming error, but a couple of days later came another letter from Moynihan, confessing his error and listing Einstein's curriculum vitae. "Even when I turned out to be right, I still felt dumber," Stephanopoulos laughs.

Moynihan's eclecticism has rubbed off on his three grown children. In the Nixon years, when student protesters threatened to burn down his house at Harvard, Moynihan had nothing but contempt for the sons and daughters of privilege who, in his view, had paralyzed the country and destroyed the Johnson Presidency. But Moynihan's worldly success has given his offspring the financial freedom to pursue decidedly nontraditional lives. The eldest son, Timothy, is a sculptor of papier-mâché caricatures. (A life-size Thomas Jefferson stands in Moynihan's office.) Maura is a sometime performer who now works for the Campaign for Tibet. And the youngest, John, is an animator. "And none," Moynihan says drily, "are employed."

The gyroscope that keeps Moynihan balanced is Liz Moynihan, the handsome woman he met in 1954 on the Harriman campaign. An architectural historian and an expert on the Mogul gardens of India, she has been his political alter ego, doing the fund raising that bores him. She also drives—since, Tim explains, "the old man" has a way of spying something distracting out the window and driving off the road.

Liz has her own back channels to all of Washington, including Hillary Rodham Clinton. A recent cartoon in The Washington Post mapping the brain of the prototypical plugged-in Washingtonian included in the folds of the well-kept cortex "Liz Moynihan's phone #".

The Senator has a flash temper and a long memory, but his colleagues agree that Liz Moynihan is steelier. "Sometimes he tells you tough things that you know she's told him to tell you," one Congressman says. "But when you hear it right from her, watch out."

Moynihan's record, as befits a wide-ranging intellect, is more a story of influence on an array of issues than authorship of a passel of big bills, though the Senator can claim his share of those. In 1983, he and Dole worked out a compromise involving higher taxes and fewer benefits to bail out the floundering Social Security system. In 1988, he shepherded his Family Support Act to passage. And in 1991, he used the occasion of a highway reauthorization bill to create the International Surface Transportation Efficiency Act, which appropriated huge new sums for transportation and gave states wide choice in whether to use the money for highways or mass transit.

Though he is often accused of disdaining parochial interests, Moynihan keeps close track of how the Federal Government parcels our revenue to New York, publishing an annual report on the way entitlement formulas favor other parts of the country. And he takes great pride in bringing physical structures—new courthouses and office buildings—to the state. In 1991, he forced the Feds to repay New York $5 billion for the cost of building the Gov. Thomas E. Dewey Thruway four decades ago.

"He's a spectacular votegetter, and I think the reason is twofold," says Raymond B. Harding, the leader of the New York State Liberal Party and a longtime supporter. "He's a marvelous pol, something he manages to hide most of the time. Secondly, he's truly an upstater, in terms of his orientation and knowledge."

After winning the Democratic nomination over a crowded, more liberal field in 1976, Moynihan won an easy victory over the Conservative incumbent, James Buckley. He has been re-elected comfortably since, running strong in Republican districts and protecting his left flank with his outspoken opposition to the Reagan administration's abandoment of the cities.

His opponent this fall is Bernadette Castro, a Republican fund-raiser from Long Island and heir to the convertible sofa business. Moynihan was edgy enough about the money she and her adviser, Edward J. Rollins Jr., might spend to attack him—or to repeat Sharpton's attacks—that he called for her to dismiss Rollins. Rollins caused a firestorm last year with his boast, later retracted, that the campaign organization for one of his clients, Christine Todd Whitman, had paid black groups to suppress turnout in the New Jersey gubernatorial election.

Polls show Moynihan with a commanding lead over all comers, but there is an undercurrent of dissatisfaction on the left.

"Frankly, when I hear a Democratic Senator from the state of New York say that there is no health care crisis in America and suggest that it's O.K. for 3 million Americans to have no health care coverage, that's deeply troubling to me," says Jan Pierce, a vice president of the Communications Workers of America in New York. Pierce recently told a union gathering that he personally could not support Moynihan. "I said while I don't have the courage to endorse Reverend Sharpton, I sure as hell intend to vote for him." The union, which has given money to the Senator for years, supports Moynihan again this year.

For his part, Moynihan appears to be doing his best to enjoy his moment on the mountaintop. But the verdict on what kind of chairman he will ultimately be—whether he can express his will on issues that are not as dear to his hear as welfare—remains open. Will the Senator, who long ago decided, like Henry Clay, that he would rather be right than President, rank as a Great Compromiser in the best sense of the word?

Every day brings a new test. The welfare debate is just beginning, and once again Moynihan will be called on to be a team player in steering a complex bill on a thorny topic whose subtleties and pitfalls he sees too clearly. If health care falls apart, the White House may well be less inclined to humor him. Winning this fourth term would carry him into the millennium and a quarter-century in Congress. Moynihan may yet grow more confident and adept in his command. He isn't getting any younger, though, and sometime seems to grope harder to pluck things from that vast card catalogue in his head.

Being Moynihan, of course, he doesn't talk much about it. But in a recent twilight conversation in his Senate office, surrounded by old silver and boxed foreign editions of his books, Moynihan did pause to reflect, his voice barely audible as he dragged on a Marlboro, one of three he allows himself daily.

"The century began with vast expectations of what government could do and ended up with a huge amount of disappointment," he said, fending off any suggestion that his own goals are too modest. And he insists he is not as complicated as people think. "I don't find myself hard to understand. I find a lot of the things I deal with hard to understand. You know, there's a lot of complexity about the world."

When he argued for seat belts or predicted the decline of the Soviet Union, he adds, the world wasn't quite ready for him. "If you're outside a paradigm, people will think you're crazy. It is by that kind of pattern in the sciences, and what is wanly called social sciences, in which no argument ever gets settled in one generation. A huge argument breaks out, and it just goes on until another generational comes along and it has accepted one or the other views. And no one will say: 'Gosh, oh golly-gee, I got that wrong! My courses for the last 25 years have been wrong, but I have now changed my ways.'"

It is Moynihan's singular satisfaction to have been right about some of the biggest arguments of his time. That he might be wrong this time around on health care is a criticism to be borne, not one to dwell on. As the conversation turns to the well-worn doubts about his party loyalties and legislative skill, Moynihan softens his voice until—after discussing his drinking—he stops altogether.

"May I," he begins hesitantly, "put you on a slightly different course?" He walks to a shelf where a two-foot stack of honorary degrees rest in their colored leather folders. He picks up the top one and displays it. The degree, received this year, is from the University of Rochester. The citation reads in part: "Independent to the bone, he is the vigilant guardian of the nation's well-being. We call to honor Daniel Patrick Moynihan: teacher-politician, thinker-activist, international homeboy and pride of New York." He enumerates other glories: the gold medal on the mantelpiece from Notre Dame, the gold medal of the American Philosophical Society.

"I don't think I've spent my life being denounced," he says. "So why should I go around with a hang-dog look?"

The act is revealing: at the peak of 30 years of accumulated power and respect, at the start of his barony as Finance Committee chairman, he still feels insecure enough

to recite his honors for a visitor half his age. Moynihan picks up a clipping from The New York Post, with the latest polls showing his popularity, and turns again to his visitor.

"I get along with people in New York very well. I'm not sitting here"—his voice has now risen almost to a shout—"I'm not complaining! Why are you asking me?"

This Senator knows what he cares about, what is lasting and what is not, and he does not need colleagues, critics or the President of the United States to tell him. The flash of anger quickly past, his voice is silky again.

"Seriously," Daniel Patrick Moynihan says. "Why go on about being misunderstood? I mean, I'm still here."

Mr. BYRD. I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. CRAIG. Madam President, we have just in the last half-hour taken a procedural vote that largely speaks to how the final vote and outcome on the crime conference will appear, a debate that has now occurred for nearly 3½ days on the conference report to H.R. 3355.

While those who may be observing the Senate recognize that it is a procedural vote, it is a most important vote in how the Senate will ultimately deal with this very important issue. During the course of that debate, a great deal has been said about all parts, all sections and subsections of this conference report and what it may or may not do for the American people.

Many have argued that it is the most sweeping realignment of our criminal justice system and that it will cause America to begin a new direction and a new path in crime control. Others have said that it is a $30-billion-plus piece of pork; that it has become not a crime-fighting measure but, in fact, a welfare measure to deal with everything from midnight basketball to grants to States to do largely what they wish with them if they meet the rather broad definition of crime control.

When this provision left the Senate some months ago it had been thoroughly debated, as the chairman of the Judiciary Committee said, and it had been amended many, many times. It was a provision that many of us voted for. I was one of them. I voted for it even against my better judgment, because there was a provision in it that was very onerous to me and to my colleague from Alaska and a good many others. And that was a provision that actually, for the first time in our history since 1934, banned a firearm. I voted against the ban itself, better known as the Feinstein amendment, and the Senator from California is with us on the floor this evening.

But I had voted for the crime bill because I thought there were some very good provisions in it that would actually reach out and grab the criminal and jerk them back into confinement and out of harm's way, the harm of the free citizen. Those provisions that left the Senate are now largely gone, and we have seen returned to us a bill that is very different in many respects from the one that had left the Senate. But there still remains in it a gun ban. There are those of us, like myself, who would say that that is a direct hit against the rights of free citizens under our Constitution. And I believe that to be very much the case.

I have refrained from coming to the floor these last 3 days because I wanted other issues to be part of the total debate. I wanted the American people to hear, as they heard so clearly from our side, that this was a massive, sweeping new spending program, largely unpaid for, but one in which the majority thought, once again, if you just throw a little money at the problem, somehow the problem gets a little better.

I am going to be around long enough, if I stay healthy, and I suspect many others in this Senate will be, to watch the statistics, to watch those numbers that represent free citizens who will be violated by deviants of this society and robbed of their rights, or their property, or maybe their life, over the course of the next few years. And as we watch those statistics, I hope the American people take stock and take count of the debate that occurred largely on the other side of this room by the other party as they perpetrated an image that H.R. 3355 was going to make the streets of America safer.

I wager very directly and in front of those who are here this evening and the public that might be watching that this will not reduce crime; that it is merely another way to drive up our deficit and to go home offering the American people a political placebo that somehow suggests that life will be just a little better if you trust and rely on your politician, and the Federal Government that he or she supposedly directs and on some occasions administers. I believe that is the contest of the whole issue. I believe that is the important part of some of the debate.

But for the next few minutes this evening let me talk about another very important aspect that some have come to the floor to suggest I really do not have a right to talk about; that somehow I am almost sinister in my intent, if I would suggest that the second amendment of our Constitution means that the citizen has the right to own and bear an arm not for sporting purposes, not for hunting purposes, but in the right of self-defense, in the right of the protection of one's self and one's property as our Founding Fathers so clearly spelled out.

We have another colleague on the floor tonight. He probably will be debating some. He has talked about the NRA as some evil, sinister group who would like to suggest to society that everybody ought to own a gun and walk the streets and use it freely and uninhibited.

Well, the NRA is an old organization, been around over 100 years, who believes as fervently as my colleague from Ohio does in certain things. The one thing they believe in is the right of the citizen under the second amendment. They are not tightly organized. They are not all-powerful. They are a grassroots organization quite typical of a lot of organizations in this country of citizens who come together under a common and oftentimes single interest. Are they strong? Well, they have over 3 million members now.

I must say in all good humor to my colleague from Ohio that every time he stands up, they get a little stronger. They are running now—the organization itself, I am told, since President Clinton came to town picks up about 10,000 new members a month. Why? Many of those members do not even own a gun. But they are very fearful that this President and some in this Congress somehow want to reach out and rob them of their rights under the Constitution.

So they come together in organization and they give of their time and of their resource to try to protect those rights. And they do what every other good interest group does. They pick up their phone and they call their Senator or their Representative, and they say, "Please, please, do something about House Resolution 3355 because it takes away from me the rights that my Founding Fathers gave me under the Constitution."

Madam President, yesterday I went out on the lawn in front of this Capitol building to join with a group of veterans and some 60 other organizations as we introduce a new movement in our country to create an organization to propose to us here in the Senate a constitutional amendment to protect the American flag.

I heard veterans say very important things yesterday. But one of the most significant things that was said, I think, was spoken of our country in general, that we are a very unique country in the sense that we are not all tall and not all short and not all black and not all white; that we are Christians, Jews, atheists, Bhudists, Hindus and people of many other faiths. But for some reason we came together in a country called America. And we came together in this great country of ours under a common set of beliefs: first of all, that we were all free persons; second, that there were certain rights that we just simply would not violate and that had become a collection of human rights that had been treaded upon by other countries, monarchies, authoritarian governments; that amongst

those rights were those delineated by the Bill of Rights and the first 10 amendments; and, of course, one of those was the right to bear arms, again, not for sporting purposes. Our Founding Fathers were not interested in that. That was a foregone conclusion. But it was to create a militia of citizens well armed to rise up when necessary and so organized in protection of themselves, their families, their property, their community, and, if need be, their Nation, and, as it was in the Revolutionary War, their Government or their sense of what a government ought to be.

Is that simply historical hokum? Is that something that a Senator ought to come to the floor today and say that our life is so suppressed today and so maligned that we somehow have to give up our rights for the sake of a better day somewhere and someday when they might then be reinstated if we all become good little people again? Well, I hope that is not what they are saying. But I have a sense that is what is being said—that things are so bad in our country today that we have to reach out and take rights away from free citizens for the common good.

That was not the intent of our Founding Fathers. It was to assure that the rights of the individual were protected, oftentimes against the common good, that these individuals' rights were so specified in our Constitution and embodied in what we are today.

So I do believe it is a legitimate debate. I know some shun from it and some run from it because the American people are frustrated. They say, yes. Many say, get the guns off the streets; people are being killed by the use of a firearm in a criminal act by an individual. And they are frustrated and they are angered, and they should be. But what we also understand here is sometimes we have to stand just a little bit beyond the current or the popular idea and say that there is a bigger and a more important issue here; that is, to protect the rights under the Constitution of the free citizen. I firmly believe that is the crux of a very important debate on this whole issue.

There were some who would have been willing even to accept a ban on guns—I am not among those—but who would, if we could, have put tough penalties into this crime bill that said that a criminal would be punished if he or she used a gun in the commission of a crime. You know, somehow it would seem fair, if you reach out and take something away from the free citizen, should you not reach out and take something away from the deviant, the criminal? We said that here in the U.S. Senate some months ago. But when it got over to the House, somehow that all was taken out. Somehow they still wanted to reach out and grab away from the free citizen his or her rights. But they wanted to say to the criminal, well, you are a bad boy or a bad girl and we are going to pamper you and slap you around and put you in prison, but we are not going to make it extraordinarily tough on you if you happen to use a gun in the commission of a crime.

For the life of me—and I think the Senator from Alaska expressed it, too—why is it that somehow the fuzzy liberal mentality says those poor deviants are a product of society, they got misaligned in the socialization process, and we have to reach out and cuddle them; we cannot discipline them and say there are rules and there are lines and you ought to stay in them for the sake of a free civil society? I am confused.

I think the American people are very confused as to why a Senate, Senators, and a House, the House Members, will not stand up and say to the criminal element of this society, you are out; you no longer get to play on the streets. But somehow, no; we will reach out, and in our fright and in our frustration we will take away the right of the free citizen, and we will continue to suggest that the criminal element ought to perform better. Certainly they ought to. But we are not going to be really all that tough on them when it comes to these very important issues of the taking of life and the taking of property.

My guess is that someday in the not-too-distant future after the American people have seen what is embodied in this crime bill, they are going to say to this Congress, "Oh, no, you don't."

That is not what we meant at all. What we meant is for you to get tough on criminals and stay tough on criminals and not to take away our rights or misalign our free citizenship. I think that day will come, and it may be sooner rather than later. But I think that is where I understand the American people are headed.

Now, with that in mind, let me then for the next few minutes talk about an issue that I think is extremely important and how it fits into the whole of all of this debate. But let me say at the first instance there were some things said in the Chamber about rights under the Constitution and what the second amendment does or does not mean.

What I would like to do then is to move from my own words to a book that is currently on the market and selling very well in our country. It is a book that goes through this whole argument in a very methodical and well-documented way. It is a book called "Guns, Crime, and Freedom," a book by Wayne LaPierre. I know Wayne personally. He is the head of the National Rifle Association. But several months ago, because of his frustration as to the lack of understanding on the part of this Government and this Congress, especially as it relates to what all of this means, he set out with a group of scholars to put together a total statement about the second amendment and the right of our free citizens to own and bear arms. And so for the next few minutes, I would like to read directly from that book certain quotes, and one whole chapter, that I think are so profound in what they say and so clear in refuting a variety of the arguments that have been placed here.

I came to the floor the other evening when the Senator from Delaware was debating, and he turned to me and he said, "Oh, there's that gun nut from Idaho."

Now, I know he meant that in good humor. I smiled and he smiled. I did not take it in any way as a malignment. He said, "I bet he would even support the right of somebody to own a bazooka." Now, that is how silly this debate got. That is why I did not engage in it, because that is foolishness in the first degree, and we all know that. And here is why it is foolish.

Artillery pieces, tanks, nuclear devices, and other heavy ordnances—and you have heard these kinds of things talked about here—are not constitutionally protected.

And nobody has ever stood on this floor and attempted to argue that they ought to be.

The second amendment does not provide that any citizen should own a military-type device like a grenade, a bomb, a bazooka, or other devices. But we know under the law, and we know under the Constitution, that the right to bear arms does protect the ordinary small arms—handguns, rifles, shotguns, yes, and even those that we now, under this bill, call assault weapons. They are the semiautos. A Rutgers law professor, Robert Katroll, said it this way:

> It has been argued that assault weapons are far more deadly than 18th century arms.

You have heard the debate here. You have heard of these weapons that spray bullets and mow down children. The Senator from Alaska cleared that one up, I hope. They are not automatic. We know that. But then again, what the heck with truth. Let us go for image. That is, go for the politically correct issue here. And if it brings about a little drama, then so be it.

Interestingly enough, the old blunderbuss of the 18th century was a far more lethal weapon than any semiauto that was ever designed because of the volume and the impact, and if you know firearms, then you know exactly what I am saying.

Well, those are the issues that I think are important here and that deserve to be debated as we wrestle with all of these difficult kinds of things that have been talked about over the last good number of days.

I would now, for the balance of my time, like to talk about crime in the context of the right of the free citizen

to own a handgun or a firearm in the protection of themselves. And so what I plan to do for the next few minutes is, by reading it, put an entire chapter of Wayne LaPierre's book in the RECORD. I think it is important because I think it makes a very bold statement about what is going on in America today outside the beltway, that we somehow seem to be sheltered and immune from, because it is of concern to all of us. The chapter I am talking about is called "Arming Against Crime."

Let me read a quote from Neal Shulman, Los Angeles Times, 1992.

> Gun control advocates need to realize that passing laws that honest gun owners will not obey is a self-defeating strategy. Gun owners are not about to surrender their rights and only the most foolish of politicians would risk the stability of the Government by trying to use the force of the State to disarm the people.

So for the next few minutes, the words that I am to speak are not mine. I am quoting directly from the book of Wayne LaPierre. And I think it is important for my colleagues to hear them, and it is important that they be spread upon the RECORD of the Senate as we debate the crime bill and as we discuss the semiauto ban that is within the body of that crime bill. Now, I have just quoted Neal Shulman.

> Writer Neal Shulman must have looked into a crystal ball to have reached the same conclusion found in a public opinion survey conducted by the National Law Journal in March of 1994.

That is the opening paragraph of chapter 11.

Roy Sherman, staff reporter for the National Law Journal, reported the results in the April 18, 1994, issue of the National Law Journal, and I quote:

> It is a time of unparalleled desperation about crime.

I think that is exactly what you have heard here in the Chamber of the Senate, a frustration as the Senate has tried to reach out to the American people and work with them in the correction of this sense of desperation. But he said in the poll that was taken in April:

> The mood of the people is decidedly "I will do it myself, and don't get in my way." Today's citizens believe people must take more responsibility for their own protection. They reject Government intrusion on basic civil rights, gun ownership, and the media's display of violence. There is a pervasive willingness to forgive those who commit serious crimes motivated by the preservation of children or self, yet for the lawless who lack compelling excuses, this poll demonstrates literally no mercy at all.

Conducted by Penn and Shulman Associates, Inc., the National Law Journal's second comprehensive survey of public attitudes toward crime in the past 5 years demonstrated this.

Americans made it clear they are not willing to sit back and become victims or allow Government to tamper with their civil liberties. Here is what some of that poll reflected:

Seventy-five percent agreed that police and the justice system cannot protect them and said people have to take on more responsibility for safeguarding themselves.

That is a pretty profound statement. I wonder why they would say that. Well, anybody living in California would know what happened in the Los Angeles riots. When the police came to law-abiding citizens and property owners and said, "We cannot protect you, please get out of the way," many of those folks said, "We will protect ourselves," and they did because they owned a gun and they were willing to stand, as our Founding Fathers would have expected them to, to defend their personal property and their personal rights.

The poll also went on to say that as many as 85 percent said they were unwilling to forfeit basic civil liberties even if it could enhance personal safety.

That says something very loudly about our American people, that while they view personal safety as very important, they are not about to give up their freedoms for that personal safety.

Our majority leader said tonight that it was the responsibility of society to assume the personal safety of all of its citizens. I think what this poll said, or what our citizens said was: While we understand that our Government ought to help us, we really agree with our Founding Fathers. Our real personal safety is our responsibility, and it is the responsibility of every citizen, and 85 percent of the American people said so. Sixty-two percent said the need for guns is increasing. These are free citizens who said the need for guns is increasing, and a majority is unwilling to accept laws that restrict gun ownership greatly.

Eighty-nine percent subscribe to the mother lion defense—we all know what that one is—saying that they would find it compelling if a mother tried to excuse a serious criminal by saying she was trying to protect her children from an abusive father. Again, the right of defending.

More than 75 percent supported the three-strikes-and-you-are-out provision. That provision is here now. And they wanted violent three-time offenders behind bars for life. Why do they say that? Because they know instinctively that as our country began to flush its criminals back onto the streets, nearly 80 percent of the crimes that occur on those streets today are perpetrated by repeat offenders. Instinctively, Americans know if you get them off the streets there is a greater chance that America is not going to be just a little bit safer, but maybe just a lot safer.

Respondents were unmoved by criticisms that older criminals would be kept behind bars at taxpayers' expense. Many of them said—or at least the criminal officials said—that once they get older, they are simply harmless, and the American public said: We do not care. If they are violent then, they are more than likely violent now. Keep them off our streets and keep them out of our neighborhoods. So that is what the American people were talking about.

The bottom line: Americans are upset about crime and soundly reject Government solutions which further infringe upon their rights and their liberties.

This is not me speaking. This is not the NRA speaking. This is the National Law Journal speaking. Clearly, people recognize that legislative and administrative infringement upon their liberties are designed to convenience Government—I thought that was an intriguing word, to "convenience" Government—rather than to solve or curb violent crime.

I think the American public is way out in front of us on this issue, and they said so in this poll taken early this spring. When the public loses faith in the ability or willingness of Government to protect it, people rely more heavily on self-protection. This involves the purchase of firearms and protection devices. They hire security guards, they build walls, they install security systems.

In 1993, $65 billion was spent on private security in this country. All Americans wanted to be protected against crime, not just those who can afford it.

I suspect that is why the Congress has acted in the best way they think they know how. But this document says that the American people are not buying it.

The American Bar Association does not seem to be listening to the American people either. In fact, these lawyers were working against strong crime-fighting measures. They were here in February this year, and the ABA testified before the U.S. House of Representatives, Subcommittee on Crime and Criminal Justice that the criminal justice policy is inordinately tight and tilted toward law enforcement and corrections, and they ought to be weakened. And now you want to know why some of these tough provisions got pulled out. It is because the ABA came and argued that they were too tough. A rather incredible statement, I thought, perhaps self-serving, when today prison is the sentence alternative least used throughout America. And Americans are paying for it with their lives.

Every day in America, hundreds of people are attacked by violent criminals who have been caught and convicted and returned to the streets on probation or early parole. And that was why we finally struggled to get three-strikes-and-you-are-out in this piece of legislation. That is why it has passed

several other States. The ABA also testified against mandatory minimum sentences, and against three-strikes-and-you-are-out. But Americans want measures such as these, and the National Law Review survey just flat confirms it.

The Washington Citizens for Justice and the National Rifle Association have been working hard for three-strikes-and-you-are-out on the ballot for years. I think it is a little surprising that the Senate of the United States tonight may adopt a measure that was originally proposed by this "evil" lobby known as the National Rifle Association, because when three-strikes-and-you-are-out came to the ballot in California and in the State of Washington, it was the National Rifle Association and their members who came forward with their money and their votes and pushed it there. Why? Because they were fearful that if we did not ultimately go after the criminal, then politicians would go after the gun. That is exactly what happened.

Out of the desperation of the American people against the current crime wave in America, politicians wanting to answer to the call of Americans are saying we will take these guns off the streets in the name of criminal justice. Yet, Americans know it will not work. That is why groups and organizations who support the second amendment early on went out and began to push issues like three-strikes-and-you-are-out.

In the State of Washington, it was once defeated and put back on the ballot. The National Rifle Association got aggressively behind it. They did so in the State of California. The measure was also included in the crime bill that we passed in the Senate that is now in the final passage. But, interestingly enough, the American Bar Association came and testified against them.

Not only is the ABA at odds with public attitudes, it is out of touch with the reality of America today. In the fall of 1963, the progun forces tried unsuccessfully to block the release of Oregon's Russell Oberminsky. Why would I mention Russell Oberminsky? The reason I am tonight is because he was a multiple killer who was nearly 50 years old. Soon after his release—and he was released because he was nearly 50 and he had repented—the folks in Oregon said it was the wrong thing to do, but it was done.

(Ms. MIKULSKI assumed the chair.)

Mr. CRAIG. This gentleman was arrested for sodomizing a 4-year-old little girl. Perhaps the American Bar Association will send an emissary to that child's family to explain how criminal activities diminish markedly the older you get.

Let me go on to quote from Wayne LaPierre's book.

In July 1990 a study by a U.S. Department of Justice, Bureau of Justice Statistics, of the 245,650 offenders serving time in State prisons in 1986 for crimes of violence, found that they had victimized an estimated 409,000 persons about 97,300 victims were killed, 51 victims assaulted, and 20,400 others of violent activities. The criminals in prison in the year 1986 alone had killed nearly 50 percent more Americans than died in the Vietnam war.

When is America going to wake up? Or should I rephrase that—when is this Congress going to wake up? America has awakened. That is why they are so concerned about their safety and why they are so concerned that political America will not address their real concern, and that is the control of the criminal.

As we witness the carnage on the streets perpetrated by criminals released early by parole boards, we are forced to ask would members of parole boards make that gamble if they knew that their lives or the lives of their loved ones depended on that decision? Do they know what the rate of recidivism of violent offenders is?

I have just given you some dramatic statistics. The public has the right to ask the tough questions of the parole boards that release violent criminals before they have served 85 percent of their sentence.

This very important chapter goes on.

But here are some more important statistics. Doug Bando from Cato Institute was quoted in the Washington Post in 1989 as saying:

Gun control has proved to be a grievous failure, a means of disarming honest citizens without limiting firepower available to those who prey on law-abiding citizens, attempting to use the legal system to punish the weapon rather than the person misusing the weapon is similarly doomed to fail.

We know, as Senators, when we become honest with ourselves, that that is exactly what has happened in every State or every municipality that has in any way ever attempted to control guns.

Antigun politicians fail to heed such warning and further exacerbate the problem by wasting tax dollars—

And that is what we are about to do tonight.

—and precious time to pursue nonsensible gun control measures, and all the while the toll of victims continues to mount.

The National Law Journal survey that I have been quoting—or I should say Wayne LaPierre has been quoting—throughout this chapter speaks so clearly to that.

Fifty-three percent of Americans are not satisfied with President Clinton's crime fighting measures, and yet we are saying tonight this is what the President wants. But by recent polls 53 percent of the Americans say this is not going to change crime in America. Fifty-two percent of Americans are not satisfied with the job Janet Reno is doing because they do not think she is tough enough. And 62 percent of Americans said instead of more law enforcement there is increasing need for firearms for personal protection.

Is not it unique that it appears the Congress is going in the opposite direction this evening from the direction the American people want to go?

While 62 percent overall see the need for firearms for personal protection, 72 percent of blacks now hold that view right along with whites. Blacks consistently have the highest victimized rates and do not believe that gun control measures are the solution to crime.

Let me read that again. That is worth reading. I understand that part of the reason we are doing this tonight is to bring some kind of control to inner-city America where many of its citizens—and many of them black—are being victimized, and yet 73 percent of the blacks are saying do not lock away our guns. The reason they are saying that is because they do not believe this will work and they want to be able to protect themselves.

I think an even stronger message about civil liberty was reflected in that National Law Journal survey. I quote:

Despite intense concern about crime, losing basic civil liberties will not be tolerated by the American people. Even if doing so might enhance safety, a full 85 percent say they are unwilling to allow police to wiretap phones without prior court approval, and 82 percent say police should not be allowed to randomly search without probable cause.

Here is an important part of this chapter that is worth reading and sharing with you, because I think it shows you the frustration I have with this President and how he treats crime in this country, but more important, how he treats our civil liberties.

We all remember the issue of Chicago's public housing. President Clinton acted almost alarmingly in respect to the residents' fourth amendment privacy protection.

The Chicago Housing Authority authorized random searches of apartments in Chicago's public housing without warrants or probable cause in clear violation of the Constitution. In a class action suit brought to halt the searches, U.S. District Judge Wayne Anderson stopped the searches in February of this year saying that random searches without probable cause are a greater evil than the danger of criminal activity.

What did our President respond? How did he respond? He instructed "the Justice Department staff to find a way around the Constitution,"—

And that was his quotes, and I quote that.

A shocking directive for United States President who was sworn to uphold the Constitution.

Is there any reason free citizens are a little worried tonight about a President who says that "This is the most comprehensive and valuable crime measure ever passed by Congress, and I support it?" I think they have reason.

After the President responded by that kind of shocking directive, the President soon announced his administration's way around the Constitution, adding language to apartment leases that required residents in public housing to waive their rights and grant permission for random searches of their homes.

In other words, if the Constitution will not allow those rights to be taken away, the President would condone forcing the poor to give up their rights or give up their house. The message of the National Law Review survey, which condemns trampling on civil liberties, apparently that survey did not reach the White House.

Eroding civil liberties by door-to-door searches to confiscate guns in public housing sets a dangerous precedent, and this Senate spoke to that. But let me talk about another one.

Carl Day, a West Point graduate and a Vietnam veteran, writing in the Washington Times on February 2 of this year spoke for most Americans who rejected door-to-door searches as crime-fighting tactics when he said, and the chapter quotes:

All we have to do is tear up the Bill of Rights, shred the Constitution, call out the National Guard, and starting with high-crime areas if this is not perceived to be racist, commence house-to-house searches, seizing all of the guns and other contraband. Roving police and National Guard patrols could set up random roadblocks, stop-and-search vehicles, seize guns, arrest those who possess them. Citizens could be stopped at random and frisked for weapons.

Sound like the America you would like to live in?

Well, he said: "It certainly is not the one that I fought for," meaning Carl Day, West Point graduate and Vietnam veteran.

Jess McNamara, former chief of police, San Jose, CA, although well known throughout America as a gun hater—and I use that word because that is his word—waded into the gun search controversy in defense of the Constitution protection against search and seizure in the Los Angeles Times on April 17, 1994, and again I quote this chief of police's words.

President Clinton recently asked Attorney General Janet Reno to find ways to circumvent a Federal judge's injunction forbidding random police searches of apartments in a Federal housing development in Chicago. Clinton should have assured tenants that the Federal Government would do all it could to provide whatever level of policing was needed to stop the violence in the complex. Instead, the President pandered to police and the public impatient with rising crime. He urged the department to respond by prosecuting officers who violated people's constitutional rights to assist police in invading those constitutionally protected housing areas. There is no need for any dilution of individual rights that took a century to achieve.

This chief of police went on to talk about the murders, striking the most terror in the hearts of people during this century, have not been serial killers like Ted Bundy, they been Governments that have killed millions of their citizens in the name of social order.

Now I want to make sure that you understand where that statement came from. That came from a former chief of police of San Jose, CA. And he goes on to say, "The authors of the Bill of Rights knew the danger and drafted a document for our protection. We should not let panic erode that protection."

Judging from responses to questions, specifically from the survey that has been quoted extensively in this chapter, it is clear that the American people are sometimes slow to realize what is really going on or are willing to give up benefits and give others the benefit of the doubt, but they are not—let me repeat—but they are not stupid.

The survey shows that since passage of the Brady bill, support for the waiting period on gun legislation has dropped to nearly 58 percent, from the high of 80 percent at the time of its passage. Indeed, support for restricting gun sales has dropped nearly 22 percent. Reacting to the survey's results, the National District Attorneys Association president, William O'Malley, said the interpretation that somebody puts on those statistics is important. "I do not think it is vigilantism or hostility to police or prosecutors or the courts. It is more a recognition that the system is powerless without the support of the community and its participation."

And we all know that. And yet, largely, we have taken away, or are attempting to take away, the right of the ultimate community, and that is the individual citizen working together to protect themselves and their property. O'Malley's interpretation of the National Law Journal data may be skewed a bit. When he suggested a lack of public hostility toward the criminal justice system and instead sees public recognition for the need for community support and participation, he downplays the message Americans are sending in the rest of the poll. People are angry and frustrated with the criminal justice system, and they have said so. Unless, by participation, he means people that intend to protect themselves, he has, I think, misread a portion of the message.

The National Law Journal survey data did not need interpreting or spin doctoring, as might have been attempted here. It is very straightforward and it is very unambiguous. For years, Americans have been attempting to participate in criminal justice reform, and their message has been crystal clear—it was 5 years ago, it is today—get tough on criminals, quit gratuitous plea bargaining, make our streets safe by keeping criminals locked up for their full sentence, and stop probation and parole of violent criminals.

Now that is just one simple sentence and one simple directive from the American people—get tough on crime and get tough on the criminal. The message has far too long fallen on deaf ears.

Citizens, and victims in particular, have been treated as mettlesome and have been shooed away, as one would a small child under our feet. People are saying, enough is enough. The criminal justice system has shifted its focus from protecting the rights of the victims to protecting the rights of the criminal.

Maybe tonight I ought to give just a little credit to this piece of legislation. Maybe we have edged it back ever so slightly in that direction, even though the House and the conference struck out a lot of those get-tough-on-criminal provisions.

We have all heard of the castle doctrine. The castle doctrine is an ancient common law doctrine with origins going back at least to Roman law. It proclaims that one's home is a castle and hence an inhabitant may use all manner of force, including deadly force, to protect it and its inhabitants from attack. Further, the Constitution guarantees basic rights to all persons, including the right to defend life and to protect property. Citizens have a right to expect safety within their homes or vehicles. And I think the criminal justice system has to be refocused to recognize that it must protect victims by keeping criminals behind bars and restoring the absolute rights of law-abiding people to protect themselves, their families, and their property from unlawful intruders and violent attackers without fear of prosecution or civil action.

And yet tonight, we are saying that if you were to acquire, after this becomes law, one of these semiautos and you used it to defend your property and the police discovered that you had used it to defend your property, you would be violating the law.

A person who has unlawfully entered or attempted to enter any person's home, dwelling, residence, or occupied vehicle should be presumed to be entering or attempting to enter with the intent to commit an unlawful act involving force or violence. Thus, any manner of force may be employed in self-defense. That is the castle doctrine. There should be absolutely no duty to retreat from anyplace where a law-abiding person has a right to be.

Citizens support the castle doctrine initiative and other proposals to correct the failure of lawmakers to address the real criminal justice system. A citizens movement to put a three-strikes-and-you're-out initiative on the ballot in the State of Washington, as I mentioned, failed in 1992. It was not until that currently much-maligned National Rifle Association and a Washington citizens justice group stepped up and said, "We will put it back on the ballot and we will use our resources to tell the people of Washington what it is all about" that, on election day, 1993, it did become law. The people did not wait for the sluggish government of the State of Washington to take back their streets. They did it.

And that is part of the message that gets missed in all of this debate around here. Somehow we think the citizens are only the victims, that they do not have the right of self-defense or we are beginning to progressively take away from them their right to defend themselves or we are suggesting or implying, in a criminal provision like this one, that it will be a safer world and therefore they need not worry as much.

In Texas, the people voted an overwhelming 89 percent to deny bail to career criminals and sex offenders and voted by 62 percent to 38 percent to put up $1 billion to increase prison capacity substantially.

They knew in their hearts what researchers have proven. States that increase imprisonment drive down criminal activity and violent crime. The result: A people's victory; a defeat of get-soft-on-criminal politics.

We were tough in the Senate provision. We put up money to build the prisons. What have we got back? Well, we have a document that says we are going to build prisons or we can use the money for other purposes.

Not a mandate, not a direct prescription. It does not fit with three strikes and you are out. You see, the hoax being perpetrated on the floor of the U.S. Senate tonight is simply this. We are going to get tough because three strikes and you are out is in here. But it does not work if you do not build prison capacity to put them back in prison. It just does not work. You are going to shove out all the other prisoners to put these back in? The American people know that. The people of Texas know that. And that is why they voted as they voted, and they voted with their pocketbooks and they got $1 million and they built prison capacity.

So we ban guns. We say to the criminal, we are going to be tough but we are not going to be quite that tough. And we are given some arbitrary language on how the money gets directed for the construction of penal institutions. And it may or may not get used, depending on how it gets directed or how the Attorney General wishes to hand it out. And then we put three strikes and you are out in here? And somehow there is a schism as to how you deal with three strikes and you are out, and you put people away but you have no place to put them. So you shift and you put less violent criminals on the streets? Is that what we are doing here? Yes. In my opinion, that is what we are doing here.

On November 2, 1993, the real leadership in America, the people, spoke to the need for criminal justice reform. Wherever there was an anticrime platform the results showed stunning losses for criminals. In many States the American people have voted for real solutions: Tougher prison sentences and the abolishment of parole in Virginia and Arizona, double prison sentences in Texas, the passage of victims' rights amendments in Illinois, Missouri, Kansas, Colorado, and New Mexico, and a crackdown on gang crime in Arizona, Colorado, Florida, and Utah.

As the Wall Street Journal editorialized in November of last year, under the head, "Criminal Control Beats Gun Control":

> If indeed crime is one of the deciding electoral issues of our era, the adherence to gun control won't be deciding much of anything until they figure out a way to talk in public and creditably about how to control criminals.

In other words, what they are saying to you Senators who want to control guns and you want to take free citizens' rights tonight, is that you will not have credit—or you will not have credibility until you have figured out a way to control the criminal. It just does not work. Let me assure you, we will have time to calculate the statistics to prove that this document will not work, either.

Americans are using the power of their votes to defend their very lives. They know that each year, 60,000 criminals are convicted of serious crimes and they never see prison. And those who do are released after serving an average of a third of their sentence.

I know the chairman tonight said we have gotten a little tougher in those areas. I hope, for the sake of law-abiding citizens, we have. But as is typical, enough loopholes and enough hurdles were provided here to never really see some of these tough criminal provisions get to the streets of America.

We do not have a gun problem in America, Madam President. We have a law enforcement problem. Tough laws are already on the books to remove criminals from society, but they simply have to be used. Existing Federal and State laws must be applied to criminals who use guns, drug users, drug dealers, and other lawbreakers. The laws are already on the books.

Under the Gun Control Act of 1968, as amended in 1968, it is presently—let me repeat this—"It is presently a Federal felony punishable by a 5-year prison term and a quarter of a million dollar fine for a convicted felon to be in possession of an assault weapon." That is the law now. Why, then, are we piling on? Is it because of what I said earlier, the need for a political placebo, the need to go home in an election year and say, "See what I did for you; I took away your rights and I made you safer"? I am fearful it is. Because the 1968 law says you cannot do it now, criminal. If you own an assault weapon, you go to jail.

But what we have found is that our judges say "But pass go. Go through the front door and out the back door. And be a good little boy or a good little girl until you commit another crime, and then we will let you pass through again."

This 1968 Gun Control Act covers firearms that anyone could find possibly defined as an assault weapon. It covers guns with large magazine capacities, pistol grips, flash suppressors; it even covers a single shot .22 rifle. That is the law now on the books, 1968.

Why, then, do these Senators rush to the floor to ban 19 more —maybe really 180—different models of other semi-automatic that they choose to call assault weapons? The reason they call them assault weapons is the cosmetics; it is the pistol grip, the flash suppressor, the magazine. That is already in the law. Why are we piling on? Why are we taking away citizens' rights at this moment? Oh, yes; it is the eve of an election year. I must have forgotten. Could it be there is a bit of politics here?

This article goes on—or this chapter goes on to say:

> In addition, other prohibitions with the same or greater penalties include the use of a firearm in any crime. Selling of a firearm by a convicted felon, alteration of any firearm to a fully automatic firearm, and the use of a firearm during a drug trade.

New law? No. Old law, 1968 law. But the tragedy is, in America today, it is unenforced law. We remember all these criminal activities should result in long, hard jail time for criminals or drug users or drug dealers with assault weapons or any other kind of firearm, shotgun, rifle, pistol, revolver, single shot, machinegun. Why are they not used? Why are we tonight having to defend the right of free citizens when this law is already on the books?

Every victim of every violent crime in which a gun is used ought to demand an answer to this question. And in their own very real and very frustrated way, Americans are doing just that now. They are saying: Give us real crime control, Mr. and Mrs. Politician; and if you do not, we will get us a politician who will.

If Federal law enforcement agents did their job with respect to guns and convicted violent felons, using only the 1968 act as reformed, the gun control that we talk about tonight would not be an issue. We would be a long way toward the solving of violent crime in America. We would be getting the criminals off the streets and into the jail.

Welling up out of my thoughts and my comments tonight comes the obvious question. Senator CRAIG, if you say these laws are already on the books, and that is since 1968, and now we are putting them on the books again, what is our assurance that if they did not work then, they will work now? Guarantee us, Mr. and Mrs. Politician, that what you did in 1968 but you did not back up from 1968, you will back up today.

America and our citizens have a right to be angered. They have a right to ask that question. And they have the right

to ask why, if in 1968 this became the law, are we now the victims of violent criminals using guns time and time again? And most importantly, if it is the violent criminal that uses the gun, why tonight do you choose to take the gun away from me, the free citizen?

Think about that. Every convicted criminal in America who picks up a gun could now be in a Federal prison. More importantly, under the 1968 act, they should be in a Federal prison. That is the law. Do you not remember that old television show, "That is the Law"? That is the law, Madam President. But it is not working because it is not enforced. And so, they pass through on their way out to commit another crime.

But other than these existing few statutes, why then are we moving to control guns in this measure tonight? It is a hoax; it is a hoax. If all the gun control proposals now pending before Congress, and there are many others, are the targets of real criminals, why did 68 not work? The answer is that gun control measures are not the targets to go after criminals. They are the targets to go after or restrict free citizens.

Since it is already criminal to purchase and possess even one gun if you are a criminal, why limit the number of guns or types to honest people? The answer: Arresting violent criminals is dangerous; arresting nice, peaceful citizens is safe.

Forcing gun control laws on decent citizens is comparable to Congress passing a law to eradicate cancer by forcing an elderly healthy person to undergo chemotherapy and radiation. It might cure cancer, but it might also kill most of us in the process.

Gun ban laws have accomplished one thing: massive civil disobedience by peaceful, formerly law-abiding citizens. If I have heard it once in the last year, I have heard it a hundred times from my citizens in Idaho, and that is:

> Senator, don't make me a violator of the law. Don't force me to be a lawbreaker in my own land simply because I want the right to own a gun, as my Founding Fathers assured me I would have. Don't pass laws that I can't live by as a free citizen in this country and as a law-abiding citizen.

So let me close, Madam President, because the vote has already been taken, and while it will occur at least twice again tonight, it is very profound what we are about to do. We are about to pass a new crime control measure that puts billions of unpaid, foreign, uncollected dollars out somewhere on the streets of America in the guise that somehow the criminal will become less violent and the world will become a safer place. And we are passing a law tonight that says to the free citizen of our country: You will be just a little less freer tomorrow. And will it change America distinctively tomorrow? No, it will not.

That free citizen will be a little less freer, but what that free citizen is worried about is that the little less freedom becomes a collective kind of thing; that it accumulates and they become a little less freer over time; and that a generation or two from now, because it happened so easily in this country, then we may be increasingly restricted.

So tonight those few who drone on about gun bans, I hope, ultimately get drowned out by angry voices of voters who are rebelling against America's catch-and-release criminal justice system and beginning, as I think they will, to flex their muscles at the ballot box.

Politicians should take note of what people are trying to tell them. It has been a very loud and very audible cry for the last good many months. America is not in control of itself, but you do not make America a safer place by making Americans less free.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I see there are others going to speak, and I have spoken. I want to get back to the one concept that is here, and that is these semiautomatic weapons. As I thought about that subject, I thought about a comment that one of our colleagues on the floor said to me today: "STEVENS, why do you get so uptight about guns?"

So I have decided to take just a few minutes to tell the Senate why I am so uptight about the provisions in this bill.

I want to take you back to the twenties and the early thirties in Indiana. That was a time of the beginning of the Great Depression, at the end of the twenties and on into the thirties, and I lived in Indianapolis. I was living with my grandmother and grandfather. We were what people would call today below the minimum level of income by a long ways. I was about 8 when a World War I vet let me use his .22 rifle and taught me to hunt just a few blocks from our house. Across the railroad tracks, there were some places where there were rabbits. And quite often I learned in the wintertime to go out and shoot rabbits, and I shot them to bring them home. It was not sport, it was for food.

By the time I got into the late thirties, I moved to California, living with my aunt and uncle. My uncle was a World War I vet. He worked very hard as a tool and die maker but he only got 2 weeks vacation a year. One of those 2 weeks we spent hunting and the other of the 2 weeks we spent with my aunt visiting a national park or recreational-type area in California.

But the 1 week of hunting was usually up in northern California. We drove up to an old fort, and I remember so well those days when we were hunting then, because we used the old World War I little pup tents to sleep in, and we had some equipment that we had put together to cook, and we hunted in the rain or we fixed our food in the rain. It did not matter what it was, it was a vacation, but it also was a time we were going for food. We went after the mule tail deer of northern California, and I learned to hunt larger game in northern California.

I did not own a rifle then. I really did not acquire a rifle that I really owned until I moved to Fairbanks in the period following World War II. I graduated from law school and went to Fairbanks. By that time, I was a young attorney. I did not own a handgun, but I did buy a bolt-action rifle. It was a hand-moved bolt action.

But I formed great friendships up there in the hunting expeditions that I had with either shotguns or with my rifle.

Later, when I moved to Anchorage, I bought my first handgun, a .357 Magnum, and I bought a series of shotguns and rifles. As my boys came along, I gave each one of them a gun when they were 13. Again, it would not have been a violation of this, but it was what we call an over-and-under—a .22 rifle on the top and single-shot 20-gauge shotgun below it.

I can remember the days, again, when I had vacations, and they were not often. Year by year, I would take my boys out into the little Susitna country, going out toward Glennallen. It is going eastward from Anchorage. We used pack horses, and a couple of friends would go along. We would hunt one boy with one adult. We took pack horses and went into the wild. That area is now in the national park. In 1980, Congress made that not available to those of us who are not subsistence hunters, and I always regretted the loss of that area because we had a very rustic camp out there.

We took our pack horses out. We had mountains to go up and mountains to come down. We taught our boys how to hang onto the tail of a horse to go up a mountain and how they restrained a horse so it would not break a leg coming down a mountain. We forded streams, and we went hunting.

We, by that time, were after moose. I also hunted for moose in Fairbanks, but the moose hunting trips I remember mostly were with my boys. My first wife, my late wife, Ann, used to say that these were our male bonding sessions, and she approved of them very much.

When you look at what we did over that period of time, first myself as a very young boy and then with my uncle in California, through high school and college ages, those were the times we sat together around the campfire and talked about really what we should be as men.

What bothers me about the semiautomatic provision is that every gun I own

today is semiautomatic, with the exception of the handguns. And even one of them is semiautomatic. Why should I not be feeling exactly as the Senator from Idaho says so many of us feel, that this is just the first step? We know this will not work. This will not take riot guns from criminals. They do not get them legally anyway. They do not use them legally.

We tried to put into law tougher provisions for the police to enforce that would make it a serious crime to misuse guns. I spoke earlier about the silencers in particular. I think anyone who uses a silencer is a would-be murderer, and there ought to be appropriate treatment for anyone that has a silencer that is not part of a law-enforcement mechanism.

I do believe the great problem is most people do not understand us. They do not understand us. I was brought up to believe in the right of an individual, particularly a young boy, or a father and a son to have guns and to be able to use them, use them lawfully. We taught our sons—and still the NRA teaches them now—how to use weapons, how to respect them, what our duties are if we have a gun, how we prevent accidents.

But the real problem is I still believe we have those rights. When this law does not work, as the ones that the Senator from Idaho has been speaking of that are on the books do not work because they are not enforced and cannot be enforced, what is next? The ultimate we feel, the ultimate is some sort of restriction on our rights, some further restrictions on our rights.

This bill defines semiautomatic weapons by listing specific weapons, and the Senate is about ready to pass that bill that will confiscate in effect our right to have those weapons and to use them lawfully. The real problem about this as far as I am concerned is not what this bill does so much as the progression it continues.

This Congress has already passed the Brady bill. Four years ago, I suggested a system, and discussed it with the then FBI Director, of using mechanisms similar to the credit card checks when we go into retail stores of every person having a gun card, and we would be required to have this card that would go into a mechanism, would automatically check out whether we have been convicted of any crime. The dealers selling weapons would have a similar concept. Before they even think about selling a weapon, they would have to get information and put it into a national registration of past crimes, particularly those involving firearms.

We could have done that, and it could have been law by now. It would have stopped many people who are not qualified, ought not to have guns, from purchasing guns in the interim period. That was not accepted. Instead, we fought and fought and fought over the Brady bill waiting period, which again has brought nothing but a problem to people who live in rural areas.

But the main point I am making is the progression from the Brady bill which was fashioned in a way that is not going to prevent people who really should not have guns from getting them. It mandated local actions, and court after court across the country has said the States do not have to follow that mandate. It was not funded, and it is not practical.

But beyond that, we come to the definition of these semiautomatic weapons, and again we are not going to take weapons from any criminal. There is no mechanism to prevent a criminal from getting any semiautomatic weapon.

What does it do? It defines a proposition that weapons that have that capability of being transformed into a banned semiautomatic ought to be banned as well. How far is that from my shotgun? How far is that from my automatic rifle? How far is that from my automatic pistol?

I am trying to make this point, too. Are these people really serious that that is the direction they are going? Are they going to tell me that future generations of young fathers in this country are not going to have that experience with their sons, that they cannot, cannot possess semiautomatic hunting rifles?

We believe that is where they are going, and that is where I am coming from. I know that is where they are coming from now because they took out of this bill the provisions we put in it to make it a serious crime to misuse a weapon, particularly to misuse a weapon by a felon.

As the Senator from Idaho says, there has been a law that they cannot even possess a weapon. But to misuse it in connection with a crime ought to intensify the punishment. And we ought to send out the word very strongly that the Congress of the United States expects those laws to be enforced and take action to make certain that they are. The difficulty is those of us who have this kind of background, who believe in guns, love to use guns, who have lived with guns all our lives are now somehow chastised because we are worried about the procedure that is being followed in order to put before the Congress a bill that is just one more step in the progression to take guns away from us.

Now, I think our people are legitimately worried. I am legitimately worried about the effectiveness of the second amendment with this continued erosion of the right to keep and bear arms.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Madam President, during debate on the original Senate crime bill, I said it was one of the most important crime bills in American history. When the Senate passed its version of the crime bill, I complimented my colleagues for doing a great service for the American people. I truly believed we had approved a crime bill that was—tough on crime. I remember saying that the trust the American people had placed in Congress had been greatly justified. I regret to say that I cannot repeat those words here today.

The crime bill conference report which has returned from the House is much improved over the bill rejected by the House last week. For example, I am pleased that $3.7 billion was bundled together and is being allocated to the States for block grant programs to combat crime. States and local communities must be given the opportunity to use scarce resources in targeted manners to address particular crime situations, not as bureaucrats in Washington decide.

I am pleased that the House majority has recognized a simple fact—even though they now possess the White House, and a majority in both Houses of Congress, they cannot dictate terms to the minority and expect to have their actions accepted by the American people. Nevertheless, while the original conference report was totally unacceptable; this new version is also out of step with what the American people want from a crime bill.

The crime bill that came back from conference is just that; it is a crime what Congress has done to the bill. It has now gone from a crime bill to a criminal's bill. Much of the good that I supported in the original bill has been dropped.

I must admit I am not an expert in criminal law or procedure. Unlike many of my colleagues, I am not an attorney. However, before coming to this body, I was mayor of Idaho's capital city. As Boise's chief executive, I worked with public safety personnel. I have seen, firsthand, the problems our officers face every day. I have ridden in the patrol cars and walked the beat. I have never met a more committed and honorable group of men and women. What they want from the politicians and the policymakers is to be given the tools to do the job—and then for us to get the heck out of the way.

It is in the State capitols and city halls of America that crime must be fought: 96 percent of the crime in America is committed at the local level. Only 4 percent of all crime is under the Federal jurisdiction. Yet Congress has attempted to represent to the American people we are providing a solution to crime in America. We cannot continue to federalize American law enforcement. During debate on the Senate crime bill, I introduced and had accepted by the majority a sense-of-the-Senate resolution that said that,

"local law enforcement must remain the sole prerogative of local government under their respective jurisdictions and authorities." Unfortunately that provision, an acknowledgement of the preeminence of State and local law enforcement, did not survive the conference report.

In my State there is a saying, "Idaho is what America was." But as we look around the country and see the threat of urban crime now creeping into rural communities, my constituents are concerned that instead of Idaho being what America was, Idaho will become what America is.

If we are going to have a crime bill that is tough on crime, why has it been stripped of the tools, and the teeth necessary to get the job done.

This crime bill no longer includes 13 billion real dollars for States to build new prisons. This crime bill erased tough Federal penalties for violent juvenile gang offenses, and mandatory minimum sentencing for use of a firearm in the commission of a crime.

This crime bill eliminated mandatory minimum sentencing for selling drugs to minors or employing minors in a drug crime. This crime bill no longer allows for the prosecution of violent juveniles over the age of 13 as adults. And Mr. President, this crime bill prohibits deporting criminal aliens after they have served their sentence.

In its place the new crime bill is just a collection of dressed up social programs. In some cases they simply substitute the phrase "for crime prevention" for action to prevent crime.

The new crime bill will:

Increase the deficit by $13 billion.

The Local Partnership Act and the National Community Economic Partnerships Act together add $1.8 billion in jobs programs, and loosely controlled educational and substance abuse programs.

The Model Intensive Grant Program is a $625 million giveaway to 15 urban cities with virtually no controls on how the administration will spend the money.

The Community Based Justice Program will require social workers to be involved in criminal cases to assure that prosecutors focus on what is good for the criminals—not the victims. Yes, and all we have to pay for this is just $50 million.

The conferees claim that $9.8 billion is provided for prisons. But of that amount, $1.8 billion is given to the Attorney General to hand out to the States to help pay the cost of incarcerating criminal aliens. Of the $7.9 billion in prison grants remaining, there is no guarantee that the money will be spent to build prisons. Furthermore, the bill requires costly State mandates for a comprehensive correctional plan which represents an integrated approach to the management and operation of correctional facilities. Mr. President, apparently Congress just does not get it. The American people do not want a feel-good approach to prisons. They want to give police, prosecutors, and judges the resources to jail violators and they want prisons available to house them to serve their sentences. They do not want to hire bureaucrats to write regulations on the meaning of a qualifying Federal diversion, rehabilitation, or jobs programs.

I believe we should address the State's needs for prisons and provide alternatives for young people to crime. But the GAO reported that this country now has 266 prevention programs currently serving delinquent and at-risk youth. Of these 266 programs, 31 are run by the Department of Education, 92 by HHS, 117 by the Justice Department and 26-odd programs scattered elsewhere about the executive branch. The GAO found that we have already mounted a massive Federal effort on behalf of troubled youth to the tune of $3 billion a year. Yet, here we go again throwing money at the problem for the sake of saying we have accomplished something. We have no clear idea how we will pay for the programs we have got much less the ones we are adding. What we need is to reassess these programs and coordinate our efforts and our dollars.

The provisions included in this crime bill repeat the same vague social programs over and over again. What we have here is the same jobs bill Congress killed last year rising from the grave. Jobula, the social program vampire, sucking the blood out of our economy to feed its fiendish lust for cash,

When we considered the Brady bill, I spoke to my concern that when we began the process of passing gun control legislation that we would be opening a Pandora's box of legislation limiting the rights of gun owners. During debate of the original Senate bill, I strenuously objected to the ban on semiautomatic firearms, and voted against the measure three times. In the end, however, I supported the bill, as did other of my colleagues, for the following reason: I knew we would have additional opportunities to delete the semiautomatic weapons ban while still producing a strong anticrime package. However, I fear that instead of achieving a strong anticrime package we have produced a budget-busting social programs bill which will continue the process of reducing the rights of law-abiding citizens.

Unfortunately, the conference committee which reconciled the House and Senate versions of the crime bill ultimately failed to produce legislation which will have any serious impact on crime. The committee retained the needless semiautomatic firearm ban and added millions of dollars in pork-barrel spending to the bill. Not only will the crime bill infringe on the rights of gun owners, it will also create several new social programs which will increase the Federal deficit by $13 billion.

Mr. President, I appeal to my colleagues instead of the bill before us let us pass a crime bill that will make our streets, our neighborhoods, and our communities safe again.

It is truly a crime against the American people for Congress to masquerade a jobs bill, new social programs, and pork as a crime bill. We have more important needs in this country than make work programs. We need to get tough on crime, and I am sorry that the efforts we made earlier this year to do just that have been wiped out. It is a crime.

I ask unanimous consent that several letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SODA SPRINGS, ID.

Senator DIRK KEMPTHORNE,
Federal Building,
Pocatello, ID.

Re: Crime Bill.

DEAR SENATOR KEMPTHORNE: The Clinton Crime Bill is another blatant infringement on our Constitutional rights and individual freedom. The Omnibus Crime Bill creates an enormous Federal Police Force with the power to exercise infinite control over the people. A Gestapo, under control of one person who will not hestitate to use it to force his will on the people. I was relieved to see it killed in the House.

Any bill that imposes gun control of any kind is un-Constitutional. There is no doubt that gun control will have little impact on crime as a whole. Outlaw guns so only criminals have guns. If private ownership of guns is the problem, why do states with no anti-gun laws have the least crime? It is because a potential criminal cannot be sure he is the only one with a gun.

The same as with Health Care, a Federal Crime Bill increases the size and scope of federal control over our everyday lives. It will do little to curtail crime, but will give even more un-controlled power to non-elected government officials. All agencies impose rules that are then enforced the same as laws passed by the House and Senate. I.e., The rules the Forest Service tried to slip in unnoticed.

Both President Clinton and her husband are pushing to gain more individual power over every aspect of our daily lives. They want to be the dictators over a socialistic police state. Clinton was elected on the promise of change. The only change we are getting is a rapidly growing federal bureaucracy, increasing taxes and a loss of our rights, at an execrated rate. Do not vote for any program that increases his power and authority, he already has far too much.

Regardless of when it happened, Whitewater is a very important issue. It is more important and has implications more far reaching than watergate even could. To anyone who has been paying attention, the Clinton's are involved in a massive cover-up, which could even involve murder. Were they ordinary citizens, there is no doubt they would be charged and held without bail. Please keep pushing for an investigation into the whole affair. If you really want to do something about crime, that is a good place to start.

Thank you,

JARED P. LOWE.

BLACKFOOT, ID, *August 24, 1994.*

DEAR SENATOR KEMPTHORNE: I am writing to express serious concerns in regard to passage of the Omnibus Crime Bill. As an American citizen and veteran I ask that you consider my opinion, and also that you do your duty to support and defend the Constitution of the United States of America. My primary concern is the gun ban and the greater constitutional issue that surrounds it. I believe that there are elements within our society and without, internationalists and social engineers, who openly and defiantly vow to disarm the American people. Allow me to inject something here that illustrates my point. I watched Senator Diane Feinstein respond to the question "does your assault rifle ban violate the second amendment to the Constitution?" Her response was "SO WHAT!" I am alarmed with the ease that someone sworn by oath to defend and support our Constitution, can show such utter contempt for it. There are millions of Americans who are sickened by such arrogance. Why wasn't this woman censured? This is a law that will surely not prevent the criminal element from obtaining banned guns, any moor than drug laws keep people from getting drugs. It is an unconstitutional INFRINGEMENT upon law abiding Americans. Why should our government act as though it fears its citizens armed? Crime has been used to scare the American people into accepting something most politicians know, will do precious little to solve our problems, but buys votes for them, at too great a cost.

When Charles Manson was 12 years old he killed his first man, he used a knife. During the next few years he killed 29 others by most accounts, all with knives. According to prosecuting attorney Bugliosi Manson boasted to prison officials after begging them to not let him go, "I'll commit a crime so bad you have to lock me up and never let me go." John Wayne Gasey killed 40 he used the knife. James Wood used a knife to rape, molest, terrorize and murder 15 people we know of. My point is simple, gun bans will not solve the crime problem. Americans have had guns for over 200 years, why are they now the scapegoat? Idaho has one of the highest guns per capita of any state, yes we have crime but not to the extent some of those promoting gun control would lead us to believe we should have. The Federal Prisons Board and the FBI claim 90% of the crimes are committed by 10% of the criminals. If the crime bill is to do anything lasting and meaningful it needs to address the problem of overcrowding, plea-bargaining and lenient judges, the problem does not appear to me to be one of apprehension or a lack of sufficient laws, but rather one of detention. Why turn these menaces to society loose because we don't have room for them in the prison system or enough money to keep them locked up. What good is three strikes if we don't have the money or the room?

One more interesting and very important statistic we never seem to hear about is that although in 1993 13,000 murders were committed in the U.S. in that same year it is estimated that approximately 300,000 murders, robberies, rapes and other assaults were prevented by someone with a gun. To disarm the American people leaving only law enforcement, Federal Para-Military Agencies, etc. and the military with guns sounds like a Police State to me. Our Founding Fathers wisely foresaw this danger and we seem to be oblivious to it. Recognizing the natural tendencies of those in power to dominate and control others, a system of checks and balances was devised to keep the real power in the people, one manifestation of this was the recognization that the God given right to defend oneselves and ones property should always be the primary responsibility of the individual. This right is not granted by the 2nd amendment; it is simply reiterated and reaffirmed by it, and wisely so. Again the intent was to guarantee and protect the ability of the people to defend themselves from tyranny, foreign and domestic. Those willing to give up this right and in-trust their liberties to a ruling elite, the United Nations, Nato or some other New World Order entity made up of non-constitutional, non-elected, non-Americans are in my opinion flirting with slavery.

Please, Mr. Kempthorne, I implore you to utilize the full force of your office and calling to do everything humanly and legally possible to kill this flawed and dangerous legislation. I hope that Mr. Gramm, Mr. Wallop, and particularly Mr. Dole and others will lend their full support to defeat this bill. Regardless of their actions I must ask you again because you are my Senator: I am trusting in you to do the right thing no matter what. If necessary, please filibuster this bill.

Thank you,

CHARLES KOTTER.

My name is Ray L. Johnson. I am a retired Chief of Police. I belong to The National Assn. of Retired Chiefs of Police. I am writing this letter to voice my concerns about the (crime bill) that is now being considered in the Senate. Myself and several other retired Chiefs that I have talked with, believe that this bill does nothing to curb crime. It will do nothing for all the small rural cities and towns where 95% of the police work is done. It will fund about 20,000, not 100,000 new police to work in some police departments in big cities, for about two years at most. Then they will be left with the responsibility of funding those officers and in all probability they won't have the funds. The money that is to be spent for new prisons, will be for Federal prisons, not for State run institutions. And does nothing for the over crowding in the state institutions, as the states will be charged about three times what it would cost them to house a prisoner in state institution, as versed to what the cost would be to house the same prisoner in a federal institution. The ban on assault type weapons, and the almost six thousand per cent tax on various types of ammunition. All this will do is stop law-abiding people from owning certain types of weapons. "It will not" stop any criminal from getting, or using these types of weapons in crimes. They will steal them, or smuggle them in from other countries, or make them. As for the ammunition tax. Criminals don't care how big a tax you put on ammunition, why, because they will "steel" what they need. We don't need 30 more do nothing social programs to add to the approximately 240 do nothing programs we have that don't work. If you want to stop crime? First you reform the juvenile justice system. Kids learn at very early age that the juvenile justice system is a joke. Instead of having kids play ping pong, shuffle board, and have social awareness class. Have the centers run like mini boot camps, give them some discipline, selfasteam, and some direction. Next you make it a capital offense for any crime committed with a gun, also for the sale or possession of (1) ounce or more of any class one substance. Instead allowing endless appeals they would get one, and that would be a review. Any death sentence would be carried out within 30 days of the sentencing. Make all sentences fixed without parole. And run the prison like boot camps. Take out all the T.V.s, all the basketball courts. Stop building country clubs and build prison. Give the military the job of stopping illegal smuggling and immigration. Thus allowing for more cops on the streets. This may not stop crime but it will do more than midnight basket ball will.

Sincerely,

RAY L. JOHNSON.

IDAHO FALLS, ID, *August 18, 1994.*

DEAR SENATOR KEMPTHORNE: I am writing to you to express my opposition on some pending legislation. I urge you to vote against the so-called "Crime Bill". My major objections concerns bans on so-called "assault weapons" which includes high capacity magazines, etc. but I also feel other provisions of this legislation are also ill-advised, including federalization of many crimes formerly under the jurisdiction of state and local municipalities. Based on relatively recent US Marshall/FBI/BATF showing in such incidents as the Randy Weaver case in northern Idaho and the Branch Davidian fiasco in Waco, Texas, I do not feel that the country needs any more such "federal law enforcement" incidents. (I do believe and hope that these were unusual incidents atypical of these agencies, but they did occur in the recent past.) I am skeptical of "3 strikes and you're out" legislation which may be passed without further thought to modifying current prison construction requirements to control costs. Here in Bonneville County, a referendum was recently defeated for an $8 million bond for a new county jail facility mainly because the amount seemed exorbitant and the cost would have to be borne by the taxpayers. I have similar reservations about the funding for the "100,000 new police" clauses of the crime bill.

It would appear to me that a better way to combat crime is for the people to regain control of the judicial system in this country.

I also urge honest consideration of the real costs for proposed "national health care" legislation pending. I have not read enough specifics in the newspaper to be aware of many details concerning a proposed health care reform but previous projections concerning costs given by the President seem ridiculously optimistic to me, and it must be remembered that the costs will be passed on to the business or taxpayers in one way or another. I don't say that some of the proposals have no merit, but I do urge that costs for such "reform" be forecast as accurately as possible prior to any vote by the Congress.

Thank you for considering my opinion in these matters.

Very truly yours.

DALE A. JOLLY.

Mr. KEMPTHORNE. Madam President, in January of this year, I went to Mogadishu as a member of the Armed Services Committee. I went to a ship off the shore of Bosnia. On each of those occasions, I met with military personnel, with the young sailors and marines and the soldiers. I just allowed them to ask me any question they wished. Without exception, those young military soldiers said to me, "Don't let them take our guns away." I said, "Well, what do you mean?"

They said, "We mean when we're back home as citizens with our families

and our friends, don't let them take our guns from us." And I said, "Why is that a concern of yours?" And they said, "Because we are well aware of the history of those nations that did not have the right to keep and bear arms; that we're in that business to protect nations like that, that can't protect themselves."

And they said, "We took an oath to protect this Constitution." They said, "And you took an oath to protect the Constitution. And included in there is the second amendment rights. So, Senator, please, remember the oath and don't let them take our guns from us."

Any one of us here, if we met those individuals, would be so proud of them because of their service to the Nation and because of what they were saying. They believe it with all their heart.

I can tell you that in the State of Idaho we have a fierce belief in the Constitution of the United States, and I can say that Idahoans would defend that Constitution with our lives if necessary.

Included in that Constitution, of course, are the second amendment rights, the right to keep and bear arms. Now, there has been much said about these assault weapons. Why in the world would you need them for hunting? Why in the world would you need these assault weapons?

In Idaho, there is a great deal of hunting that takes place, a number of great gun collections in the State of Idaho. But do Idahoans, when they are hunting, empty a clip into an animal that they are hunting?

Of course not. When they are hunting for the sake of food, that would be ridiculous because of the destruction it would cause. You do not do that if you are a hunter. You do not do that if you are a sportsman. You do not do that if you are a marksman because you have much greater respect for that weapon than that.

People say, "But the only way to stop this crime, the only way to stop people from using guns which murder people, is you have to ban guns." That is what this is about, is to totally ban guns.

So what examples can we look to? What about this city of Washington, DC? You should know that Washington, DC has the toughest, or one of the toughest, gun control laws of any city in the country, right here in Washington, DC, since 1977. And handguns are prohibited. You can have a rifle, but it has to be registered. Yet, Washington, DC has one of the highest murder rates of any city in the country. Yet, it has the toughest gun control law on the books. It has been there for years.

Between 1980 and 1993, 4,200 homicides were committed in the District of Columbia. Of those 4,200 homicides, which is an appalling figure, 4 were committed with the use of a rifle. It is allowed in the District of Columbia to have a rifle as long as it is registered. Yes.

Other forms were used in bringing about these homicides—fists, clubs, et cetera, but those handguns that were used in these homicides, guess what? They are illegal. It is against the law to have a handgun in Washington, DC. Yet, they use those to commit a murder.

Where is the logic? Can you tell me that banning those handguns would stop those murders from happening? No. You cannot because that is not the fact. The fact is that gun control legislation does not work.

So then I have to conclude, as do many Idahoans, that you do not need gun control. You need crime control. That is what we are trying to craft in this crime bill. So can you tell me the logic then of when we had language in that bill that said if you use a handgun, if you use a gun in the commission of a crime, there are going to be mandatory minimum sentences that are going to be tough—why were they stricken? Why is that language now out? We have the ban in place, but the law that was going to be tough on the use of those guns, if you use them in a crime, are out. It does not make sense.

Madam President, I submit that we are undermining our second amendment rights with this action in this crime bill, with this ban that is in place. And I have to say to all of the country that this will not be the last assault on our second amendment rights. This will be a continuing effort that will be made ultimately to ban guns in America.

There is another right that I want to mention; that is, the right of local law enforcement. That is the prerogative of local government. You do not want that to be nationalized. It should be handled at the local level.

Well, I offered an amendment that just clarified that. The amendment said—and it was made part of the managers' report, it was accepted by this body—it just said that when we provide these funds that will now put what was to be 100,000 police officers on the street—but it is now closer to 20,000—that when we provide the Federal dollars to do that, that is not to become the federalization, or the first steps toward the federalization, of law enforcement. It also made the strong suggestion that we ought to leave the money at home in the first place, because if a mayor or city council or county commissioners need to have more police officers at home, if the money is left there in the first place, they can use it best rather than to have it go through the Federal Government as the middleman because that is expensive.

As you know, in this formula, the first year that you utilize this, if you do acquire some of these Federal funds, the local community has to pay 25 percent. The next year they have to pay 50 percent. The third year they have to pay 75 percent, and the next year 100 percent, until you have the 6 years that has been acquired. The communities do not have those funds.

I would suggest that it will not surprise me that in a couple of years when the cities now say we do not have the funds, that we are about ready to lose these police officers, the Federal Government will say, we have an idea. We will just provide you the money. We will just crank up that old printing press. But of course, you will have to comply with some more of our Federal regulations. These are the steps for the federalization of local law enforcement.

I say this, Madam President, because we need to point out that language which was added, an amendment that I had submitted that was accepted, is gone. It has been stripped out of this bill. It is not there. I do not understand that. I do not understand it.

We have seen different press conferences where victims have been asked to come forward to talk about their situation. I have met some of the parents of those children that were murdered. Some people would try to suggest that if you are not totally in favor of everything in this crime bill, you are insensitive. Do not tell me I am insensitive. When I see those parents, I cannot help but think about the loss of those children, and I cannot help but think about the loss of the future for those children.

I think about Geraldene Underwood, that little girl from Idaho who was murdered by a fellow that has been in and out of prison, because it is a revolving door. Yet we do not want the tough language that says we are going to keep you there, and, if we have to, we are going to build prisons to keep you there.

So please do not tell me I am insensitive, because I do want a crime bill. But I want a tough crime bill.

This crime bill, as has been pointed out, has taken 6 years to get to this point. And it is no wonder because this seems to be how Congress operates. It takes 6 years. It takes years to do anything because you fill it with pork and just strip it of any meaningful language. And then you try, through rhetoric, to say that this is the answer. This is the tough bill.

Well, this is a tough bill. This bill will be tough on the taxpayers of America. This bill will be tough on those that believe with all their might in our second amendment rights, and this will be tough to explain a few years from now when we realize it did not work.

That is why, Madam President, I am prepared and will vote against this bill, because this is not the answer. Much of the answer, unfortunately, was stripped from the bill, and in its place were put dollar signs. It is very unfortunate.

Thank you Madam President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, I supported the motion to waive the Budget Act and I would like to state my reasons for doing so.

First, in many ways I believe that this legislation represents a victory, not a defeat, for principles that have been set forth by Members of my own party. It does provide funds for prisons and for law enforcement. In many ways, the administration and the majority party in Congress have adopted provisions and principles that have been expressed by Republicans for a long period of time. My own view is that in such circumstances Members of my party should claim victory, not defeat.

But I believe that it is very unlikely that any crime bill that can be passed by Congress is going to end up curing the problem of crime. I really do not believe that there is any legislation, however tough, that is going to end the crime problem in America.

I am all for hiring more policemen. I am all for building prisons. I am all for having tough law enforcement and tough laws. And insofar as this legislation provided for that, I think that is fine. But law enforcement itself is not going to make for a lawful society. I wish that it would. I wish that we in government could just snap our fingers and everything would be fine.

We could have prisons that are doubled in size every decade, and we are not going to have a safe society in America. We can have policemen on every corner, and we are not going to have a safe society in America, because much of the problem that we have in this country is with young people. Most people who are in our prisons are under the age of 21. It is amazing. But you call up prison officials and ask the median age of inmates, and the median age will be 21, 22 years old.

Crime oftentimes—most of the time—is the business of young men. And I wish it were the case that young men were going to modify their behavior because they were afraid of the policemen. But I do not think that the basic problem is a law enforcement problem. I think the basic problem is the fundamental breakdown of values in the society, and a breakdown of the family. How is a policeman going to supplant an absent father? If parents do not care what happens to their kids, how is any prison space going to take care of that? If children are released out of school at 3 o'clock in the afternoon, if they have gone to school in the first place, and there are no parents at home, if there is no father to control a son, law enforcement is not going to do the job, no matter how good law enforcement is.

So I support good law enforcement, but I believe that the problem is more deeply rooted in our society than a lack of good law enforcement. I think it is lack of families. I think it is a breakdown of basic institutions in our society. I think it is a weakening of the role of the church. And I think it is kids that are just allowed to run loose.

So what I liked most in this legislation was the prevention. What I liked most in this legislation was that which was so casually labeled pork. I am not saying that all the spending in this legislation was great. It was not, I am sure. However, there is at least a recognition that we have to pay attention to kids. The parents are not going to do it, and I do not know any way of making parents do it. Let us try to figure out some sort of semi-adequate surrogate for families. That was the community school provision in this legislation, to keep schools open, to keep school buildings open 24 hours a day, 365 days a year. I think that is a great idea, because in some of our communities, especially the inner cities, there are precious few resources in those communities outside of the school building. And in some of our communities—I am thinking, for example, of Kansas City, MO, which has been under a court order—the school buildings are just terrific. Why not use them?

A lot of people have taken the floor and belittled midnight basketball. What is wrong with basketball for kids? Why should kids not be using the gyms in school buildings? Why shut the schools down at 3 o'clock and send the kids out on the streets? So I thought that the prevention aspect of this legislation was important—not to say that it was perfect. I am sure any time you try anything, even prevention programs, some of them are going to be successes and some are going to be failures. But I think that the emphasis on prevention was correct in this legislation.

Another reason I supported it was exactly what has been attacked by the previous few speakers, and that is the assault weapons ban. Again, I do not believe that passing the law is going to make everything right. I know that. I know that we are not going to pass a law and suddenly recapture every gun that is loose in society. Of course, we are not going to do that. But I think the time has come for a degree of seriousness in this country. The wheels have come off. What do I mean by the wheels coming off? I mean an 11-year-old boy in St. Louis, MO, who carries an assault weapon on a school bus.

So I think we should ban assault weapons. I think it is the right thing to do.

(Mr. FEINGOLD assumed the chair.)

Mr. DANFORTH. Mr. President, I want to talk about politics, because a number of people in the media have asked me how did I feel about my vote; how did I feel about being one of a handful of Republicans; how have I felt about this last week. The answer is: Lousy, just terrible. Why is that? Because the Senate is a club, in a way, and we all know each other. We talk to each other; we get along with each other; we break bread together on a daily basis. The people who serve with us in the Senate over a period of years become our friends. And those of us who are in politics have a sense of loyalty and belief in our political parties, and it is a serious matter.

For 26 years, I have been in elected politics. I never thought it would be that long when I got into it. I have been a Republican, and I am proud to be a Republican. So how do I feel about voting against my leader? Lousy. How do I feel about voting against a majority of my own party? Lousy. I do not enjoy that. But I thought that this bill was right.

I also believe that the issue as it was presented by many of my colleagues in my party was just not right, because they said that this is a matter of defining the fundamental difference between a Republican and a Democrat.

Mr. President, that is not this issue. Surely, it is not this issue. Surely, the fundamental issue that defines the difference between a Republican and a Democrat cannot be this crime bill. There are plenty of issues that define the difference between us on this side of the aisle and President Clinton.

It is as easy as falling off a log. We do not have to strain for points of difference. President Clinton found them for us last year with his economic program. We believed it was more taxes and more spending. We thought that it was fundamentally bad economics. That brought all Republicans together. We had no problem in uniting against his tax program and against his stimulus package, no problem at all.

Do we have a difference within our party on health care? Yes. We have several bills that have been offered by Republicans, but they are not that far apart, and they are certainly a long way from the Clinton health care program. We do not have the heavy Government hand, the massive approach to health care, the extremism.

President Clinton has made it easy for us to define ourselves. I did not think that was going to be the case. He was supposed to be the centrist President to run as a centrist. Some centrist. He has found the left. That is fine, but that helps us define ourselves as a political party.

There is national defense and all kinds of things. But a crime bill, this a crime bill? Not in the mind of this Senator.

I do not think, Mr. President, that the business of trying to define the differences between Republicans and Democrats or between Republicans in the Senate and the Democratic President means that on each and every

issue we have to take to the trenches. It is simple to define the defining issues, but that does not mean that everything has to be trench warfare. It does not mean that we have to fight everything, that we have to defeat everything, that we have to go to battle on every single cause. I do not think so.

So, no, I did not enjoy it, believe me. This has been a tough week for this Senator. I will be glad when the weekend comes. I am going to go fishing.

But it does not have anything to do with the difference between Republicans and Democrats, at least in my mind. I think that we have to try to figure out some ways to function as a country and find some sort of bipartisan consensus on something or other. I mean, it just is not true that the whole fate of America depends on slugging it out day to day in partisan warfare between Republicans and Democrats on each and every issue. That is an exaggeration. It is not each and every issue. It just seems that way.

One of the great things I have experienced in this so-called mainstream coalition effort on health care is that for weeks Democrats and Republicans who have occupied somewhere on the center of the political spectrum have met together virtually every day usually for hours every day in a spirit of collegiality to seek the common ground on one of the most complex issues, maybe the most complex issue ever to face our Government, and that is health care. There are opportunities to work together. I think we should seek them.

It certainly was not my idea, when I entered into public life 26 years ago, that everything, everything, had to be a knock-down, drag-out fight.

So one of the thoughts that was in my mind was if there is some area where it resonates with me I should try to be someone who at least sought some common points across the aisle.

The bill that is before us is not perfect. It is a compromise. That is the legislative process. And that is the reason I think we are here to legislate. This compromise happens to have a number of Republican ideas in it, and I think the bill should be passed.

The point of order on the budget would have resulted, I think, in the death of yet another crime bill, and I could not support that.

For those reasons, Mr. President, I voted to waive the Budget Act.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I might, in opening, say to the Senator from Missouri that the comments made by the President of the United States after the initial defeat of the crime bill rule in the House of Representatives and indeed the statements made by the majority leader on the floor of the Senate today hardly encompassed anything in terms of collegiality or bipartisanship. So I might just state that for the RECORD.

I would like to start, Mr. President, by first of all acknowledging that the votes are cast here. The die has been cast. No one is going to change any votes. We are now going to vote to bring cloture to this issue and resolve it once and for all. The crime bill will be passed. There is not any question about that. That decision was made when the point of order was not sustained about an hour or so ago. I regret that very much.

I do not know what the American people think as they watch the debate here among us. They hear it is a tough crime bill. It is a weak crime bill. It is pork. It is not pork. Senators of excellent reputation say exactly the opposite. Someone must surely be wrong.

So I do not know what the American people think, frankly, of how we conduct our business, although I think I can get a pretty good idea based on the letters, correspondence, and polls that I have seen. I think they are frustrated with us, with good reason. I think they are angry with us, with good reason, because we cannot seem, it seems to me, to at least stand up here on principle often enough to make anything happen. We are always looking for some way to adjust and compromise and wheel and deal, to take something that was once good and weaken it in the name of bipartisanship or something else.

If it is good, I do not care which party it is or how many people are involved or who they are. If it is good, let us pass it. If it is not good, then bipartisanship or collegiality is irrelevant. We should stand for principle and let the chips fall where they may.

That is what it is all about. That is what it was all about with our Founding Fathers when they wrote the Constitution when they set up this Republic. I have said before on the floor of this Senate there were one-third of the people who fought the Revolutionary War. There were one-third of the people who stayed with the king, and one-third of the people who played on both sides to try to get the best deal they could.

It is the same today. It has not changed a bit. It is exactly how it was 215 years ago.

But the situation stands now that we have not sustained this point of order; therefore, we now are not going to have the opportunity to amend this crime bill, and when I say "amend this crime bill" I am basically taking some liberty because all we are trying to do is get some of the provisions back in this crime bill that we passed several weeks ago on the floor of the Senate.

We passed it, and it was a tough crime bill when it passed. But despite all the rhetoric and all of the things you have been hearing for the last 3.5 days, I tell you "Folks, it hain't as tough as it was when it left here—no way." And not only that, it is weaker, very much weaker than it was when it left here.

Now, I heard all these statements about how it is not weaker and it is stronger and tougher, and all that. I hear some of my colleagues say, "But we are now going to send to the President a crime bill that is what everybody wants." They wanted a crime bill, good or bad. We have to give the President a crime bill. That is what he wants. Never mind the fact that it raises the national debt, that it does a lot of social welfare spending and it has nothing to do with crime. Never mind the fact that it weakened many of the provisions that we tried to put in the law as it left the Senate. Never mind all that. But we have to have a crime bill. It does not matter whether it helps the police or whether the police want it. It does not matter whether it helps the American people. But the Senate has to pass a crime bill. The House has to pass a crime bill. It has to go to the President. He has to sign it.

So that happened. That is what is going to happen very shortly. And the President will get his wish and he will get his bill and he will sign it.

Take a look at in the next 3 or 4 years and just see how much crime goes down in America as a result of this monumental piece of legislation which we have now passed.

I have heard all the rhetoric. Let me just give you a few facts.

When we sent this crime bill out of the Senate, it had a provision in there to deny benefits to illegal aliens—illegal aliens getting benefits from the taxpayers of America. It was dropped. It is out. That is a fact.

Benefits to criminals—this tough crime bill—dropped. We are going to have benefits now. Benefits for criminals stay. We tried to take it out. Back. This tough crime bill has that in there.

Handguns in schools. We had a provision in our bill which dealt with that matter in a very straightforward and tough way that would make it pretty sure that students would have to think twice before they brought a handgun to school. Dropped. It is out. This tough crime bill that you have been hearing about on the other side and that has been praised. Dropped.

I ask the American people how they feel about that. Would you like to have a provision that stops a kid from bringing a handgun to school; especially since I have three kids in school? Dropped. It is gone.

How about prisoners working? We had a provision in our bill that said they ought to work. It was dropped. It is out. This tough crime bill took it out. That is a real tough. Oh, the people of the United States of America would be opposed to any of those provisions I just mentioned, not to mention

three or four others that are weakening provisions in this crime bill. Every one of them—I am not going to read them all, but some are there.

Death penalty for drug kingpins. Weakened. Anybody opposed to that? The people in the Senate are. They wanted it in this crime bill. They wanted to weaken it.

We did all we could do on this side. All we wanted to do, why we wanted this point of order, was to be able to amend this bill to put those provisions back in. That is all we wanted. We did not need to have it passed, necessarily. We wanted to have the opportunity to have this passed, to vote to put these provisions back, because these provisions were in the bill and they were passed by a majority in this body. That is all we were asking. We were denied the opportunity to do it.

Death penalty for the attempted assassination of the President of the United States. We had it in the bill. Dropped. Dropped. Out.

I could go on and on and on.

The Dole-Hatch provision on gangs. Dropped. Serious juvenile drug offenses; armed career criminals. Dropped. Additional prosecutors for gang prosecution. Dropped. Gone. Tough crime bill, is it not? Terrorist Alien Removal Act. Dropped. Gone. Out. Material support for terrorism. Weakened. Enhanced penalties for terrorism. Dropped. Prisons, truth-in-sentencing incentives grants. Weakened. Prison construction operation. Dropped. The primary purpose of the grants, prison construction operation, that is what we had. Dropped.

On and on and on. I am not going to read them all.

So when you hear that we passed a tough crime bill, it is not true. Period. We had a tough crime bill. We passed it and we sent it to the House. They weakened it and they weakened it further in the conference and they sent it back here and here is what we have.

And all we wanted to do—and Senator DOLE fought hard, very hard, for the past several days and weeks simply to give us that opportunity, and he was denied it. That is a fact. And Senator DOLE deserves a lot of credit, a lot of credit, for what he attempted to do. He should have succeeded. He would have, had it not been for a few votes that were changed.

But we all are accountable for our actions. The American people know where the votes were. They know what is in this bill. And they know what was in it before it left the Senate. They know. They know.

As Senator DOLE said today in his remarks—you could just feel his frustration, and I do not blame him—maybe what we need around here are a few more Republican Senators. And I will tell you, I do not normally make partisan remarks on the floor of the Senate, but I will tell that statement is absolutely right. Do you want to change America? Do you want to get a tough crime bill? Let us get a few more Republican Senators here, or at least folks on the other side of the aisle who want to get tough on crime.

It has taken us 6 years to get this weak bill, because the folks on the other side did not want a tough bill for the past 6 years. That is why we have not had a tough bill and that is why we do not have one now. That is a fact.

There has been a lot of talk about the pork in this bill. I heard Senator BUMPERS on the floor today talking about midnight basketball and how important it is to Little Rock. My response to my colleague is: I think that is wonderful. I hope the people in Little Rock will set up 25 basketball leagues and maybe some football and soccer, maybe handball, I could care less. But pay for it yourselves. Do not ask the taxpayers of America who want a tough crime bill to pay for midnight basketball in Little Rock or anyplace else. It is not right. They do not want that. They want those tough provisions that I just outlined here that were weakened. That is what they wanted; $625 million for a model intensive grant program; $1.6 billion for the Local Partnership Act.

Senator DANFORTH just said a few moments ago on the floor that he was against the stimulus package, and he stayed with us on the stimulus package. The point is, the $1.6 billion for the Local Partnership Act is right out of the stimulus package; right smack out of it. There is nothing new here.

When we were talking about it in those days, it was a stimulus package. That is what the Local Partnership Act was supposed to be.

This Local Partnership Act was born in 1992 when Congressman JOHN CONYERS of Detroit, MI, introduced a bill to spend $5.4 billion on local governments in 1992 and 1993. The bill was dressed up and slimmed down and later reduced to about $3 billion. And in both bills, congressional findings concluded that the United States was in a recession. It said, in the midst of a recession, they need these local services.

Well, we are not in a recession now, most people would say, so now we are going to call it crime prevention. It is not a stimulus; it is not economic any more. Now it is crime. The same thing. It is the same language; exactly the same.

So, now the only difference is the stimulus package wears a badge. It is a cop now. It is a policeman now. It is crime now.

It is the same language, same money, same locations, same recipients, just wears a badge and carries a baton. Same old stimulus and same old formula—the U.S. Congress taking your money as if we are taking it out of the air and sending it down to some district someplace, some locality, telling them what to do, how to spend it, so they can spend it on midnight basketball or something else.

They claim that is tough on crime. That is a crime, just to call it tough on crime, as the Wall Street Journal said.

Mr. President, this bill is absolutely loaded with pork.

Now, everybody that has taken the floor in defense of this, they say, "Oh, these are worthwhile programs. They are so wonderful."

Many of them are. As I said, I would like to see the midnight basketball programs happen and if the local people want to pay for it, good. But should the U.S. Congress do it in its tough crime bill? Not hardly.

There is so much pork in this bill that it defies even talking about it. It has been outlined a thousand times on the floor of the Senate, and I am not going to go through it again.

But we know that we have increased this bill. We have put money in here in the name of crime prevention. And it is a huge amount of money. It is in the billions of dollars and everybody knows it, and it is not crime prevention.

We are talking about prison construction. We had $13 billion in the Senate bill. That is what passed. In this bill, we have $7.9 and everybody thinks that is pretty nice. We have $7.9 billion to build prisons. Yes, we do. But do you know what, there is a loophole in it. They do not have to build prisons. They can build prisons but they do not have to build prisons.

Here is what is going to happen. They are going to probably rent some apartments, maybe some buildings somewhere, and try to figure out how they can get a prisoner out of jail for a weekend pass or work release or something, some way they can get him out so he does not have to serve in prison. He will be in the apartment. They can do that under this bill and call it prison, as long as he is still a prisoner. They can do that.

There are all kinds of alternatives to free up prison space. Anything they can do to free up space, that is what it says. It does not say they have to build prisons. It says they have to free up prison space. OK, we can do it that way. We can house them in a halfway house. There are all kinds of provisions here. We can have a number of halfway houses built with the $6.9 billion to deal with drugs and other problems. They are not necessarily prisons. We will see how many prisons are built out of the $6.9 billion and we will see where they are built. It will be interesting to see where they are built, too.

There are a couple of other things I want to talk about. One that was very close to me was one on alien terrorists. Senator SIMPSON had a provision that passed this Senate overwhelmingly, and it was dropped in this conference. It was dropped from this bill. It provided for the expedited deportation of

nonresident criminal aliens convicted of violent felonies upon completion of their prison sentence.

If you had a violent felon who is an alien who commits a crime and serves his time, the Simpson amendment would have said: Let us get him out of here; send him back home; we do not want to spend another nickel on him. That is what it would have done. It would allow the Federal judges to enter these deportation orders at the time of sentencing, so once the sentence is served the criminal is out, gone. What happened? They dropped it. We ought to protect these people, right? That is a good, tough crime bill, to protect somebody who is trying to blow up a building in the United States, or commits murder of a U.S. citizen, somebody who is an alien. But for goodness sake, let us not deport him after he completes his prison term. Let us try to keep him here a little longer. Maybe he can beat the system, get out, still be an illegal alien, and commit another crime so we can lock him up again and pay for him again. We wanted an amendment to put that language back in there so we can deport him. It is gone; we cannot do it.

I had one, as well, on alien terrorists, an amendment that passed the Senate overwhelmingly. It may have been unanimously, I am not certain, but I know it was overwhelmingly. This amendment would have created a new procedure under which the Justice Department could use classified information related to national security to secure the deportation of terrorist aliens. Under current law, such classified material cannot be used—believe it or not—cannot be used to establish the deportability of such terrorists. You cannot use it. So if you know somebody is a terrorist, if you know somebody has the capability of committing a crime like the World Trade Center explosion in New York—you know they are going to do it, you know they have the capability to do it—they have not done it yet. The FBI has the information. So they come and say: Let us deport him. "No, we cannot do that. We have to wait until they blow up the building. After they blow up the building, after we try them, after they serve their time, and after they fool around with the judge a little bit and see if they can beat the system, then we can deport them."

My amendment called for the establishment of a new court comprised of sitting Federal judges to be designated by the Chief Justice, and this special court was modeled on the special court created by the Foreign Intelligence Surveillance Act. This amendment would have relied on the existing statutory definition of a terrorist. It was based on comprehensive legislation that was formulated in the Reagan years, and into the Bush administration as well, in the wake of that World Trade Center bombing, which was committed by terrorist aliens.

I believe this amendment represented a particularly urgent and necessary revision of the law. And so did the Senate, overwhelmingly. That language is taken out. Gone. Taken out. Tough crime bill.

So when I hear all this talk about how tough the crime bill is, it does not do much for this Senator.

There is another one, mandatory restitution to victims of violent crimes. The Senate bill provided for mandatory restitution in Federal court to victims of violent crime. There is not much in here for victims. We have a lot in here to help those poor people who had such difficult childhoods and have all these social problems, who committed these crimes. We are going to give them a lot of help. But there is not too much for the victims.

The conference report, although providing for mandatory restitution to women victims and victims of child molestation, fails to include the broader victims' rights reform that Senator NICKLES was trying to accomplish. It did strengthen some of it, but not enough. So all we wanted, again, was the opportunity to vote; just to offer an amendment to put back what the Senate wanted in in the first place. No, we cannot do it.

You are going to hear and you have heard about this alleged deal here that was offered by the majority side, saying we could have our amendments. The amendments dealt with only budgetary matters. They did not deal with the crime-fighting amendments. Why not? Because they knew that they would pass, because they passed when they left the Senate. They passed in the Senate before, and they knew they would pass again and they did not want it. The liberals in this body did not want it to pass and they knew when they voted for it, when it left the Senate, that it would not pass. They knew it would be taken out in conference or in the House. They knew it all along, and the game plan all along was to do exactly what they did, and they won by two votes on the floor of the Senate today. They won. Two votes.

You think your vote does not count? Two votes would have changed it, and we would have had the opportunity to amend. And those amendments would have passed, every one I mentioned would have passed and would have become law, and the President would have signed the bill. They knew it. That is why the fight was so bitter. It was so bitter on this point of order.

Mr. President, I could go on and on on this. I am not going to. The 100,000 cops issue, which is not 100,000 cops. Everybody knows it. The local communities are picking up at least 80,000, in essence 80,000 of those police officers, by picking up a larger percentage of the costs than we are being told. It is not 100,000 policemen, at least not paid for by the Federal Government.

I do not know why we do not listen to the people who are out there who work in law enforcement. What do they say about it? What do they say will work? The Law Enforcement Alliance of America, which is the Nation's largest coalition of law enforcement, crime victims, and concerned citizens dedicated to making America safer—here is what they say. Here is what they wanted in this bill.

Increase the prison inmate capacity. We did not do it. No guarantees—we might. If those Good Samaritans out there who are going to watch these moneys and see where they go—if they decide, whoever they are, to build these prisons, we will get about 6.9 billion dollars' worth of prisons built. But that is not going to happen. We are going to see halfway houses; we will see little rooms where people can be housed so they do not have to go back to jail and serve in those horrible places. That is what they wanted.

Increase the prison capacity. Do you know what they said? Hire the requisite personnel to operate them. Eliminate the luxuries inside so life in prison is a heck of a lot less attractive than it is now. That is what they said. We did not listen to them.

There is a second point they make. Ban from prisons all weight lifting equipment, martial arts, boxing, and hand-to-hand fighting training used to disarm and kill 20 to 25 percent of all police officers killed in the line of duty. Replace that with calisthenics and reading and writing and basic arithmetic: Job skills. We did not do that.

Federal legislation they would like to see: To provide for the authorization for qualified police officers to carry their sidearm throughout the United States, which will increase police presence by over 600,000 officers. They did not do that.

More prosecutors and judges for localities with case backlogs and reduction of plea bargaining in violent crime, truth in sentencing, exclusionary rule reform to provide good-faith exceptions. We did not do that.

Habeas corpus reform to stop endless appeals in capital punishment cases. We did not do that. This is a tough crime bill though, is it not?

There were dozens of law enforcement organizations and agencies opposing this crime bill from all over America.

The Wall Street Journal, as I said, had an editorial a short time ago that said "This bill is a crime." I do not think you can say it much better than that, because it is. It is a crime. This bill is going to take billions of dollars from the taxpayers of America and send them back into communities, spending the money on things that are not anticrime that we ought not to be spending Federal dollars on.

It is not tightening up the tough provisions that we want and the American people want—habeas corpus, exclusionary rule, truth in sentencing, mandates for people who commit crimes with guns, on and on and on. We are not doing it.

So it is a crime. The Wall Street Journal is absolutely right. The FBI chief—and I think it has already been said on the floor in previous debate—he himself criticized this bill. He criticized it, and he was reined in, it says, in the Washington Times.

He suggested to a newspaper interviewer that mayors and police officers across the country do not like the bill, and then he was "reined in" by the Clinton administration. I bet he was reined in for speaking out. He is only the No. 1 law enforcement person, with the exception of the Attorney General, in the country. So I suppose he should be reined in if he says he does not like the bill that his President is pushing.

He said,

From a Federal law enforcement point of view, the one great concern I had is for the funding for the 100,000 police officers which comes from downsizing the Federal Government and specifically the FBI and the DEA.

That is what the point is on all of this money for police officers. We are going to downsize the Federal Government and provide these police officers. Who is going to get downsized? You can bet it will not be the bureaucrats in HUD. You can bet on that. It is going to probably be FBI people.

So he has spoken out.

Mr. President, I want to conclude on another item that was in the bill that really is the purpose of my rising today, which is the issue of gun control and the issue of whether or not it is appropriate to basically ignore the second amendment to the Constitution. And we are ignoring the second amendment to the Constitution. Not only are we ignoring it, we are stepping on it.

I have heard a lot of debate in the last 3 or 4 days about what the Founding Fathers meant about the second amendment. You all know what the second amendment says:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Shall not be infringed. That is all it says. I do not know where we get in there that certain types of guns can be banned, waiting periods, all of these things. Where does that come from? How do you get that out of the second amendment?

I can guarantee you that some of our liberal colleagues who have ranted and raved against the second amendment all these years, if it was the first amendment, oh, boy, we would sure be hearing a different tune then.

I have heard all the interpretations of what the Founding Fathers meant. I have heard plenty of it from especially those who supported the Feinstein amendment on the banning of so-called assault weapons.

Let me quote you what the Founding Fathers said. No exaggeration, no focus on my words, their words, period.

Thomas Jefferson:

No free man shall ever be debarred the use of arms.

So do not anybody try to tell me what he meant. Maybe somebody else's interpretation of what he meant. You heard what he said.

How about John Adams?

Arms in the hands of citizens may be used at individual discretion * * * in private self-defense.

That is pretty clear. It does not talk anything about hunting or sport. He is talking about self-defense. That is what the second amendment is there for.

James Madison, fairly well known, helped write the Constitution:

[The Constitution preserves] the advantage of being armed which Americans possess over the people of almost every other nation * * * [where] the governments are afraid to trust the people with arms.

James Madison.

Thomas Payne:

* * * arms discourage and keep the invader and the plunderer in awe, and preserve order in the world as well as property * * * Horrid mischief would ensue were [the law abiding] citizens deprived of the use of them.

Anything in there about gun control or registration or waiting periods or banning any particular type of weapon? Not that I can find.

Jefferson again:

Laws that forbid the carrying of arms * * * disarm only those who are neither inclined nor determined to commit crimes * * * Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man.

Thomas Jefferson.

Richard Henry Lee:

A militia, when properly formed, are in fact the people themselves * * * and include all men capable of bearing arms * * * To preserve liberty it is essential that the whole body of the people always possess arms and be taught alike * * * how to use them.

Sam Adams:

The Constitution shall never be construed to prevent the people of the United States who are peaceable citizens from keeping their own arms.

Finally, George Mason:

I ask, sir, what is the militia? It is the whole people * * * To disarm the people is the best and most effectual way to enslave them * * *

They are all pretty clear to me. I am hearing the most unbelievably wild interpretations of what these men meant. You can tell what they meant because the second amendment is as clear and as concise as any amendment or any language in the Constitution of the United States. There is no doubt about what they meant.

And it is absolutely incredible to me that anybody could believe that banning anything is going to stop the criminal from getting it. We have the toughest gun control law in the world in this city, and when you get home tonight and turn on your radio or pick up the newspaper in the morning, there will be a couple more people murdered with a gun. It happens every day here. You all know that.

So what is the point? Where is this working? Where is the proof here? You are going to deny the private citizen the liberty that he has under this Constitution: The right to keep and bear arms. I hear all this stuff about we cannot use semiautomatic weapons for hunting. I do not want anybody to use a semiautomatic to kill somebody. Who in the world would want that? And very few people do.

So for that, one-half of 1 percent or less, we are going to deny everybody, all the honest law-abiding citizens.

In the Police Magazine in June 1994, there was an editorial written by Dan Burger, who is the editor. I want to quote from that:

The violent crime problem goes beyond guns. It is deep rooted in our culture. Numerous indicators in our society demonstrate that violence has become an acceptable, even fashionable way, to resolve conflict and solve problems. Innovative methods to address the problem of violent crime need to be pursued. The arguments about gun control need to be separated from crime control so that it becomes clear that it will take more than gun control to effect change.

Continuing:

This country does not need to abolish guns in order to control crime. Keeping track of firearms through better registration records may benefit investigations of gun-related crime, but stiffer penalties for gun-related crime will carry the message that solving problems with a gun is unacceptable behavior.

This issue is the kind of issue that sounds wonderful on the surface. A majority of the American people probably think it is a good idea. But it is a false issue. It is not the issue. You are not going to deny somebody the opportunity to get one of those weapons if he or she wishes to use it in the commission of a violent crime.

You cannot trample on the Constitution for the sake of .008 percent of the population who will do something that despicable. We should make certain that that individual never, ever walks the streets of society again.

But we do not have the provisions that are tough enough to do that in this bill. They can get out. They can get out. And they will. And they do. And they commit crimes over and over and over again.

But we have to talk about how difficult their childhood was or what social problems they have, or maybe their parents did not treat them right. That is all we hear.

Put them away. That is what the American people want. I support the

death penalty, if they are convicted. But even if you do not, if you want to, leave it to the option of the jury, to give them life, and mean life, not 15 years good behavior, with a color TV and a college education and law books.

I am sorry; you sacrifice your right to ever walk the streets of society again when you commit a crime like that.

So what do we do? Instead of doing that so they cannot walk the streets of society again, we go after the innocent, law-abiding citizens who want to have a gun for target practice or even just to sit on the mantel. We have to go after them because they might—because they have one—do it.

It is a typical example of the feel-good, false, phony issue that will not resolve the problems, the same reason it has not resolved them here in Washington, DC, the same reason that, unfortunately, people will be killed, probably this evening, unfortunately, with a gun in a city that bans them.

I read in the paper the other day that a Member of our body, who claims to own one of these weapons, happens to live in Washington, DC. Very interesting.

There was a survey done again in Police Magazine. I do not know how scientific it was, but it was simply a message to their readers. These are police officers. They asked the police officers to respond. Do you support any assault weapons bill that would ban importation and U.S. manufacture of specific semiautomatic assault weapons? Eighty-five percent of the police officers responded and said No.

Does gun ownership by citizens increase public safety? Eighty-five percent said Yes.

Does gun ownership by citizens decrease public safety? Ninety percent said No.

Does gun ownership by citizens negatively affect your job? Ninety percent said No.

Should training or certification of gun owners be required by law? And it was essentially 50–50.

Well, the issue of gun control is again on the forefront. It is in this bill. We were accused as Republicans of wanting to stop the bill only because that was in there, which is not true. Part of it, not true. Many Senators, I am sure, felt that way, including myself. I wanted the language out. However, there were many who wanted the opportunity to vote on other things—to vote on the pork, to vote on toughening the provisions of crime.

I wish that just once this Senate and the Congress could pass a tough crime bill that puts the mandates on the violent criminal, on the commission of Federal crimes, and establishes the guidelines for those who commit crimes that are not Federal crimes to put these people away. Three strikes and you are out. I go for one strike and you are out. You commit a violent crime like this, you are gone. You do not get a second chance.

How many times, if you are in a grocery store, do you let the person who is your cashier steal money from you? Once? If you give them a second chance, you are probably crazy. You are not going to give them a third chance.

We do it all the time. All the time. The killer of Michael Jordan's father, repeat offender. You name them, violent crime after violent crime. Very seldom is it the case where it is the first time. It is the repeat offenders, over and over and over again. And we have not dealt with it in this bill. I do not care what anybody tells you. Read it. We have not done it. It is not tough enough. Put them away. That is what the American people want you to do. And we did not do it. We did not even have the opportunity to strengthen it. That is all we wanted to do.

Mr. President, I think I have made my point, but I would just conclude by saying I think, to be very candid, the American people have been cheated by the actions of this Congress on this bill. It is going to be passed. It is going to be signed with a lot of fanfare. The President is going to have a big ceremony. He will be passing out pens and you should all go to sleep when he signs the bill—you will hear the press conference. You will all go to sleep and you will say, Gosh, all the crime is now going to be eliminated in this country. It is just going to drop down like a thermometer mercury when it drops from 80 degrees to 50 degrees in an hour. It is just going to shoot right down, right?

Are you kidding? Come on. It is not going to happen. This is a pork bill. We have spent billions and billions, trillions since the Great Society on exactly this kind of stuff, and what have we got for it? More crime. More drugs. More problems. More inner city problems. Dumping money at problems like this does not work. Having the Federal Government dictate does not work.

Senator DANFORTH mentioned it a little while ago. We are always looking for somebody else to cast blame—it is the family; it is the break up of the family; if a kid gets in trouble, it is not his fault. I guess I have to have—if those doggone guys down there in the Federal Government would just give us midnight basketball, my kid would not have gotten into drugs.

When are we going to assume our responsibility as citizens? I will tell you something. I travel around my State a lot and I meet a lot of people. We all do in our job. But I will tell you, some of the things that this Congress is doing to the American people—we threw tea into Boston Harbor 200 years ago for a lot less, a lot less. The American people are getting fed up with it. I am getting fed up with it. I hope that 3, 4, 5 years from now, when there are those out here saying what a wonderful deal this crime bill was, when we see that the crime does go up, not down, we see these problems are still there, we will get serious. And I hope it will be long before 5 years, hopefully next year, when we get serious and pass a real tough crime bill.

Thank you, Mr. President. I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the vote today left us two short of victory in our effort to win the right to offer amendments to this conference report. That was a very close vote. Many of us worked very hard to put together the needed votes to win that right. But we lost.

I must say that our leader on this side of the aisle, Senator DOLE, exerted a tremendous amount of leadership to try to get the number of votes that were required under our rules to offer a series of amendments to cut out $5 billion of pork-barrel spending that will add to the deficit, to toughen up some of the sentencing and the punishment provisions that are aimed at the violent criminals in our society that would do more to punish those who use guns in the commission of violent crimes, and to strengthen the provisions that would ensure that local jurisdictions would have more money to build prisons. But there will be other opportunities to work on those issues later.

I am reminded of something President Lincoln said, I think it was in his second inaugural address nearing the surrender of the South in the Civil War, that there should be malice toward none and charity for all.

I feel that tonight toward all in the Senate, whether on our side of the aisle or the other side of the aisle, on this issue that came down to such a close vote today. There is no doubt that this problem is going to continue to be a serious problem.

Over the last 30 years, we have seen a dramatic increase in criminal activity in our country but particularly in the commission of violent crimes. Over the last 30 years, the crime rate has gone up 200 percent according to the Bureau of Justice Statistics. At the same time, the rate of violent crime—which the bureau classifies as murder, forcible rape, robbery, and aggravated assault—increased 377 percent. This indicates that the rate for violent crime has increased at almost twice that for the overall crime rate. While all crime has doubled over the last three decades, violent crime has almost quadrupled. The American people are demanding that these violent criminals be locked up. But this conference report fails to do what needs to be done, and I plan to

vote against cloture on the conference report. We should kill this bill and start over, in my opinion.

Last month George Will said in a July 14 article that appeared in the Washington Post, and I am going to quote:

> This bill may not be the worst legislation Congress has ever cobbled together from trendy intellectual fads and traditional pork, but it is so bad that sensible Senators and Representatives will vote against it for the right reasons, which include respect for federalism—and for the public's intelligence.

Some of the bill's problems, which were described in the article by George Will as "touchy-feely" solutions to crime, include funding for recreation; creation of new Federal task forces and councils; and arts, crafts, and dance programs.

Mr. President, I ask unanimous consent that the Washington Post article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

(See exhibit 1.)

Mr. COCHRAN. Mr. President, the American people are looking to their local and State law enforcement officials to protect them from this growing wave of crime and violence. They expect the Federal Government to help with resources and financing to support those in local law enforcement who are on the front lines at the street level—not by creating and funding a new bunch of Federal social programs.

I had the pleasure, Mr. President, last April—as a matter of fact, it was on April 4—of traveling around in the city of Jackson and in Hinds County with the local sheriff, Malcolm McMillin, and talking with him about the problems that are encountered by his office on a day-to-day basis dealing with the criminal element in central Mississippi.

He told me a number of things which helped me to better understand what life is like in the real world of crime and law enforcement. One thing he said that I remember, was that public enemy No. 1 in Jackson, MS, is crack cocaine. I challenge you to find anything in this conference report that does anything effective about that problem that is public enemy No. 1. And it is no different in that place than any other city or town in America.

We have to do more about what is really wrong and what is really happening out there and why we have such a wave of violent crime throughout America.

He also pointed out that what they need is jail space. We hear a lot about new prisons, and that is in this bill. That is important. But he is talking about space to lock somebody up who is a threat at that moment to the people in that town, and there is a shortage of jail space. That may be addressed to some extent with the matching funds here. But if you look at those programs in this conference report, they fall far short of what is needed, a small contribution toward the cost of hiring some policemen for some cities and some States. And I challenge you to conclude that this is going to have much of a benefit throughout the country.

Most Americans understand that the violent street crime is committed by a small percentage of the criminal population on a repeat basis. They also understand that more police power, more prison space, more jail space, and tougher sentencing—not arts, crafts, basketball programs, and a new Federal bureaucracy to manage it—are what is really needed to get the criminals off the streets and into jail where they belong.

Under the guise of fighting crime, this legislation creates a whole new panoply of Federal programs which will bring with them new Federal guidelines, rules, and regulations, and a bigger Federal deficit. This is not the kind of crime fighting assistance that America wants or needs.

Mr. President, the citizens of my State have not asked Congress to attack violent crime by creating more Federal social programs, nor do they see the need for more street crimes to be classified as Federal crimes to be prosecuted by the Department of Justice in Washington in an already crowded Federal judiciary. But like many of its recent predecessors, this crime bill takes that approach. It further expands Federal jurisdiction over criminal matters that properly are the responsibility of State and local governments.

The effects of this trend were discussed by the Chief Justice of the United States, who recently said:

> The continuation of the past decade's trend toward large-scale federalization of the criminal law has the enormous potential of changing the character of the Federal judiciary.

His comments were included in a recent publication of the Federal Judicial Center entitled, "On the Federalization of the Administration of Civil and Criminal Justice." That was published by the Federal Judicial Center in 1994.

The article is written by William Schwarzer and Russell Wheeler. I will not ask that the entire article be printed in the RECORD. But I call attention to it because it very persuasively argues that we are going down the wrong track by continually expanding the responsibilities of the Federal law enforcement and judiciary system at a time when State courts have the primary responsibility, State law enforcement and local law enforcement officials have the primary day-to-day responsibility of apprehending the criminals, bringing them to justice, and seeing that the laws are enforced and that the streets are safe.

Just by making a State crime a Federal crime does not solve our crime problem. The center's report notes that the September 1991 meeting of the Judicial Conference of the United States reaffirmed a long-standing position that Federal prosecutions should be limited to charges that cannot or should not be prosecuted in State courts.

Federalization is not a recent concern, but it is now out of control. Congress cannot solve the crime problem by making State crimes Federal crimes.

The trend in federalization has been accompanied by a rise in the overall volume of criminal filings and appeals in the Federal courts. According to the Federal Judicial Center, from 1980 to 1992, annual criminal case filings per sitting judge increased from 58 to 84 cases, as did the proportion of complex and burdensome drug and fraud cases.

Mr. President, we all recognize that the Constitution gives to Congress the power to determine what should and should not be subject to Federal, civil, and criminal jurisdiction. However, we ought also recognize that this power should be exercised with an awareness of its consequences for law enforcement and the administration of justice. It would serve the public interest if we consider more carefully the views of the Constitution's framers that criminal law and its enforcement in our society is primarily a State responsibility, rather than a Federal responsibility.

While the authority to pay part of the costs to help hire more policemen will help in some areas, it will not be a major benefit across the country.

The expensive package of Federal social programs in this bill will have little, if any, real effect on violent crime.

The American people recognize these programs for what they are—an ineffective response that offers little in the way of real solutions to the problem.

Mr. President, I conclude by saying let us put this conference report in the wastebasket where it belongs, and elect some new Congressmen and Senators in November who will be committed to striking out on a new course, taking a different approach and solving the problems that we really have, and not creating a huge $30-plus billion spending bill and claiming that it is going to solve the problem, which it really is not.

EXHIBIT 1

[From the Washington Post, July 14, 1994]

TOUCHY-FEELY CRIME BILL

Have a care, criminals. Congress's crime bill contains severities such as these:

Regarding "midnight sports leagues," which have done nicely without federal supervision, the government shall make grants to leagues in which "not less than 50 percent of the players" are "residents of federally assisted low-income housing" and which serve

neighborhoods or communities whose populations have "not less than two percent" of various characteristics, such as "a high incidence of persons infected with the human immunodeficiency virus."

There shall be an "interagency Task Force to be known as the Ounce of Prevention Council," chaired by the attorney general and including the secretaries of housing and urban development, health and human services, labor, agriculture and interior and the drug czar. It shall spend millions on this and that, including arts, crafts and dance programs.

There shall be "partnerships" between law enforcement agencies and groups providing "child and family services." The partnerships' many functions shall include training police "regarding behavior, psychology, family systems, and community culture and attitudes" that are "relevant to dealing with" children who are or might become violent.

The attorney general shall make grants to organizations dealing with "delinquent and at-risk youth" through programs designed to do many things, including "increase the self-esteem" of such youth. Drug dealers may be led into new lines of work by grants funding "mediation and other conflict resolution methods, treatment, counseling, educational and recreational programs that create alternatives to criminal activity."

And so the crime bill goes, through hundreds of pages and billions of dollars—more than $30 billion over six years. This bill is probably not the worst legislation Congress has ever cobbled together from trendy intellectual fads and traditional pork. But it is so bad that some sensible representatives and senators will vote against it for the right reasons, which include respect for federalism—and for the public's intelligence.

Stephen Moore and the Cato Institute, a libertarian think tank, says that a year after a Republican filibuster stopped the president's $16 billion "stimulus" package, the crime bill is "the largest urban cash program to come through Congress since Richard Nixon invented revenue sharing." But of course it is not just urban cash.

Legislators representing rural areas could not allow such a gravy train to roll through the country-side without strewing cash along the way. Hence there is "Title XXV—Rural Crime." And Washington accepts a new challenge: "Subtitle B—Drug-Free Truck Stops and Safety Rest Areas."

This crime bill is a bipartisan boondoggle because of the cachet that currently accrues to any legislation with an "anti-crime" label. But the bill sprays money most promiscuously at Democratic constituencies, the so-called (by themselves) "caring professions"—social workers, psychologists and others who do the work of therapeutic government.

To help with the grandstanding about "toughness," the bill creates scores of new federal death penalty crimes. But it also still contains (as this is written) the "Racial Justice Act" which is designed to end capital punishment. It would do so by allowing appeals based on statistical showings of racial disparities in capital punishment, appeals that would put immobilizing sand in the gears of the government's prosecutorial machinery.

The "Violence Against Women Act" genuflects at every altar in the feminist church. For example, it funds "gender sensitivity" training for judges. And the federal government is going to matriculate: It is off to college to conduct a "campus sexual assault study," a monument to the feminist fiction that in a world infested with predatory males, women students risk life and limb just walking from dorms to libraries, not to mention the terrors of dating.

The current faith is that the sovereign remedy for what ails the nation is yet another crime bill that further federalizes what properly is a state and local responsibility—keeping people safe. So it is no wonder that few politicians pause to wonder about the wisdom of piling federal punishments on acts already heavily punished by state laws.

This accelerating trend contributes to the collapse of self-government as communities slough of responsibilities, even for hiring police and building prisons, onto a distant federal government. And the suggestion that the federal government can produce safe streets accelerates the evaporation of the federal government's prestige because the result will mock the expectations so improvidently raised.

Supposedly "ambitious" bills like the crime bill actually are acts of legislative laziness, a slothful refusal to think and discriminate concerning federal responsibilities and competencies. The crowning irony is that the crime bill will increase contempt for law—and lawmakers.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Thank you, Mr. President. It will not take long for me to summarize my remarks on the events of the day.

I want to associate myself with my friend from Mississippi. I can remember about 3 years ago or 4 years ago when I first came to this body. There was a big debate on this particular piece of legislation, on a crime bill.

Then the Senator from New Hampshire, Mr. Rudman, came into the cloakroom. He said: You know, I just read an interesting article that says 95 percent of the drug busts in America are done by local police or local sheriffs. And here we are trying to put into a crime bill a whole bunch of money for interdiction in the gulf, and for ATF and for DEA and FBI. Why do we not take some of that money out of there and send it to local police forces, whether it be city, county, or State, for that matter, to their board of crime control and let those folks make the decision on how they want to spend their money to deal with this very, very serious situation? Well, that sounds like a pretty good idea to me. Extra uniform policemen, maybe a new car, maybe some communication equipment. I come out of county government. I know what we do with their money. We buy cars, radios and re-equip our people who are on the front line of crime, and that is our police officers, the people on the beat. That sounds like a pretty good idea to me.

We offered that as an amendment, and do you know what? We got beat right down party line. We see some people sitting around here sort of smiling tonight, but never ceases to amaze me—the new folks on the beat, especially on the scene—the liberal mind, the confidence it puts in big bloated central Government, located on the banks of the Potomac in this 13 square miles of logic-free environment to deal with the problems in Billings, MT. It never ceases to amaze me the confidence they have in that. It is unreal. I see why folks scratched their way over these mountains to the West of us to go on the other side so they can go down the Ohio River; and once they got to the Midwest, I can see why they kept right on going, because probably we can say it is a mindset.

Thirty cents of every dollar we appropriate in these programs that was passed here today, and our welfare programs, get to the people we want to help. So why would the Government bureaucracy not lobby this hard to pass this bill? This is full employment for a bureaucrat. That is what it is. It is to set somebody up and tell them to go down there for $8 or $9 an hour. You can go down and watch them play basketball at midnight. Two kids might show up. But the bureaucrat is going to get paid, and it is going to be your tax dollars. That is who will pay it. That is instead of YMCA's and Boys and Girls Clubs and volunteers that come out of the community. You know what these people are telling us? We want our communities back. Get these people out of our communities, and we can take our communities back. That is what they are telling us. This bill does not do it.

Just think about that. Only 30 cents out of every $1 we appropriate gets to the people we want to help. Since 1965, we have spent $5 trillion. That is the amount of the national debt or will be pretty darned quick—$5 trillion on crime prevention programs. You all heard what my friend from Mississippi said, how the crime rate continues to go. It does not start here, folks; it starts in the neighborhoods. That is where it starts.

This bill just does not do it. When it left here, it was paid for. But basically that was kind of a funny situation. But I think it is a good idea, if they follow through on it, and that was a trust fund to pay for it, without raising taxes when it left here. When it came back, only 57 percent of this bill is paid for. The rest of it goes on your national debt and deficit spending.

Let us talk about the guns end of it. I do not like gun control either. I will tell you this: Some of the guns that you have in your house right now that you think you are very comfortable with, under this language you might not think you are so comfortable. They may be illegal. The old M-1 I carried in the U.S. Marine Corps—there are a lot of them in the private sector—could be classified as an assault weapon. No. one, it is a military type and, No. 2, it is a semiautomatic. Which definition are we going to use whenever we start talking about the kind of firearm you have in your house?

I can remember when they got to talking about revolvers, and I owned one of those. I went home to see if I could find it. That is No. 1. I found it, but I could not find the cylinder because we store the cylinder somewhere else other than in the revolver. I found it the other day, though. If somebody invaded my house, I will probably have to beat the guy to death with it, because I could never get it in a position to use it.

That is not the point here. The forefathers—as quoted from my friend from New Hampshire a while ago, I think when they wrote the Constitution, I do not think they really knew what they wanted. But they knew what they did not want. All of these people were born out of feudal systems, so to speak. Private land ownership was important to them, and personal rights, property rights. And the ability to defend oneself. You know what? If you look at all of the countries of the world that have had gun control, do we not learn anything from history? Let us say that even history that I remember as young as I am—I am 60, and that is young; it sounds younger every day—do we not learn anything from history? Every country or society or nation who has had strict gun control has been run over how many times by the tyranny of war and a tyrannical government. Do we not learn anything?

Folks say it cannot happen today. Folks, you are dead wrong, it can happen today. It can happen today. And we will get to a point in this society when, sad to say—and I hope I am gone—but I think our children may see some very tough times ahead.

The liberal mind is a wonderful thing. When they start talking about we can be cute and politically correct and go to our parties where the Grey Poupon set is and think we have done something for America, do not try to sell that to the people in my State of Montana. Do not try to sell that to the people of very many States around here. I heard the statement the other day even on health care when they said, "We are going to have health care reform whether the American people want it or not." Whenever this body or anybody elected at any level of government, whether a county commissioner or a State representative, Governor, Senator, or a President, thinks that they are smarter and wiser and make better decisions than the people, then we are in big, big political trouble. I do not think they are asking us to take care of them.

The provision of the ban on assault weapons is so broad and so unclear that this is a wonderful field of dreams for lawyers. And they will do very well under this language.

I am not real sure the way it is written whether it would stand constitutional scrutiny or whether it would even stand scrutiny under its definition.

So I will vote against cloture and I will vote against this bill. And I will go home, and I will tell my police chiefs that I was not successful or we were not successful in stopping this thing because I do not have one police chief, not one sheriff, not one county commissioner that says they want this bill.

There was talk about 100,000 cops. I stood over there and listened to that today, the 100,000 cops. And there is no more truth in it than you could fly to the moon in a bucket. I doubt if you could get 20,000. It is on a cost share basis, 75–25 the first year, 50–50 the second year, and 25–75 the third year, and then after that you are on your own. The folks in Texas are going to have to pick up that bill after that.

And then I can see maybe the League of Cities and Towns coming in, and they will say: "Well, we ran out of money after the third year. We need a little help here." And then next year on appropriations I can hear it all now. Here they come. Let us fund these programs, and there is no money in the well. We have already gone to the well too many times.

So, just for the firearms, and because this bill is a terrible hoax on the American people, on the people who really want a strong crime bill—we built a new jail in Yellowstone County when I was elected commissioner, and we just finished it during my term there. I know what we need in detention facilities and how we handle our youth. I know it is important. But nothing in this bill guarantees that there will be one brick laid or one steel door built to hold hardened criminals and keep them away from society, whom they are bent on harming.

So, put it altogether. My vote is "no." I wish it would have been different this afternoon where we could have offered some amendments and made it stronger and made it more like when it left here. I supported it then, but I cannot now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I speak to the Senate this evening with an overwhelming sense of disappointment, disappointment because after years of work on behalf of the great majority of the Members of the Senate we came so close and have fallen so far by reason of the failure of this present bill to meet the requirements of the Budget Act.

We were given an opportunity earlier today to cast a vote which would have permitted Members of this body to remove from this bill some 5 billion dollars' worth of social programs that can properly, in the context of these debates, be called pork and at the same time restore to the bill six significant antiviolence law enforcement amendments which had been adopted either unanimously or by large affirmative votes by the Members of the Senate during our extended debate last year.

The Members of the Senate by a narrow margin refused to avail themselves of that opportunity, preferring to deal with a murky whole rather than to separate it into its constituent parts, allow votes on the weakest and most questionable portions of the bill, and then go forward with what could have been at least a significant contribution to the fight against crime and violence in the United States of America.

Having failed to avail ourselves of that opportunity, however, we are now faced with a bill which will submit to the people of the United States a bill, a large bill, a bill for some $30 billion in spending, a bill submitted to the American people by a Congress which, combined with the actions of its predecessors, is responsible for budget deficits well up into twelve digits for as far in the future as we can possibly see.

But perhaps worse than the raw number, $30 billion, is the fact that it is not directed primarily at the fight against violent crime. Much of it goes to social programs which are the first cousins, perhaps the siblings, of a wide range of hundreds of social programs, spending on which has increased over the course of the last 20 years at a rate remarkably parallel to the rate by which violent crime has increased in the United States.

It would, of course, have been inappropriate to say that that social spending was the cause of the rise in the crime rate, but it certainly accompanied it and has not in the past succeeded in reducing it, nor will the similar social spending in this bill.

So the bill spends too much on programs unrelated to our crime rate, but even that which is related to law enforcement is misspent. The terribly false promise of 100,000 new police officers when the money in this bill will pay barely 20 percent of the cost of such new officers has resulted in rejection from cities from one coast to another saying that if we had all that free money, that 80 percent to spend on new police officers, we already would have done so. We cannot responsibly take a short, declining 3-year subsidy when it will take us that long to train an effective police officer. So much of that money will be either unspent or spent for nonpolice purposes.

Another large chunk of the criminal justice spending is for new incarceration facilities defined so broadly that much of it will not be spent on such facilities and all of it that will be, will be subject to minute controls by the Federal Government, by the Department of Justice, over the way in which our State prisons are operated, the rules under which they are operated, the benefits to inmates which must be provided, in a fashion which I suspect will cause many States simply to reject that so-called gift of Federal money.

At the same time that this measure spends or sets its spending priorities in a mistaken fashion, it omits a wide range of true anticrime measures which were agreed to by the Senate during the course of its debate last year.

What explanation is there, Mr. President, for the failure to include a better, more efficient and quicker system for causing the deportation of criminal illegal aliens immediately upon their release from prison? What explanation there is for that omission has never been made, to the knowledge of this Senator, in this body or the other body because it could not be made. But our vote this afternoon prevents us from voting on that as a separate issue.

Tougher penalties for gun crimes, tougher penalties for crimes relating to drugs and minors is omitted from this bill, though voted for by the Senate, strengthening provisions which cannot be restored by reason of this afternoon's vote and others as well.

A balance which may have had too much spending when it left the Senate but at least had strong law enforcement provisions has now moved overwhelmingly the other way, far too much misdirected spending and far too little in the way of law enforcement itself.

In addition, of course, there are omissions which were omissions at the time of our debate last fall: no reform of the habeas corpus system of endless appeals of criminal convictions, the type of appeals that caused most capital punishment sentences to be dragged out over 8, 10, or 12 years.

I think, in summary, that it may well properly be said that this bill does as much for convicted criminals as it does to them, and far more than it does for the victims and potential victims of those violent criminals.

Far better, Mr. President, that we should defeat this bill and start all over again, in spite of the amount of work that we have done on it, than we congratulate ourselves on the passage of a flawed and ineffective proposal, thus slowing down our own and the President's resolve and dedication to doing it right.

So, Mr. President, to return to my first remark, I must vote against invoking cloture. I must vote against this bill. I do so with sorrow and disappointment. I do so because of a magnificent opportunity—a magnificent opportunity—lost.

Mr. President, I ask unanimous consent to have printed in the RECORD various news clippings pertaining to this subject and a letter to me from the Washington State Council of Police Officers.

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

WASHINGTON STATE
COUNCIL OF POLICE OFFICERS,
Olympia, WA, August 25, 1994.

Hon SLADE GORTON,
U.S. Senate, Washington, DC.

DEAR SLADE: The Washington State Council of Police Officers, representing approximately 92 percent of all line officers in the state of Washington, would like Congress to pass a crime bill that can make a difference. We believe, however, that the current proposal before the United States Senate should be improved before final passage and support your efforts to re-open the measure.

As law enforcement officers and taxpayers we would like to see less wasteful spending and tougher provisions against violent criminals. Specifically, we believe you should strip some of the social welfare spending that was added in the House of Representatives and restore the truth in sentencing and expedited deportation of criminal aliens measures that were in the original Senate crime bill. While we fully support effective crime prevention programs, this bill is full of suspicious spending items that may lead to more open-ended spending with no real impact on fighting crime.

As you know, our organization believes that the bill has many positive elements, but on balance, the present proposal has too many negatives to gain our support. We hope that the Senate will work to improve this measure and not pass symbolic election year legislation designed for the newspapers, not the streets. Please stand up to political pressure to pass "any" crime bill.

With a little more work and effort, Congress can create a bill that will make a difference, a bill that will get violent criminals off our streets, and a bill that can help make the people of this state feel safer.

That's our goal, and that's our job. That should be Congress' goal as well.

Please do whatever you can do to improve this crime bill. Thanks again for listening to those on the front line.

Sincere Regards,

JAMES C. MATTHEIS, *President,*
Washington State Council of Police Officers.

[From the Seattle Times, Aug. 11, 1994]

HOW THE CRIME BILL BECAME A FISCAL FELONY

The crime bill has something for everyone—100,000 new cops, new prisons, prevention programs, drug courts, assault-weapon ban. Never mind the budget deficit. The White House and Congress are driven by a more urgent reality: Americans are frightened and angry about crime, and there is an election coming up.

Sen. Slade Gorton is right. A well-intended response to a serious national problem has been turned into a $33 billion budget-buster. Responsible lawmakers should stiffen up and vote "no."

That vote may be politically risky. Voters are demanding that their government do something about crime. Alas, the nation can't agree on a strategy. Some want more police and prisons and a federal three-strikes-you're-out law. Others urge tougher gun controls, early intervention and prevention programs.

Some parts of the bill make sense, especially banning assault weapons. There is no reason to keep manufacturing or importing guns whose only purpose is to kill people. And it's certainly time to begin experimenting with programs that attempt to prevent kids from becoming gangsters.

But how do we do that? And at what cost?

The 100,000 cops are a costly illusion. Spread across the country, they hardly will be noticed—particularly by the crooks. Big-city mayors like Seattle's Norm Rice are reluctant to hire more police officers without knowing how they will keep them on the job when the federal money runs out in just four years.

New schools are a far better investment than new prisons. Yet the bill allocates $10.5 billion for prisons while a piddling $400 million school-construction bill is mired in the congressional logjam.

Most lawmakers now agree that you can't end poverty by throwing money at the problem. But the same legislators are now being asked to shovel $33 billion at crime, with little or no promise of making a dent.

Defeat this bill, use the savings to reduce the deficit, and get back to the drawing boards. Take a separate vote on assault weapons; this is not a costly item. Help states that can't afford to build needed prisons on their own. And invest carefully in innovative crime-prevention programs that are either proven or warrant a controlled test. Done this way, Clinton and the Congress can make a difference at a fraction of the cost.

[From the Seattle Times, Aug. 23, 1994]

SENATE CAN IMPROVE ON FLAWED CRIME BILL

The crime bill that passed the House is a $30 billion reminder that Americans are determined to combat crime on their streets, but are nowhere close to a national consensus as to what will work.

The resulting legislation contains some much-needed reforms, particularly the long-overdue ban on military-style assault weapons. But the price is billions of dollars in new spending, approved with an eye toward electoral safety, not safe streets.

It's up to the Senate to trim away some of the ornamentation and politics and provide a sharper, strategic focus. The original bill was deeply flawed—to expensive and weighted toward federalizing more crimes and building more prisons. There was too little targeting of community policing and other longer-range strategies that each community can customize to its particular needs. That bill failed, sending the White House into a tizzy.

The new version—the result of a genuine bipartisan coalition—drew 46 Republican votes, about the margin of victory. But it still spends too much on prisons and grossly exaggerates the number of new police officers to be put on the streets. The real number is probably closer to 40,000, not the much-touted 100,000.

Beefing up urban police is important, but federal funds are largely wasted if they can't be targeted at those cities most in need. The process of compromise diminishes the targeting.

Washington State presents eloquent testimony to the failure of prisons as a crime-fighting strategy. This state has cracked down on criminals, imposing quicker and longer sentences and building prisons to house them. But who feels safer on the streets?

The lack of a clear anti-crime policy reflects the simple fact that political leaders are no more certain than their constituents on how to curb violent crime."

There is enough smart thinking left in this bill to give the Senate something to work with. Senators, most of whom do not face reelection, should trim down the spending on new lock-ups, and make more crime-prevention money available to local and state officials who can tailor programs to the particular needs of their communities.

Keep the weapons ban, an important step toward getting the most-deadly firepower off

the streets and the one public-safety measure that is more effective when done by the federal government than city-by-city or state-by-state. But beware of federalizing serious crimes that can best be deterred by local government.

If the House can agree on a mediocre crime bill, certainly a sedate Senate can agree on a smarter one.

PORK PLUS

(By Ted M. Natt)

President Clinton loves to surround himself with police officers and then stage one of his made-for-television events where he thumps hard for the toughest crime bill ever enacted by Congress.

Well the crime bill that is wired to pass the Congress is so larded with pork and welfare programs dreamed up by goofy liberals that it waddles. The bill has $33 billion in spending in it.

Remember this is supposed to be a crime bill.

So why is there $1.8 billion for local governments to augment existing federal programs such as aid to the homeless, education to prevent crime, jobs programs to prevent crime, and substance abuse treatment to prevent crime? Those sound more like social welfare programs.

Why is there $895 million for "Model intensive grants" for 15 high crime areas chosen by the attorney general for programs that "provide meaningful and lasting alternatives to crime"—whatever that means?

Why is there $40 million to run midnight basketball and other sports leagues? You know what you need to qualify for federally sponsored hoop leagues? Half the players must live in public housing. And communities getting the grants must have two of the following characteristics, high crime rates, high drug use, high dropout rates, high pregnancy rates, high rates of HIV infection or high unemployment.

Why is $50 million for youth violence prevention to design programs that should include "alternatives to school suspension * * * and other innovative projects"?

What is the $279 million for something called Family and Community Endeavor Schools? Its stated purpose is "to improve academic and social development by instituting a collaborative structure that trains and coordinates efforts of (public school) teachers, administrators, social workers, guidance counselors * * *." What the dickens does that mean?

Why is 75 percent of the money for hiring new police officers to be spent completely at the discretion of the Clinton administration? The Justice Department knows where more police officers are needed better than local communities do? Since when? It looks more like pork to be doled out by the president's minions.

One of the best ideas in the bill is a Police Corps. It would trade college education scholarships for four years of police work. While the idea is authorized, not a dime of the $25 million earmarked for it is appropriated. It is an unfulfilled promise.

This crime bill runs to 1,400 pages. It is eight inches thick. Can you see 535 congressmen and senators reading all of it before they vote on it? No Democrats can't wait to vote for it because it has $9 billion in social program spending in it.

They want to be able to go home and tell the voters they struck a blow for cracking down on criminals. They will point to the "three strikes, you're out" life sentence provisions (which apply to 1 percent of all crimes).

They won't point to the Hope in Youth program that provides $20 million to fund "advisory organizations in low income communities . . . (to do) strategic planning and evaluate service programs." Now there is a real crime-busting endeavor for sure.

NO ID CARD

One solution proposed for the flood of illegal immigrants in the United States is to issue each U.S. citizen an employment registry card that would be presented to prospective employers.

People with cards could be safely hired. Those without them could not.

The idea sounds an awful lot like a national ID card that would be linked to a huge computer database containing lots of personal information and allowing the government to track each working citizen's whereabouts.

No thank you. America does not need or want national ID cards.

Besides, illegal immigrants would find ways to buy phony ID cards, just as they are able to purchase phony Social Security and Immigration and Naturalization Service "green cards" today.

In a country of 255 million people, somewhere around 2 million are illegal immigrants. If the way to identify those illegal immigrants is to impose a national ID system on the other 99 percent of the population, then you have the tail wagging the dog.

[From the Valley Daily News, Aug. 25, 1994]

CRIME BILL MAINTAINS 'PORK' TENDENCIES

Aside from the rhetoric and the power brokering surrounding the federal crime bill, there remains an overly fat package of pork that needs considerable trimming.

The bill that is now before the Senate and that passed the House 235–195 on Sunday continues the Democrats' penchant for repetitious social programs, too much federal interference in local law enforcement, and too little emphasis on tough crime-fighting.

Senate Republicans should continue to rail against the bill's social service excesses and fight for tough provisions that will get criminals off the streets.

The bill would authorize $13.45 billion for law enforcement, including an $8.8 billion contribution to a program with the goal of putting 100,000 more police on the streets; $9.85 billion for prisons and $6.9 billion for crime prevention, including drug courts. The balance is nearly 45 percent for law enforcement, almost 33 percent for prisons and 23 percent for crime prevention and drug courts.

However, there are so many Catch 22s in these programs, many local jurisdictions say they will be wary of participating. For example, while the bill authorizes 100,000 new police officers, it only funds about 20,000. Cash-strapped cities and counties would have to cough up the matching grants and many will be reluctant to do so.

There are so many federal strings attached to the bill's crime-fighting components, the state's law enforcement associations of officers, and police chiefs and sheriffs have come out against it.

The bill adds numerous social service programs that duplicate many of the 266 federal programs already on the books that aid at-risk youth, at a cost of nearly $25 billion.

The bill also federalizes numerous crimes that have been and should continue under the purview of local law enforcement. While the bill's funding of prisons was increased from $8.3 billion to $9.7 billion in conference committee, the conference weakened the truth-in-sentencing provisions that would have guaranteed prisoners serve at least 85 percent of their sentences.

It still expands the federal death penalty to about 60 new offenses, a move that would further clog the federal courts.

Senate Republicans should stick to their guns by demanding a shift of emphasis from social services to anti-crime provisions, and less emphasis on federalizing local crime, in exchange for their support. As written, the bill doesn't deserve to pass.

SAME CRIME BILL, NEW DEMAGOGUERY

Some members of Congress are inclined to hold off on health care reform until the current paroxysm of election-year hyperbole has run its course. Any chance they might do the same for the crime bill?

This $30 billion behemoth has now gotten so tangled up in pre-election posturing and the president's political fortunes that its actual merits have taken a back seat to silly rhetorical excess.

To such rock-ribbed conservatives as Sen. Phil Gramm, every penny in the bill spent on pre-emptive social intervention instead of law enforcement is now "pork"—despite the fact that he and like-minded Republicans voted for a variety of crime-prevention provisions in earlier versions of the measure.

Democratic leaders, anxious to chalk up a win for their beleaguered president, are laying it on just as thick. Sen. Joe Biden's paean to the bill is a case in point: "As much as anything I have ever voted on, passage of this legislation will make a difference in the lives of the American people," he said Monday, after the bill cleared the House and landed in his chamber.

"Fewer people will be murdered. Fewer people will be victims. Fewer women will be senselessly beaten. Fewer people criminals." To hear Biden talk, the peaceable kingdom is only a floor vote and a presidential signature away.

Yet the bill in question is still what it's always been. A Christmas tree festooned with shiny, hollow, crowd-pleasing nostrums, some hung by conservatives, others by liberals. Despite the minor redecorating it got in the House, it still makes a grand show of federalizing a long list of felonies that traditionally have been handled in state courts.

It still expands the federal death penalty to nearly 60 new offenses—a move that threatens to overwhelm the federal judiciary. It would still try to micromanage community crime-fighting strategies, imposing absurdly detailed restrictions on billions of federal dollars disbursed to state and local governments.

Not that the states couldn't use some help from Washington, D.C. A well-crafted crime bill, stripped of hero provisions and grandstanding mandates, would indeed be something to brag about. But that would require Republicans and Democrats to agree that the safety of America's streets is far too serious an issue to exploit for partisan advantage. Don't hold your breath.

[From the Federal Way News, Aug. 23, 1994]

TATE, KREIDLER CROSS SWORDS AGAIN OVER REVISED CRIME BILL

(By Christy True)

Congressman Mike Kreidler (D-9th) hailed the passage of a newer, slimmer crime bill Sunday night as a "huge victory for the American people in the fight against crime."

Republican Randy Tate, who is challenging Kreidler for his seat in Congress, said the bill still has too much "social spending" at the expense of law enforcement.

"The best prevention is requiring criminals to actually serve time for crimes they commit." Tate said "The lack of respect for the law is the primary root cause of our crime problem."

The bill, a $30 billion package of police officers, prisons and prevention measures, passed the House 235–195. House Democratic leaders succeeded in winning over more Republican votes after $3 billion worth of the prevention measures were cut.

Last week, a $33 billion crime bill was defeated in a procedural vote before it reached the House floor. Critics said the bill had too many expensive prevention measures.

The revised bill, now headed for another battle in the Senate, passed despite the inclusion of a ban on many types of semi-automatic assault weapons, a controversial provision that caused the gun rights lobby to work hard to defeat it.

Kreidler appeared especially pleased that the assault weapon ban survived.

"Today, the House of Representatives stood up for the American people and against the powerful gun lobby that opposes any sensible restrictions on deadly assault weapons," he said in a press release.

Tate said he would have opposed the ban on assault weapons because gun restrictions do nothing to curb crime.

"The criminals are going to break the gun laws anyway. We need laws that are more strict for those who misuse them," he said.

Kreidler also defended the 23 percent of the bill's funding that remained for prevention programs.

"All the talk about too much prevention and pork is just a smokescreen for the real reason some people oppose this bill—people on both sides of the aisle. And that's the gun lobby," his statement said. "I don't think rape prevention, battered women's shelters, counselors for abused women and children, and more prosecutors and police to go after sex offenders constitute 'pork'."

Tate doesn't have a problem with programs to help battered women and other victims, he said, but they don't belong in a crime bill. Some of the programs also duplicate services already available, he said.

[From the Seattle Times, Aug. 23, 1994]

BILL WON'T DO MUCH TO SOLVE PROBLEMS OF CRIME, EXPERTS SAY

(By Angie Cannon)

WASHINGTON.—For all that Congress and the president are going through to get a crime bill passed, you would almost think it was going to make a big difference in the country's crime problem.

But as the Senate wrestles with the bill this week after House approval over the weekend, experts on crime and prevention say there is more politics than problem-solving in what lawmakers are doing.

"Hiring more cops to solve the crime problem is like hiring more ambulance drivers to cure cancer," said Robert Kahle, co-director of the Urban Safety Program at Wayne State University in Detroit. "It's after the fact."

Expanding from two to 60 the number of federal crimes punishable by death "is largely irrelevant to street crime in American cities" said James Q. Wilson, a UCLA management and public-policy professor who has written several books on crime.

And banning assault weapons "could have an effect on these episode occasions when a gunman goes on a shooting spree on a commuter train," said Marvin Wolfgang a criminology expert at the University of Pennsylvania.

James Fyfe, a criminal-justice professor at Temple University in Philadelphia, said the bottom line is: "I don't think anything the federal government can do will make the streets safer in the short term."

Still, the crime rhetoric continued yesterday as debate began in the Senate, where Judiciary Committee Chairman Joseph Biden, D-Del, said the $30 billion crime bill was just "one step away" from President Clinton's desk.

REPUBLICAN STRATEGY

Republicans, however, were maneuvering to make that a tough step. Sen. Phil Gramm R-Texas, who opposes the assault-weapons ban said he planned to use a Senate procedure that would require the bill's supporters to muster 60 votes.

If he succeeds, that would spell the demise of the package that passed the House on Sunday, 235–195, with the help of 46 Republicans, giving Clinton a much-needed political victory.

Clinton launched a full-court press for another victory by lobbying senators yesterday afternoon, just as he and other top aides did with House members all weekend.

But as the political maneuvering continued, some experts questioned an important aspect of the six-year crime bill—and a key campaign promise of Clinton's spending $8.8 billion to put 100,000 more police officers on the streets.

"The emphasis on more law-enforcement officers in many ways is misdirected," Kahle said.

The presence of extra police officers might reduce the fear of crime, "but to think we will have fewer aggravated assaults is a leap of faith," Kahle said. "Whether it will reduce this amount of crime is questionable."

Crime experts also say they fear that cities will get stuck picking up the tab for the additional police officers once the federal grants run out.

Wilson said the 100,000 officers are to be phased in over five or six years, with half going to cities with less than 100,000 people. "That's politics, but it's not where the crime problem is," he said. "Many cities, like Los Angeles and Detroit, need the officers very much, but we shouldn't expect it to make a big difference. The police component is much less than advertised."

SEMIAUTOMATIC WEAPONS

Another big feature of the crime bill is the banning of 19 types of semiautomatic weapons, but some experts say that won't have much effect on the crime rate either.

Although they applaud banning assault weapons as a step in the right direction, experts point out that very few people are killed annually by them. Instead, most homicides are committed by handguns, experts say.

Experts also criticize the expansion of the federal death penalty to cover nearly 60 crimes, including fatal drive-by shootings, carjacking deaths and major drug trafficking, even when the defendant is not directly linked to any specific death.

"It's so silly," said Fyfe. "Most crimes are state crimes. All the federal government can do is legislate for federal offenses. It is absolutely smoke and mirrors."

Joe McNamara, the former police chief in San Jose, Calif., and Kansas City, said the death-penalty provisions is "the most disastrous" part of the crime bill because it will overburden an already clogged federal judiciary.

"It's pure political demagoguery," said McNamara, a research fellow at Stanford University's Hoover Institution. "This is the final nail in the coffin of the federal courts."

'A FEW HUNDRED PRISONERS'

Experts say the three-strikes-and-you're-out provision also amounts to little. That should require life in prison for three-time felons whose last conviction was for violent or drug-related federal crime. But experts say that will affect "at most, a few hundred prisoners."

Crime experts are most optimistic about a portion of the bill that some Republicans have resisted the most—the $6.9 billion in so-called "pork." That money would provide grants for recreation, education and other programs to steer young people away from crime. It also would create special courts to provide treatment and monitoring of first-time non-violent drug offenders.

"There are some respectable and decent things in there dealing with prevention, and an effort to pay attention to things like domestic violence," said Wolfgang.

But as Wolfgang and others conclude, in essence the crime bill "is a symbolic gesture of Congress, trying to say to the American people that they are concerned about crime."

[From the Journal American, Aug. 24, 1994]

VIEW CRIME BILL WITH SKEPTICISM

City officials are right to be concerned about the amount of help available in the federal crime bill now under review in the U.S. Senate. Don't look for any help in the future.

While the federal legislation would provide money for more cops on the beat, it comes in the form of matching grants. That means cities must put up some of the cost. Worse, the federal portion runs out in five years leaving local taxpayers with the full bill for salaries and benefits forever, or lay the officers off.

As Bellevue city manager Phil Kushlan rightly noted, the federal proposal is not a panacea."

As Kushlan and others have sadly learned, partnerships with the federal government often fall short of expectations. The result often falls on the head, and pocketbooks, of local taxpayers. With a program such as police, the pressure would be to keep them on and slash other city services.

If the program becomes law, city officials could and should investigate the particulars. But any investigation must project the pluses and minuses now—and five years into the future.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to pick up on the last phrase of my distinguished colleague from Washington, because I had that in my notes.

We have lost a magnificent opportunity, an opportunity that the American public wanted; an opportunity that the American public called every switchboard in this Senate for the last week and pleaded that we seize this opportunity, Mr. President.

The House voted against this bill and then tried to do some repair work. They eliminated $3 billion. Why could this Chamber not have likewise eliminated $3 billion? That is the problem I have with this bill, and regrettably

that is the reason, coupled with its weak provisions on law enforcement, that I will cast a vote against this bill.

There is a silence in this Chamber tonight, for the battle in the Congress this year is over. The battle is over in the Congress, Mr. President, but the battle is not over on the streets of the USA. In the cities, small towns, and rural areas, the battle rages on.

What we have to ask ourselves is: Is this piece of legislation going to help? Regrettably, Mr. President, having missed the opportunity to strengthen those provisions, the very provisions that this Chamber voted on with strong majorities and put in the bill that we sent forward last fall in November—those are the provisions that I and others wish to restore now—we have missed an opportunity. And whether there are parts of this bill which are worthwhile, indeed there are, particularly those portions relating to the Violence Against Women Act, which I strongly support. I strongly support helping the States to build prisons. There are features in this bill that I strongly support. Let us hope that there is some help from this bill. But it is a question mark as to how much.

The two things that trouble America most today—putting aside momentarily the street crime—the two things that concern this country are the increased deficit, and unfunded mandates.

This bill, in a sense, contains an unfunded mandate. We offer in this bill to help put additional police on the streets. Mind you, those are not Federal police officers. Those will be police officers hired by the sheriff's department, hired by the cities. We simply offer to pay a part of their salary in each year. That part coming from this bill, assuming there will be sufficient funds in the trust fund—and that indeed is a question mark—those funds drop off. And if those police officers are to stay, there is an unfunded mandate on that small community, on that sheriff's department, on that city, that has to be picked up through property taxes and local taxes.

We have talked about the additional police. But the paycheck is not following. That is an unfunded mandate.

Unfunded mandates and increased deficit spending are two of the major problems facing this country today. This bill could add as much as $12 billion or $13 billion over its life to the national deficit. We have to answer for that problem.

That is why I feel, while the battle is over today, I predict it will be back, perhaps as early as next year, perhaps as early next year after there has been a trial period for this bill to work or not work. You will receive the calls from those mayors today saying, "Oh, please vote for it," they will be calling next year: "Where is the money? We are broke. Should I hire the 10, the 20 police officers that are offered by this bill and then have to fire them in a year or 2 because the funds are inadequate? I cannot raise taxes locally anymore. I simply do not have the money, Mr. Congress."

Yes, we will be back. Only time will tell.

Mr. President, I have had the privilege—and I say it has been a privilege—to work very closely with leader DOLE, the distinguished Republican leader from Kansas, the minority whip Mr. SIMPSON, the ranking minority member, Mr. HATCH, and many others that have worked actively, worked to try and let the U.S. Senate have a voice in this legislation. That was a challenge. It was a reasonable task. Under the leadership of Senator DOLE, we fought a hard battle.

We have a letter. I had a hand in working up the concept of that letter, along with others. Forty Senators signed it and leader DOLE made the 41st. We stood as brothers and sisters. For 2 days, for 2 days, leader DOLE tried to negotiate what I believe was a very reasonable concept: Let us remove amounts of social spending, perhaps as much as the House removed, the $3 billion-plus, and let us strengthen certain provisions, just those primarily that were voted on by this Chamber last November. We had already decided that issue.

But the offer was rejected and today we fell short of the mark of the necessary votes to let the U.S. Senate leave its imprint on this piece of legislation.

I had the opportunity to consult with those—I say consult—visit, talk through that period of time with the Senator from Rhode Island, the Senator from Missouri, the Senator from Kansas, and others. They are people of integrity, people of courage, people of conviction. They voted their consciences, and each of us from time to time in this Chamber must vote our conscience.

I am hopeful that we have not misled the American public with this piece of legislation; portrayed it as something that is going to come and help, to a great extent, their States, cities, small towns, and urban areas. I hope we have not misled them.

But we have fought the good fight on this side. Never once did this Senator try to participate in any dilatory tactics. Never once did this Senator support the Republican leader with the idea that we are trying to just delay the bill or to kill the bill. That was the most specious of all arguments: Kill the bill.

If the House could invoke some changes in the bill, $3 billion, why could the Senate not do likewise? And the hue and cry, "Well, it has to go back to the House." Of course, it has to go back to the House. And who controls the House? The Democratic Party. Not just by a narrow margin but by a very large margin. The leadership of the House could have taken this bill and accepted it, convinced the colleagues to accept that bill, and then it would become law. It would have become law with the action of both Chambers of the U.S. Congress, as laid down by our Founding Fathers, in two Chambers. Not a unicameral legislature, but two Chambers—for a very specific purpose. Unfortunately the U.S. Senate was barred from fulfilling its role in our legislative process.

Momentarily, there will be a vote on cloture. I am going to vote for cloture even though I am dissatisfied with this bill, and even though I will vote against this bill, because it is clear that we have exhausted every single opportunity left to work our will as a U.S. Senate and I have followed that credo in my Senate career that when you have fought the battle and the battle is over, let the Senate go on with its business. But I shall, with a very heavy heart and a very sad heart, cast a vote against this bill because I think we have failed to seize an opportunity, failed to have lived up to our responsibility as a body, and we have failed, as of now, to represent our constituents and, indeed, the American people.

Mr. President, crime remains the No. 1 national issue in the United States today. The Senate in its bill, took action to assist the States with some of the problems confronting their local cities and towns.

But the problem confronting the Senate today is that the legislation before us is not the tough law enforcement bill which was adopted by the Senate in November of 1993.

The legislation now before us has been crafted to meet the wants of many organizations but not the needs of our citizens, or in plain words, the bill is loaded with programs which do not have a direct relationship to fighting crime. I have received over 3,500 telephone calls this week to my office from my constituents. The majority of the callers voiced their opposition to this bill.

Mr. President, our cities and towns need the legal tools and personnel to prosecute effectively and to make sentences tougher so convicted criminals cannot avoid serving their sentences.

The legislation before the Senate today is structured more around creating new social programs as opposed to establishing and enforcing new penalties for acts of violence. People need consequences for their acts and to be held accountable for their crimes.

Mr. President, I cannot support legislation which grew in cost at each step of the legislative process. First, the bill passed the Senate at a cost of $22 billion. The House of Representatives considered their own version of the bill at a cost of $28 billion. Then the conference committee of the House and

Senate added spending to reach an incredible figure of $33 billion. No wonder the House of Representatives properly rejected the bill. A bipartisan group of Representatives made a very modest trimming of $3 billion in social programs spending, but failed to restore tough provisions on crime.

The bill was then sent to the U.S. Senate. The Republican Senators made a stand for 2 days to try and further reduce the social programs and toughen the provisions.

Forty Republican Senators then signed a letter, which was my idea, to their Republican leader, Senator BOB DOLE. The letter expressed a unified position in order to achieve changes in the bill. For 2 days leader DOLE tried hard to negotiate constructive changes in this bill. When the time came to vote, the Republicans were not able to attain the votes necessary to make any changes to the crime bill. I believe the Senate missed an opportunity to strengthen this bill.

Mr. President, this legislation as crafted will increase the deficit of this country by another $13 billion if all the programs are fully funded in the legislation.

This brings me to a second vital point concerning the funding of this legislation.

Mr. President, a trust fund was created by the Senate to fund this legislation when the Senate passed its version of the bill. The violent crime reduction trust fund was created to fund the provisions originally passed by the Senate and not all the provisions which are contained in the new conference report pending before the Senate.

The bill passed by the Senate was to be funded for the years 1995, 1996, 1997, and 1998. The bill provided for $22 billion to fund the programs in the legislation. The trust fund was established for 4 years. The new conference report has been expanded to cover 6 years at a cost of $30 billion.

Mr. President, I do not believe this trust fund will ever contain the full funding necessary to provide the resources needed by the numerous programs in the legislation. This legislation could well mislead the States, cities, and towns for the funding may never come.

Mr. President, the Senate should not create more unfunded mandates to the States. If Federal dollars are going to be directed at law enforcement. I support efforts to reduce the cost of this legislation by another $3 to $5 billion. A few of the programs I would like to see eliminated are the Local Partnership Act and the Model Intensive Grants Program.

Mr. President, I support tougher crime legislation than the legislation which is pending before the Senate. I would support the inclusion in the conference report a number of amendments which where originally in the Senate bill but removed during the conference on the legislation.

Mr. President, a tougher crime bill should include stronger truth-in-sentencing provisions, funding for the building of more prisons, tougher mandatory minimum sentences for adults who use firearms during the commission of a violent crime, and tougher sentences for adults who are convicted for selling drugs to minors or using minors to sell illegal drugs.

Mr. President, these are some of the tough provisions which are missing from the bill before the Senate today. My constituents support a crime bill which contains provisions to combat the rising crime rate and not a bill which will spend more money on numerous social programs.

Mr. DURENBERGER. Mr. President, I rise to express my opposition to this crime bill. I hope to sound a small warning to the U.S. Senate about the price that it will pay for this kind of legislation.

I am leaving the Senate at the end of this year and I am reminded that I seem to be leaving at about the same point that I came in. This bill that we vote on today represents the business-as-usual approach to policymaking that got me elected to this body—to try to make a difference—16 years ago. It is the approach to policymaking that made Washington the butt of a national joke about Members of Congress running around the country throwing money at problems, then moving on to the next place, leaving the money and the problems behind.

While we were at it, we competed with one another to spend the money in our own State so that at election time we can show that we brought home the bacon.

In the early years of my time in the Senate, we followed this course on a wide variety of issues. In 1982, we started down this road on anticrime legislation. In 1982, we did an anticrime bill. In 1986, we did a crime bill that spent $1.7 billion. It was an election year. I remember it well. We lost control of the Senate and the Democrats took over.

Two years later, another election year, we did $2.8 billion, but crime kept going on up.

So in 1990, we threw a lot more money at the problem: $8 billion in 1990, another election year. But still, crime went up.

In 1992, we had another election and we had another crime bill. That one was killed by a filibuster, and guess what happened—crime went down. The fact of the matter is we have crime on a slight—and I emphasize slight—downhill trend. Maybe we ought to quit passing crime bills right here and now.

But of course we did not and we will not. Along we came in 1993 and 1994 with the granddaddy of all crime bills. The Senate passed $22 billion and the House passed $27 billion, and the conference committee got together and they compromised at $33 billion. We just could not get enough of the anticrime enthusiasm of an election year.

Earlier this month we ran into a little bump in the road. The House of Representatives inadvertently failed to pass the rule and the American public started to pay attention to what was the crime bill. And the more they found out about it, the madder they got. The phones started ringing off the hook. As if this way of doing business was not maddening enough, the American people also woke up to the fact we were spending money we do not have. Let us face it, even if we were really buying crime protection, which we are not, we are not paying for it. We are buying it with our children's money and their children's money.

Early in my time in the Senate, I had occasion to visit the State of Texas to make a speech. I asked people what is a good joke to tell in Texas, and I was told: Ask them why there were so many heroes at the Alamo. The answer was because there was no back door.

The reality is—and I remember using this as an analogy—the difference between the Congress and the Alamo is there is a back door. And every even-numbered year, a third of the Senate and all of the House troops out the back door, goes home, and tells everybody how great they are and how great they could be if it were not for all the folks back at the Alamo.

Either that story has been told long enough or people have seen enough, but I have to tell you they are not going to stand it any longer. In the 1970's, about the time I was elected, Jimmy Carter took the Nation's mood for a national malaise, he called it. But what it really was, in a phrase made popular in a movie of that time, was a lot of American people leaning out of the windows of their homes, breaking their pencils, and screaming, "I'm mad as hell, and I'm not going to take it anymore."

That mood is back with us today. The feelings of the 1970's and the 1980's have now turned into the cynicism. We see it in low voter turnout, decreasing respect to the point of no respect for the Nation's institutions and leaders, popular candidacies by sloganeering politicians taking advantage of the public's dismay but falling right back into business as usual when they get to Congress. It is eroding our ability to self-govern and increasing the problems it purports to solve.

I have opposed this bill from the start. I was one of only four Senators who voted against it the first time through. So at the risk of saying I told you so, I just want to reiterate why this bill is not a crime bill. And it is not in the best interests of the United States of America.

We have heard a lot of talk here about the pork in this bill. The Republicans want to take out $5 billion, calling it pork. The Democrats defended that pork as good pork. Everyone seems to agree the other $25 billion is lean meat, not fat.

Mr. President, the American people have caught on to the fact that it is all pork, all $30 billion of it. And we all know it. All you have to do is pick up your telephone back in your office. I do not mean just the 2,000 people who have gotten through to me this week to tell me to oppose this bill. I can tell it by the calls I get in support of this bill. The mayors all over the country, chiefs of police, county commissioners—they have been calling for a week. They are not calling me to tell me we need a weapons ban or we need stiffer sentences or we need new Federal crimes. No, what they want is the money.

They want the grants, the pilot programs, the prison construction, the subsidized police force. They are working on "business as usual," just as we are. And they know that when the pork is being sliced in Washington, you have to make yourself heard to ensure you get your slab, so they call and call again. The city and county officials did not tell me they had planned to hire more police anyway but could not afford it. They did not tell me they could not afford to build any more prisons. I do not think they even know whether they can put the money to good use. They just know that they can get some money, and to them any money is better than no money, so they call. And call again.

With all due respect to my colleagues in the Senate, I do not believe we are making an informed decision about how many police officers we need in this country, about how many prisons we need, or how best to prevent crime in our cities. I still do not know if there are 20,000 cops in this bill or 100,000. I have heard debate back and forth.

But, frankly, I am not sure it makes any difference. Whatever the number is, I know it was arrived at in a wholly arbitrary way. It is not related in any way to the need. Do we really think 20,000 is enough? Is 100,000 too many? What if it was 200,000? Would it be twice? Would we be twice as safe?

It is all pork. It is all bringing home the bacon, and it has nothing to do with crime prevention. We will spread the arbitrary number of cops all over the country and the cities will be there to take the money regardless of the need, because to them, it is business as usual as well.

Well, Mr. President, thanks to this way of doing business, we are $4 trillion in debt in this country. It was $800 billion when I got here. It is $4 trillion today, and the debt is going up, not down. This bill piles $30 billion more on top of that mountain of debt. We are already paying $300 billion a year on interest, and that, too, is going up, not down. That mountain of debt was built over the years by those of us in Washington who make every problem a Federal problem and every solution the infusion of Federal money.

Mr. President, crime will not abate after we pass this bill. It never has as a result of a Federal crime bill, and there is no reason to think this barrel of pork is any different. The American people, if they believe the promises of the promoters of this bill, will be further frustrated and turned off by this Government. And future generations will be further weighed down with the cost of our folly. I have not even touched on my objections to the death penalties in this bill, to the load we are putting on an already overburdened Federal court system, or the waste of time and money in the Justice Department pursuing ever more Federal criminal behavior.

Mr. President, this bill is a waste of money through and through. It was a waste last November when 95 of my colleagues supported it. It is a bigger waste today.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Alaska [Mr. MURKOWSKI] is recognized.

Mr. MURKOWSKI. I thank the Chair and wish the President a good evening.

Mr. President, I, too, rise in opposition to the conference report and will be voting against it.

I think as we reflect on what has happened here in the last several days as we have debated the crime bill, we should recognize the realistic differences between us. There are philosophical differences, Mr. President.

I think it is fair to say on our side, for the most part, we are committed to a philosophy of bringing about control of criminal activity through tough sentencing, new prisons, mandatory jail sentences, ensuring that someone who contemplates committing a crime knows in advance what is before him or her.

I think our friends on the other side look at the criminal activity with the idea of how can we bring about corrections through social reform. In other words, what more can government do? What kind of programs can be initiated to address the criminal element?

Both have merit, Mr. President. And time will tell whether the correct course of action prevailed here, as we recognize that, indeed, those who support corrections by social programs have prevailed in this body.

I find it rather curious to reflect on the action in the House where, through a bipartisan effort, with a number of Republicans, they were able to bring about some positive changes in the crime bill. That was worthwhile. We attempted to do that as a minority in the Senate. Unfortunately, that opportunity did not avail itself.

There has been a great deal of conversation here about funding. It is rather interesting to reflect very briefly that when this bill left the Senate, it was about a $22 billion bill. It went over to the House and increased to $27 billion, then up to $33 billion, then came back at $31 billion.

That in itself is significant. We have debated the issue of whether the pork is in reality another way of bringing about reform through responsible social programs or whether it is unnecessary. But in any event, it is something that we should reflect on and my good friend from New Mexico commented on it at some length yesterday in explaining the unfunded difference of about $13 billion.

So I challenge my colleagues on the other side who say this is fiscally responsible. We are expending $13 billion and simply adding it to the deficit of this country. We are already spending some 14 to 15 percent of our total budget on interest on our accumulated debt. This is going to add to that, Mr. President, and that is irresponsible. It is irresponsible of every Member who supports that funding without identifying a source other than adding to the deficit.

I want to commend the Democrats and the leadership. They stuck together. We got beat. We lost six Republicans. It is going to be very hard for this Senator from Alaska to go back and explain to his constituents why we did not stick together, but I respect the rights of each individual. However, I am disappointed because to me, had we prevailed, we would have had a better crime bill. We had something very positive to contribute.

But perhaps the explanation is that we are on different wavelengths. Perhaps those who saw fit to leave the Republican fold were motivated by the philosophical difference that they perhaps do not support strong criminal penalties but rather reform through social programs. That is an honest difference of opinion and, perhaps that is the best explanation the Senator from Alaska is going to have to offer to his constituents.

However, Mr. President, as a lifelong Alaskan and one who has been raised to respect guns, as I respect all dangerous things of any type, whether it be knives or individuals or animals that occasionally come looking for not just politicians but constituents of mine.

As a young boy, I was given a gun by my father, a .22. It was not a semiautomatic. I learned to shoot. Prior to that, I had a BB gun. I recall one day the BB gun got a little out of control. I was perhaps winging something, and it hit the corner of a plate-glass window of a house across the street.

That evening, it was drawn to my attention that perhaps that was my BB gun that had clipped that plate-glass window. My father confronted me, and I acknowledged that might have been the case but I rather doubted it. He suggested we take a walk, and he invited me to bring my BB gun with me. We walked down to the dock, looked at the water and he said, "Now you know where to put that BB gun," and with great reluctance, I was obliged to throw that BB gun in the bay.

The point is, I was fortunate enough to have someone who cared to advise me on how to handle guns properly. Clearly, if that advice is lacking with many Members in this body and their own personal relationships with their children, that is a situation that is a personal one and I respect it. Obviously, we know what happens to guns that are in the hands of irresponsible people.

But, Mr. President, in my State, guns are very much a part of our lifestyle. I am going to be returning to Alaska tomorrow, I hope, and on the first of September, I am going to take my boys out. We are going to duck hunt. Our season opens the first of September. We have about a 6-week season, then it freezes up and the ducks fly south. They fly a little faster in Alaska because they have not flown so far yet. They are hatched up there. But in any event, we are going to take our shotguns out and, hopefully, get a few ducks. For years before I joined this body and for some years after, I would go sheep hunting with my boys and my daughter, Dall sheep hunting. It is a very, very extraordinary experience—a tough climb 8,000 or 9,000 feet up on top of the mountains. You can only take a full-curl ram. That is a mature, male sheep, at least 7 years old or older.

I tell you, you get to know your sons pretty well when you go through that type of experience. I recognize everybody cannot have that type of experience; they are not fortunate enough. But the point is we use those guns in a responsible manner, and when we see criminals using guns, we are as frustrated as any other person.

The reality is, what do we do about it? Well, there has been an awful lot of conversation and alarm associated with the assault weapons issue. Unfortunately, very few Members of this body understand what an assault weapon is. They are of the opinion that if we take this action, we are going to do something positive about criminals—stop irresponsible people having assault weapons.

I refer to an article in the Wall Street Journal of August 25, which I ask be printed in the RECORD.

It is entitled, "What Is an Assault Weapon?" It is very interesting, and I would encourage my colleagues to reflect on it, because there is a presumption out there among the public that we are talking about automatic weapons.

There being no objection, the article was ordered to be printed in the Record, as follows:

WHAT IS AN ASSAULT WEAPON?

The World's Greatest Deliberative Body has tied itself in knots over the crime bill. The bill's opponents worry about the $33 billion costs, but its defenders say that's all a smoke screen for the National Rifle Association. The most important business of the Republic, they say, is banning assault weapons. So it might be fair to ask, what's an "assault weapon," anyway?

Now, the weapons in question are not machine guns; automatic weapons have been illegal in this country since 1934. Rather, they are semi-automatics, capable of firing shots as fast as the shooter can pull the trigger. But most modern rifles are semi-automatics, and no one yet admits a desire to confiscate hunting rifles. So someone has to decide which semi-automatics are dreaded assault weapons. They tell by looking at the weapon; an assault weapon is in the eye of the beholder.

If you think we jest, we refer you to Senator Dianne Feinstein, the WGDB's leading expert on aesthetics and semantics. The Feinstein amendment, passed by the Senate last November and now part of the pending legislation, spelled out which weapons to ban. She and her aides riffled through their picture albums, picked out 19 weapons they especially didn't like and banned them by name.

One is the Colt AR–15, pictured here along with the Ruger Mini–14, which would remain legal. The two are both semi-automatics firing the same 5.56 mm ammunition. In the hands of a criminal, they could each do the same damage; no more, no less. The difference between the two? The AR–15 looks more menacing because it has a plastic stocks and a pistol grip; that's it.

After listing the 19 aesthetic offenders, the Feinstein brain trust apparently cross-tabulated its critical judgments to draw up a checklist of five aesthetic markets; a folding stock, too large a pistol grip, a bayonet mount, a flash suppressor and a grenade launcher. Two strikes's and it's an assault weapon, the WGDB decided; either a grenade launcher or a bayonet mount is OK, but not both.

Now, we'd agree that ordinary citizens don't have much need for bayonet mounts, but on the other hand, do you know anyone who was mugged with a grenade launcher? Statistics from around the country suggest that few criminals are deranged or dimwitted enough to call attention to themselves by lugging around military looking paraphernalia.

So-called assault weapons are used in only a tiny, tiny fraction of the violent crimes. In 1990, Florida's Commission on Assault Weapons reported that over the previous three-year period, assault weapons were used in 0.14% of violent crimes. In New York City, police confiscated 16,378 firearms in 1988, only 80 of which could be called assault weapons. Even a liberal such as Richard Cohen pointed out in a recent Washington Post column that according to the 1992 Uniform Crime Report. "more people were beaten to death that year (1,114) than were killed by rifles of any kind (698)."

But perhaps the best commentary came from Joseph Constance, deputy chief of police in Trenton, New Jersey. He told the Senate Judiciary Committee last August: "since police started keeping statistics, we now know that assault weapons are/were used in an underwhelming 0.026 of 1% of crimes in New Jersey. This means that my officers are more likely to confront an escaped tiger from the local zoo than to confront an assault rifle in the hands of a drug-crazed killer on the streets."

The real question is why the Senate wants to tie itself into knots over so frivolous an issue. Both sides of the gun-control debate see an assault-weapons ban as the first step toward confiscating all firearms, we suppose, and that in turn evokes the ultimate liberal-conservative division over whether the root cause of crime is original sin. This remains in the realm of symbolism, and perhaps the WGDB wants to spend its August evenings striking postures. but in protecting the public from crime, it could scarcely be clearer, the assault-weapons ban would fire a blank.

Mr. MURKOWSKI. Now, a machinegun is an automatic weapon. But automatic weapons have been banned in this country by law since 1934. Rather, what we are talking about are semiautomatic weapons. That is a weapon that is capable of firing shots just as fast as you can pull the trigger, as opposed to a fully automatic where you pull the trigger and it continues to fire.

So what is an "assault weapon"?

Well, as I said, they are semiautomatic weapons capable of firing shots as fast as the shooter can pull the trigger. But most modern rifles are semiautomatic and no one yet admits to a desire to confiscate hunting rifles or shotguns, many of which are automatic.

I own an automatic shotgun. I own a pump shotgun. There is a difference. The difference is you have to operate the receiver on one and the other is gas operated, that is, semiautomatic.

Now, we can reflect on what happened to distinguish assault weapons from other semiautomatics. It happened in this body through the efforts of the Senator from California who identified in her amendment what would be considered an assault weapon. And it is really in the eyes of the beholder. The editorial I have shows it in pictures. One weapon shown is the Colt AR–15, And beneath it is a picture of a Ruger Mini 14.

Now, only one would remain legal. However, the two are both semiautomatics firing the same 5-millimeter ammunition. In the hands of a criminal, they could each do the same thing—no more, no less. The difference between the two is the AR looks more menacing—it really does—because it has a plastic stock and a pistol grip. That is the difference. That is all. One is classified as an assault weapon and the other is not.

So after listing some 19 esthetic offenders, the Senator from California cross-tabulated somehow and came up with a checklist of five esthetic markers to classify what an assault weapon is. It has a folding stock; it has a pistol grip, neither of which have been known

to harm anybody. It has a bayonet mount, and it has a flash suppressor.

Now, I do not know anyone who is mugged with a grenade launcher. It is rather interesting to look at some of the statistics. So-called assault weapons, we are told, are only used in a tiny fraction of violent crimes. In 1990, Florida's Commission on Assault Weapons reported that over the previous 3-year period, assault weapons were used in four-tenths of 1 percent of violent crimes in New York City—four-tenths of 1 percent.

Now, consider the action that we have taken in this body. It is interesting to note that in Trenton, NJ, one Joseph Constance, deputy chief of police, told the Senate Judiciary Committee last August:

> Since police started keeping statistics, we now know that assault weapons are or were used in an underwhelming twenty-six one-hundredths of 1 percent of crimes in New Jersey.

He went on to further say that:

> This means that my officers in New Jersey are more likely to confront an escaped tiger from the local zoo than to confront an assault rifle in the hands of a drug-crazed killer on the street.

Now, this is reality, Mr. President. This is the terrible problem we have taken on in this crime bill. What we have not done is to ban those criminals that have weapons. What I fear and I want to alert my Alaskan constituents to, is that this is the first step. The assault weapons ban is not going to have a measurable—a measurable—effect on criminal activity. The next effort we are going to see in this body is to ban all semiautomatic weapons, hunting rifles, shotguns. We all thought we were protected by the Constitution, but we are not protected by the mania to do something about crime.

Now, I know how the people in my State feel about the right to bear arms, the right to have their guns and use them in a responsible manner. As long as I am in the Senate, and as long as I am on my two feet, I am going to support the guarantees under the Constitution.

But I warn those responsible gun owners in my State and throughout the United States to beware of what has happened here today under the guise of an assault weapons ban. We are making steps that will threaten sports gun owners, responsible hunters, those who use guns in target practice, the sport-based sporting goods stores, manufacturers, and the National Rifle Association.

We are going to have to maintain a greater vigilance. We are going to have to reflect on the debate that has occurred on this floor in the last several days because those Members of this body who feel we are going to initiate corrective action through social reform are going to have an opportunity to prove their case, to some extent, if they can and if most of the money is not used for administrative purposes. We will see how successful social reform programs are going to be to combat crime as opposed to more prisons, harsher penalties, and mandatory sentencing.

I would hope that the public out there would reflect on the amendments that were offered under the Republican proposal. We wanted to strike some $1.62 billion from the Local Partnership Act and apply it to the Edward Byrne Memorial Law Enforcement Program, a very worthwhile program. But the Partnership Act was a social program.

We want to be tough on crime. Our friends on the other side said no, we want the Model Cities Intensive Grant program at $625 million. We said no, we want to be tough on crime.

We wanted an amendment which will allow us to deport criminal aliens. We did not get it. The Republicans lost on that one.

We wanted mandatory minimum for gun crimes, mandatory minimums so criminals using guns in crimes would know what was going to happen to them for using guns associated with selling drugs, or crimes involving minors. We wanted mandatory minimum reforms.

We wanted a tough crime bill. And our philosophy on the Republican side is you do it by passing harsh legislation that discourages criminal activity. Unfortunately, in my opinion, the opinion of the Senator from Alaska, is that the other side prevailed, and said no, we are going to achieve the same objective but we are going to do it through social programs.

I hope that every one will reflect back on these days because one of us is wrong, very wrong, Mr. President.

Finally, let me again warn responsible owners of guns that a major step backward has been taken today on the right to bear arms. I would hope that those on the other side would reflect on the real difference between what they classify as an assault weapon, which has a horrifying name, and a legitimate semiautomatic shotgun, which I am going to be carrying in my hand on September 1.

ASSAULT RIFLE PROVISIONS

Despite the pressure on Congress to act on gun violence, and the media's loud support, the semiautomatic ban is just not good policy from any number of aspects.

It's also clear that supporters don't see this as a compromise to end debate. They will simply pursue more controls.

The conference report bans 19 types of semiauto rifles, handguns and shotguns by name, and all "look-alikes"—reaching totals in the hundreds. It also bans all magazines over 10 rounds. It excludes from banning now or in the future only about 660 specific firearms out of all those manufactured, including rifles, carbines, muzzleloaders, shotguns, semiauto pistols and revolvers.

The list of exempted firearms is supposed to be, in the author's words, "every single rifle and shotgun—other than those being banned—that has been on the market this year." Despite the claim, it is no such thing. It fails to mention such popular—even some historic—firearms as the M1 Garand, and many others.

The magazine ban would prohibit even some factory issue magazines for a number of the firearms that are supposedly permitted under the bill, such as the Ruger mini-14 and many pistols.

Semi-autos are not a big part of the violence problem. A good indicator that assault rifle use is low is the fact that they comprise a very small share of all firearms seizures. The highest occurrences are 3.9 percent in Oakland, CA; 3.6 percent in Florida; 3 percent in Los Angeles and Washington, DC; and 2 percent or less in other major areas. And let me stress that these figures—low though they are—represent all seizures of so-called assault rifles including many that may never have been used in a violent crime.

It is hard to believe that assault rifles are the so-called weapon of choice when they are so rarely seized. Either the police are doing an atrociously bad job, or we have not been told the truth about semiautomatics.

The reality is that there is no statistically valid evidence of a trend toward semiautomatic rifles. Here are the facts behind the "weapon of choice" argument:

Murders are far more likely to be committed with knives than with any sort of rifle.

Murders are far more likely to be committed with handguns than with any sort of rifle.

Murders are far more likely to be committed with blunt instruments than with any sort of rifle.

Murders are far more likely to be committed with bare hands and feet than with any sort of rifle.

The fact is, rifles—of any type—are used in only a small percentage of murders—less than 4 percent of the murders from 1987 through 1992, with that number decreasing each year since 1989. The number of murders committed with so-called assault rifles is far lower—probably around 1 percent.

This will have no significant effect on criminal access to firearms. The best available data—from BATF itself—indicates that only 7 percent of the firearms—all types, not just semiautos—used in crimes are obtained legally. Because this figure includes all revolvers, shotguns, lever and bolt action rifles, small-bore firearms, and so forth, and all firearms used in domestic quarrels, bar disputes, and so forth—where the weapon is likely to have been purchased legally—it's clear that career criminals, gangbangers and the

like actually use legally purchased semiautomatics—or any other legally purchased firearm for only a small portion of their crimes.

We have heard many claims by the proponents of this legislation to the effect that it is supported by police around the country. Indeed, there have been supporting statements made by some police officials. But let's look again. That support is not anywhere near as universal as the proponents want us to believe. The National Association of Chiefs of Police [NACOP] has 11,000 members and feels very much otherwise. In fact, NACOP recently surveyed some 18,000 chiefs of police and 3,000 sheriffs throughout the country.

With an astounding return of over 15 percent of the mail-out surveys—far over the national average of such surveys—NACOP found the following sentiments being held by police chiefs and sheriffs: 88.7 percent do not believe a ban on semiautomatic assault weapons will help reduce crime; 97.4 percent believe criminals will still be able to obtain illegal weapons, even with a ban; and 90.4 percent believe law-abiding citizens should be able to purchase any rifle, pistol, or shotgun he or she chooses for self-protection or recreation.

A similar survey was conducted in June 1993 by the Southern States Police Benevolent Association, which has approximately 11,000 members, who were polled by an independent, objective outside research firm. Of those officers surveyed, over 70 percent have been police officers for more than 5 years, and nearly two-thirds serve in urban areas where the threat of assault weapons is presumably highest.

Some 65.3 percent thought stricter gun control would be the least effective of several options to reduce crime.

And 96.4 percent strongly supported firearms ownership for self-protection.

HUNTING ISSUE

Despite claims to the contrary, many people do use semiautos for legitimate hunting. Many Alaskans have contacted me to say they have purchased semiautomatic AK-type firearms especially for that purpose—not because of the rapid fire capacity, although that can help prevent the escape of wounded animals, but because they are ideal firearms for hunting or personal protection in rugged physical conditions. Their legendary reliability and ability to keep operating after being rained on, snowed on, dropped in salt water, and generally banged around makes them the weapon of choice—not for criminals—but for people whose firearms can mean the difference between eating and not eating that winter.

SECOND AMENDMENT ISSUE

The judicial history of gun control is mixed, even when looking only at Federal actions and not court opinions on actions by States or other jurisdictions. One persistent issue is whether the second amendment bars States from adopting laws that are more narrow, or is solely applicable to Federal actions.

At the Federal level, a key question is whether it only prohibits laws that would impede the formation of State militias, which today have been supplanted by the National Guard, or is an individual right to keep and bear arms for broader purposes.

In arguing that gun control is not unconstitutional, the case most often cited as controlling by gun control advocates is United States versus Miller (1939), the only time this century in which the Supreme Court heard a directly applicable second amendment case. Miller's conviction—for possession of a prohibited sawed-off shotgun outlawed, along with machine guns, during the "gangster" era—was upheld.

However, the Miller case is very weak for the gun control lobby. Because Miller himself was unable to appear, and no briefs were filed nor arguments made on his behalf, the Court heard only one side of the case. Even then, when the Court went against Miller, it only said it lacked proof that his shotgun was a type of weapon that had military value—had it been, Miller would have won.

In essence, although the Court upheld Miller's conviction, its opinion in addressing only whether the shotgun was a military weapon, tacitly recognized that the second amendment is an individual right to keep and bear arms, regardless of actual membership in a militia. The only proviso the Court made was to make it clear that the second amendment applies to weapons having military potential or use.

In looking at what the Founding Fathers intended for the second amendment, the Constitution Subcommittee of the Senate Judiciary Committee in 1982 drew on the historical writings of the founders and their correspondents. It concluded that the framers purpose was to establish an individual right that would serve to prevent the Government from exercising control by means of a standing army. In their mind, the prospect that a Government-backed army would be used against citizens who disagreed with the Government was what we might today call a "clear and present danger."

They wanted citizens to be able to form their own armed militia organizations, absent any Government interference, for the express purpose of defending themselves against the Government. In addition, they drew from early English common law to explicitly recognize the right of an individual to arm himself for protection against outlaws.

When the Bill of Rights was presented, the Senate passed it in 1 day, but first it soundly rejected an amendment that would have limited the second amendment to carrying firearms "for the common defense." That action shows clearly that the Senate also regarded the second amendment to be an individual right.

Many argue that the second amendment is now outdated—that the intent of the Founding Fathers should be ignored by today's Congress, because they could not possibly have foreseen the development of today's society. That is the purest hogwash. Such an argument demeans those who make it and insults those who hear it. We, who are sworn to uphold the Constitution, cannot pick and choose the parts we want to honor and the parts we want to ignore.

This country has grown to greatness thorough many fortunate circumstances and through the hard work and faith of its residents. But most of all it has grown to greatness because the U.S. Constitution gave it firm footing. The rights of freedom of speech, of the press, of religion and of peaceful assembly formed the base for the growth of a healthy, diverse society, along with the rest of the Bill of Rights. But the Founding Fathers also knew full well that all those rights are delicate ones—easily pushed aside by a Government that becomes unbalanced. It is precisely for that reason that they included the second amendment.

Arguing that the second amendment is outdated does not makes it so. But more to the point is this: Even if that were true, it is still the law of the land. If it is outdated, then let those who believe that—work to have it changed. But in the meantime, this Congress should not—and legally it cannot—simply decide to usurp powers of decision that are reserved to all the people

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, in the last day and a half I have not come over to speak on this bill. I have tried to avoid identifying myself with the Senate's chaotic indecision. But given that we are now coming to the end of the debate, I want to make a few points, then summarize my position on the crime bill, and then let others speak.

First of all, I checked with my office a minute ago and I have had a number of calls from Texas about Senator DURENBERGER's comments about a back door at the Alamo. In Texas we are pretty sensitive about the Alamo. I want to be sure we straighten those comments out.

First of all, there were a lot of back doors at the Alamo. In fact James Bonham—since our great Senator from South Carolina, STROM THURMOND, is here on the floor—I note that he, in Aiken, and James Bonham, in Edgefield, were both born in South Carolina. James Bonham rode out the

back door at the Alamo through the Mexican lines to find help. And when he could not get anybody to come back to the Alamo with him, he rode back through the Mexican lines into the Alamo to certain death.

So there was a back door at the Alamo. But there were people at the Alamo who were committed to what they were doing. They were committed to Texas being free. And they started there a fight that ultimately made Texas free, brought 11 States into the Union, made America a world power, and changed the course of history.

Mr. President, there are a lot of emotions one can express on a day like today. I guess everybody hates to lose. I hate it I guess as much as most. It must be a little bit like dying, and even in death I am hoping for a reprieve. But I particularly hated losing today. First, as I said, I do not like losing. Second, I had no doubt in my mind and my heart that we were right.

It is a very interesting thing how debates evolve in the Senate. Often you end up with two straw men that both sides create as to what the battle is about. Obviously, to some degree that was the case here. But in my mind what it was all about, and I think that it was demonstrated what it was all about, is that we had a golden opportunity to pass a good crime bill. This crime bill ended up being hijacked. It ended up being hijacked and became something that it did not start out being, and became something that the American people I think have come to understand. They are unhappy about it, and more than unhappy, they are frustrated about it.

First of all, the legislation became something that too often almost every bill becomes that passes the Congress, it became the purveyor of pork. It became a bill where all kinds of things were added to it to spend money, to create political constituencies, to win over votes. We had a long debate on this whole question of pork.

I just simply would like to say that when we have big deficits, when the average American family with two little children is sending $1 out of every $4 that family earns to Washington, DC, I hated to see $5 billion spent basically on social programs. Some may have been good. Some may have been bad. But basically they did not have anything to do with the crime bill.

I would just like to note that the mayor of Providence, RI is unhappy with me and has written me sort of a nasty letter. I am not going to read it. But I would just like to say that the other day on the floor of the Senate I quoted from the New York Times of August 16, what I thought was the award-winning proposal as to how to use the money from this bill.

The mayor of Providence, at least according to the New York Times, hoped to use the $3 million he was going to receive from the Local Partnership Act, which is part of this crime bill, to retrain graffiti violators to be artists. He has subsequently written me a letter—and Senator PELL has given a speech pointing that out—that this was not his only idea. He had lots of other good ideas. I am sorry we do not now know about them. But my guess is we will after all this money is spent.

So I am disappointed that we did not get the pork out. I am disappointed that our real anticrime provisions ended up being dropped. We have all gone through them—10 years in prison without parole for using a firearm in the commission of a violent crime or drug felony; 20 years for discharging it; life imprisonment for killing somebody; the death penalty in aggravated cases.

I cannot for the life of me understand how we are about to pass a bill that bans guns, and yet we are not willing to do anything about the people who use those guns to kill people.

I hear all this talk about new Democrats. But I would have to say that when they get behind closed doors in conference committees, and when the real decisions are made, these new Democrats turn out to be the old-fashioned Democrats who blame society and not the criminal, for crime.

The sad reality is that we know gun control does not work. The District of Columbia has an outright ban on handguns and assault rifles, and you must register a shotgun. But the District of Columbia with the strongest gun ban in America is, per capita, the murder capital of the world. Why? Because they ban guns, but they do not do much about capital crime. They have crime without punishment. It is really an extension of what we have in America.

We wanted to have an opportunity to vote, to impose sanctions, mandatory minimum sentencing against violent criminals that use guns. We were not allowed to do that. We wanted 10 years in prison without parole for selling drugs to a child or for using children in drug felonies. We wanted to remove the Clinton provision in this bill which overturns mandatory minimum sentencing for drug felons, and which in its original form would have let 10,000 drug felons currently in the Federal penitentiary back out on the streets.

Thanks to Republicans in the House and their courage and their leadership, they got rid of the retroactive part of that provision. But when this bill becomes law, mandatory minimum sentencing for drug thugs, which is the law of the land today, will not be the law of the land because judges will then be able to decide whether to impose those sentences.

I want drug thugs to know that if they sell drugs to children, they are going to prison for 10 years, and they are going to serve every day of the 10 years no matter who their daddy is or how they think society has done them wrong. But my view is not going to prevail today.

What would I like to do on the crime bill? Well, I hope we have a Republican majority in the next Congress and, if we do, here is what I would like to do. I would like to go back and overturn this bill and seize as much of this pork money as is not spent. I would like to start building prisons, but I would like to stop building them like Holiday Inns. I would like to put people in jail to work. I do not know why in this country the working people have to pay to keep criminals in jail, but the criminals in jail, by and large, do not work. If we have a space problem, let us put prisoners in tents. Let us declare a national crime emergency, giving us the ability to go out and string up barbed wire around unused military bases.

Republicans do not claim we have the answer to every part of the crime problem, but we have the answer to one part. We do not have to get up every morning, open up our newspaper and read about some violent predator criminal who has been convicted five or six times of terrible crimes, and who is back out on the street, and who has killed somebody's child. We can fix that problem, and if we are given the opportunity to fix it, we are going to fix it.

The news tomorrow obviously will be that the President has won. But the real news ought to be that a great opportunity has been lost. We are going to spend $30 billion, and I admit it, you cannot spend $30 billion without helping somebody. It is impossible. You cannot spend $30 billion without doing some good for somebody. But anybody who looks at this bill is going to know that we are not going to do 30 billion dollars' worth of good for the people who do the work and pay the taxes and pull the wagon in America.

So I am disappointed about losing today, but I am also disappointed about missing a golden opportunity to grab violent criminals by the throat, to throw them in prison, and to keep them there. But this is an opportunity that is not lost forever, and if people are unhappy about this bill, they have an opportunity to do something about it in November.

The interesting thing is, I am amazed at how the American people have discovered that this is not a good bill. I am very pleased, on both health care and crime, that the American people understand what is happening here in Washington, DC. And I do not believe that passing this crime bill is going to be the great bonanza, politically, that some people think it will be.

I suspect that many Americans are going to see it as another cruel hoax, where our money is wasted and where the problem is not dealt with.

Finally, there is one piece of good news today, and that is that the Clinton health care plan is dead. The Clinton plan is dead, Clinton-Mitchell 1 is dead, Clinton-Mitchell 2 is dead, Clinton-Mitchell 3 is dead, and Clinton-Chafee is dead. And all those plans are dead because the American people understand that they are bad bills that would let the Government run health care in America.

I believe the President has lost because he underestimated the ability of the American people to understand that with all of his wonderful talk, the reality is that under his plan, they lost control over their health care.

So the good news today is that while $30 billion is going to be spent inefficiently, and America is not going to get its money's worth, we have taken a gigantic step today by adjourning without passing the Clinton health care bill, and I believe people will have an opportunity in November to cast a vote on that health care plan.

So I believe that today we have given people a clear choice. We had a chance to vote on get-tough provisions, and we cast a vote, and we know now where 39 of our colleagues stood, and we know where the rest stood. It is up to the American people to look at those votes and decide whether or not they reflect their will. In 35 States in the Union, people have an opportunity this November to say whether they agree or disagree on the crime bill and on health care by how they vote at the polls for the Senate. So if you are unhappy about how your Government is running, you have an opportunity to do something about it. I want to urge people to take that opportunity.

I am very proud of the Republican leader today. He did a great job. It was very disappointing for him. In any other city in the world, when adults sign a letter saying they are going to do something, you expect them to do it. But this is Washington, DC, and that was yesterday.

In any case, I believe that a good fight was fought. I believe that those on our side of the aisle were right. I believe the American people will discover that we were right and, hopefully, they will give us an opportunity to do right by giving us a majority in the November elections.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I have spoken against this bill, and I shall not take but a few minutes now. I want to say that this bill will result in some good, but it is not worth the price we are paying. I am opposed to this bill mainly for two reasons. One is the excessive Federal spending. There is almost $7 billion in pork for Federal social programs which should be cut. Already, billions are being spent in this area by the Federal Government. There is no evidence that additional handout programs will reduce violent crime.

We have a debt in this country now of over $4 trillion. Why should we spend over $30 billion here when it is not necessary? I just heard the distinguished Senator from Texas speak, and he brought out some good points.

I want to say this: We ought to try to reduce this deficit and not go spending more of the American taxpayers' money unless it is absolutely necessary, and it is not absolutely necessary here in this crime bill.

The other reason I am opposed to this bill is the multiplications which should have been made are quite a number. We should have included in this bill a number of things. I will just give a few examples.

One is mandatory sentences for selling drugs to minors or using minors in drug crime. That is a very important matter. It should be included in this bill.

Another is mandatory restitution to victims of violent crime. When people commit violent crimes on victims the victims should be allowed to collect restitution.

Another is tough Federal penalties for street gang crimes. We should have included that in the bill. We have to have these tough penalties for these street gang crimes. These gang crimes are very bad in many places.

Now the prosecution of juveniles 13 and up as adults for Federal crimes of violence with a firearm should have been included. Now if juveniles have a firearm and commit a violent crime, they should be tried as adults. And that was left out of this bill. It is a very important matter that should have been included.

Another is the deportation of criminal aliens upon completion of their sentence in the United States. When aliens come here and commit a crime and they suffer for it, we should deport them, not allow them to stay here. We should have put that in this bill.

Mr. President, there are so many things that should have been included in this bill that are not. For those two reasons mainly I am going to oppose it.

There is another thing I want to mention, too. Have we forgotten what federalism is? What is federalism. In other words, the Federal Government has certain powers under the Constitution and all the other powers not mentioned and delegated to the Federal are reserved to the States. That is federalism. And I do not know of any authority here for the Federal Government to go down and provide policemen in a city. That is the responsibility of each city to do that. That is not a responsibility of the Federal Government. And it is just such spending as this that caused us to create this tremendous deficit that we have today of over $4 trillion.

Another thing I would mention is this: Now if we establish this system here that we go and provide policemen for the cities of the Nation, there will be a demand to do more in other ways, and this could be the entering wedge for a national police system in this country, if this thing goes far enough, and I am concerned for us to enter into such a program as this that could be the beginning of a program which the American people do not want.

I think we have to realize this, too, that we have to let the people know that society is not responsible for the crimes. Every individual is responsible for the crime he commits. I am just amazed at the crimes that have increased here. The last figures I have from the FBI are this: A violent crime every 22 seconds, a murder every 22 minutes, a forceable rape every 5 minutes, armed robbery ever 47 seconds, and aggravated assault every 28 seconds.

This bill will not remedy that. In my judgment, we should have focused on crime, crime, crime, and not put all this social money in here to be spent and cost the American taxpayers this large sum.

Mr. President, for that reason, I am going to oppose this bill.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, the hour is late.

Mr. President, I simply say that we made this great effort today. I was on the conference committee. I watched it operate. I watched the fine work of Senator HATCH. It was an extraordinary experience. We see the result. Now we are at this final juncture of a cloture vote, and it comes down to the issue of the guns, assault weapons.

I will vote against cloture. I will do that for a variety of reasons. But in essence, I will cast this vote because our efforts to enact a good, tough, crime bill, have failed.

We have been thwarted in our efforts to eliminate $5 billion in social spending from the conference report.

My amendment to expedite deportation proceedings against nonpermanent resident aliens who have committed certain violent felonies upon completion of their prison sentence was passed unanimously by the Senate. It was stripped unceremoniously by the conference committee. It is a tough law and order provision. But it isn't in this final product.

Today our efforts to reinsert this legislation into this bill were rejected. That is another reason I will vote against cloture.

Similarly, our efforts to improve this legislation with other modifications which passed the Senate overwhelmingly were "stiffed" by the Democrat majority.

We Republicans wanted to reinsert the provisions for mandatory minimum

sentences for selling drugs to children. Likewise, we wanted to reinsert mandatory minimum sentences for using children to sell drugs. They are called "mules" by the drug dealers. We wanted to toughen up the prison provisions and ensure that real money was sent to the States with minimal Federal strings attached. We wanted to reinsert provisions to build real prison cells, not prison "alternatives".

This conference report prohibits law-abiding citizens from owning certain guns and, at the same time, our efforts to even get a vote on an amendment to enhance penalties for gun-related crimes were suffocated by the Democrat majority.

Criminals who use guns will be treated no worse for their offenses after this legislation becomes law. But, the Democrat majority is now telling gun owners who do not commit crimes that their previous law-abiding behavior will now be a violation of the law.

Law-abiding ownership of certain guns is prohibited. But the Democrat majority has refused to allow us to increase punishment for the illegal use of firearms.

I do not understand that logic.

I have seen polls that indicate that 77 percent of the American people want to ban these guns. I can assure you that such polls do not reflect the views of the people of the State of Wyoming, because they believe the second amendment says the right of the people to keep and bear arms shall not be infringed, and there can be no greater infringement than an outright ban. I do not know what it could be. If there is such a support to limit a constitutionally protected right, then it would seem that the proponents might try a constitutional amendment next time.

I submit that they do not follow such a legislative route because the statistics showing such so-called "Great support" are highly inflated.

The Congress, this administration, and the Democrat Party are "tap dancing" on the Constitution.

That, Mr. President, is another great tragedy of this legislation.

Our efforts to increase penalties for violent criminals and to focus more of the funding in this bill on building prisons have been unsuccessful. Most of my Republican colleagues and some stalwart Democrats want to be tougher on violent criminals.

Instead, this legislation would adopt a policy that will treat law-abiding citizens "like" criminals.

Let me just conclude by saying that I voted against the gun ban amendment when it came before the Senate. I continue to strenuously oppose it. But with the exception of this gun ban, the Senate bill had every potential of being an improvement in current criminal law.

We voted on it. It passed here 95 to 4. I thought it merited my support then. However, only the worst of the Senate passed bill survived the conference process.

But we were stiffed on tougher penalties for violent criminals and for drug-related crimes. We were stiffed on eliminating $5 billion in social spending. We were stiffed on getting criminal aliens deported more quickly. We were stiffed in our efforts to maintain the constitutionally protected rights of law abiding citizens under the second amendment.

But we are now faced with something called reality. The sad fact is that those of us who do not support gun control measures do not have the votes to defeat this conference report.

The perception is that this is a tough crime bill. It is not. But that perception has shaped this debate. We can stand here for weeks and debate the defects of this legislation. That would not be fair. Or we could spend until Saturday. That would not be fair. Unfortunately the result of this vote tally will not change. It is quite well preordained.

There is a huge gap between what this bill really is and what the proponents say it is. Unfortunately, the true extent of that gap will only be revealed in the future to the American people over the next 8 weeks and before November 8.

Our priorities are more prisons, tougher penalties, more police, less social spending. The bill, as the Senator from Texas says, has been successfully hijacked by those who still take the view that the criminal is also a victim of society and that the law-abiding citizens must suffer and have their constitutional rights trampled on, all because of the heinous and illegal acts of some violent criminals.

It has been a very difficult day for me dealing with lovely friends, urging, cajoling. It is not a pleasant experience and it has been a very disappointing result. We did our best. We shall lay ourselves down, bleed a little, then bind our wounds, and rise to fight again with renewed numbers on November 8, restored and refreshed and ready for the fray.

Thank you.

Mr. HATCH. Mr. President, I believe we are down to the last three speakers.

Mr. President, I ask unanimous consent that the last speakers be myself for 5 minutes, the distinguished minority leader 5 minutes, and the distinguished majority leader for 5 minutes or less.

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

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I just have a few words to say about this in the end.

There are three reasons why I will vote against cloture and against the conference report.

First is the pork-barrel expenditures which we consider to be 1960's type social spending. I have more than adequately described that, and I do not see how anybody in America would not be concerned about it.

Second is the lack of the tough anti-crime amendments that we know would have passed had we been given an opportunity. Had he won on the point of order we would have won those amendments here on the floor and they would have strengthened this bill considerably. I have talked more than adequately about that.

Number three, my colleague from Delaware has argued that the assault weapons ban legislation is only a few pages long. In fact, as I understand it, he took that particular part of the bill and just ripped it right out of the bill. That is the assault ban legislation. He did that the other day.

Mr. President, the Constitution of the United States is only 25 pages long. The second amendment to the Constitution is only one sentence. It says:

> A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

"The right of the people."

Now this is one of the enumerated rights in the Constitution. We have spasms around here about unenumerated rights that the Supreme Court has conjured out of penumbras that we uphold every day of our lives, some of the people here.

And here is an enumerated right and we are trashing it by a simple statute.

Should we just tear it out of the Constitution because that one sentence does not agree with us? I submit that if we keep passing these gun bans, we might as well.

The assault weapons ban has 20 specific firearms that are banned. But, according to the ATF, Alcohol, Tobacco and Firearms, 179 firearms are covered or will be covered by this bill. Of course, that is the list as of now.

I remember the days when the ATF took after decent law-abiding citizens until we passed the McClure-Volkmer bill—and I was the leader on the floor to do that—to protect our American citizens, law-abiding citizens, from an overregulatory, overconfiscatory Government agency situation. And now we are going back to the same system, only worse.

What are they going to ban next?

Keep in mind, there were 650 weapons that were exempted by this bill. Count on it, my fellow citizens, they will be back next year.

So we intend to the change the nature of the Senate in this election and we are going to be back next year and we are going to see if we can change this. That is why McClure-Volkmer was passed.

I feel very deeply about the second amendment. I feel very grieved that we are treating it in this shabby fashion. But that is the way it is around here, and that is the way this bill has been.

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Mr. President, the various staff members of both the minority and the majority staffs should be complimented for their work on this bill. We have had dedicated, loyal, hardworking decent staff members. I will not name them by name, but I ask unanimous consent that this list be printed in the RECORD to pay appropriate tribute to each and every one of them.

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

SENATOR HATCH'S STAFF

Mark Disler, Mike Kenncoy, Larry Block, Sharon Prost, and Manus Cooney.

SENATOR THURMOND'S STAFF

Thad Strom.

SENATOR GRASSLEY'S STAFF

Fred Ansell.

SENATOR SIMPSON'S STAFF

Cordice Strom and Warren Shaeffer.

SENATOR DOLE'S STAFF

Dennis Shea, Elizabeth Green, and Sheila Burke.

SENATOR BIDEN'S STAFF

Cynthia Hogan, Demetra Lambros, Chris Putala, Tracy Doherty, Ankur Goel, Andrew Pepler, Adam Gelb, Lisa Monaco, and Nelson Cunningham.

Mr. HATCH. Mr. President, I have never seen better staffers on either side do a better job in any legislation before this body, and I want to personally compliment them.

Mr. President, I made a definite mistake.

I ask unanimous consent that the unanimous-consent agreement we agreed to a few minutes ago provide an additional 5 minutes for our distinguished chairman of the Judiciary Committee, Senator BIDEN, to be followed by Senator DOLE's 5 minutes and then to be followed by Senator MITCHELL's 5 minutes.

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

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I do not know that we need to take all of the time.

I would just like to say, I have listened to the debate on this portion of the legislation. It started off on a matter that is of legitimate concern to a number of Americans, and that is: Is what is in this legislation relative to assault weapons either a violation of the second amendment or is it the proverbial camel's nose under the tent? Is there an agenda that is hidden beyond what is in this legislation banning assault weapons and not allowing the manufacture of new weapons that have grenade launchers on them or bayonet hooks on them? Is this beyond that? What is it?

A number of people feel very, very strong about those issues and I respect their point of view.

But then I heard the debate sort of go back to this idea that, if you listen to the debate, you would think this bill was designed to enhance the standing of junkies out in the street, to free felons from our jails, and to make sure that we just, under the cover of night, steal the taxpayers' money and spend it on politically worthwhile social contributions in our communities to endear ourselves to the local mayors or the citizenry.

The fact of the matter is that—I will just say it again and I guess we will maybe even say it after this—this whole notion of whether or not it is a tough bill, we, in fact, have very stiff penalties in here for people who molest and/or people who sell drugs to children.

We have significant penalties in here to deal with providing women with some genuine protection, particularly women who are battered and abused by their spouses, their loved ones, those with whom they are familiar.

We have significant legislation in here relative to making sure that 30,000 violent criminals who were convicted last year but never saw a day in jail because there was no prison space, that they serve their time in jail.

I heard my friend from Texas say he wants to be able to put these prisoners in jail, and if there is not enough room in jail, string out barbed wire and put them in tents.

Well, that is what we call boot camps, Mr. President. That is in here. They were against boot camps. Early this morning, I heard my friend from Utah talk about these alternatives to prisons are bad ideas. I heard my friend from Texas talk about we ought to be able to string up barbed wire and put folks in tents. Under this bill, we can string up barbed wire, we can build Quonset huts, and we can put them in boot camps. We can do that.

So, hopefully, what is going to happen is, after this bill passes—God willing, if there are 60 votes to invoke cloture and the President signs it and this bill becomes law—hopefully, what will happen is a little bit like what happened when we passed other legislation.

I heard that if we had passed the President's economic plan a year ago, the sky would fall, unemployment would skyrocket, the budget deficit would escalate, we would have this awful thing that would happen to the economy. There would be apocalypse now.

In fact, it has gone the opposite way. I do not have anybody calling me now. But yet, at the time we voted on it, my phone was ringing and people were saying, "Boy, isn't this awful? What are you going to do about it?"

Now, the deficit has come down compared to what they thought it was going to be. Now we have more employment, now the economy is moving.

The same people with those dire predictions, the same people, by and large, who are talking about this bill, are no longer talking about the economic plan.

I respectfully suggest to my colleagues that within 6 months after we pass this bill, you will see this is as advertised—a very tough, straightforward bill that the cops want, the prosecutors want, and the people need.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Under the unanimous consent agreement, the Republican leader is now recognized.

Mr. DOLE. Mr. President, I think we have all had a lot of conversation in here. It has been a tough day. Again, I congratulate the winners and also thank my many friends on this side of the aisle because I think we have changed the debate.

When the people wake up tomorrow morning it is going to be sticker shock. I do not care what you call it, you can argue about whether it is 4 years or 6 years or budget point of order or whatever it is. The American people know we are spending a lot of money. So we will mark this date down, we will come back in a couple of years and we will see what happened to the crime rate and we will see what happened to all these prevention programs.

The American people are going to be focused. They are going to be focused in about 2 months on this bill. It is not going to take 2 years. They are going to be focused. We are going to focus the American people on all the ludicrous, ridiculous items in this bill.

So, we have had a good debate this week. We have not debated as long as people on the other side of the aisle, even though they get up and say we are stalling. I think the record will show we have had about 35 percent of the time. But it has been a good debate because it has given the American people the opportunity to understand precisely what we are talking about. We had some ideas. I would say to the Republicans in the House, they supported their leadership and they gave a number of Republicans a chance to change the bill. We could not get that support on this side. That is the way it goes sometimes.

But that is the last vote. We always look to the next vote. We had 10 good amendments. We could have cut $5 billion out of this package and still had a $25 billion bill, much of it good. I do not quarrel with the Senator from Delaware on every issue. In fact, we worked together on domestic violence. We did not touch domestic violence, did not take one dime out of the domestic violence program.

But we will have some examples. They will look good on a 30-second spot, because we want the American people to know we are just throwing away a big pile of their money and they are going to know it all across

America—east coast, west coast, Midwest. This is another example.

Somebody said tonight on Nightline it is going to be, "What's wrong in Washington?" As I said earlier, this is the example of what is wrong. We do not listen to the people. The American people are against crime. They do not think the solution is just spend all the money we have in the Treasury and borrow money and run up a $13 billion deficit for a lot of things that are not going to make any difference—$1.6 billion for the local partnership program that has nothing to do with crime, was taken out of the stimulus package which we defeated last year, and a lot of other billions of dollars in my view that really are not going to make any great difference.

As I said, Mr. President, when the American people wake up tomorrow morning, they are going to suffer an acute case of sticker-shock, for later tonight, the Senate will, no doubt, pass a $30 billion pork-barrel juggernaut masquerading as a crime bill.

There is $1.6 billion for something called the Local Partnership Act, which was first introduced in 1992, not as a crime-fighting measure, but as a way to funnel Federal money into the cities. It is a retread of last year's defeated stimulus package. And guess what? There has not been a single hearing on this program. Not one. And I suspect there are not even five Members of the Senate who could tell me what this program is actually designed to do.

There is $1 billion for a so-called drug court proposal that funds health care, education, housing placement, child care, anything, in other words, but crime control. And again, no hearings.

There is $625 million for the model intensive grant program, which is designed to address such pressing crime problems as the deterioration or lack of public facilities, public transportation, and street lighting.

There is $243 million for something called the family and endeavor schools program, which provides grants for sports, arts and crafts, social activities, and you guessed it: dance programs.

There is $270 million for the National Community Economic Partnerships, a program administered by the Department of Health and Human Services to assist local community groups in order to improve the quality of life. That is right: improve the quality of life. There is not even the pretense of trying to link the spending to fighting crime. And we are talking about $270 million of the American people's money.

The list continues: There is $150 million to develop alternative methods of punishment for youthful offenders. These alternatives include such get-tough measures as after care, education, projects that provide family counseling, other support programs, and get this: innovative projects, whatever that may mean.

There is the ounce of prevention program which is really a $90 million pound of pure, unadulterated pork.

There is $50 million for something called the community-based justice program. This multimillion dollar boondoggle adopts the criminal-as-the-victim-of-society approach, requiring prosecutors to, and I quote; "focus on the offender, not simply the specific offense, and impose individualized sanctions such as: conflict resolution, treatment, counseling, and recreation programs."

There is a $5 million urban recreation program, designed to improve recreation facilities in our cities.

And, of course, there is still midnight basketball.

Even the pork-meisters have gotten their hands on the money allegedly earmarked for prisons. If you read the fine print, you will see there is no guarantee that a single dime—not one dime—will be used to build a single brick-and-mortar prison cell. All of the prison money can be spent on boot camps, halfway houses, and other prison alternatives.

Now, that is what I call a tough crime bill.

And let us not oversell the so-called 100,000 cops on the streets proposal. If you read the fine print, you will see that the States and cities will be picking up most of the police-hiring tab. In fact, one expert—Princeton professor, John Diiulio, a registered Democrat and a gun-control advocate—estimates that the crime bill fully funds only 20,000 cops, and only 2,000 around-the-clock police officers.

So, Mr. President, who is kidding whom? The American people are not dumb. They know when they are being sold a crime bill of goods.

The bottom line is that the crime bill is too much pork and too little punch. Too much hype and too little tough-on-crime substance.

This $30 billion pork package should be defeated, it is not in the best interests of the American people. And it is not the tough crime-fighting plan the American people so very much need and so very much deserve.

I hope, as we look over these alternatives—millions here, $150 million here, $170 million here, innovative projects, other support projects—all these different things sound good. No doubt some will do some good. If you spend enough money you will probably do some good. Maybe if we had a $100-billion crime bill we would do a little more good, or if we had a $200-billion crime bill we would do a little more good.

They have one provision here that says the prosecutors are supposed to "focus on the offender, not simply the specific offense, and impose individualized sanctions such as conflict resolution, treatment counseling, and recreation programs."

That is going to be a big crime preventer. I can already see that working all across America. There is not much in here about the victims. Forget about the victims: We could not have restitution, the amendment by Senator NICKLES. That is too bad, to ask the criminal to make restitution to some victim's family. Do not do that, that might be offensive to somebody who committed a violent crime.

We said, on the violent crime, you are not going to have to serve your time if you only commit one violent crime. It is only if you commit two violent crimes. That is going to be a best seller, too, when the American people understand how we softened that one up.

The Senator from New Hampshire went through a whole list tonight where we dropped it or weakened it or threw it away or whatever.

I have heard all this conversation about 100,000 policemen. I am not an expert, maybe there are going to be 100,000—if you count them five times apiece. But I listened to some expert from New Jersey from Princeton, John Diiulio, a Democrat, on C-SPAN when I was doing a little treadmill. I do not go too fast so I get to listen a lot. He said the most you could get would be 20,000. But the President is going to say we are going to get 100,000, the Senator from Delaware, he says 100,000, so it must be 100,000. We will see what happens a year from now.

I recited yesterday the mayor of Kansas City, MO, who I think in mid-July calculated the cost and said, "We do not want this program." He changed his mind yesterday and came back to Washington, DC, and began to understand the merits of it after he talked to a few people.

But he said it right the first time. You are going to pay 25 percent the first year, 50 percent the second year, 75 percent the third year, and all of it after that. Many cities cannot afford that.

So, Mr. President, I know my time has expired but I hope we would focus, when we vote on this cloture vote. There is still a chance to save a lot of money in this bill by not invoking cloture. There is still a chance to help the American taxpayer and help the American victims and help those who want a real crime bill. We are going to have that vote in about 5 minutes, and I hope we may prevail.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent to waive the live quorum required under rule XXII; that a cloture vote occur immediately following my remarks; and that if cloture is invoked the Senate vote without any

intervening action or debate on adoption of the conference report.

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

Mr. MITCHELL. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, Members of the Senate, tonight's vote marks the end of a 6-year effort—6 years. It is important that the American people understand that this has been a 6-year effort in evaluating the repeated claim that there was no opportunity to amend this bill. That claim is without foundation.

When this bill was before the Senate just a few months ago, it was debated for 11 days and 102 amendments were considered and disposed of. Before that, in two previous Congresses, the crime bill was in the Senate and debated for days and days and days, and many, many other amendments were considered and disposed of. So we have been debating a crime bill for 6 years. We have had endless discussion on the Senate floor. We have considered hundreds and hundreds of amendments. Any suggestion to the contrary is simply erroneous.

We have been debating it long enough. We have been trying to amend it long enough. We have been delaying it long enough. Now, finally it is time to act.

Mr. President, I want to make clear, in an effort to accommodate our colleagues, we went the extra mile to try to permit a vote to occur on what they said was their principal concern and that is the level of spending. Although conference reports are not amendable in the Senate, we agreed to an extraordinary procedure, not utilized in the time that I have been majority leader, to permit a vote on cutting $5 billion from the spending provisions of the bill. That was not agreeable to our Republican colleagues.

Prior to that I offered to take up every one of their amendments and any other amendments that they wanted in a separate bill at any time they wanted, have each one of them voted on and debated on. That was not accepted.

So, Mr. President, I think it is clear that we now are at a point where we can finally act on this bill and any action to the contrary, of not invoking cloture, will simply contribute to further delay and place in jeopardy ever passing this bill.

Let me repeat what I said earlier. Despite the claims about money, money is not the problem in this bill. It never has been. The Senate passed a crime bill just a few months ago by a vote of 95-to-4; 42 out of 44 Republican Senators voted for that bill. It covered 5 fiscal years, from 1994 through 1998. The bill before us covers 6 fiscal years, 1995 through the year 2000. In the 4 years that are common to the two bills, the amount of money in this bill each year is less than the amount of money in the bill that was passed a few months ago. And 42 out of 44 Republicans voted for that bill. There was not a word about money then. There was not a word about pork then. There was not a word about social spending then. Mr. President, 42 out of 44 Republicans voted for a bill that included more spending in each of the years that are common to the bill that was passed then and the bill that is now before the Senate. The fact of the matter is it is not, was not, the issue involved in this debate.

Now we are told here that we should listen to the people. Seventy-seven percent of the American people favor an assault weapons ban, the very thing that for 6 years has been the driving force in opposition to this bill, right to this very moment. Seventy-seven percent of the American people favor a ban on assault weapons, and yet for 6 years we have had a determined effort to deny the will of the American people on that issue.

Mr. President, I hope my colleagues will vote to invoke cloture and to bring this 6-year effort to an end. Six years is long enough to consider any bill. Dozens and dozens of days is long enough to debate any bill. Hundreds and hundreds of amendments are amendments enough on any bill. There must be at some point final action, and this is the point.

I urge all Senators to vote to invoke cloture which, in plain English, means stop talking and vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report accompanying H.R. 3355, the Violent Crime Control and Law Enforcement Act:

Joe Biden, Joe Lieberman, Edward M. Kennedy, Tom Daschle, Jeff Bingaman, Harlan Mathews, Max Baucus, Fritz Hollings, Charles S. Robb, Dianne Feinstein, Dan Inouye, Wendell Ford, Patrick Leahy, Harris Wofford, Dale Bumpers, John Glenn.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report accompanying H.R. 3355, the Violent Crime Control and Law Enforcement Act, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—61

Akaka	Ford	Mitchell
Baucus	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boren	Heflin	Nunn
Boxer	Hollings	Pell
Bradley	Inouye	Pryor
Breaux	Jeffords	Reid
Bryan	Johnston	Riegle
Bumpers	Kassebaum	Robb
Byrd	Kennedy	Rockefeller
Campbell	Kerrey	Roth
Chafee	Kerry	Sarbanes
Conrad	Kohl	Sasser
Danforth	Lautenberg	Simon
Daschle	Leahy	Specter
DeConcini	Levin	Warner
Dodd	Lieberman	Wellstone
Dorgan	Mathews	Wofford
Exon	Metzenbaum	
Feinstein	Mikulski	

NAYS—38

Bennett	Faircloth	Mack
Bond	Feingold	McCain
Brown	Gorton	McConnell
Burns	Gramm	Murkowski
Coats	Grassley	Nickles
Cochran	Gregg	Packwood
Cohen	Hatch	Pressler
Coverdell	Hatfield	Shelby
Craig	Helms	Simpson
D'Amato	Hutchison	Smith
Dole	Kempthorne	Stevens
Domenici	Lott	Thurmond
Durenberger	Lugar	

NOT VOTING—1

Wallop

The PRESIDING OFFICER. If not, on this vote the yeas are 61, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on adoption of the conference report on H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—61

Akaka	Feinstein	Mikulski
Baucus	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boren	Harkin	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Jeffords	Reid
Bumpers	Johnston	Riegle
Byrd	Kassebaum	Robb
Campbell	Kennedy	Rockefeller
Chafee	Kerrey	Roth
Cohen	Kerry	Sarbanes
Conrad	Kohl	Sasser
Danforth	Lautenberg	Simon
Daschle	Leahy	Specter
DeConcini	Levin	Wellstone
Dodd	Lieberman	Wofford
Dorgan	Mathews	
Exon	Metzenbaum	

NAYS—38

Bennett	Feingold	McCain
Bond	Gorton	McConnell
Brown	Gramm	Murkowski
Burns	Grassley	Nickles
Coats	Gregg	Packwood
Cochran	Hatch	Pressler
Coverdell	Hatfield	Shelby
Craig	Helms	Simpson
D'Amato	Hutchison	Smith
Dole	Kempthorne	Stevens
Domenici	Lott	Thurmond
Durenberger	Lugar	Warner
Faircloth	Mack	

NOT VOTING—1

Wallop

So the conference report was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware, the manager of the bill, is recognized.

Mr. BIDEN. Mr. President, let me say that just prior to the vote I was asked by one of the national journalists to answer the question why we seem to fight so much, Democrats and Republicans.

I want to just point out some extraordinary thing that occurred totally unrelated to this vote. I think it is illustrative of notwithstanding how strongly we each feel about our positions on the issues that we still work together and are genuinely friends.

During the midst of this vote, when the cloture vote began Cynthia Hogan, my chief of staff and the person quite frankly who deserves more credit for the passage of this bill than any, including me, said, "Senator, I would like to have you call an executive committee meeting off the floor."

Now the reporters who cover the Judiciary know what that means. That means we are going to have a meeting, a totally separate meeting in order to vote out of committee a total of 14 Democratic nominees for the circuit court of appeals, the district court, and U.S. Marshals and Justice Department personnel, all requiring confirmation of the Senate.

I turned to ORRIN HATCH, and I said, "ORRIN"—because you need Republican cooperation—"will you come off into the Vice President's room right over here and have an official meeting?"

Our Republican colleagues, all but one because they did not know about it, marched off the floor. I called a meeting to order. We had a quorum, which means we have enough to be able to vote legally. I moved that all these people be approved. I have a list here. It is 14.

I moved the nomination of these, all Democratic nominees. The Republican colleagues voted for it. And they are sent to the floor, instead of having to wait an entire month before we can get badly needed judges on the bench. There was cooperation here by our Republican colleagues.

I do not want to overdraw that, but just it is the way that business works around this place with all the hollering and shouting and anger we sometimes display, because we are so wrapped up in the issues. We feel so strongfully about them. Nonetheless, in the end the peoples' business gets done.

And I want to thank my colleagues.

I am going to take another several minutes of the Senate to quite frankly not thank but pay tribute to the people who deserve the credit. It has always been referred to here this has taken 6 years.

Mr. SARBANES. Mr. President, will the Senator yield a moment?

Mr. BIDEN. I am delighted to yield.

Mr. SARBANES. I know the Senator is going to give the credit to all those who helped him, and I know the hour is late. I will be very brief.

Mr. President, I want to simply underscore again the extraordinary job of leadership which the distinguished Senator from Delaware has provided on this crime issue, not just now, but throughout this long process, the number of years in bringing us finally to the point where the Senate has enacted this very smart, tough, crime bill, and I just salute the distinguished Senator from Delaware, my neighbor as it is and my good friend for the extraordinary, extraordinary, committed, dedicated leadership he has provided throughout the consideration of this issue.

Mr. BIDEN. I thank the Senator from Maryland.

Let me talk about the people who do make this work. You know I read an article in the newspaper, and this goes to the Republican staff that I worked with on the committee as well.

It was an article in our hometown paper that talked about not the Judiciary staff, but all staff people, how they all get paid too much money, and so on.

I want to point out that the majority of my key staff people on the Judiciary Committee took pay cuts to take these jobs, substantial pay cuts, tens of thousands of dollars per year in pay cuts. And I think it is shown why we have such good people here because they are, in fact, committed.

I want to start off and again pay tribute to the chief counsel of the Judiciary Committee, Cynthia Hogan. She is smart. She is tough. And I think I can say without any equivocation there is no Democratic or Republican Senator on this floor who does not respect her, and when they ask her themselves and she tells them they absolutely take it to the bank, absolutely just take it to the bank, and the most incredible and important currency in this body in this Senate is one's word.

And you have no idea, Mr. President, how easy my job is when all I have to do is ask Cynthia Hogan. Right now I bet you there are 25 Senators who can tell me Cynthia's office phone number without having to look it up because they are so accustomed to calling her and asking her her opinion or asking her for information, Republican as well as Democrat.

So, Cynthia Hogan and the former chief of staff of this committee, who was in the beginning of this process a fellow who started from the beginning and who is not here. He is here in town. He works in town. He is a fine lawyer, and his name is Mark Gitenstein. He put together this original bill with me, and Ron Klain, who is now with the Justice Department. But it was brought home by Cynthia Hogan.

I mentioned before, as a matter of fact, I saw an article in the paper today, that there is a woman on my staff named Demetra Lambros. Demetra Lambros stayed up every night and these were averaging, if you averaged them 2 o'clock every night, Saturday, Sunday, stayed through. Two of those nights were until 5 in the morning. And I come out of meetings at 5 in the morning in negotiations and see this lovely woman sitting on the marble stairs of the Capitol inside the Capitol with a note pad in hand and answering questions off the top of her head about complicated legal issues. And she was 4 days at that time overdue. She is due to give birth. She was 4 days overdue. She sat here on the floor until about 2 hours ago. She is on the floor back there now.

You are supposed to be home.

I have threatened to fire her. I have threatened everything to get her out of here, but she is so invested in this bill, and I hope I am not embarrassing her but she is now better more than a week overdue, and I think now that her child knows that the crime bill is passed the child is willing to come forth in a safer world because I want to tell you there has to be some reason why she is able to do this. She is an incredibly sharp lawyer.

And Chris Putala—Chris has been someone again who everyone has come to rely on, not just me, all the Members of this Senate, particularly the Democratic Members. He is a first rate lawyer, a man who now when the police of this Nation and their organizations have any questions they do not even bother to call me. They call Chris because they know Chris speaks for me, and they know Chris knows of what he speaks, and they trust him completely. Again it is trust.

And Ankur Goel is a new fellow on our staff, new this year, and he came from working with the Justice Department for the last I think 5 years he had with the Justice Department and came over as a prosecutor and has provided invaluable service.

I know this is boring to many people, but it is important to do this. I do not want to overstate this but I think this if not a historic occasion it is a significant occasion the passage of this bill.

I want their children and grandchildren and parents and husbands and wives to know in the RECORD how much of a part they played.

Mr. President, there was a young woman, one of more than a dozen children, who had worked her way through college, applied to Georgetown Law School, was admitted, a top student at Georgetown Law School, who started off as my appointments secretary, assistant appointments secretary, and she is now someone who has helped write this bill and pass the bill. Her name is Tracy Doherty. And do not be fooled, whoever ends up on the other side of her in the courtroom, by her young and lovely smile, this is one very bright, tough lady and did it all by herself.

The idea that she would be on the floor, being relied upon by everybody when, only 2½ years ago, she was sitting there, doing a very important job, but having no knowledge of the criminal justice system.

And by the way, she did all this while she was still going to school. She was doing it full time and going to school.

And Andrew Plepler. Andrew is new—new in the sense that he has been here for this bill.

Adam Gelb.

I have to get my glasses on to make sure I do not leave anybody out.

Jenna Nober, Mimi Murphy, Lisa Monaco, John Earnhardt, Rick Mihills, Linda Belachew, Susanne Smith, and Joel Vengrin, all of my staff.

And Larry Spinelli of my staff and Jennifer Vollen, who are the ones who had to answer all the questions by everybody about the staff.

And the minority leader's staff—and I feel like the phrase used on this floor today a number of times by my Republican friends—hijacked. They talked about bills being hijacked and ideas.

Well, I have hijacked truly outstanding staff people in this Senate, Anita Jensen and Abby Saffold, and also the entire floor staff here. And I am reluctant to give them back. They have made me look better than I deserve. I thank them for that.

And the ultimate staff person I would like to thank is the majority leader.

As I said in a press conference today—and I tell a tale on myself here. Last night, as we were going in the final throes of this matter, calling every one of the Senators to see where they were on the Democratic side, he turned to Cynthia Hogan, chief counsel, and said, "Let me write some talking points for him," which is what staff people do. He gave me a four-sentence summary of what I should say to Senators. I looked at him, I said, "George, this will never work."

The first three people I called, all hard cases on this issue, I read it, and they said yes. And that was it. They went back to sleep.

So I thank him for his brilliant staff assistance.

And also again, members of Senator HATCH's staff, who we work with every day and who are first rate. They may not want me mentioning them, but I think they know how much respect I have for them personally.

Mark Disler, who is the No. 1 man over there. And Manus Cooney. It seems like Manus and I have been doing crime bills for ever and ever. Sharon Prost, who has been involved in this for years. And Larry Block and Mike Kennedy.

And on Senator DOLE's staff, Dennis Shea.

The thing about dealing with all of them, even though we disagreed, I never have to wonder. When I ask them what the deal is, if they cannot tell me, they do not tell me. If they can, whatever they tell me is what it is.

And, as the Presiding Officer knows, there is, as I said, currency in this place. The people you want to deal with are the people, when you speak to them, you know what they tell you is exactly what they are going to do.

Mr. President, as I said on the floor throughout this week, there is more than one group of people responsible for helping me put this crime bill together.

I want to point out one very important thing. That many of the provisions in this bill, if not the majority of the provisions in this bill, are original ideas and thoughts of Senators on this floor in both political parties. I do not claim to have had the wisdom, knowledge, or foresight to be able to think of the things that are in this bill that I think will make a difference in people's lives.

The only thing in this bill that I wrote from scratch was the Violence Against Women Act. That was a small part of this. Maybe that is why I was so emotionally attached to it. But for every other good idea in this bill, there is a Senator here—and including that one, as well—there is a Senator here who can rightfully claim, Democrat and Republican, that they were the ones that came to me.

One other thing I want to mention. For the past 6 years, the Nation's law enforcement officers and the representatives of their major organizations have basically lived in my office. They have become my friends. They have become people who I have learned to and come to know well and expect whatever they say, that is it. I hope and think they feel the same way about us.

I will miss them camping out in my conference room at 2 and 3 in the morning. I will miss seeing them as much as I do. But I will not miss the fact that we have to go through this again. And for the past 6 years, these law enforcement officers, representing the Nation's 500,000 police officers, sat in my office, around a conference table, working late into the night to craft a crime bill that was so desperately needed by America's front-line crime fighter.

I ask unanimous consent that the names of each of these law enforcement organizations be printed in the RECORD, Mr. President.

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

Fraternal Order of Police (FOP).
National Association of Police Organizations (NAPO).
International Brotherhood of Police Officers (IBPO).
National Sheriffs' Association (NSA).
International Association of Chiefs of Police (IACP).
National Organization of Black Law Enforcement Executives (NOBLE).
National Trooper's Coalition.
Major Cities Chiefs.
International Union of Police Associations (IUPA).
Police Foundation.
Police Executive Research Forum (PERF).
Federal Law Enforcement Officers Association (FLEOA).

Mr. BIDEN. But, more important than the names of each of these organizations, are the individuals who are able, creative, and talented leaders of these organizations. Each of them represent their membership with great distinction and dedication. And each of them has helped deliver to the Nation's police officers more assistance, more life-saving assistance, more support than any other piece of legislation I can remember in my 22 years in the U.S. Senate.

Indeed, in the past 10 months, these individuals, representing the Nation's police, have helped bring unprecedented change to the country—passing the Brady bill into law, which is now law tonight; passing the assault weapons ban, and passing a fully-funded crime bill which will add 100,000 police to the ranks, build 125,000 more prison cells, and extend a helping hand to literally millions of America's children

throughout this Nation through such proven programs as Police Athletic Leagues, Boys and Girls Clubs and many other projects.

I have said on the floor, and I meant it sincerely, in the heat of the debate, these are the women and men who suggested to me and others the prevention programs that should be placed in there. And I have great respect for social workers. We should be doing more in that area. But they did not come from a group of social workers coming in and sitting down with me. They came from a bunch of hard-nosed cops who know the street, know the problems, coming in and setting down and saying, "Joe, this is what we have to do."

So, I thank them because they know better than we do, than I do anyway, what the needs are. And I think it is, if not rare, at least rare in what I have worked on over the years, that we actually ask the people most affected and say, "What do you need?" And they told us. And the overwhelming majority of the U.S. Senate and the House of Representatives voted to give them what they believe they needed tonight.

Now, individuals in this group include—and I have to say, you know, they are all equals—but the first among equals has been, in my view, a guy named Bob Scully. Bob Scully has been a stand-up guy. Every time we have had a problem, he stood there and he has taken heat. And he has been willing to stand up.

But others have been equally as involved in the entire process. Tom Scotto, Ken Lyons, Chris Sullivan, Richard Boyd, Steven Brown, Dewey Stokes; "Bud" Meeks, who I have spent an awful lot of time with; Melinda Lund, Jim Rhinebarger; Johnny Hughes, of the troopers; Sylvester Doughtry.

What is Mark's last name? For years I have been talking to Mark. It is amazing. I have known Mark for so long—and I do not know whether you all have this problem—I have known him for many years and called him Mark but did not realize his last name was Spurrier.

Dan Rosenbalt, Ira Harris, Victor Oboyski, John Pitta, Don Cahill, and many, many others.

I count each of these individuals—many of whom are, as we would say in campaigns, card-carrying Republicans—as my friends. And, quite frankly, we could not have delivered such a sweeping crime bill to the American people without their help.

I thank all of them for their timeless effort and I hope that our collective efforts, of the police and my staff and others in this body who have spent so long trying to put this together—I sincerely hope that what we have done is a good thing for the American people. I sincerely believe what we have done is a good thing for the American people.

But the beauty of this is, if in fact we find 2 years down the road that a particular program is not working the way we intended it to work, this is a trust fund. For 6 years, we have made this commitment. The chairman of the Appropriations Committee, Senator BYRD, has pointed out if a particular program is not working, through the appropriations process, we can change it.

The important thing tonight is we have made a commitment to the American people and the law enforcement community of this Nation that we were going to, as a Federal legislative body in the Federal Government, provide what they asked for—a $30 billion 6-year commitment to put police and prisons and prevention programs back in the cities, none of which was controlled by the Federal Government. The only piece of this entire bill controlled directly by the Federal Government is the money for Federal prosecutors and Federal law enforcement officers, and money for drug treatment in Federal prisons—an important part, but not the main part of this bill.

So it is my sincere hope, and my even more sincere belief, if that is possible, that we did a good thing tonight; that we did a good thing for the American people. One of my colleagues—and I will conclude with this statement—said to me, "Joe, what do you think about putting up with"—and he was not talking about my colleagues, just putting up with, and I do not view it as "putting up"—but "putting up with being in public life? Is it worth it?"

I said, "These are the nights it is worth it." It is worth it tonight, because whether I am right or wrong, and only time will tell, I truly believe with all my heart we did something good. As a friend of mine would say, "We did something serious good" for the American people tonight. I hope that proves to be true.

I thank everyone for their cooperation and their indulgence. I know we have gone a long time, and I yield the floor.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from Kentucky [Mr. FORD] is recognized.

Mr. FORD. Mr. President, just one comment or two. I think the words have been spoken tonight: "Sincere," "effort," "dedicated" and "good support." I think the American people will be much better off when we see the result of the long labor—you might say a labor of love, but I do not think I could categorize it that way—but it is has been a labor of interest and sincere desire to make life a little better, not necessarily for ourselves but for our children and the future. That is what it is all about.

MORNING BUSINESS

Mr. FORD. Mr. President, I now ask unanimous consent there be a period for morning business with Senators permitted to speak therein up to 5 minutes each.

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

HEALTH CARE: THE ROAD AHEAD

Mr. DOLE. Mr. President, it has been over 2 weeks since we began the health care debate in this Chamber. We have heard a great many speeches from both Democrats and Republicans, and we have passed a handful of amendments, proposed by both Democrats and Republicans.

Some might say that this is not a lot of progress for 2 weeks of work. I disagree. For something else has happened during the past weeks. More important than hearing from Senators, is the fact that we have also continued to hear from the American people.

In record numbers, the American people have been writing and calling their Senators. And they have been making some requests. That we read the Clinton-Mitchell bill. That we understand the bill. That we know how the Clinton-Mitchell bill will affect their State, their businesses, and their families.

Those are reasonable requests. They are requests that Republicans have been making for some time. And they are requests that Republicans will not compromise on.

And now we are taking a breather. And, so far, the American people are breathing a sign of relief. So far, we have managed to do no harm. So far, we have managed not to destroy the best health care system in the world.

I say "so far" because the debate over this issue is far from complete. There are those who still believe we should pass the Clinton/Mitchell bill or the Clinton/Gephardt bill before we adjourn in October.

I believe, however, that those bills do not and will not have the support of a majority of Senators, and, more importantly, the support and confidence of a majority of Americans.

So, where do we go from here?

Well, my first suggestion would be that we pass the Dole-Packwood bill. But I know that is a tall order in a Democrat controlled Congress.

My second suggestion is one I have made for almost a year and a half. That we pass into the law provisions to help those Americans who cannot afford insurance, who cannot get insurance because of a pre-existing conditions, or who cannot keep insurance due to a job change.

Such a bill would not meet President Clinton's definition of health care reform. But it would make health care more affordable and more accessible to millions of Americans.

When we return in September, Republicans will remain dedicated to strengthening the best health care system in the world.

But make no mistake about it, we will also refuse to rush through any legislation until we understand the meaning, impact, and side effects of every single provision. After all, this legislation involves one-seventh of our economy, and it touches the life of every American.

On a final note, I want to thank the American people for the input they have been providing.

I would hope that you will continue to call in to radio talk shows, continue to write and call your Senators and Members of Congress, and to attend town meetings in your area.

I look forward to resuming this debate in September.

THE VIRGINIA ALLSTARS FROM THE CENTRAL SPRINGFIELD LITTLE LEAGUE

Mr. WARNER. Mr. President, we all know there is a Baseball strike in the Major Leagues, but it is World Series time in the Little Leagues.

The Virginia Allstars from the Central Springfield Little League, Springfield, VA, defeated the Florida Allstars on Thursday, August 18, 1994, to win the Little League Southern Regional Tournament in St. Petersburg, FL. The Virginia Allstars will represent the United States Southern Region in the Little League World Series, held in Williamsport, PA, August 21–27, 1994.

The semifinals are being held today and the Allstars will be playing against the tough Northridge, CA, team.

The road to the Little League World Series is by no means an easy task. The Central Springfield Allstars first practiced as a team, following their regular Little League season, on June 18, 1994, spending the next 2 months going through two-a-day practices in scorching heat and defeating talented opponents.

Advancing through their District 9 Tournament, the Virginia State Tournament, and the Southern Regional Tournament, these young ballplayers compiled a record of 14 wins against just 1 loss. The Southern Regional Tournament was composed of State champions from Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia. In order to earn a trip to the World Series, Virginia had to beat an excellent Florida team twice on the last day of the Southern Regional Tournament, which they did in a convincing fashion, avenging an earlier loss to Florida.

The 1994 Virginia State Champions and Southern Region Representatives to the Little League World Series are: Matt Andrews, Andrew Buffington, John Bumpers, Roberto Carrero, Mark Fackner, Mike Fratoe, Tim Grant, Matt Keller, Ricky Kyle, Ethan Lare, Tommy Little, Patrick Malatino, Eric Miller, and Paul Weishar.

The manager of the team is Jim Hamilton, the coaches are George Lare, Tom Ravellette, Tom Smith, and Dave Tinsley. The team mom is Jane Fratoe and the Central Springfield Little League President is Tex Carey.

Mr. President, I wish the Allstars success in their upcoming games and I will give them one piece of advice, keep your eye on the ball and hit it out of the ballpark.

THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Mr. RIEGLE. Mr. President, I rise this evening to say a few words about the crime bill just passed by the Senate. Much has been made in recent weeks about the bill's shortcomings, especially with respect to its crime prevention measures. In focusing on this aspect of the legislation, however, the bill's opponents have chosen to disregard the $23.2 billion it authorizes for law enforcement and new prison space.

From the standpoint of crime prevention, the crime bill's centerpiece is its authorization of $8.8 billion for 100,000 new police officers. This measure will increase the number of police officers on the streets of America by 19 percent. If there's one fact that we know about crime, it's that it's less likely to happen when a police officer is around. I am proud that this proposal, originally made by President Clinton during the 1992 campaign, has finally been approved by the Congress. Through all of the debate and discussions and amendments and negotiations that have taken place regarding the crime bill, this basic idea of putting 100,000 new police officers on the street has survived intact.

The crime bill also provides tougher sentencing for violent crimes. Criminals convicted of a third violent felony will receive life imprisonment, and the death penalty is extended to apply, for the first time, to more than 60 Federal offenses. The bill gives states an incentive to implement so-called "truth in sentencing" policies, by reserving funds for States whose prisoners serve an average of 85 percent of their original sentences. And to ensure that the States will have enough prison space to put—and keep—violent offenders behind bars, the bill authorizes $7.9 billion to States for prisons and incarceration alternatives, such as boot camps, for nonviolent offenders.

To make sure that all of the funds that are authorized are actually appropriated to pay for the bill's law enforcement and crime prevention programs, the crime bill includes a violent crime reduction trust fund. This trust fund is an innovative mechanism that offsets all crime bill spending by lowering the Government's general discretionary appropriations caps. More particularly, crime bill spending will be offset by savings from the reduction in the number of Federal employees mandated by the Federal Workforce Restructuring Act. Thus, the crime bill contains a built-in mechanism to ensure that the promises it makes will be kept, and that the spending it authorizes will not add to our fiscal deficits.

This crime bill means a great deal for my State of Michigan. It will provide up to 3,400 more police officers on Michigan streets and approximately $300 million in new resources to help fight crime and make our communities safer.

No legislative initiative of this magnitude can be entirely satisfactory to every person. Each one of us, both in this chamber and in the Nation as a whole, can find some provision or program in this crime bill with which to disagree. But on the whole, I believe this crime bill deserves the support of all Americans. We must help the police fight the criminals, this bill gives the police more of what they need to do this difficult job. As President Clinton has said, this is not a Democratic bill or a Republican bill; this is an American bill.

The crime bill is the result of 6 years of work by Democrats and Republicans alike, and embodies innovative ideas from across the political spectrum. It is the most far-reaching anti-crime initiative ever passed by the Congress. Now that the partisan battles surrounding its passage have ended, let us all work together to make sure that the crime bill accomplishes its purpose of reducing crime. The battle over the crime bill has been a battle of words; for this legislation to improve the lives of Americans, those words must now be translated into action.

FINAL PASSAGE OF THE CRIME BILL

Mr. KENNEDY. Mr. President, today's dramatic vote means that the obstructionists have failed, and the country will finally have the far-reaching new tools we need to wage a more effective battle against crime.

The greatest threat we face is no longer overseas, but here on our streets at home, in every community in America. We have to come to grips with crime, and this legislation will do that. It's a balanced bill that puts the right emphasis on each of the three "P"s—police, prisons, and prevention.

In particular, I commend the six Republicans who broke with their party's misguided tactic of obstruction on the budget point of order earlier today. They're profiles in courage who put the country first, and provided the margin of victory for this gratifying and long overdue step forward in the war on crime.

I also commend the majority leader for his extraordinarily skillful leadership in guiding the Senate safely and successfully through this unconscionable gauntlet of partisan obstruction. Rarely, if ever, has his effective leadership been so clearly on display, and the Nation and the administration owe him a great debt of thanks.

In addition, I commend the chairman of the Judiciary Committee, who has done a brilliant job of preparing this very important legislation. The Senate could not have achieved this victory without his effective leadership and his eloquence.

Today's action is an historic victory for all Americans and a major watershed in the war on crime. Passage of this legislation by the Senate means that President Clinton will sign the strongest, most comprehensive crime bill in our history. This measure is both tough on crime and smart about crime, and it deserves the strong support of the American people.

This legislation is also a significant victory for Massachusetts and every other State. The crime bill will put 100,000 new police on the streets of the Nation over the next 6 years, an increase of 20 percent. Massachusetts will receive approximately $200 million to hire 2,300 new police officers to deal more aggressively and more effectively with the problem of crime in our communities.

We fought hard for a ban on military-style assault weapons to stop the flow of these battlefield weapons onto our streets—and we succeeded. Among the guns that will be banned is the SKS assault rifle that was used to kill two people and wound four others at Simon's Rock College in Great Barrington in 1992. That weapon and weapons like it should never have been available for sale—and from here on, they never will be.

Three quarters of the funding in this bill is for law enforcement and prisons. But police and prisons aren't enough by themselves to deal with crime. We also need help for proven programs that can prevent crime before it occurs. The funds in this bill to reduce violence against women, to support anti-gang programs and to encourage other preventive measures are just as important as the police and prison funds and deserve this support.

This crime bill delivers on our commitment to the American people to deal more effectively with the crime that is plaguing our streets, our neighborhoods, our communities and our entire country. By today's action, the Senate has served the country well, and I am confident this bill will mark the beginning of a new and more effective phase of the all-important war on crime.

NEED TO PASS SUPERFUND REFORM THIS YEAR

Mr. LAUTENBERG. Mr. President, the Senate will recess today until September 12. When we come back, we will have a very full agenda to complete before we adjourn for the year. If we adjourn in early October, as planned, we will have only 20 legislative days remaining. I urge the Senate to move forward quickly at that time to reform the Superfund program by enacting the Superfund Reform Act of 1994, S. 1834.

A year and a half ago, the Senate Superfund subcommittee, which I chair, began a series of hearings on necessary reforms to make this program work better. We heard from over 80 witnesses from every sector affected by this legislation: businesses, environmental groups, community groups, and government officials from the Federal, State, and local levels. EPA reported that, after a troubled start, the Superfund program has successfully completed the cleanup of approximately 240 of the 1,300 National Priority List sites, and cleanup is well underway at the remaining sites. Emergency removals have been undertaken at over 2,400 sites. The Federal Government has succeeded in obtaining cleanup commitments worth over $8.3 billion from responsible parties, saving the taxpayers from this burden. The enforcement program has produced $9 of cleanup from responsible parties for every $1 of government enforcement expenditure.

But, of course there are many problems with the current program. Too much money is going to lawyers and not enough to cleanup. Cleanups are taking longer than they should, and may not be as cost effective as they can be. Small businesses and municipalities are being harrassed with frivolous lawsuits by the real polluters, who are trying to spread the costs of cleanup to other, innocent parties or to taxpayers. Economic development is stifled, as lenders and prospective property purchasers are scared off by the fear of acquiring Superfund liability. Communities are being shut out of the cleanup process.

Over the past 18 months, an unprecedented consensus has grown up around a single package of reform measures—embodied in the bill which Senator BAUCUS and I introduced last February. The administration estimates that this bill will slash private litigation costs in half, speed up cleanups by 20 to 25 percent, reduce the cost of cleanups by 20 percent, and give communities a much greater say in how the sites in their neighborhood should be cleaned up.

The reform package will also create jobs. Tens of thousands of jobs and hundreds of millions of dollars of economic redevelopment will be stimulated by promoting voluntary cleanups of contaminated sites. These provisions stem from separate legislation that I introduced last year, the Voluntary Environmental Cleanup and Economic Redevelopment Act, S. 773. In addition, the Superfund reform bill will shield municipalities and small businesses from the harrassing lawsuits and disproportionate litigation expenditures encountered under the current law. Qualified States, with experience in cleaning up contaminated properties, will be given a much greater role in overseeing the cleanup of sites within their borders, erasing the duplication between State and Federal Governments which has slowed down cleanup in the past.

These are just a few of the sweeping reforms the Superfund bill contains. An unprecedented coalition comprised of traditional adversaries have worked together and support this bill. This coalition includes environmentalists, community groups, the small business community, local officials, lenders, and even the insurance industry. All of them want to fix Superfund and reform the program. I ask unanimous consent to include in the RECORD a list of the groups which support the improvements to the law embodied in my bill.

The importance of reforming Superfund, one of the Federal Government's largest and most complex environmental programs, is reflected in congressional action taken to date. The House Energy and Commerce Committee reported the counterpart bill by a vote of 44 to 0. The House Public Works and Transportation Committee reported the bill unanimously, as did the House Ways and Means Committee. The Senate Environment and Public Works Committee approved the bill by a 13-to-4, bipartisan vote.

Mr. President, we have made significant progress in getting a reform measure approved by Congress during this session. But time is short. Because of the inevitable crunch of business at the end of the session, the enemies of Superfund reform hope to run out the clock and kill the bill by simply declining to act expeditiously.

Mr. President, we have seen gridlock on bill after bill this year. We've seen partisanship and rancor destroy important legislation. For there will be a price to letting the philosophy of gridlock that we have seen too much of this year spill over onto Superfund. If the bill is not passed this year, we'll have more litigation, slower cleanups, higher local tax bills, and the public will lose. The communities who stand to benefit from reform will only twist in the wind for another 2 years—or more—simply because a few key Senators declined to act expeditiously.

Mr. President, I hope we can work in a bipartisan fashion to get this bill enacted into law in the very short time we have left. The Senate should not

lose this opportunity and allow the politics of gridlock to kill a package of reforms that can bring economic and environmental benefits to our citizens. The 73 million Americans who live near a Superfund site are counting on us.

SUPPORT FOR THE BILL

As of early August, the following groups have indicated their support of improvements and added fairness embodied in the Superfund Reform Act of 1994:

Aetna Life and Casualty.
AgriBank.
Allied Signal, Inc.
American Automobile Manufacturers Association.
American Bankers Association.
American Baptist Foundation.
American Bible Society.
American Communities for Cleanup Equity.
American Council on Gift Annuities.
American Insurance Association.
American International Group.
American Land Title Association.
American Leprosy Missions, Inc.
American Planning Association.
Ameican Public Works Association.
Amoco Corporation.
Andrews University.
ARCO.
Ashland Oil, Inc.
Associated Builders & Contractors.
Association of American Railroads.
AT&T.
BancOne.
Bank of America.
The Bankers Roundtable.
Bankers Trust Company.
Baptist Foundation of Texas.
Barnett Banks, Inc.
The Boeing Company.
BP America, Inc.
Browning-Ferris Industries.
California Bankers Association.
Chemical Manufacturers Association.
Chemical Specialities Manufacturers Association.
Chevron Corporation.
Childrens Medical Foundation of Texas.
Chrysler Corporation.
The Chubb Corporation.
Ciba Geigy.
Clean Sites.
Commission on Development, United Church of Christ.
The Dow Chemical Company.
DuPont.
ELCA Foundation, Evangelical Lutheran Church of America.
Environmental Capital Corporation.
Environmental Defense Fund.
Equipment Leasing Association.
Farm Credit Bank.
Farm Credit Bank of Baltimore.
Farm Credit Council.
Financial Commissioner, State of Montana.
First Chicago Corporation.
FMC Corporation.
General Board of Discipleship, United Methodist Church.
General Conference of 7th Day Adventists.
General Motors.
Good Shepard Foundation.
Hercules Incorporated.
Hummelstein Iron & Metal, Inc.
Independent Bankers Association of America.
Institute of Scrap Recycling Industries.
Lloyd's of London.
Loma Linda University.
Ludy Bible Institute.
Massachusetts Mutual Life Insurance Co.
The Mennonite Foundation.
Monsanto Company.
Mortgage Bankers Association.
Mt. Holyoke College.
The Municipal Waste Management Association.
The National Association of Counties.
National Association of Surety Bond Producers.
National Association of Towns and Townships.
National Committee on Planned Giving.
National Federation of Independent Business.
The National Paint and Coatings Association.
National Realty Committee.
National School Boards Association.
Natural Resources Defense Council.
New Butte Mining, Plc.
Northwestern University.
Olin.
Printing Industries of America.
Rohm and Haas Company.
Salvation Army.
Savings & Community Bankers of America.
Sierra Club.
Smith College.
Sparten Iron & Metal Corporation.
Trail Chemical Corporation.
Union Pacific Corporation.
The United States Conference of Mayors.
United Way of America.
WMX Technologies.

RANGELAND REFORM COMETH

Mr. DOMENICI. Mr. President, I rise today to discuss an issue I am sure many of you had hoped was taken care of last October. I rise today to remind the Senate, my Western colleagues, and the people of the West that Secretary Babbitt's rangeland reform cometh.

On August 13, 1993, the Secretary proposed his rangeland reform plan which is designed to fundamentally alter the manner in which our Federal lands are managed. Secretary Babbitt's plan would revolutionize Western grazing, bringing it in line with his perception of the expanding urban structure of a new West. The Secretary's plan was revolutionary indeed; rangeland reform galvanized the rural West into action. Refusing to be cast as second-class citizens, people from the rural areas began to work together to stop what many describe as a "war on the West."

Last fall, I led a group of 41 concerned Senators in opposition to Rangeland Reform 1994. I, too, felt that the Secretary of Interior wanted to declare war on the West. Those who opposed my stand last year, predicted that there was no way to stop the Secretary and his vision of a new West. As a matter of fact, Secretary Babbitt threatened to move full-speed ahead to implement his proposal—regardless of Senate opposition and public outcry.

Well, it is 1 year later and we still haven't seen implementation of the Babbitt plan. Nevertheless, I am not here today to claim victory; rather, I am here to remind people that this issue is still as critical today as it was last fall. And, I am here to challenge the Secretary of the Interior to address the concerns of those most personally affected by his proposal.

To the people of the West, no news does not mean good news. Information on Rangeland Reform 1994 has not been forthcoming, and the controversy seems to have subsided. However, things have been far too quiet from the Secretary's office. I am fully aware that the comment period has not yet ended, and that the Secretary has even extended the comment deadline date. What I want my colleagues and the people of the West to know, is that it is very possible that Congress will not be in session when the final rule is released. In other words, it is highly possible that there will be no opportunity for congressional recourse when Secretary Babbitt offers his final plan.

While the Secretary is keeping his own counsel, the Senate Committee on Energy and Natural Resources has held several field hearings in the West. Those hearing have yielded volumes of information in opposition to Rangeland Reform 1994. During the July hearing in Albuquerque, an estimated 9 out of 10 people in attendance were opposed to the Secretary's plans. Mr. Babbitt's mythical new urban West did not materialize. We did not hear from people supporting change, or hear people calling for the expansion of BLM authority, or calling for the recognition of a new Western order. Although the Senate Energy Committee hearing was more convenient to those from urban New Mexico, the people who attended traveled from all corners of the State to voice their concerns.

I would be remiss if I didn't acknowledge Secretary Babbitt's attendance at that Albuquerque hearing in July. The Secretary did attend, he sat among the people in attendance, and he heard the testimony of many groups. I hope he was listening. In the past few months, I have received copies of the comments individuals have sent to the Secretary in regard to his proposal. Well over a thousand concerned New Mexicans have outlined their opposition to rangeland reform. Businessmen and women, ranchers, legislators, and people from all walks of life have forwarded comprehensive comments to both me and the Department of the Interior. All of the comments vary in length and content, but all share two common themes. One, the Secretary's proposal is fundamentally one sided; and two, there needs to be equal sensitivity to needs of the people closest to the land as to the concerns of those living elsewhere.

I would like to share with this body some of the comments both the Secretary and I have received. I have asked my staff to review each of the comments and to make a list of the most common concerns. My staff has

informed me that not only were the comments extremely varied, there is not 1, or 2, or 3, or 10 distinct issues that came to the forefront. I was hopeful that I could find the magic key, the most serious flaw or flaws in the proposal and offer a solution. Unfortunately, there is nothing that can be fixed through a change in language. The problem with this proposal is the proposal in itself.

For example, Kathleen Hellman of Capitan, NM, began her litany of concerns with the first provision, appeals and procedures, and ended it with the last, standards and guidelines. Although Kathleen leaves no stone unturned, she repeatedly asserts that the entire proposal is wholly and negatively biased against the Federal lands permittee. She is correct.

Another constituent, Dan Vicenti, is a member of the Navajo Nation. He has taken a different approach: he has prepared comments that encompass a personal and tribal point of view. I quote from Dan's comments: "Where I live, the people are the poorest of the poor in the United States * * * Adding to their devastation as the proposed reform will do, is, of course, contradictory. The BLM should be more logical or at least sensitive to the needs of the Navajo people." Of course, Dan is correct, the Department of the Interior should be sensitive to the needs of those who live with Federal lands as a necessity. I would ask that copies of these letters be placed in the RECORD.

In closing, Mr. President, let me remind my colleagues that the Department of the Interior represents all the people of this country—those who live on the land and those who do not. Secretary Babbitt has received thousands upon thousands of letters and comments that are technical in content, rational by experience, and heartfelt by association.

The managers of the land, business men, women, ranchers, legislators, and people from all walks of life deserve serious consideration. Mr. Secretary, we are holding you accountable for all the promises you have made to all of these people that you would take into account their comments and criticisms. A quick rewrite of last year's plan will not suffice. A Washington-drafted plan is not the answer. The people of New Mexico, the West, and I want to say to the Department of the Interior that any proposed rangeland reform plan must be genuinely reflective of the views of those who use the land, because you, Mr. Secretary, told us you would listen to them. And, for those of us who represent these users of the land, we, too, will be watching—and watching closely.

In August of last year rangelands reform started in the United States. I have made a statement that outlines what has occurred since then and have some samples of the comments that have been made by constituents in my State.

I tried in the statement to make a reminder to the Secretary of Interior regarding rangeland reform that he is committed to throughout our States, that while he came there to listen to people, that that was not the end of that. He would take their comments into consideration.

Frankly, he has received so many from the Western people who were either land users or rural citizens or business men and women in the area, that I close tonight to just issue a reminder to the Secretary that just a small change in his Rangeland Reform 1994 is not going to satisfy his own commitments to the people in the West, my State in the West where he said he would not only listen but take their concerns into consideration.

Considerations are numerous, they are real, and they deserve his consideration, and his final plans should not be a slight modification of what was produced in Washington by a group of Washingtonians. It should be a plan produced out where the people are having, listen to them and taken their concerns into consideration.

Mr. President, I ask unanimous consent to print in the RECORD comments from citizens so it may be read by the executive branch also.

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

RANGELAND REFORM '94,
Washington, DC, July 20, 1994.

To Whom It May Concern:

Following are comments on the Federal Register notice published March 25, 1994, proposing amendments to the Livestock Grazing Administration Regulations at 43 CFR Parts 4, 1780, and 4100. As stated: "The purpose of the proposed changes is to make the BLM's rangeland management program more consistent with ecosystem management, to accelerate restoration and improvement of the public rangelands, to obtain for the public fair and reasonable compensation for the grazing of livestock on public lands, and to streamline certain administrative functions." and, ". . .to provide a mechanism for effective public participation in decisionmaking, and to focus Federal and non-Federal management efforts where they will result in the greatest benefit."

PART 4, TITLE 43, DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Section 4.477, Effect of decision suspended during appeal

The proposed changes are unnecessary and have a wholly negative bias toward the permittee. They violate the right to due process and, by invoking Full Force and Effect immediately, Constitutional rights. They are contradictory to both NEPA Section 102c and the Administrative Procedures Act. Further, they impact private as well as public lands and make no provision for restitution of damages or loss suffered by the permittee in the interim if the federal agency decision is overturned.

The language should not be changed.

PART 1780, COOPERATIVE RELATIONS

Section 1784.2-1, Composition

The proposed changes would abolish a cohesive system of advisory boards and councils, some of which have been in place for over half a century. There is no definition of the charter; how it will be established; or by whom. The proposed makeup of the Multiple Resource Advisory Councils is not balanced; has no provision for making sure environmental and state members have any knowledge of rangeland or any land management; has no residency requirements for environmentalists (i.e. a resident of New York City who is an "environmentalist", but who has never seen more open land than Central Park could sit on a Council which makes decisions for Wyoming); and makes no provision to ensure permittees or ranchers are represented. There is no justification for per diem for environmentalists! MRAC members should not sit on Rangeland Resource Teams, it is a conflict of interest. The terms "industry", "discipline", and "interest" are not defined, and no criteria established for proof of ". . . experience or knowledge of the geographical area . . ."or ". . . demonstrated . . . commitment. . ."or to whom it will be proven.

The existing advisory boards and councils should remain in place.

PART 1780, COOPERATIVE RELATIONS

Section 1784.2-2, Avoidance of conflict of interest

The proposed changes prevent permittees from being involved in the decisionmaking process which directly affects their lives and livelihoods. Who will verify that MRAC members do not hold stock in companies which derive an interest from decisions the members make? The proposed changes, if adopted, should be amended to state: ". . . that no government official or employee should be allowed to serve on a MRAC or RTT.", as they have a direct and vested interest (i.e. their income), and that is a conflict of interest.

Anyone and everyone should be allowed to provide input.

PART 1780, COOPERATIVE RELATIONS

Section 1784.3, Member Service

The proposed changes do not adequately define length of terms. The charter should state that all terms be limited to two (2) years—without exception. No member of the MRAC or RTTs should receive compensation or per diem under any circumstances. MRAC members should be specifically excluded from serving on RTTs, as it would be a conflict of interest.

The outcome of the proposed changes would be self-perpetuating government fiefdoms, funded at enormous cost by the taxpayer. The changes are unacceptable.

PART 1780, COOPERATIVE RELATIONS

Section 1784.5-1, Functions; Section 1784.5-2, Meetings

Inasmuch as, according to the United States Constitution, the Federal government holds no lands within the states, and therefore Federal officers have no authority, these changes are irrelevant.

PART 1780, COOPERATIVE RELATIONS

Section 1784.6-1, Multiple Resource Advisory Councils (MRACs)

The BLM does not have the authority, nor is the criteria set forth, to determine when sections (a)(1) through (a)(3) are applicable. Many terms, including but not limited to "ecosystem" "environmentalist", and "ecoregion" are inadequately defined. The proposed makeup of the MRACs does not include residency requirements. Any course(s) of instruction for MRAC members should be taught at the State Land Grant Institution by tenured professors specializing in Rangeland Management.

PART 1780, COOPERATIVE RELATIONS

Section 1784.6–2, Rangeland Resource Teams (RTTs)

All RTT members should be required to attend the same course(s) of instruction required for MRAC members. The target groups which the RTTs would replace are mandated by federal law (Section 8 of the Public Rangeland Improvement Act of 1978) and there is no authority to change or delete them.

PART 1780, COOPERATIVE RELATIONS

Section 1784.6–3, Technical Review Teams

This is a redundant group. If the MRACs cannot accept and utilize data provided by the RTTs, they will only be more confused by input from additional sources. The stated purpose of Rangeland Reform '94 is, in part: ". . . to streamline . . . administrative functions. . . ." This proposal would have the opposite effect, creating yet another bureaucratic quagmire.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4100.–0–2, Objectives

The language of this section is subjective and vague. Whose values would be applied and what is the definition of "ecosystem"? The changes proposed in Rangeland Reform '94 would effectively eliminate the livestock industry in the Western states and turn many thriving communities into ghost towns. The Federal government has no business micro-managing anything outside its legal boundaries: Washington, DC; post offices; etc. as provided in the United States Constitution.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4100.0–5, Definitions

Active Use—The revised definition violates the Taylor Grazing Act (hereafter referred to as the Act), as well as the Federal Land Policy and Management Act of 1976 (hereafter referred to as FLPMA).

Actual Use—The revision of this definition is unacceptable, as it would extend the authority of the BLM.

Activity Plan—The intent of RR '94 is to maintain or improve range conditions. The inclusion of this new definition would change the intent by using livestock management for other uses and/or values. This is not acceptable.

Affiliate—The use of the term "control" in this definition has a negative connotation. If "Affiliate" is to be used, then the definition should also be applied to MRAC and RTT members' "Affiliates" who may have more influence and more interest in suspending or terminating livestock grazing.

Allotment Management Plan (AMP)—This plan violates federal law (Section 8 of the Public Rangeland Improvement Act of 1978, hereafter referred to as PRIA).

Conservation Use—This provides for the purchase and subsequent retirement of permits and leases by individuals or groups opposed to livestock grazing. It does not make specific provision for "Improving rangeland conditions; or enhancing resource values, uses, or functions" as stated.

Consultation, Cooperation and Coordination—PRIA specifically provides for district grazing advisory boards established pursuant to Section 403 of FLPMA. Therefore, the proposal defined is violation of federal law.

Grazing Lease and Grazing Permit—The proposed definitions do not differentiate between the two. There is no authority for this, as it is not in compliance with the Act.

Grazing Preference—The amended definition strikes "* * * the total number of AUMs of livestock on public lands apportioned * * *" opening a door for the BLM to revise the Act.

Interested Public—Anyone truly interested in participating in the decisionmaking process regarding livestock grazing will comment on Rangeland Reform '94 by July 28, 1994.

Permitted Use—This is not consistent with the intent of the Act and, in fact, eliminates the original adjudication of the Act. The long-term effect will be to adversely affect stability, planning, and the financial value of the permits.

Range Improvement—Once again, the undefined term "ecosystem" is used. Until that term is satisfactorily defined, the amended language contained under "Rangeland Improvement" is unacceptable.

Subleasing—Deletion of this is unacceptable, as it defines two separate leasing arrangements.

Suspension—This is unacceptable, giving the BLM power to arbitrarily force a rancher to reduce his AUMs by issuing a full force and effect decision to place reductions or unused AUMs in a suspension category. It also raises the question; "Is this the same as 'suspended use', which they plan to abolish?"

Temporary Non Use—This should be further defined to prevent the BLM from denying permittees and lessees this status.

Unauthorized Leasing and Subleasing—This is a violation of due process and places an undue hardship on the permittee or lessee.

Utilization—Wildlife definition has been increased by the addition of species and the numbers of wildlife species must be managed to maintain numbers and avoid conflict with livestock. "Insects" should be deleted as a considered factor.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4110.1, Mandatory qualifications

This section must specify that all applicants for grazing use permits on public land "* * * be engaged in the livestock business." The "satisfactory record of performance" criteria are arbitrary and constitute an invasion of privacy.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4110.2–1, Base Property

This amended language provides determination that my property, which has fenced pasture, a barn, a home, and water, could qualify as a base for livestock operations. In fact, it is entirely unsuitable. The prior language was more defined and the amended, I believe, violates the Act.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4110.2–2, Specifying Grazing Preference

This change abolishes the historical preference AUMs adjudicated under the Act. It is a classic government "switch and ditch" maneuver to eliminate livestock grazing by determining "conservation use" to be a legitimate use and not permitting AUMs of grazing for up to ten (10) years. The replacement of "grazing use" with "permitted use" is yet another way of eroding livestock grazing rights.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4110.2–3, Transfer of grazing preference

Again, replacing "grazing use" with "permitted use" erodes livestock grazing rights. The new transferee requirements will restrict grazing on lands acquired by "environmental" groups such as the Nature Conservancy and the Public Lands Trust. In addition, permittees and lessees will have more difficulty obtaining financing if leases or permits are issued for three (3) years or less.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4110.2–4, Allotments

This language destroys the intent of Congress contained in PRIA. No more needs to be said.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4110.3, Changes in permitted use

This places far too much reliance on the personal integrity and judgment on one person, the "authorized officer". The qualifications and personal interests (see "Affiliate" definition) of the authorized officer may well be in direct conflict with the best interests of the permittee/lesseee and/or "general public". Once again, "ecosystem" is a key term which is not defined.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4110.3–1, Increasing permitted use

This is in direct violation of Section 8 of PRIA.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4110.3–2, Decreased permitted use

This amendment is not consistent with national requirements, standards, guidelines; nor livestock grazing use patterns and percent utilization factors. End result: rapid reduction in livestock numbers. It is basically a "shell game", relying on visual observations instead of documented and monitored information.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4110.3–3, Implementing reduction in permitted use

There is no justification for decreasing numbers. It violates the PRIA on several counts. It is totally illegal (under PRIA) and unacceptable.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4110.4–2, Decrease in land acreage

Again, "grazing preference" is replaced by "permitted use". This is not acceptable.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4120.2, Allotment management plans and resource activity plans

This violates Section 8 of the PRIA. All burden and hardship are placed on the permittee or lessee, including the success or failure of the APs, to which the new language requires them to conform.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4120.3–1, Conditions for range improvements

The second sentence in paragraph (f) is redundant. Requiring NEPA compliance will undoubtedly cause permittees and lessees to think more than twice before placing improvements on public land.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4120.3–2, Cooperative range improvements

The inclusion of new "cooperators" could adversely affect livestock grazing if "environmental improvements" such as fencing of water sources is implemented. The U.S. government, under the Constitution, has NO

right to lands within states, except as provided in the Constitution.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4120.3–3, Range improvement permits

These revisions have serious negative impacts on the lessee/permittee, as well as the future of livestock grazing as a whole. Among them: removable range improvement title will be discretionary; all permanent improvements to be held by the government; permittees/lessees may be forced to operate in common due to forage availability; possible impact on collateral interest and net worth statements which may negatively prejudice lending institutions.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4120.3–8, Range improvement fund

This new system builds in bureaucratic opportunities to multiply at taxpayer expense, while directing funds everywhere except rangeland improvement. It is also contradictory to Section 401(b)(1) of FLPMA.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4120.3–9, Water rights for the purpose of livestock grazing on public lands

This would be a federal preemption of state water rights, removing water rights from the private sector. Requiring permittees to assign water rights is extortion. It violates: private property rights; prior appropriation doctrine; the intent of the Guadalupe-Hidalgo Treaty; and states' rights.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4120.5 and 4120.5–1, Cooperation in management and with state, county, and federal agencies

The wording of this new section implies the BLM will only cooperate with other entities if, and when, it suits or is advantageous to the BLM.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.1, Applications

The insidious "conservation use" surfaces again and this section, like so many others, violates Section 8 of PRIA.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.1–2, Conflicting applications

Why should the BLM oversee other state and federal agencies which have, or should have, management regulations in place?

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.2, Grazing permits or leases

This violates Section 8 of PRIA. In addition, it makes livestock grazing an alternative, rather than the primary use. The "interested public" should not be involved. Paragraph (f) burdens a permit or lease with arbitrary, subjective conditions and terms. "Conservation use" is, again, a means to remove land from grazing use, probably permanently.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.4–1, Exchange-of-use grazing agreements

Completely unacceptable and potentially having the effect of government control over private property.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.5, Ownership and identification of livestock

This is an invasion of privacy and infringes on individual rights.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.6, Terms and conditions

". . . conformance with the national requirements and established standards and guidelines" would negate the value of the permit or lease. The wording of this revision is illogical, impossible to comply with, and wholly inappropriate.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.6–1, Mandatory terms and conditions

There is no statutory authority for this invasion of private and state trust lands management.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.6–2, Other terms and conditions

This is a violation of Article V of the Bill of Rights.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.6–3, Modification

Violates Section 8 of PRIA. Additionally, "interested public" is not a PRIA target group member and has neither the knowledge nor expertise to evaluate data.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.7–1, Payment of fees

This is excessive and completely disregards the PRIA formula. This would force virtually all sheep ranchers and most cattle growers out of business, creating a "domino effect" on local economies, which would ripple out across the country.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4130.7–2, Incentive-based grazing fee reduction

What is the "criteria" for this?

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4140.1, Acts prohibited on public lands

This is not within BLM jurisdiction; gives non-livestock producers the right to retire grazing permits; and gives the "interested public" freedoms denied to the lessee/permittee. It also places the permittee/lessee in danger of double jeopardy; while creating rules, laws, and regulations which will eliminate grazing.

PART 4100, Grazing Administration, Exclusive of Alaska

Section 4150.2, Notice and order to remove

This is subjective, based on the decision of the authorized officer, who would have unwarranted, authority. Compliance with full force and effect decisions, affecting private and state lands, would be forced unless an administrative law judge granted a stay.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4150.3, Settlement

There is still no clear, concise definition of "ecosystem".

PART 4100, Grazing Administration, Exclusive of Alaska

Section 4160.3, Final decision

This violates the basic principle of "Innocent until proven guilty"; case law (*NRDC* vs. *Andrus*); the intent of Section 9 of the Act; prior court cases (*Thomas* vs. *BLM*); and the local management provision of the Organic Act of 1897. It removes any incentive to settle appeals in a timely manner; denies due process; and full force and effect violates personal rights (life, liberty, and the pursuit of happiness).

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4170.2–1, Failure to use

Existing language should be retained, as the amended version removes ". . . coordination, and cooperation . . .".

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4170.2–2, Penal provisions under the Federal Land Policy and Management Act

The amended language violates due process.

PART 4100, GRAZING ADMINISTRATION, EXCLUSIVE OF ALASKA

Section 4180.2, Standards and guidelines for grazing administration

This new section fails to set guidelines based on scientific, professional, and/or academic input—the "public" has neither the expertise nor knowledge to determine standards and/or guidelines. The federal agencies do not have the authority to enforce state laws.

SUMMARY

Writing the preceding comments has been a time-consuming exercise, which was really a waste of time as, according to the United States Constitution, the federal government holds neither control of, nor jurisdiction over, lands within the states with the exception of dockyards, arsenals, forts, post offices, and other needful buildings.

KATHLEEN HELLMAN.

RANGELAND REFORM '94

Washington, DC, July 24, 1994.

Re: Comment on Range Reform '94.

DEAR INTERIOR SECRETARY BRUCE BABBITT: My name is Dan Vicenti. I am an enrolled member of the Navajo Tribe of Indians. I am also a grazing permittee on range land located in McKinley County, New Mexico.

I have several concerns in response to the Bureau of Land Management (BLM) proposed rules for grazing on federal lands:

1. It is my understanding that the BLM and the Bureau of Indian Affairs (BIA) were to conduct a study from 1942 through 1955 to determine individual/family based occupancy rights of the Navajo Indians in this area; However, it was never completed. Therefore, the proposed grazing fee increases should not be imposed upon members of the Navajo Tribe for use of public lands until the study is completed. See *U.S.* v. *Tsosie*, 849 F. Supp. 768 (DNM 1994), and *U.S.* v *Dan*, 470 U.S. 39 (1985).

2. Many Navajo people living in this area depend on livestock grazing for a subsistence livelihood. Where I live, the people are the poorest of the poor in the United States. An increase in grazing fees will adversely affect them. Adding their devastation as the proposed Reform will do, is, of course, contradictory to one of stated goals of Rangeland Reform '94. In fact, many people may be subjected to starvation like the people of Africa where the Untied States government is currently sending millions of dollars worth of aid. The BLM should be more logical or at least sensitive to the needs of the Navajo people and should complete said study before imposing the increase in grazing fees. A better or more respectful approach in handling the proposed range reform is the government-to-government route mandated by President Clinton's memorandum dated April 29, 1994 (A copy of President Clinton's memorandum is hereto attached as Exhibit A and made a part of my comments.)

The Navajo Nation government leases lands including federal lands, and many individual members of the Navajo Nation pay grazing fees on lands including federal lands in the so-called "Checkerboard Area" of Navajo land. Much of the "Checkerboard Area" is within the boundaries of Executive Order 709, which, the Navajo Nation is currently contending in the U.S. Courts, extended the boundaries of the Navajo Reservation to enclose many of the sectors of public lands which have been used for years by the Navajo Indians for grazing of livestock. So in addition to receiving isolated comments from individual departments of the Navajo Nation government, Range Reform '94 should be handled formally between the federal government and the Navajo Nation government. BLM's requirement should be a duly enacted resolution of the Navajo Nation Council to show that the Navajo government has considered this matter and voted, either pro or con, on the issue of Rangeland Reform '94.

3. According to the BIA briefing, the first goal of the proposed Rangeland Reform '94 is to "Accelerate restoration and improvement of public range lands to proper functioning condition." This goal might be relevant to conditions of land in other areas, but the public range lands my family uses is desert land which has been kept in a proper functioning condition for as long as sixty (60) years. In fact, for the last ten (10) years or so, my family has been underusing the land. It is all fenced in along with our other lands, so there is no chance that anyone else can be responsible for its condition. Therefore, as far as my family is concerned, we have already achieved the first of the federal government's proposed goals for Rangeland Reform '94. If and when the Reform is imposed, my family should be considered for the proposed incentive cited in the briefing.

Better yet, shouldn't some incentive program be implemented now rather than to penalize and victimize all land users by imposing the proposed huge grazing fee increase? That is unless the intent of Rangeland Reform '94 is to put all federal lands in the hands of the rich. I say this because the poorest of the poor Navajo people who are now using federal lands in the "Checkerboard Area" will not be able to pay the proposed exorbitant grazing fee. A check of the records kept by the Bureau of Indian Affairs and the Navajo Nation will substantiate that my family has a long history of late payment of grazing fees. This is reality. This dilemma will continue until we overcome our family dysfunction problems which polarize for us the last ten years because of family members who are now gone. No matter how much our family intends to make timely payment of grazing fees, family resources must often be used first to handle the inevitable problems caused by the disease of alcoholism. But we are gradually overcoming our handicap despite poverty.

4. In addition, the federal government has a trust responsibility for the Navajo people. As guardian, the Bureau of Indian Affairs should also submit comments to reflect the negative impact Rangeland Reform '94 will have on its wards. We hope that you will respect and heed the BIA's exercise of trust responsibility to act favorably and positively on our behalf.

Suggested Changes: An individual/family based occupancy study must be conducted. Then the Navajo Nation must be consulted and dealt with on a government-to-government basis regarding Rangeland Reform '94 before it is implemented in an adapted form.

These proposed regulations will impact on me in the following ways: As stated above, the proposed exorbitant increase in grazing fees will deprive me and my family of use of public lands. A worsening of my people's suffering as a result of such deprivation will certainly not make me happy.

Others: Other needy Navajos in the "Checkerboard Area" of Navajoland and other Native Americans using federal lands will also be deprived use of the public lands that once belonged to their ancestors. Such a deprivation and the rules as written will enable only the rich, including the exploitative energy companies, to enjoy use of public lands now being used for subsistence by the poor.

Even non-Native American ranchers will be deprived and inflicted undue hardship by the proposed Rangeland Reform '94. Cattle business is at its lowest and cattlemen have never been known to be the richest in the country. The proposed Rangeland Reform '94 will undoubtedly eliminate the ranchers who are currently barely hanging on. So it is hard not to believe that the proposed Rangeland Reform '94 is discriminatory against the poor.

Thank you in advance for considering seriousness of my comments. I look forward to a favorable decision in the matter and hope that the Navajo Nation and the federal government can resolve this matter on a government-to-government basis.

Sincerely,

DAN VICENTI,
Grazing Permittee.

Attachment: Exhibit A

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY
April 29, 1994.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Subject: Government-to-Government Relations with Native American Tribal Governments.

The United States Government has a unique legal relationship with Native American tribal governments as set forth in the Constitution of the United States, treaties, statutes, and court decisions. As executive departments and agencies undertake activities affecting Native American tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty. Today, as part of an historic meeting, I am outlining principles that executive departments and agencies, including every component bureau and office, are to follow in their interactions with Native American tribal governments. The purpose of these principles is to clarify our responsibility to ensure that the Federal Government operates within a government-to-government relationship with federally recognized Native American tribes. I am strongly committed to building a more effective day-to-day working relationship reflecting respect for the rights of self-government due the sovereign tribal governments.

In order to ensure that the rights of sovereign tribal governments are fully respected, executive branch activities shall be guided by the following:

(a) The head of each executive department and agency shall be responsible for ensuring that the department or agency operates within a government-to-government relationship with federally recognized tribal governments.

(b) Each executive department and agency shall consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals.

(c) Each executive department and agency shall assess the impact of Federal Government plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities.

(d) Each executive department and agency shall take appropriate steps to remove any procedural impediments to working directly and effectively with tribal governments on activities that effect the trust property and/or governmental rights of the tribes.

(e) Each executive department and agency shall work cooperatively with other Federal departments and agencies to enlist their interest and support in cooperative efforts, where appropriate, to accomplish the goals of this memorandum.

(f) Each executive department and agency shall apply the requirements of Executive Orders Nos. 12875 ("Enhancing the Intergovernmental Partnership") and 12866 ("Regulatory Planning and Review") to design solutions and tailor Federal Programs, in appropriate circumstances, to address specific or unique needs of tribal communities.

The head of each executive department and agency shall ensure that the department or agency's bureaus and components are fully aware of this memorandum, through publication or other means, and that they are in compliance with its requirements.

This memorandum is intended only to improve the internal management of the executive branch and is not intended to and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

IN MEMORY OF ED TYNAN

Mr. BROWN. Mr. President, today members of the community of Denver are mourning the passing of one of its most respected citizens, Mr. Ed Tynan. Colorado has lost a champion of the disadvantaged. We have lost a precious role model. If Ed Tynan were here today, he would not be thinking of spending time on a eulogy but on the future. Ed was a man of action and integrity, not of words.

Mr. President, whenever there was a good cause, Ed Tynan was there to lend a helping hand, and anonymously donate generously to charitable organizations, large and small. Ed Tynan was a strong-willed, generous, compassionate, and caring human being, with an exemplary family. Our sympathies and prayers are with them. Mr. President, we as a people could achieve so much more if we had more dedicated citizens like Ed Tynan.

IN MEMORY OF ALLAN HOUSER

Mr. INOUYE. Mr. President, I rise today to mourn the passing of a world renowned American Indian artist, Mr. Allan Houser, a Chiricahua Apache.

Mr. Houser, who had been fighting cancer since the fall of last year, passed away at his home in Santa, Fe, NM on August 22, 1994.

Allan Houser—Haozous—pronounced ha-oo-zohs, which means "the sound of pulling roots" and refers to the Apache practice of returning thanks to the Earth whenever they took something from it, had earned world-acclaim for his bronze, stone and steel sculptures depicting native Americans. He was critically acknowledged as the "patriarch of American Indian sculptors."

The 80-year-old Chiricahua Apache's art serves as a link between Indian culture and modern American life. His images in stone, steel and bronze communicate on many levels the immutable emotions of family love, dignity and the will to endure. The sources of Allen Houser's images came from the stories, songs and myths his father told and sang about when Allan was a child.

Allan Houser's father was a member of the Chiricahua Apache band which surrendered with Geronimo in 1886. After their surrender, the Apaches were imprisoned for 27 years. Upon their release, Allan was born in 1914 ln a small farm outside of Fort Sill, OK. He was the first Chiricahua Apache child born in freedom.

Allan moved to Santa Fe, NM, in the 1930's where he received formal training in drawing and painting. He was self-taught as a sculptor.

From the small farm in Oklahoma, to Los Angeles where from 1941–47 he labored in construction work by day and created his art by night, to the classrooms of the Institute for American Indian Arts where he taught from 1962–75, to the great museums of the world, Allan Houser steadfastly remained true to this art, true to his people, and, above all, true to himself. His work enriches our lives and brings us closer together as we marveled at and bask in the light that his creative genius bestows on the world.

In a career that has spanned more than six decades, Allan Houser has earned the highest possible awards and honors. In 1992, Allan became the first American Indian to receive the Nation's highest art award, the National Medal of Arts. In 1993, he was the recipient of the National Cowboy Hall of Fame's Prix de West award for one of his bronzes. He also received the Ellis Island National Medal of Freedom award, which is presented to honor distinguished Americans who have made significant contributions to the Nation's heritage.

In addition to the American Indian Lifetime Achievement Award, Allan Houser also received two Guggenheim Fellowships for painting and sculpture, the prestigious Palmes Academique from the French Government, the Governor's Awards for Excellence in the Arts in New Mexico and Oklahoma, induction into the Oklahoma Hall of Fame and honorary degrees from the University of Oklahoma, the University of Maine, and Fort Lewis College in Durango, CO.

Allan Houser's works are displayed in prominent museums and public places throughout the world such as the United Nations, the Pompidou Museum of Paris, the Dahlem Museum of Berlin, the British Royal Collection, the National Portrait Gallery and the National Museum of the American Indian, Smithsonian Institution, the Heard Museum, the Museum of New Mexico, the Gilcrease Museum, the State Capitol of Oklahoma, the U.S. Senate, Committee on Indian Affairs hearing room, and the White House.

During the historical Indian tribal leader's meeting with President Bill Clinton on April 29, 1994, Allan Houser presented to the President a sculpture entitled "May We Have Peace". The sculpture is a smaller representation of the full size bronze sculpture presented to the American people from the first Americans in a separate ceremony at the Vice President's residence on April 28, 1994. The 12-foot monumental bronze sculpture was presented to First Lady Hillary Clinton and Mrs. Tipper Gore, who accepted it on behalf of the American people. It was installed at the Vice President's official residence temporarily and will later be moved to the Smithsonian's new National Museum of the American Indian for permanent exhibition when that museum opens in the year 2000. It was Allan Houser's intention that a truly American Indian sculpture needed to be placed in a prominent location in the Nation's capital.

On June 12, 1994, in a private ceremony in Washington, DC President Clinton and First Lady Hillary Clinton presented to their Imperial Highnesses, the Emperor and Empress of Japan, a sculpture piece created by Allan Houser as an official gift from the United States.

Whether viewed as a world renowned artist, gifted teacher, or wise visionary, one point is beyond debate, Allan Houser, through his life and through his art, has gently, but powerfully, touched the world with his profound talent and spiritual energy. Reaching deep into his tribal heritage, Allan Houser has conceptualized and created a body of work that will live for all time as a testament to the spirit and rich cultural traditions of his people. He forged a path for others to follow. Through his art, his life's work, he has raised the hopes and broadened the horizons of countless Indian artists, writers, poets, educators, leaders, and others.

The world has lost a great artist, and Indian Country has lost a great friend. Allan Houser's creative vision and dedication to his art have enriched the world by demonstrating the strength, vitality, and positive spirit of American Indian people. As we mourn his passing, we find comfort in the knowledge that Allan Houser's art endures and serves as a reminder of his artistic mastery, his bold vision, and most of all, his love.

THIRD ANNUAL WEEK OF UNITY IN CHICAGO

Ms. MOSELEY-BRAUN. Mr. President, it is an honor for me to offer my most sincere congratulations to the city of Chicago and the Commission on Human Relations as you proclaim a Week of Unity in Chicago. I applaud the efforts of all the organizers and participants as they focus special attention on the importance of uniting people of all races, religions, and ethnic backgrounds. It is true that our country's strength lies in its diversity, and our democracy grows stronger as more of us participate.

I have known for years that Chicago is one of the world's greatest cities. And, just one of the things that makes Chicago so great is its wide variety of cultures, and that wonderful diversity is a characteristic to be cherished, not feared.

The history of a people is the repository of collective memory, the touchstone of family, culture, and tradition. And it is this history that binds all of us together. The history of our collective unity is the single most important thing that we can offer to our children, the most precious gift we can give to those who will be our future.

On Tuesday of this week President Clinton signed into law a bill I cosponsored, the Martin Luther King, Jr., Holiday and Service Act of 1993. The bill is designed to turn the holiday honoring Dr. King into a day of community service, a day "on," not a day "off."

It is fitting that the President signed the King Holiday and Service Act into law at the same time that Chicago is celebrating its Week of Unity. Dr. King's life was dedicated to fighting for justice and equality not just for African-Americans or the poor, but for all Americans. He shared with us his dream of a society where the doors of opportunity and prosperity were closed to no one, and he challenged us to make that dream a reality.

Dr. King also taught us that our diversity was our strength, not our weakness. He stood and worked against prejudice, discrimination, and hate in all its forms. And in the end, he gave us our most potent weapon with which to fight the evils of poverty, prejudice, and discrimination: a belief in the inherent goodness and dignity of every human being. As Dr. King told us so many years ago,

Everyone can be great because everyone can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve * * *. You only need a heart full of grace. A soul generated by love. And you can be a servant.

The city of Chicago is to be commended for carrying out the unfinished work of Dr. King. By proclaiming its Week of Unity, Chicago is serving as a role model and creating an environment of respect and harmony among the diverse people of our city. The city is working to assure every resident that he or she is a welcomed and valued member of the community.

This Week of Unity in Chicago reflects the best of America. I salute the citizens of my hometown for their commitment to a strong city and a strong America.

REGARDING CHARLES RAY BLOME, JR.

Mr. BURNS. Mr. President, I rise today to pay tribute to Charles Ray Blome, Jr., a Montana native who recently lost his life while serving his country.

Charles was born March 10, 1960, and spent his adult life in service to the United States. After serving in the Army for 4 years, he joined the Coast Guard and recently earned a promotion to chief marine science technician. It was during an assignment off the Gulf of Mexico that a helicopter crash claimed his life.

This young man leaves behind a wife, Nancy; a son, Charles III; and a daughter, Katie; as well as a father, Charles, Sr.; two sisters, Renae and Betty; and a grandmother, Avanell Blome.

I know that Charles will be missed by his family and friends. May God bless them all

THE DEATH OF GLEASON GLOVER

Mr. DURENBERGER. Mr. President, Minnesota lost one of its outstanding and most capable leaders yesterday with the death of Gleason Glover, retired president of the Minneapolis Urban League.

Gleason will be remembered—and sadly missed—for his straightforward advocacy for all Minnesotans who shared his dream of a more just and caring and humane society.

During his quarter century of service with the Minneapolis Urban League, Gleason Glover was not only a conscience for policymakers and community leaders. He was also a constructive advocate for real changes and improvements in how the community deals with its own most serious and challenging problems.

One good example is the work that Gleason did to better tailor education to meet the diverse needs of Minneapolis public school students. He was a founder of the Urban League Street Academy which was the first of what are now more than a dozen alternative high schools in Minneapolis and St. Paul that are under contract with public school districts. The Street Academy has been an important force in meeting the needs of African-American young people—drawing them back into an educational environment that respects the value and potential of every single student.

Gleason Glover came to Minneapolis in 1967 during a time of deep divisions and tension in his new home community. But, Minnesotans quickly saw the value of this strategy of both firmness and openness approach in dealing with business and government leaders to build a safer and more human city.

As the Governor's chief of staff and later as a corporate public affairs officer and U.S. Senator, I viewed Gleason as a conscience for the entire community. I never had any doubt where he stood. But, I also never doubted the rightness of what he had to say. He was an invaluable resource to me and to my staff of all matters of concern to his community—from civil rights legislation to education to reform to Head Start. I will miss his wise counsel and I will miss his firm hand.

Thank you, Mr. President. I yield the floor.

THE 50TH ANNIVERSARY OF THE BRETTON WOODS CONFERENCE

Mr. GREGG. Mr. President, from October 15 to 17, 1994, at the Mount Washington Hotel in Bretton Woods, NH, there will be a conference commemorating the 50th anniversary of the Bretton Woods Conference held at the original site.

This "Bretton Woods Revisited" weekend will feature speakers who were present at the original conference recollecting on this momentus event in world history, as well as renowned scholars who will comment on the historical impact and future role of the institutions created at the Bretton Woods Conference—the IMF, the World Bank, and, to a lesser extent, the GATT.

In July 1944, leaders of the world came to Bretton Woods to fashion the economic system that was to emerge from the ashes of global warfare. The first and most important accomplishment of the institutions created at the Bretton Woods Conference was the rebuilding of the Western European economies, decimated by the war. That job completed, they turned their attention to maintaining the economic stability which led to the worldwide boom of the 1950's and 1960's.

For the past 25 years, these organizations have attempted to alleviate poverty and foster increased international trade and economic cooperation with sometimes mixed success. However, as the global economy expands and emerges from the cold war, these institutions will continue to evolve, but will remain critically important to the future health of the world economic system.

Mr. President, as a Senator from New Hampshire, I take great pride in the fact the postwar, world economic system was born in my State, and I would urge my colleagues to attend this conference at Bretton Woods, or visit my State any time and discover the beauty and the history of New Hampshire.

MONTANA GUARANTEED STUDENT LOAN PROGRAM

Mr. BAUCUS. Mr. President, it is with great pride that I announce the Montana Guaranteed Student Loan Program in Helena, MT, has achieved the Nation's lowest cohort default rate for Federal family education student loans. The latest figures show Montana's rate for 1992 at 5 percent compared to the Nation's average rate of 15.1 percent—less than a third of the national default rate.

We have a strong tradition of excellence in education in my State. Montanans believe in top-quality education. Montanans believe in hard work and service to one another. And we also believe in personal responsibility. Montanans pay their debts and live up to their commitments. The Montana Guaranteed Student Loan Program combines these elements to provide our students the best possible financial assistance.

In 1987, the Montana Board of Regents agreed that by having local control over loan services we could better assist our students. In 1988, the Montana Guaranteed Student Loan Program office opened in Helena. Not only has this been a proven asset for students, but schools and lenders have benefited as well.

Another component of this successful endeavor is the Montana Higher Education Student Assistance Corporation which services the repayment of the loans. Our schools also play a vital role by providing individual guidance and counseling for students. The combination of these efforts has resulted in the distinction of Montana having our Nation's lowest cohort default rate.

Mr. President, this is indeed an honor for my State. I give my highest commendation to Bill Lannan, director of the Montana Guaranteed Student Loan Program. And I applaud the dedicated efforts of his staff. I also congratulate Montana's students, and their parents who raised them right.

KENTUCKY NATIONAL AIR GUARD IN RWANDA

Mr. FORD. Mr. President, in Congress we fight hard for something, hold hearings, debate on the floor, vote, and then move quickly on to other issues.

Unfortunately, once the issue is off the front page of the paper, our constituents often don't hear about the impact of some of those decisions.

This past year, I fought hard to maintain the number of C–130H transport aircraft at Louisville's 123d Airlift Wing of the Air National Guard.

I did so because keeping the planes with the Air National Guard clearly was in the best interest of the Nation's national security and effectiveness in humanitarian missions.

Soon after resolving this issue, the Kentucky Air National Guard was called to Rwanda on a humanitarian mission. These are the same planes and the same guards men and women who joined other Air National Guard units in Somalia and Bosnia.

Mr. President, I believe the letter I received from Chief Russell D. Leadbetter of the Kentucky Air Guard, provides a simple, but straightforward, reassurance to the people of this country that we did the right thing in keeping the C–130's with the people most qualified to use them.

I ask unanimous consent to submit for the RECORD the following letter from Chief Leadbetter, flight engineer and president of the Kentucky Enlisted Association.

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

August 9, 1994.

DEAR SENATOR FORD, You've worked very hard in behalf of the enlisted and officers in the state of Kentucky. I know you're a very busy man, but I thought perhaps you would like to hear from one of your Kentucky crews in Rwanda flying the relief mission.

We're presently at 28,000 feet in altitude flying past Kilimanjaro which is off our left wing. We left Mombasa, Kenya early this morning (03:30) wakeup) and presently are on our way to Nairobi, from there we fly food supplies to Kigali, the capital of Rwanda. This run will be made by our crew twice daily. The plane is purring and the crew (as always) handling the job like the professionals they are.

Because of your efforts, we and this aircraft are right now doing the job the Government trained us to do. I am the flight engineer on the plane and can truly tell you—where there are problems in the world, there is, and always will be, the National Guard. Whether the Air Guard performs humanitarian aid or looks out for the interest of the United States, you can rest assured the crews of Kentucky will be there with the training and aircraft you helped us retain. . . . Rest assured we'll do you and your efforts proud.

CHIEF RUSSELL D. LEADBETTER,
Flight Engineer,
President, Kentucky Enlisted Asso.

UNITED STATES POLICY REGARDING CUBA

Mr. WALLOP. Mr. President, the administration's recently changed Cuba policy is morally unsustainable and repugnant. This is the first time in the history of the United States that we have criminalized those seeking freedom from a Communist dictatorship. America has made virtual prisoners of war out of those fleeing Communist oppression.

Instead of doing everything possible to put pressure on Castro, we have sought to punish those fleeing from his tyranny. There has been an effective effort to interdict and/or impede any attempt to support and sustain internal opposition to Castro's regime. Instead of doing everything possible to work with the Cuban resistance and to try to expedite the fall of the Castro regime, the administration eases his burden by imprisoning his opposition.

How ironic indeed that this administration talks about invading Haiti to restore democracy but in the case of Cuba has no apparent interest in even putting pressure on Castro. Instead of putting pressure on Castro, the Clinton policy is a response to pressure by Castro. The administration is responding just as Castro wants.

We are transforming the Navy base at Guantanamo Bay from a military installation into a Cuban prison camp for those fleeing oppression. And who will pay the bill for this misguided policy? The Defense budget of course. And this, at the same time that the Deputy Secretary of Defense is telling the military services to cancel or delay their last remaining major modernization programs.

I must seriously question the moral and strategic priorities that motivate such a policy, and call upon the President to rethink America's abandoned commitment to freedom.

COST SHIFTING

Mr. GRAMM. Mr. President, I want to share with my colleagues an outstanding article written by Jerald R. Schenken, M.D., of Omaha, NE, whose clear thinking I commend to my colleagues as the health care debate continues on this floor.

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

COST SHIFTING: YOU THINK IT'S A PROBLEM NOW

(By Jerry Schenken)

Health Care cost shifting, a system where insured patients are charged more so that the costs of the uninsured or under-insured are paid, represents a major problem for business, for individuals and for taxpayers. It produces such bizarre situations as paying patients being charged two times or more what underpayers—such as Medicare and Medicaid and no-payers pay. These shifts present serious ethical, fiscal, political, social and medical challenges. If anything like the Clinton plan is enacted into law, cost shifting of a much more pernicious extent than we now have is sure to follow. The Clinton's bureaucratic health alliances, price fixing and global budgets and federal control combined with political and demographic forces will assure these shifts. Here's from whom to whom, how and why.

From old to young: The severity of illness—and thus cost of care—rises with age. Community rating of premiums with its age-leveling creates the shift.

From urban to rural: The medical costs driven by poverty, crime, single parenting, etc., are more concentrated in urban areas. Political gerrymandering, as is seen with property taxes, will surely follow.

From cities to suburbs: For the same reason, flight to the suburbs for their lower insurance rates will stimulate political efforts to recapture the fleeing tax base.

From unhealthy lifestyles to those who care: The cost of caring for conditions that follow voluntary decisions to smoke, drink, overeat and underexercise will be transferred to the people who are working to stay well.

From criminals to those who obey the law: Violence, drug abuse, failure to use seat belts and helmets etc. are associated with extremely high medical (not to mention social) cost. In a bizarre way, universal insurance subsidizes this criminal conduct.

From individuals to families: Experts estimate that the Clinton's "community rating" will raise insurance costs to families and reduce it to individuals, compounding the other marriage tax penalty that is already part of current law.

From large states to small ones: Many of the incentives to shift described above are present in populous states. Political pressure in the House of Representatives (one man-one vote) will surely move toward "equalization" and its required shift. Billions are currently being shifted from small rural states such as Iowa and Nebraska to New York, Florida, Michigan, etc., to pay for the higher Medicare costs there.

Insurance represents a tradeoff: voluntary cost sharing (and ultimately shifting) for security and piece of mind. The arrangement is upfront, deemed desirable and entered into voluntarily, at least for the choice of plans. However, clandestine, cost shifts described above have and will create perverse incentives which will interfere with even such consensus reform goals of portability, reinsurability and affordability for most Americans.

Cost shift issues must be analyzed and discussed openly and completely. Shifts must be minimized and their unintended and often undesirable consequences be eliminated. But most importantly we must not allow hidden costs shifts to introduce demand-side incentives into the health care system that will make insurance too costly for all of us and ultimately lead to rationing. And we must certainly not continue the bizarre situation where universal insurance with community based ratings would in effect subsidize illegal criminal activity. There must be a way for those of us who work at being well to be rewarded and those who work at getting ill pay more. Incentives are important.

Practicing Pathologist, Omaha, NE.

USDA DECISION ON FEDERAL MILK MARKETING ORDERS ANOTHER INSULT TO WISCONSIN DAIRY FARMERS

Mr. FEINGOLD. Mr. President, last week, Wisconsin dairy producers were dealt yet another blow by the Department of Agriculture. The recently released Amplified Final Decision on Federal Milk Orders by Secretary of Agriculture Mike Espy is just another sign that career bureaucrats have maintained their stranglehold on this program that systematically discriminates against Wisconsin dairy producers. The apparent lack of substance of

the amplified decision is proof positive that this system cannot be rationalized on its merits.

This system, in short, Mr. President, provides dairy farmers higher fluid milk prices the further they are located from Eau Claire, WI. This ridiculous policy was based on assumption about dairy markets that no longer hold true in 1994.

It was based on the assumption that the Upper Midwest is the only surplus milk producing region of the country. But, Mr. President nearly 95 percent of the surplus dairy products sold to the Government come from farmers and plants from the West. In fact, Wisconsin plants have started shipping milk in from the South and Southwest in order to meet our processing needs. The most recent data for this year indicate that supposed fluid deficit areas of the country sell more surplus to the Government than Wisconsin and the entire Midwest region put together.

This system was also based on the assumption that Wisconsin and Minnesota had the lowest milk production costs in the country—this also is no longer true.

It was based on the assumption that we needed to provide price incentives for milk producers in other parts of the country to produce milk for the local market. Not only are incentives no longer necessary due to the high profit nature of dairying in some of these regions, but they are no longer appropriate when technology allows us to easily ship fluid milk anywhere in the country.

Despite all of these facts and at the expense of family dairy farmers in the Upper Midwest, Washington bureaucrats refuse to let go of this program.

Upper Midwest dairy producers have been fighting the Federal Milk Marketing Order system since 1985 when Congress further distorted milk markets in the Farm Bill. Since that time, Mr. President, Wisconsin has lost over 11,000 dairy farms, in part, due to this antiquated pricing system. Other Upper Midwestern States have fared equally poorly.

While USDA held extensive administrative hearings on reform of Milk Marketing Orders in 1990 and issued their final rule last year just after Secretary Espy joined the Department, very little about this program has changed. I was very disappointed last year to see the new Secretary rubber stamp the policies of a previous administration—an administration that clearly didn't care about dairy farmers. I was optimistic that this Administration would take a different approach on the inequities faced by the Upper Midwest regarding marketing orders. Mr. President, that hasn't proven to be true to date for the dairy farmers in the Upper Midwest.

In anger and frustration, the Minnesota Milk Producers Association challenged the decision of the Secretary by filing suit against him in Federal court. The farmers rightfully charged that the orders unlawfully discriminate against Minnesota producers and create artificially high profits and surpluses in other regions of the country while depressing Upper Midwest milk prices.

Late last year those farmers got their day in court. In April of this year, a District Court Judge ruled that the Secretary's 1993 decision not to change the fluid milk differentials of the Federal Milk Marketing Order System was arbitrary and capricious because the Secretary did not consider factors required under law in his final decision. The Judge ordered Secretary Espy to issue an amplified decision on the differentials within 120 days, which he released last week.

After having met personally with the Secretary to ask him to do the right thing—to propose substantive changes to the orders that would end the discrimination, to put Wisconsin dairy farmers on a level playing field, to do what Congress could not—I was even more disappointed last week to see the Secretary simply reinforce what was already a bad decision.

The Secretary's amplified decision is a slap in the face to Wisconsin dairy producers. The Department attempted to rationalize all of the existing Class I differentials by claiming that the current Minnesota-Wisconsin Price is reflective of national supply and demand conditions which the Department is required to consider by law. The reliance on the M-W price series is incredible given that it is located in the states of Minnesota and Wisconsin—a series that even USDA's National Agricultural Statistics Service believes is no longer statistically reliable based on the dwindling number of both Grade B producers and processing plants.

Mr. President, I will also do everything I can in this legislative body to change the milk orders but I am well aware of the difficulty in pursuing this issue as a legislative matter. I was hopeful that the Secretary would resist the temptation to kick this matter to Congress. I was hopeful that he would have the courage to propose changes which are not necessarily politically popular, but which are honorable and defensible. As I said, Mr. President, I am disappointed. While I and my colleagues have introduced legislation to change Federal Milk Marketing Orders, I am not overly optimistic this body will change a program that benefits most regions of the country at Wisconsin dairy farmers' expense.

I sincerely hope that the producers who raised this lawsuit continue in their efforts to challenge this amplified decision. Despite my best efforts and the efforts of producers and others in Wisconsin dairy industry, it is clear that the Secretary and his staff will never voluntarily change this outmoded and antiquated system. It is a sad commentary on the Department of Agriculture.

THE AIR FORCE RESERVE

Mr. WARNER. Mr. President, I am pleased to stand before you to talk about some of the unsung heroes of today's military—the women and men of the Air Force Reserve. Their contributions so often go unrecognized because they are the consummate professionals. When they put on their Air Force uniforms you cannot tell them from the active force, in appearance or performance.

Let me share with you a summary of some of the operations you will find your friends and neighbors involved in today. For more than 2 years Air Force Reserve C–130 crews, and more recently C–1412 crews, have supported the humanitarian airlift into Sarajevo, Bosnia and Herzegovina. They have flown more than 2,870 sorties and logged more than 5,000 flying hours, all in volunteer-status. I had the honor of flying into Sarajevo on an Air Force Reserve C–130 and so can personally attest to their skill and professionalism.

Air Force Reservists also are flying close air support over Bosnia for the United Nations with A–10 fighters out of Aviano AB, Italy. This is the second time they have shared the Operation Deny Flight mission. Your Reserve also has sent F–16's to fly top cover and relieve active duty units for 2 months over the holiday season. Reserve KC–135 tankers are deployed to Istres, France and Pisa, Italy. A crew from the 940th Air Refueling Group, McClellan AFB, CA, refueled the A–10's that conducted the August 5 air strike against a Bosnian Serb weapon site.

Today, we also find Reserve aircraft and crew airlifting supplies and equipment to Rwandan refugees. Air Force Reserve C–5's and C–141's were part of the first wave and have flown thousands of tons of relief supplies to Rwanda and Zaire for Operation Support Hope. Reserve KC–10 and KC–135 tankers are helping refuel participant aircraft for the long-haul to Africa. The Reserve has 19 airlift crews, several aerial porters and medical personnel committed to the relief effort. Again, all are volunteers.

Stateside, Air Force Reserve C–130s and aircrews of the 302nd Airlift Wing, Peterson AFB, CO have flown throughout the Western States since June helping to control wild fires. These airplanes are equipped with the modular aerial firefighting system, and are used to dump fire retardent on the fires. For the first time every they even had to fly in their home State of Colorado. They went to California first on June 27, then to Arizona, Colorado, Idaho and Washington. The MAFFS can be loaded on the C–130 in 2 hours and filled

with 2,700 gallons of retardant in 20 minutes. The entire load is discharged over a fire in 6 to 8 seconds.

Today's Air Force Reserve operations are but a few of what we have seen over the past few years out of a small investment of our tax dollars. During Desert Storm a Reserve crew from the 459th Airlift Wing at Andrews AFB landed the first aircraft in Saudi Arabia and Capt. Bob Swain, a Reservist from the 926th Fighter Group at New Orleans, got the first ever air-to-air kill with an A–10.

They have served in the desert after the war flying top cover over northern Iraq, monitoring the no fly zone, flying support missions in their C–130's in Southern Watch, and spending more than 6 months flying rescue support with their HH–60 helicopters.

I bring you this summary, because most of you are not aware of the extent of the Air Force Reserve's involvement in the day-to-day operations of our Air Force. They have met all of these operational commitments as volunteers while also maintaining other training and support. The Air Reserve Component has flown all of the Central and South American C–130 support for years on a short-tour rotation. Just last week, 65 Washington, DC school children flew to the Air Force Academy aboard an Air Force Reserve C–141 where the Reserve crew served as mentors for applying everyday math and science to the safe and efficient operation of an airplane in flight. At Charleston AFB, the Air Force Reserve is first to convert to the newest airlifter, the C–17, alongside their active duty partners.

I am proud to share this information with you, because I am proud of our Air Force Reserve. They travel the globe doing these important jobs for our country. It is not easy balancing a civilian career, family life and a military career. We owe a thank you to our Reservists, their families and their employers. The simple fact is, we cannot go to war or meet operational commitments without the women and men of the Air Force Reserve, particularly our strategic airlift forces.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE ABOUT THAT

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, let us have a little pop quiz: How many million dollars would you say are in a trillion dollars? And when you answer that, just remember that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business this past Wednesday, August 24, the Federal debt stood—down to the penny—at $4,676,085,711,642.38 meaning that every man, woman, and child in America owes $17,935.90 computed on a per capita basis.

Mr. President, to answer the question—how many million in a trillion?—there are a million million dollars in a trillion dollars. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

REMARKS ON FLOOD IN SOUTH GEORGIA

Mr. NUNN. Mr. President, I rise this evening to pay tribute to the citizens of middle and south Georgia. In the face of devastating losses, they have endured the recent unprecedented floods with courage and fortitude, and with remarkable compassion for others. I also rise to thank the people and organizations from all over the Nation that have lent us a hand when it was needed. Their caring has sustained and supported our people in a time of great crisis, and all Georgians are grateful.

Because of our topography and the nature of our river systems, Georgia rarely suffers the tragedy of flooding. Indeed, we know of no precedent in modern times for devastation on the scale that befell us when Tropical Storm Alberto roared up into Georgia and then parked over the middle of our State for several days. No one can adequately prepare for 20 inches and more of rain in less than 24 hours. Rainfall in many places was heavier than any since we began keeping records. Standards for flood protection are generally designed with 100-year floods in mind, but many places in Georgia last month experienced flooding beyond levels that could be expected once every 500 years.

Under such extreme conditions, fast-rising waters and 6- and 8-foot waves washed vehicles off roads and bridges into raging creeks and rivers. Giant sinkholes and whirlpools formed without warning, sucking in trees and trucks. Houses and mobile homes were swept off their foundations and crushed by the water's weight. Water and sewage facilities and whole downtown business districts were inundated. Dams and levies were breached. It all happened so quickly that many people were swept from their homes and vehicles before they knew what was happening. In the Americus area alone, 15 people died.

We owe a great debt to the emergency crews—military, police, medical, transportation, and utilities—and to local emergency management directors and city and county officials who dispatched and coordinated their work. Their quick reaction and heroic efforts, sustained over many days, prevented far more injuries and disease, and far greater loss of life.

We mourned with the loved ones of the 31 who died, and rejoiced at the miraculous rescues under hazardous conditions, such as the National Guardsmen who drove their Humvees across washed out bridges to take pregnant women in labor to hospitals. Several courageous civilians lost their lives trying to save others.

Sometimes the exhausting labors succeeded against all expectations. Desperate efforts to prevent the spread of toxic chemicals from a plant in the water's path were rewarded when the flood crested just below the predicted level. Sometimes cruel ironies were played out. Just outside the submerged business district of Montezuma, GA, a clothing plant that had been undamaged by the flood caught fire and there was not enough water pressure to fight the fire. In this area, where economic activity was almost halted by flooded businesses and agricultural losses, an additional 400 people are without jobs due to fire.

Many people in the affected counties depended on public health departments whose facilities and supplies have been damaged or destroyed. Pharmaceutical companies have donated large amounts of supplies, equipment, and cash—some to allow needy patients to receive their medication for as much as 2 years—and the industry has also provided veterinary supplies. Volunteers in boats rescued many stranded animals, and others are giving foster care for animals until owners can be found or are able to care for them again.

I have to say a special word about Gov. Zell Miller. He reacted quickly to prevent loss of life and property as roads, highways, powerplants, electric and telephone lines, health, water, and sewage facilities were cut off or threatened. Gary McConnell and the entire Georgia emergency management team, as well as other State agencies, quickly set in motion all the emergency activities necessary when large numbers of people were forced to evacuate their homes and abandon businesses and were cut off from normal supplies and services. It was the largest emergency mobilization in Georgia history—involving 54 counties. As the scope of the emergency became apparent, President Clinton, James Lee Witt and his Federal Emergency Management Agency staff, and members of the Cabinet acted quickly to mobilize Federal emergency services in the Senate.

Senator COVERDELL and I, with our colleagues in the House, worked together closely to make sure our people got the help they needed from the Federal level. I want to especially thank Senators HOLLINGS, DOMENICI, BUMPERS, COCHRAN, HARKIN, SPECTER, MIKULSKI, GRAMM, and Appropriations Committee chairman BYRD for their assistance in getting $338 million in emergency grants included in the appropriations bills, subject to emergency requests by the President, and authorization for an additional $330 million in loans for homes, businesses, and infrastructure.

The full extent of the damage caused by Tropical Storm Alberto in our State is not yet known, but it may run as

high as the damage the Southeast suffered from Hurricane Hugo. Preliminary GEMA and FEMA estimates indicate that infrastructure damage alone will run to at least $202 million and total damage, including homes, businesses, and agricultural assets, at between $400 and $500 million. Georgia State University economists say the total impact may be close to $1 billion. Many of the communities which must replace public facilities and roads will also suffer severe revenue losses. We can only guess at the ultimate cost.

We still cannot say how extensive total agricultural losses will be. Equipment, structures, irrigation and erosion control systems were damaged in addition to livestock and crop losses. One-third of the peanut crop—200,000 acres—have been affected by the water—and nearly 150,000 acres out of 800,000 acres of cotton. Georgia Agriculture Commissioner Tommy Irvin says at least 30,000 acres of cotton, peanuts, and soybeans were totally destroyed.

At the worst point, we had 4,031 families in shelters, but that number does not indicate at the number of Georgians who were forced to leave their homes. The great majority of those displaced were taken in temporarily by relatives and friends, but longer-term housing problems are acute. In several towns, almost all the rental units were made unlivable. So far, 223 households have been moved into travel trailers and mobile homes, and we have 773 travel trailers and 426 mobile homes in staging areas that people will be moved into as fast as the Army Corps of Engineers can build foundation pads and utilities and sanitary facilities can be provided. Another 300 units have been requested.

The Federal Emergency Management Agency [FEMA] has received requests for emergency aid—food, housing, medical—for 24,058 households. More than $14 million in emergency food stamps were provided to 56,000 households.

As I mentioned, the directors of our State and Federal emergency management agencies, Gary McConnell and James Lee Witt, deserve special thanks. They and their people have done a terrific job from the beginning, and they realize that much remains to be done in the months ahead.

The Georgia National Guard, under Gen. William Bland's capable leadership, did a great job. Mayor Tommy Olmstead of Macon told me that, without the National Guard, Macon would have lost the bridges that link the downtown area because of the destructive waters of the Ocmulgee River.

Defense Secretary William Perry quickly sent in regular military personnel to back up the Guard. Army Secretary Togo West and his Assistant Secretary for Logistics, Mike Walker, came to Georgia to visit affected areas and review Army activities. Army Chief of Staff Gordon Sullivan was also personally involved.

Agriculture Secretary Mike Espy, Housing and Urban Development Secretary Henry Cisneros, Transportation Secretary Federico Peña all came to Georgia to see first hand what their departments could do to help, and Secretary Donna Shallala sent Admiral Frank Young, Public Health Service emergency relief coordinator, and Surgeon General Jocelyn Elders. But even before their visits, they had cut through red tape to make emergency aid available immediately.

The personal interest of all these top officials meant a great deal to our citizens.

Lt. Gen. Sam Ebbesen and the Second Army Readiness Group from Fort Gillem capably coordinated all Federal military involvement. Fort Benning conducted numerous medevac helicopter missions. The Army Corps of Engineers was shoring up dikes in the first stages of the emergency and is still preparing sites for mobile homes to provide longer-term housing.

While Robins Air Force Base personnel were working around the clock to dike Robins' own water treatment plant, the base provided flooded cities with radio communications, trucks capable of operating in deep water for emergency missions, sandbags, and equipment for shelters.

Hunter Army Airfield and the Marine Corps Logistics Base provided personnel to operate 94 400-gallon water trailers in Macon and Bibb County. Hunter sent 136 soldiers. The Albany Marine Base provided 600 marines for various relief operations, plus space and equipment in support of State and Federal agencies and Guard operations, and also opened its doors to families in need of a place to stay. Once again, the marines demonstrated that they are neighbors and partners of the people of Albany.

More than 4,000 National Guardsmen and regularly Army and Marine personnel, flew countless emergency missions, aided by members of the Civil Air Patrol. Military personnel strengthened existing dams and erected some new ones. The National Guard and active duty Army soldiers provided more than 500 million gallons of precious drinking water when more than 150,000 residents of Macon lost their water supply for 2½ weeks. Such tasks are often part of military duty, but National Guard troops also were called upon for some special missions. At one site, Guardsmen disposed of more than a quarter of a million drowned chickens that posed a serious health hazard.

All the tireless work of these officials pales in comparison with the courage, self-sacrifice and strength of character demonstrated by the victims of the floods.

There were many tales of terror, and far more of heroism, generosity and neighborliness on a grand scale. A National Guard helicopter pilot flew sorties for medical purposes while his family was in an emergency shelter because their home was under water. Members of a tiny church in southwest Georgia served 2,000 meals to volunteers even though portions of their church building had been damaged by the floods, and many who were serving the meals had been forced to flee their own homes.

Money and volunteers poured in from all over the State and Nation—providing food, clothing, tents, and blankets, medical and building supplies. Truckers hauled emergency supplies free. Distributors supplied free gasoline to emergency vehicles cut off from normal supplies. Telephone companies provided free hotlines. Some stores and lending institutions provided special credit arrangements for flood victims.

Newspapers, radio, and television stations struggled to keep people informed of dangers, where to get emergency services, and cooperated with volunteer groups from around the State to send teams of volunteers who spent days in the mud helping with the cleanup and delivered donated supplies where they were needed. Huge food chains and tiny restaurants fed teams of volunteers organized by corporations and civic and religious groups from throughout Georgia.

Mennonite farmers and their wives came to the aid of their neighbors in mud-covered Montezuma, their numbers soon bolstered by other members of their faith from Pennsylvania, Tennessee, and Kentucky. They rolled up their sleeves and got down in the mud with those trying to salvage their homes, their businesses, and their belongings. The Mennonites are truly a caring and wonderful group of people.

Illinois and Iowa towns that had borne the brunt of last year's floods sent immediate help. Some 6,000 Latter Day Saints—Mormon—volunteers from around the country set up a tent village and joined the cleanup efforts.

The American Red Cross was there with food and shelter while the waters were still rising. The Red Cross has served more than 1 million meals at shelters and mass feedings, continuing to feed people in several shelters until the last people were moved into longer term lodging this past weekend. Some of their workers will remain in South Georgia for the next 12 months as people who have lost everything try to sort out their lives, rebuild, or relocate. I have heard many people say that without the Red Cross, we would not have made it. Mr. Ed Darsey, of Hawkinsville, whose house was completely under water, told me personally, "I will never again wonder where to send my charitable donations. I will send it to the Red Cross," and added, emotionally, "nobody ever again better say anything negative about the Red Cross in my presence."

The list is far too long to give credit to all whose kindness and hard work turned a time of great loss into a time of great caring and comfort as well. Those whom I do not name should not feel that our gratitude is any less because of that. Nevertheless, I cannot help but mention Church World Services, which is made up of many denominations, Golden Harvest Food Bank, World Vision Relief and Development, Adventists Community Services, United Methodists Church on Relief, the Georgia Baptist Convention, the Salvation Army, and a host of other church and civic organizations and concerned citizens.

The Georgia Emergency Management Agency provided emergency aid and set the wheels in motion for getting Federal help. In a short time, thousands of State and Federal workers were in the field taking applications of aid, assessing damage, and coordinating volunteer efforts. Federal agencies will continue to work there for many months, helping towns and cities restore infrastructure and providing mortgage help, small business loans and other aid.

Many who had the least to lose have lost everything, but the floods made no distinction of wealth or rank. Newton's mayor had to move into a travel trailer without utilities when her house was covered by water, but she continued to lead relief efforts.

Most of the hardest-hit communities are in rural areas which were already suffering from economic difficulties. Flooded businesses lost not only inventory but equipment on which owners must continue to make payments. By mid-August the Small Business Administration had approved more than $100 million in grants and low-interest loans for businesses and urban homes.

Unfortunately, there are many other small businesses that already know they would not be able to repay the loans—even low-interest loans—that would be necessary to reopen. Many older homeowners will not be able to start over with the long-term loans needed to rebuild or relocate.

We know that, at best, processing Federal aid takes time. Despite the $17 billion already expended, there are more than 3,000 loan and grant applications still pending from the California earthquake 2 years ago. Many families in the Midwest are just getting money to relocate after last year's floods. Georgia—and the damaged areas of Florida and Alabama—are in for a long struggle to recover and rebuild.

I hope that one important change will come out of this loss, and the flood losses last year—more careful coordination of local, State, and Federal policies and regulations on building in flood plains, flood ways, and flood basins. Expensive public facilities are going to have to be relocated away from these flood prone areas. We managed to avoid potentially horrendous releases of toxic chemicals or wastes this time, but we must not build plants and facilities involving toxic substances in the path of potential floods. No one can anticipate 500-year floods, but our building pattern certainly should consider the area likely to be inundated in 100-year floods.

We have been reminded again of the awesome power and destructive potential of nature.

And we have also been reminded by countless acts of courage and kindness, of the power of the human spirit and the essential goodness of our people in this great land. We in Georgia will be sustained and supported in that awareness by the memories of sacrifice and suffering—and even laughter—shared, as we begin the long road to recovery.

Perhaps it is not a providential sign, but seeing the buildings of Albany State College with water to the rooftops, I took heart at the sight of the college library standing on a hill above the campus—all the books and hard-won human knowledge it housed untouched by the raging water.

TRIBUTE TO WILLIAM M. McDERMOTT, JR. M.D.

Mr. KERRY. Mr. President, I want to take this opportunity to pay tribute to a man who has devoted his life to medicine and to this country, Dr. William M. McDermott. On September 1, 1994, he will retire from the Massachusetts Medical Society where he has served for 9 years as its executive vice president. His dedication to this Nation is exemplary; he served in the U.S. Navy for 21 years, retiring with the rank of rear admiral.

Dr. McDermott's effective leadership has guided the Massachusetts Medical Society and the 16,000 physicians it represents during challenging and exciting times for the medical community. Dr. McDermott's initiative and drive have led the Massachusetts Medical Society to implement many legislative and health policies that have benefited the communities of Massachusetts. He has worked tirelessly with community leaders to address their concerns about health care and health care policies.

Before coming to the Massachusetts Medical Society, Dr. McDermott served as commander of the Naval Medical Command in Washington, DC. In that position he oversaw both a budget in excess of $1 billion and more than 45,000 military and civilian Command personnel involved in providing health care to more than 2 million Navy and Marine personnel and families across the United States and around the globe.

His military career is one of remarkable accomplishment, and included positions as fleet surgeon for the Navy's Commander in Chief, Atlantic Operations; principal medical advisor to the Supreme Allied Commander, Atlantic, for NATO; and Chief of Staff to the Navy's Surgeon General. In all of these positions he has dedicated himself to educating medical professionals and providing exemplary care to all patients.

Bill McDermott has had an extraordinary career and his many contributions to the field of medicine are worthy of high praise. It is an honor for me to commend him and thank him for his service to the United States.

Mr. MATHEWS. Mr. President, I ask unanimous consent that I be permitted to speak up to 15 minutes.

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

The Senator from Tennessee is recognized for 15 minutes.

THE CRIME BILL

Mr. MATHEWS. Mr. President, let me begin this evening by saying I realize the hour is late. In fact, in less than 60 minutes from now, we will be starting a new day. But we can start this new day with the solid feeling that what we have accomplished here this evening, what culminated here in the votes that took place on this floor today, is going to make for a safer America. It is going to allow us and our communities to feel better about our schools, to feel better about being on our streets, and to feel less fearful—to feel better as Americans.

It has taken a long time to accomplish this. I compliment the chairman, Chairman BIDEN, the ranking Member, and everyone else who had a part in this.

THE SUCRALOSE PROCESSING PLANT

Mr. MATHEWS. Mr. President, there are other problems—I have one in my State of Tennessee—that we have been working on a long time, also. I feel I need to bring this to the attention of my colleagues this evening, because there comes a time when we must act. It appears this may be one of those situations where there will be some Members here who will want to join me in this effort.

Mr. President, the distinguished William Proxmire used to bestow a Golden Fleece Award upon Federal spending projects that represented an extravagant or unjustified use of taxpayers' money. I propose a similar award for Federal agencies whose stubborn regulations and uncompromising behavior steals jobs, economic growth, and progress from the American people. We might call it The Golden Grinch after the Dr. Seuss character who stole Christmas. Whatever we call it, I propose that its first recipient be the Food and Drug Administration.

As I speak, this sucralose processing plant in Newport, TN—in my State—stands idle and another like it is operating at reduced capacity. As a result,

the American economy is losing 65,000 jobs, America's gross domestic product is losing almost $7 billion a year, and 14-million diabetics are being denied an important new product in their diets. This is happening, Mr. President, because the Food and Drug Administration has indulged an extensive and unreasonable series of delays in approving sucralose noncaloric sweetener for U.S. consumption.

Sucralose is the culmination of 18 years of dogged investment and marketing cooperation between the United Kingdom's Tate & Lyle and Johnson & Johnson in the United States. In February 1987, J&J's McNeil Specialty Products Co., petitioned the FDA's Center for Food Safety and Applied Nutrition for permission to manufacture and sell sucralose in the United States. The company submitted a 22,000-page petition citing 80 separate safety studies conducted over the 10 previous years.

Mr. President, this bill here has approximately 950 pages in it; 22,000 pages is 22 times the number of pages here in the petition. Before submitting the petition to FDA, 16 internationally renowned experts had reviewed those studies. Independently and collectively, the experts agreed sucralose is safe for its intended use.

What happened after the petition arrived at FDA is an epic of bureaucratic frustration and decision dodging. Let me share the tale.

The FDA's Center for Food Safety and Nutrition spent 3 years reviewing the company's data. In January 1990, the Center's director personally advised the company that the agency review was completed and that FDA was prepared to move forward with approval. We thought we were getting somewhere. In May 1990, the Center actually showed the company a draft regulation approving sucralose in all requested categories.

In August—they were first notified in January they were ready to go.

In August 1990, Johnson & Johnson and McNeil executives were informed by the Director they would start up production of sucralose unless he advised otherwise. The Director reiterated to them in August that he believed FDA would approve sucralose before the year end.

Accordingly, the company set its plans in motion. Production started up in Georgia and Newport, TN. The Newport facility was a new plant. Here is a picture of it as it has been constructed. It was completed in 1989, just 5 years ago, at a cost of $65 million. This plant has been sitting idle during all that period of time.

In September 1990, the company began staffing the facility, eventually hiring 185 employees, because it had been assumed approval was on the way.

Clearly, some of this delay was unavoidable under the circumstances. FDA has many first-rate scientists, and I do not mean to stand here and say they are all a bunch of goofs, but they have a number of first-rate scientists, a number of people who care about the work they are charged with doing. We in Congress sometimes do not do all the things we should do to allow them to do their job. Agency budgets have not always kept pace with agency needs, and the turnover is always a problem.

To the extent we can help FDA do a better job, we will benefit consumers, the public health and the national economy. However, Mr. President, let me stress again, not all the delay in this case is beyond FDA's control.

Further delay resulted from the cumbersome process FDA applies to food additives. Any time a third party submits comments about food prior to its approval, the FDA stops the review process and addresses those comments, although it is not legally required to do so. Evaluating and answering each comment is lengthy and time-consuming. Potentially any outside party could indefinitely delay approval of an additive simply by repeatedly submitting their interpretation of data.

That is precisely what happened with sucralose.

In October 1990, September 1991 and February 1992, a London law firm acting for an unnamed client submitted comments about sucralose to the FDA and other regulatory agencies around the world. In addition, a public interest group submitted four rounds of comments in May 1991, September 1991, March 1992 and December 1992. In each instance, FDA's approval process came to a halt for up to 6 months while FDA reviewed the data and prepared a response.

It is instructive to contrast the behavior of the Australian National Food Authority with that of our FDA. When the Australians received similar comments from the London law firm, they wrote back asking if the firm was acting for another party or whether its comments were those of a firm of solicitors with no particular scientific expertise. The London law firm was never heard from again.

The crucial point, Mr. President, is that the issues raised by these comments were issues that FDA had reviewed and resolved to its satisfaction on at least three previous occasions. They were questions that a group of experts, including former FDA scientists, held to have no human toxicological significance. What is more, the experts said FDA's requirement for a so-called "scientifically defensible" explanation was ungrounded and flouted established principles.

Yet, the saga of sucralose did not end. The FDA wanted further explanations. An FDA Commissioner recused himself from the review. The company approached Health and Human Services proposing a peer review with independent scientists to confirm that sucralose satisfied the legal standard of "reasonable certainty of no harm." FDA would not agree to be bound by findings of a scientific peer review, so the company had no choice but to consider yet one more study, which FDA promised to review promptly. The company began a study in April 1993. It submitted preliminary results in August, and this was 1993. FDA wanted the study extended, and in February and March of this year, the company forwarded final data from the extended study to FDA. It still awaits word from FDA.

While all of this was going on—I should say while all of this was going astray—the World Health Organization endorsed the safety of sucralose. The national authorities of Australia and Canada approved sucralose. The American Diabetes Association and the Juvenile Diabetes Association pled with FDA to approve the product. And sucralose production was suspended in Georgia and Tennessee, putting more than 200 people out of work in a county that has one of the highest unemployment rates in our State.

Mr. President, we all appreciate the importance of a sound food product from the approval process. But we also understand, perhaps more than FDA, the importance of decisions that accept credible authority that are not endlessly postponed and that do not leave the people they affect in limbo.

The jobs of thousands of American families, and billions of dollars in investments, billions of dollars added to our economy depend on those kinds of decisions.

FDA and HHS seem indifferent to mail from Members of Congress. In January 1993, adding to the saga we were talking about, Senator CHAFEE, one of our colleagues, got an answer from Secretary Shalala in April to a letter he had dispatched in January. An April of 1993 letter from Congressman QUILLEN, in whose district this plant is located, was answered in August. A joint inquiry from me and Senator SASSER also drew a response from Secretary Shalala in August. She told us that we could read the Federal Register to learn FDA's decision.

Mr. President, let me point out on this chart the letter which we addressed to FDA through the Secretary and the answer back to us. It says to Senator SASSER and me:

> When all questions of importance regarding the safe use of sucralose are satisfactorily answered, the agency will announce its decision in the Federal Register.

And that is to two of your colleagues, Mr. President, we can read in the Federal Register what they have decided.

I think the time has come for this body to determine some way in which we can elicit response from agencies who have the economic and health

heartstrings of the people at their disposal.

Mr. President, I do not want to suggest that we are being unreasonable or that we are asking for action on an untimely matter. As I indicated, 10 years of research went into this product, which is a sweetener made from sugar. Ten years of research went into this project, and then 8 years after that research was submitted to the Food and Drug Administration, we are still awaiting the bureaucracy to work.

Mr. President, 200 people—185 people—have already been hired at this plant. They were hired based upon indications from the Food and Drug Administration that the product was going to be approved. Those 200 people have been laid off now for more than 2 years, and we still have no answer to the questions we asked.

Mr. President, losing these jobs, income, and output is the price Americans and the American economy will pay.

Mr. President, I ask for this agency to be responsive. I ask this body to join me in asking FDA to do that which is clearly indicated by the research that they have. Either approve the product or turn this down and let us use this plant for some other reason.

Clearly, when this product is on the market today, it can be bought in any of these other jurisdictions, it is being used generally, 8 years is long enough for us to decide whether or not the product is safe. I submit the case, Mr. President.

I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider the following nominations:

Calendar No. 1093, Calendar No. 1097, Calendar No. 1102 Calendar No. 1118, Calendar Nos. 1134, 1135, 1139, 1147, 1148, 1149, 1150, 51, 52, 53, 54, 55, 56, 57, 58, 59, and all nominations placed on the Secretary's desk in the Foreign Service. I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation the motion to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Jeffrey Rush, Jr., of Virginia, to be Inspector General, Agency for International Development.

DEPARTMENT OF DEFENSE

William T. Coleman III, of Michigan, to be General Counsel of the Department of the Army.

DEPARTMENT OF ENERGY

Elizabeth Anne Moler, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 1999.

AIR FORCE

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Michael E. Ryan, 505-54-9889.

ENVIRONMENTAL PROTECTION AGENCY

Robert James Huggett, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

William A. Nitze, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Norma Udall, of Virginia, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term of 6 years.

DEPARTMENT OF STATE

Brady Anderson, of Arkansas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Dorothy Myers Sampas, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

Carl Burton Stokes, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

E. Michael Southwick, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Phyllis E. Oakley, of Louisiana, to be an Assistant Secretary of State.

Richard L. Greene, of Maryland, to be Chief Financial Officer, Department of State.

Curtis Warren Kamman, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia.

Eileen A. Malloy, of Connecticut, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

Richard Holbrooke, of New York, to be an Assistant Secretary of State.

James W. Swihart, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

Robert L. Gallucci, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador at Large.

INTER-AMERICAN FOUNDATION

Neil H. Offen, of the District of Columbia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 1998.

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Ralph Earle, II, of the District of Columbia, to be Deputy Director of the United States Arms Control and Disarmament Agency.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Joseph Huggins, and ending Richard Scott Sacks, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 27, 1994.

NOMINATIONS PLACED ON CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent the Committee on Commerce, Science and Transportation be discharged from further consideration of the following nominations, that they be placed on the calendar: Henry J. Cauthen, to be a Member of the Board of Directors of the Corporation for Public Broadcasting, and Frank Henry Cruz, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

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

LEGISLATIVE SESSION

Mr. FORD. I further ask unanimous consent that the Senate return to legislative session.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

The Committee on Commerce, Science, and Transportation reported the following bill, which was ordered referred to the Committee on the Judiciary, pursuant to the order of August 25, 1994:

S. 2375. A bill to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3261. A communication from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of the OMB Sequestration update as of August 19, 1994; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1975, to the Committee on Appropriations, to the Committee on Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, to the Committee on Rules and Administration, to the Committee on Small Business, to the Committee on Veterans' Affairs, to the Special Committee on Aging, to the Select Committee on Intelligence, to the Committee on Indian Affairs, and to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 922. A bill to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court (Rept. No. 103-361).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without recommendation without amendment:

S. 2375. A bill to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs:

Gary Niles Kimble, of Montana, to be Commissioner of the Administraton for Native Americans, Department of Health and Human Services.

Harold A. Monteau, of Montana, to be Chairman of the National Indian Gaming Commission for the term of three years.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. BIDEN, from the Committee on the Judiciary:

Dennis H. Blome, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Michael D. Hawkins, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

Napoleon A. Jones, of California, to be United States District Judge for the Southern District of California.

John Corbett O'Meara, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Barrington D. Parker, Jr., of New York, to be United States District Judge for the Southern District of New York.

Becky Jane Wallace, of North Carolina, to be United States Marshal for the Middle District of North Carolina for a term of four years.

Robert J. Timlin, of California, to be United States District Judge for the Central District of California.

Roy Allen Smith, of Ohio, to be United States Marshal for the Southern District of Ohio for the term of four years.

John W. Caldwell, of Georgia, to be United States Marshal for the Southern District of Georgia for the term of four years.

David William Troutman, of Ohio, to be United States Marshal for the Northern District of Ohio for the term of four years.

Jeremy Travis, of New York, to be Director of the National Institute of Justice.

Jan M. Chaiken, of Massachusetts, to be Director of the Bureau of Justice Statistics.

Nancy E. Gist, of Massachusetts, to be Director of the Bureau of Justice Assistance.

Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General.

(The above nominations were reported with the recommendation that they be confirmed.)

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. HATFIELD (for himself and Mr. PACKWOOD):

S. 2421. A bill for the relief of Rose-Marie Barbeau-Quinn; to the Committee on the Judiciary.

By Mr. CONRAD:

S. 2422. A bill to amend the Federal Election Campaign Act of 1971 to require lobbyists who represent foreign nationals to report to the Federal Election Commission contributions made to Federal election campaigns and other political committees; to the Committee on Rules and Administration.

By Mr. DODD (for himself, Mr. BINGAMAN, and Mr. METZENBAUM):

S. 2423. A bill to amend the provisions of title 17, United States Code, to provide for the auction of certain copyrights to financially support the National Endowment for the Arts and the National Endowment for the Humanities, and for other purposes; to the Committee on the Judiciary.

By Mr. SASSER (for himself and Mr. MATHEWS):

S. 2424. A bill to expand the boundaries of the Stones River National Battlefield in Tennessee, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON:

S. 2425. A bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. D'AMATO, and Mr. WOFFORD):

S. 2426. A bill to amend the Housing and Community Development Act of 1974 to prohibit the Secretary of Housing and Urban Development from recapturing, adjusting, withdrawing, or reducing any UDAG funds from recipients of UDAG grants, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEFLIN (for himself, Mr. COCHRAN, Mr. PRYOR, Mr. DURENBERGER, Ms. MIKULSKI, Mr. GRASSLEY, Mr. CRAIG, and Mr. HELMS):

S. 2427. A bill to require the Secretary of Agriculture to offer to enter into an agreement with the National Academy of Sciences to coordinate the development of recommendations to carry out an improved inspection program for meat and poultry products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA:

S. 2428. A bill to provide for the management of the airspace over the units of the National Park System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 2429. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Office for Women Veterans and an Office for Minority Veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NUNN (for himself and Mr. COVERDELL):

S. 2430. A bill to facilitate recovery from the recent flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto by providing greater flexibility for depository institutions and their regulators, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SIMON (for himself, Mr. METZENBAUM, Mr. DECONCINI, and Mr. BUMPERS):

S. Res. 253. A resolution relating to monetary policy; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 254. A resolution to direct the Senate Legal Counsel to represent the Office of Senate Fair Employment Practices, and to authorize the Office of the Sergeant at Arms of the United States Senate to intervene and be represented by its counsel of choice, in Kenneth Riggin, et al. v. Office of Senate Fair Employment Practices, No. 94-6004 (Fed. Cir.); considered and agreed to.

By Mr. REID:

S. Res. 255. A resolution to express the sense of the Senate condemning the tactic of soliciting support for the use of violence against abortion providers and activists; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD:

S. 2422. A bill to amend the Federal Election Campaign Act of 1971 to require lobbyists who represent foreign

nationals to report to the Federal Election Commission contributions made to Federal election campaigns and other political committees; to the Committee on Rules and Administration.

THE FOREIGN AGENT AND INTEREST REPORTING ACT

• Mr. CONRAD. Mr. President, today I introduce the Foreign Agent and Interest Reporting Act, FAIR, a bill to require increased disclosure of the foreign interests which may be attempting to influence policy making within our country.

This bill amends the Federal Elections Campaign Act to include a provision requiring foreign lobbyists, known as registered foreign agents, to report to the Federal Elections Commission any contributions they make to candidates and political committees. My bill also requires that they disclose all foreign interests they represent to the FEC and to the candidates that receive their contributions.

As you know Mr. President, foreign countries and companies spend hundreds of millions of dollars per year to hire thousands of lobbyists. Foreign lobbying efforts nearly always focus on influencing important international trade issues. For example, the Mexican Government spent $30 million on lobbyists, media experts, and consultants to promote passage of the North American Free Trade Agreement. While this massive effort did not influence my position on NAFTA, I do have concerns that this extraordinary lobbying effort may have influenced the passage of this bill.

Our Nation has valued the free exercise of speech that is guaranteed by our Constitution. The right to free speech includes an individual's right to speak out on political issues. However, Mr. President, Congress may restrict the speech-oriented activities of foreigners. A dilemma arises when U.S. citizens become advocates for foreign interests. There are no restrictions for these foreign agents because they are also United States citizens.

There are some things we can do within the Constitution to shed some light on the political contributions of those who represent foreign interests. There is an old saying, "Sunlight is the best disinfectant." I think its time to shed some sunlight on this issue. It has been neglected for too long and it is time to bring this issue into the open. Congress can ensure that information detailing the efforts of foreign lobbyists to influence Federal legislation is available to the public. In a democracy, an informed public is the greatest weapon against special interests.

Mr. President, the FAIR act will require full disclosure and reporting of political donations by foreign agents. This bill will disclose the ability of foreign interests to "funnel" funds into candidates' committees through a foreign agent.

There are similar reporting requirements within the Foreign Agents Registration Act. Those reports must be submitted to, and violations of FARA are determined by the Attorney General. However, I believe my bill strengthens the current law by giving the FEC the job of oversight and enforcement. The FEC is our first line of defense against unfair campaigns.

By including disclosure and reporting requirements for foreign lobbyists within the Federal Elections Campaign Act, violations will be pursued and penalties enforced by the FEC. The FEC is able to better police and enforce the reporting requirements of foreign agents. If the FEC believes a violation was knowing and willful, the civil penalty shall not exceed $10,000 or an amount equal to 200 percent of the contribution or expenditure, whichever is greater. The FEC may also refer violations to the Attorney General for enforcement.

Mr. President, in addition to the reporting requirement to the FEC, this bill requires the foreign lobbyist to disclose the foreign interests the lobbyist represents to the political committee receiving such contribution.

My bill also amends the section of the Federal Elections Campaign Act to include lobbyists who represent foreign nationals and expands the definitions within that section.

Mr. President, I believe this bill will significantly improve the disclosure of foreign interest involvement in our country's political process. When this information is readily available, candidates, committees, campaigns, and most importantly the public, will make more informed choices regarding government. The Foreign Agent and Interest Reporting Act takes a much needed step to restoring the public confidence in political campaigns and government by making available information regarding foreign interest involvement in our political process.

I urge my colleagues to support this bill, and I ask unanimous consent that this bill be printed in the RECORD.

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

S. 2422

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 "Foreign Agent and Interest Reporting Act".

SEC. 2. REPORTING OF CONTRIBUTIONS TO FEDERAL ELECTION CAMPAIGNS AND OTHER POLITICAL COMMITTEES BY LOBBYIST WHO REPRESENT FOREIGN NATIONALS.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) in the heading by adding "AND LOBBYISTS WHO REPRESENT FOREIGN NATIONALS" at the end;

(2) by redesignating subsection (a) as subsection (b);

(3) by redesignating subsection (b) as subsection (a) and amending that subsection to read as follows:

"(a) In this section—

"(1) the term 'agent of a foreign principal' has the meaning stated in section 1 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611);

"(2) the term 'foreign national' means—

"(A) a foreign principal, but not including any individual who is a citizen of the United States; or

"(B) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence (as defined in section 1101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); and

"(3) the term 'foreign principal' has the meaning stated in section 1 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611);"; and

(4) by adding at the end the following new subsection:

"(c) A person who is required to register under the Foreign Agents Registration Act (22 U.S.C. 611 et seq.) who makes a contribution to a political committee shall, within 10 days after making the contribution—

"(1) file with the Commission a report, in such form as the Commission may require, stating—

"(A) the name of the political committee to which the contribution was made;

"(B) the amount of the contribution; and

"(C) the name of each foreign national—

"(i) on behalf of whom or which the person acted as an agent of a foreign national within the 12-month period preceding the date on which the contribution was made; or

"(ii) with whom or which the person has an agreement or understanding, as of the date on which the contribution is made, to act as a foreign agent on the foreign national's behalf within the 12-month period following the date on which the contribution was made; and

"(2) provide a copy of the report to the political committee.".•

By Mr. DODD (for himself, Mr. BINGAMAN, and, Mr. METZENBAUM):

S. 2423. A bill to amend the provisions of title 17, United States Code, to provide for the auction of certain copyrights to financially support the National Endowment for the Arts and the National Endowment for the Humanities, and for other purposes; to the Committee on the Judiciary.

THE ARTS ENDOWING THE ARTS ACT OF 1994

• Mr. DODD. Mr. President, I introduce a bill that without costing taxpayers one dime would establish a true endowment for the National Endowment for the Arts and the National Endowment for the Humanities.

This legislation identifies a new, untapped resource—the extension of copyright protection for artistic works—to benefit the arts. In essence, today's art would be supporting tomorrow's through a true endowment.

Authors and artists now enjoy exclusive copyright protection for their lives plus 50 years. After that period ends, the work enters the public domain.

My bill would extend copyright protection for an additional 20 years. The rights to the extra 20 years would be auctioned, with the proceeds going to a Federal trust fund to benefit the National Endowment for the Arts [NEA]

and the National Endowment for the Humanities [NEH].

In this way, we would establish a new, stable source of funding for the arts and humanities, without increasing Government spending.

This bill is in no way intended to deprive artists and writers of the fruits of their labor. It would not change in any way the rights they now have.

Our copyright law is based on a balance between the rights of the creator and the rights of the public. Article one of the Constitution gives Congress the authority:

> To promote the progress of science and useful arts, by securing for limited times to authors and inventors exclusive right to their respective writings and discoveries.

This provision of our Constitution ensures that creators receive compensation for their work for limited times—and that phrase is a key one. The Constitution establishes copyright protection, but it also establishes the principle that the protection is not indefinite.

I see this bill as a realistic and sensible approach to arts funding. For the past decade, Federal funding for the arts has suffered through numerous cuts and controversies. Yet, I believe national support for the arts is crucial. Not only do the arts add substantially to the quality of our lives and the lives of all of our communities, they also contribute billions annually to the economy. Just in my State of Connecticut, it is estimated that the arts contribute nearly $500 million to the economy each year.

But we cannot fool ourselves about Federal resources. They are limited. And, while I believe most taxpayers support the good work done by the NEA and NEH, I also believe that artists feel a special need to help protect and promote our artistic heritage. Renewing our commitment to the arts requires creative thinking about new ways for us to accomplish this goal. That's what this proposal aims to do.

I first introduced a bill on this topic in 1990. I have heard a number of comments and criticisms of the proposal since that time, and I have modified the legislation substantially to reflect some of these concerns. I plan to continue to solicit ideas and suggestions and work with members of the Labor Committee, Judiciary Committee, and others interested in arts and copyright law.

I would like to outline in more detail how this proposal would work. The bill would establish a semiannual silent auction for expiring registered copyrights. Copyrights successfully bid upon would transfer to the highest bidder upon expiration and would be extended by 20 years. Copyrights not successfully bid upon would enter the public domain, as under current law. In this way, we would ensure that at no time would the Government possess or hold any copyrights.

The proceeds of the auction would be deposited into a trust fund established by this act. An advisory board would administer the activities under this act and make recommendations to Congress and the appropriators on how the trust fund should be distributed to the NEA and the NEH and how to cover the cost of administering the auction.

I believe it is critically important that the final say over these dollars remain in the hands of the Congress. We have had many debates on funding for the arts over the years—and I have participated in most of those. While that process has not always been enjoyable and I have not always won, I believe continued congressional review and funding is critical to ensuring that NEA and NEH spending reflect the priorities of the Congress and the Nation.

The bill would cover works registered with the Copyright Office as performing arts, periodicals and serials, sound recordings, non-dramatic and literacy works, or visual arts.

The rights of the copyright holder at the time of the auction would not be altered in any way. The holder would be able to exercise all rights associated with copyright ownership until the date of expiration. Those rights would then transfer to the successful bidder. In addition, creators' heirs would continue to be allowed non-commercial use of the work through the fair use doctrine.

In a time of scarce Federal resources, I see this initiative as a means to shore up our support for the arts and humanities in a fresh and creative way. I invite my colleagues' input and advice on this legislation.●

By Mr. SASSER (for himself and Mr. MATHEWS):

S. 2424. A bill to expand the boundaries of the Stones River National Battlefield in Tennessee, and for other purposes; to the Committee on Energy and Natural Resources.

THE BOUNDARY EXPANSION OF STONES RIVER NATIONAL BATTLEFIELD ACT

● Mr. SASSER. Mr. President, I introduce legislation to protect a part of our national heritage. My bill will expand the boundaries of Stones River National Battlefield in my home State of Tennessee where a key battle in the Civil War was fought.

Companion legislation has been introduced in the House of Representatives by my good friend BART GORDON. Subcommittee hearings have already been held on Congressman GORDON's bill, H.R. 4266.

Now, I have discussed the historical significance of Stones River National Battlefield on previous occasions, but I would like to review it briefly because I believe it is important that we remember. It is important that we remember the 23,000 soldiers, some in Confederate uniforms and some in Union uniforms, who gave their lives on that battlefield. It is important that we remember the issues surrounding that struggle and it is important that we remember the indelible mark it has left on our great country.

The Stones River Battle, which took place near what is now Murfreesboro, TN, was pivotal in the Civil War. As a result of the hard-won victory at Stones River, Union forces were able to establish a foothold in middle Tennessee which gave them easy access to the Nashville and Chattanooga Railroad. The ability of the Union forces to locate a supply base at this strategic site may well have influenced the outcome of the war. This battle, which was fought in the dead of winter between December 31, 1862, and January 2, 1863, was one of the bloodiest battles of the war. It resulted in the deaths of 28 percent of those who fought in the battle.

Because of the battlefield's proximity to Murfreesboro—indeed parts of the battlefield lie within the city limits—it is increasingly threatened by encroaching development and rising real estate prices. Of the 3,700 acres that the battle encompassed only a small percentage has thus far been preserved.

The bill I am introducing today, along with my good friend and colleague Senator MATHEWS, would protect land that is vital to interpreting Confederate actions on the first day of the battle. The Confederates originally surprised and overwhelmed two of the three divisions constituting Gen. Alexander McCook's right wing of the Union Army. However, Union leaders were able to mount a defense and push back the Confederate tide.

At present, much of the land contained in this boundary expansion is open farmland. A dramatic vista opens to the land where the sweeping Confederate forces brushed through the crumbling Union forces. It is the most dramatic vista on Stones River National Battlefield and arguable the best vista on any major Civil War Battlefield.

Acquisition of this land is crucial to understanding the fateful Civil War battle. It will allow visitors to experience the sense of scale and perspective that can only be attained by standing on the very ground where thousands of Union and Confederate soldiers fought.

I urge expeditious action on this bill and I hope my Senate colleagues will join us in supporting this effort to protect Stones River National Battlefield for future generations.

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

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

S. 2424

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

SECTION 1. EXPANSION OF BATTLEFIELD.

The first sentence of section 1(a) of the Act entitled "An Act to amend the boundaries of Stones River National Battlefield, Tennessee, and for other purposes", approved December 23, 1987 (16 U.S.C. 426n(a)) is amended by striking out "numbered 327/80,004B, and dated November 1991" and inserting in lieu thereof "numbered 327/80,011, and dated May 1994".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the amendment made by this Act.•

Mr. MATHEWS. Mr. President, I rise as an original cosponsor and strong supporter of a bill introduced today by the senior Senator from Tennessee, an act to amend the boundaries of Stones River National Battlefield, TN.

The Stones River National Battlefield was the site of a fierce midwinter battle, from December 31, 1862, to January 2, 1863. This significant battle began the Federal offensive to trisect the Confederacy. Adjoining the battlefield is the Stones River National Cemetery with 6,831 interments, 2,562 of which are unidentified.

Mr. President, my fellow Tennesseans and Americans across our country who have a keen interest in the history of the Civil War. The lessons of our history are of the utmost importance to the young people of our country and the preservation of our heritage is a source of pride for young and old. The bill introduced today by the senior Senator from Tennessee will improve the Stones River National Battlefield thereby increasing educational opportunities for the future and preserving the memory of those who gave their lives.

Although this bill is being introduced late in the legislative session, I urge my colleagues to work for its rapid consideration and approval. Expansion of the boundaries to the Stones River National Battlefield will be a greater asset for Tennessee and the United States of America.

By Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. D'AMATO, and Mr. WOFFORD):

S. 2426. A bill to amend the Housing and Community Development Act of 1974 to prohibit the Secretary of Housing and Urban Development from recapturing, adjusting, withdrawing, or reducing any UDAG funds from recipients of UDAG grants, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE URBAN DEVELOPMENT ACTION GRANTS

• Mr. LAUTENBERG. Mr. President, I introduce legislation which would extend the Urban Development Action Grant Retention Program and waive the "integrally related activities" clause. Many projects which are essential to the economic development of some of the Nation's poorest cities depend on these UDAG funds. If these UDAG funds are lost, thousands of jobs and millions of dollars of private investment are at-risk of being lost as well.

Initially, the UDAG Retention Program was due to expire on August 24, 1994; I am pleased to report that at my and other Senators' request, including Senators BRADLEY, SASSER, WOFFORD, D'AMATO, LEVIN, FORD, BOND, and THURMOND, HUD agreed to extend the deadline until October 17. At that time, unless the Congress acts, the U.S. Department of Housing and Urban Development will recapture up to $100 million in outstanding UDAG funds. Many cities have important and viable projects that depend upon these funds. If these funds are recaptured by HUD, these job producing projects will be lost, as will the millions of dollars in private investment that are part of these projects. Extending the UDAG Retention Program and waiving the integrally related requirement is vital to the economic health of some of our Nation's poorest cities.

The UDAG program was initiated in 1978 to assist cities and to stimulate economic development activity needed to aid in economic recovery. The UDAG program was designed to foster cooperation between the public and private sectors and mandated that each public UDAG dollar must leverage at least $2.50 in private investments. Successful public-private partnerships are essential for the economic rebirth of our cities. We should strategically target public dollars in an effort to generate a flow of desperately needed private investment. If UDAG funds are lost, millions of dollars of vital private investment will be lost as well.

My legislation will enable cities to work with the private sector on projects that will create jobs, aid existing businesses and retailers, and improve the lives of millions of urban residents. In New Jersey alone, these UDAG funds will assist in building an amphitheater, a performing arts center, a hotel and convention center, retail shopping space, and a senior housing development, to name just a few. Recapturing UDAG funds would cause some of the Nation's poorest cities to lose millions of dollars in Federal funding, potentially thousands of jobs would be lost, and the economic rebirth of these cities will be dealt yet another tragic blow.

Mr. President, these UDAG funds have already been appropriated and this bill does not create any new spending. The remaining UDAG projects under discussion are in some of the Nation's poorest cities where attracting private investment has proven to be a difficult challenge. This has caused extensive delays in completing projects. However, the mayors of many of these cities are determined to see their efforts to a successful conclusion. In many cases, they already have commitments from private developers and investors and just need an exemption from the "integrally related activities" requirement in order to bring the project to completion. We must not desert our cities. We must give them every opportunity to put this money to work attracting private investment and creating jobs. I ask my fellow Senators for their support in protecting these essential UDAG funds.

I ask unanimous consent to have the text of the bill printed in the RECORD.

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

S. 2426

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

SECTION 1. UDAG RECAPTURES.

(a) IN GENERAL.—Section 119(g) of the Housing and Community Development Act of 1974 (42 U.S.C. 5318(g)) is amended by striking the second sentence and inserting the following: "Except as provided in section 232(c) of the Multifamily Housing Property Disposition Reform Act of 1994, during the 18-month period beginning on the date on which the UDAG Retention Program authorized by such section expires, the Secretary shall be prohibited from recapturing, adjusting, withdrawing, or reducing any UDAG funds from recipients of UDAG grants. For the duration of the UDAG Retention Program, the Secretary—

"(1) shall provide technical assistance to grant recipients to adjust, rework, relocate, refine, redefine, or otherwise revise the original UDAG project description to produce a viable UDAG project in accordance with the requirements of this section; and

"(2) shall not impose regulatory requirements that are not statutorily based if such requirements restrict the revision or use of UDAG funding, including any requirement that amendments to an urban development action grant agreement must be for activities that are 'integrally related activities' in relation to the approved project.".

(b) EXTENSION OF TIME PERIOD.—Section 119(t) of the Housing and Community Development Act of 1974 (42 U.S.C. 5318(t)) is amended by striking "90 days" each place it appears and inserting "21 months".•

• Mr. LEAHY. Mr. President, I am pleased to join as an original cosponsor to the legislation offered by Senator LAUTENBERG concerning the recapture of unspent Urban Development Action Grant [UDAG] funds by the Department of Housing and Urban Development.

The UDAG Program was particularly well and wisely used by several Vermont communities to provide critical "gap" funding to ensure the success of worthy, job-producing economic development projects that otherwise would not have been possible.

Nowhere in Vermont was UDAG funding more important than in the town of Brattleboro. In 1989 a UDAG award—one of the last made under the program—allowed Brattleboro's leaders to retain more than 200 jobs at the Holstein Association, which was considering a move out of State. The project, construction of a new headquarters building by Holstein, was successful in

several respects, including a cost saving of $238,000 in UDAG funds resulting from lower than expected development costs—a rare phenomenon these days for a major commercial building project.

Since October of 1993, town of Brattleboro officials have been discussing the ultimate disposition of these unspent UDAG funds with HUD personnel. The town has concrete plans to invest them in two commercial projects, both involving rehabilitation of two once-productive mill buildings into incubator space for small to medium size companies. It is a worthy plan that has attracted both State and private investment and complements the economic benefits realized by Brattleboro from the Holstein UDAG.

The town of Brattleboro has twice submitted this plan to HUD—first in a preliminary proposal submitted in December of 1993 and then in a final proposal dated June 29, 1994, which the Department is now considering. However, according to the Department, the plan may not strictly meet the Department's regulatory test that requires the new proposal to be "integrally related activities" to the original Holstein UDAG project.

This concerns me for two reasons. First, the town of Brattleboro's proposal involves two bona fide, carefully planned economic development projects that have attracted considerable non-Federal investment. And second, I can find no statutory basis for the "integrally related" regulatory requirement that the Department applies as a test to proposals of this nature. In fact, the words "integrally related" appear only once in HUD's regulations and that is within the definition of a project.

The term "integrally related activities" is a regulatory test which has prevented many communities like Brattleboro from investing unspent UDAG funds in job-creating and tax-generating projects. This legislation will release unspent UDAG funds to these communities, such as Brattleboro, and open the opportunity to invest public funds matched with private money in their local economies, as was originally intended by the Congress.

Mr. President, today I join with Senator LAUTENBERG in sponsoring a bill that will resolve the UDAG recapture problem for Brattleboro and many other communities around the country. It's time to support their efforts to promote economic growth that has been inhibited by this nonstatutorily based regulatory requirement.

The measure will be referred to the Senate Banking Committee. I urge my colleagues on the panel to report the legislation as soon as possible so that the full Senate can consider and approve this important economic development bill.●

By Mr. HEFLIN (for himself, Mr. COCHRAN, Mr. PRYOR, Mr. DURENBERGER, Ms. MIKULSKI, Mr. GRASSLEY, Mr. CRAIG, and Mr. HELMS):

S. 2427. A bill to require the Secretary of Agriculture to offer to enter into an agreement with the National Academy of Sciences to coordinate the development of recommendations to carry out an improved inspection program for meat and poultry products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE IMPROVED MEAT AND POULTRY INSPECTION PROGRAM STUDY ACT

Mr. HEFLIN. Mr. President, today on behalf of Senators COCHRAN, DURENBERGER, MIKULSKI, GRASSLEY, PRYOR, CRAIG, HELMS, and myself, I rise to introduce a bill which would authorize the National Research Council's National Academy of Sciences [NAS] to commission a study that would, in 6 months, result in a practical blueprint for an improved USDA meat and poultry inspection program. By improved, I mean one that is scientifically credible, addresses current risks to human health, and is acceptable to consumers, taxpayers, public health officials, producers, and processors.

The purpose of this bill is to expedite meat inspection reforms by requiring a quick, thoughtful, and practical action plan for the Secretary of Agriculture. A modern inspection program should concentrate on the health risks of the 1990's, instead of those identified in 1906 when inspection first started. The current inspection program's institutional lack of focus on modern food safety concerns, such as microbiological hazards, threatens to undermine the credibility of an important Government program.

The General Accounting Office [GAO] has stated "resources that could be more effectively used in a risk-based system are drained away by labor-intensive inspection procedures and inflexible inspection frequencies." Both consumers and the regulated industry deserve more effective and efficient Government service.

In the mid-1980's, the National Academy of Sciences [NAS] concluded in two separate studies that meat and poultry inspection should be converted to control "hazards at their point of entry into the food chain." NAS observed that "controlling, monitoring and verifying processing systems are more effective than relying upon end-product testing to assure a safe product." Yet, in the decade since these NAS reports, USDA has not substantially changed inspection.

The GAO and numerous Senators and Congressmen have urged USDA to shift to a modern, risk-based, hazard analysis critical control point [HACCP] approach to meat and poultry inspection and to provide legislation which would reduce the pathogen problem. Nonetheless, to date, neither USDA nor Congress have acted to regulate or enact any significant statutory reform of the current system.

Fine tuning the existing system through evolutionary change is not enough; fundamental and revolutionary changes are needed. The NAS can provide the forum and guidance necessary to implement such massive change, while assuring the public of the continued safety and integrity of our Nation's food products.

In response to the lack of clear direction, I am introducing this bill as an alternative approach to bring about prompt inspection reform. This bill would require NAS to work with existing outside experts, the National Advisory Committee on Meat and Poultry Inspection, and the National Advisory Committee on Microbiological Criteria for Foods, to produce a blueprint for meat and poultry inspection reform.

Pursuant to this legislation, the NAS would serve primarily as technical experts and facilitators. It would be responsible for the development in 6 months of an objective report laying out the issues in detail and proposing a range of legislative and regulatory options. To do this, NAS would provide a venue where all interests would be invited to work in a cooperative and constructive manner to review and critique these options.

Final recommendations, legislative or regulatory, for action from a neutral, third party, such as NAS, could finally break apart the political and bureaucratic logjam that has prevented needed reforms.

I would hope the NAS report would establish a preeminent meat and poultry food safety system from farm to table. The improved inspection system would focus on preventing and reducing microbiological, chemical, and physical hazards that may endanger human health. Congress would then have the opportunity to act on the NAS recommendations early next year.

In addition, the NAS would also be required to recommend changes to upgrade the current training, education, and management requirements for USDA inspectors, including, for example, the role of inspectors in monitoring, verifying, and auditing new systems such as HACCP. The recommendations would also include a suggested timetable for implementing the new inspection system.

This bill will serve as the fundamental mechanism for moving the Government forward after years of delay. Congressman CHARLIE STENHOLM has introduced similar legislation, H.R. 4562, in the House.

I urge my colleagues to join us in cosponsoring this legislation and swift enactment.

By Mr. AKAKA:

S. 2428. A bill to provide for the management of the airspace over the units of the National Park System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL PARKS AIRSPACE MANAGEMENT ACT OF 1994

• Mr. AKAKA. Mr. President, today I am introducing legislation designed to mitigate the impact of aircraft overflights over units of the National Park System. The National Parks Airspace Management Act of 1994 would create a new statutory framework for minimizing the environmental effects of air tour activity on park units.

Briefly, my bill would: Specify the respective authorities of the National Park Service and the Federal Aviation Administration [FAA] in developing and enforcing park overflight policy; impose a general, 3,000-foot minimum altitude restriction on commercial air tour and military operations throughout the park system; establish a new, single standard governing the certification and operation of all commercial air tour operators that conduct flights over national parks; establish a process for developing individualized airspace management plans at parks experiencing significant commercial air tour activity; provide for the designation of flight-free parks; require a variety of safety measures, such as improved aircraft markings, maintenance of accurate aeronautical charts, and installation of flight monitoring equipment; and, establish a National Park Overflight Advisory Council.

As my colleagues are aware, aircraft activity over noise-sensitive areas such as national parks has been increasing in scope and intensity for a number of years, sparking significant public debate and controversy about the safety and environmental impact of overflights. The focus of much of the debate, and much of the controversy, has been the commercial air tour sightseeing industry, which has experienced explosive growth in some areas, most notably at the Grand Canyon and in my own State of Hawaii.

According to a memorandum prepared for a recent House Aviation Subcommittee hearing, the air tour industry has become a $500 million business nationwide; fully half of that revenue, amounting to 800,000 passengers annually, is generated in the Grand Canyon area. Likewise, local news reports indicate that the Hawaii air tour industry, which is centered around tours of Haleakala and Volcanoes National Parks, is projecting record numbers of customers and revenues this year—a staggering 700,000 passengers and $100 million, respectively.

But Arizona and Hawaii are not the only States affected. The House memorandum I referred to earlier also noted significant activity developing in such widely-dispersed locations as Glacier National Park in Montana, the Utah national parks, the Alaska national parks, Mount Rushmore in South Dakota, and the Statute of Liberty and Niagara Falls in New York. In fact, at Great Smoky Mountains National Park, commercial air tour overflights have fostered such opposition that Tennessee has passed legislation attempting to restrict such flights.

Thus, the problems that my bill attempts to address are national, not merely local, in scope and interest. I would venture to say that every Member of this body has, or will soon have, a park in his or her State that is impacted, to a greater or lesser degree, by commercial air tour operations.

Mr. President, the legislation I am offering is by no means the first attempt to deal with this issue through legislation. In 1987 Congress passed the National Parks Overflights Act, Public Law 100–91, which established certain flight restrictions at three parks which were experiencing heavy air traffic. Flights below-the-rim at Grand Canyon were permanently banned and a Special Federal Aviation Regulation [SFAR] was established creating flight-free zones and air corridors there. Less stringent, temporary altitude restrictions were established for Yosemite in California and Haleakala in Hawaii. At Haleakala, all helicopters and fixed-wing aircraft were restricted from flying at altitudes under 9,500 feet above mean-sea-level over Haleakala Crater and other sensitive points.

In addition, the act mandated a 3-year study to determine appropriate minimum altitudes for aircraft overflying national parks. The study was supposed to evaluate the impact of aircraft noise on the safety of park system users and on park values, and provide recommendations to Congress and the administration on ways to mitigate the effects of aircraft noise.

Unfortunately, the minimum altitude restrictions placed on Haleakala, Yosemite, and Grand Canyon as well, by Public Law 100–91 have not adequately addressed the noise and safety problems there, given the explosive growth in air tour activity at these parks. And, of course, the act did not provide mitigation measures for other parks experiencing high levels of air traffic, such as Hawaii volcanoes. As for the park overflights study, which presumably could have provided guidance on this matter, it has yet to be completed, and is now 4 years overdue.

Meanwhile, in Hawaii, outcry over low-level aircraft flights impelled the FAA, the Park Service, the State, and community groups to convene a number of public hearings; all have been characterized by sharp differences of opinion between air tour supporters and anti-noise proponents. It is the safety issue, however, that has taken center stage in my State recently, with two tour helicopters having crashed on the same day last July. Tragically, the crash off the island of Kauai claimed three lives, including that of the pilot and two passengers. According to an article in the Honolulu Star Bulletin, these three deaths raise the fatality count from tour aircraft crashes in Hawaii to 23 since 1992. The FAA has documented 11 accidents in Hawaii in the past 6 months which have resulted in serious injuries or fatalities.

Alarmed by these statistics, the FAA recently advised my office of its plans to: Initiate a comprehensive review of operations and maintenance practices of the Hawaii air tour industry; issue an emergency rulemaking to require that all air tour operators conduct operations under Federal Aviation Regulation part 135; and, establish minimum altitude, weather, and site "stand off" distances to address safety and noise considerations of the community. The FAA's "white glove" inspection has already begun, and the National Transportation Safety Board [NTSB] has announced plans to review the commercial air tour industry in both Hawaii and the Grand Canyon, with hearings to be held in both the Aloha State and Arizona.

Given the number of accidents and resulting fatalities in the last several years, I have welcomed both the FAA's action plan and the NTSB review. I also welcomed, and endorsed the well-documented recommendations the Board has already made as a result of its investigations of air tour accidents in Hawaii. I intend to follow up with the FAA on the status of the Board's recommendations, a number of which have national implications.

Aside from safety, it is also time to act on the environmental impacts of overflights, with particular emphasis on the noise issue. A number of our colleagues, including Congresswoman PATSY MINK, Congressman PAT WILLIAMS, and Senator JOHN MCCAIN, have authored legislation that addresses different aspects of the park overflights problem: Congresswoman MINK proposes to regulate airspace over national parks in Hawaii; Congressman WILLIAMS wishes to establish air tourism as a park concession; and, Senator MCCAIN encourages the development of quiet aircraft technology. Their leadership on this issue is a major reason why the Clinton administration, in sharp contrast to previous administrations, has made a good faith effort to address the noise and environmental impacts of commercial air tour overflights through existing regulatory authorities and mechanisms. The interagency working group formed last December by Secretary Babbit and Secretary Peña has demonstrated that a measure of cooperation between the FAA and Park Service can be achieved in addressing this issue.

Nevertheless, while I appreciate the administration's sincere efforts to address the overflights issue on its own, I

believe that only Congress, through legislation, can produce lasting, effective policy on this matter. The simple truth is, this issue cannot be resolved administratively. The FAA and the Park Service, the two agencies with the greatest responsibility in this area, are governed by vastly different statutory mandates. On the one hand, the FAA is responsible for the safety and efficiency of air commerce; on the other, the Park Service is charged with protecting and preserving park resources; at some point—in this case the regulation of airspace over noise sensitive areas—their interests are mutually incompatible. Only by changing or clarifying their statutory responsibilities with respect to the management of park airspace can they be expected to work together to address the overflights problem.

Mr. President, incompatibility between the FAA and Park Service missions is the single most important reason why an effective, long-term park overflights policy cannot be developed by the administration absent statutory guidance from Congress. It explains why there is such a sharp division on this issue in the community as well, since both proponents and opponents of commercial air tours can call upon their agency of choice to support their respective positions.

Mr. President, the legislation I am proposing today would address this and other barriers to the development of a comprehensive park overflights policy. My bill deals with the commercial air tour overflights issue in a national context, since the safety and environmental concerns which are being debated so vociferously in Hawaii are being echoed at park units scattered throughout the National Park System.

At the outset, my bill establishes a finding that "natural quiet" is a park resource which warrants the same protection afforded other park resources and values.

It creates a new statutory framework for minimizing the environmental effects of air tour activity on units throughout the National Park System, and establishes a 3,000-foot minimum altitude for air tour operations over all units of the National Park System, unless a lower, or higher, minimum altitude is specified in an agreement for a specific park unit among air tour operators, the FAA and the Park Service. In addition, a 3,000-foot minimum altitude is established for military aircraft, unless otherwise agreed to between the Defense Department and the Interior Department.

The bill articulates a regulatory scheme under which the Park Service and the FAA are required to work in tandem to develop operational policies with respect to the overflights problem. It provides for joint administration in many areas while clearly denoting the FAA's primacy on matters related to safety and air efficiency and the Park Service's lead role in identifying the resources to be protected and the best means of protecting them.

My legislation requires the FAA to implement a single standard, through a new subpart of part 135, title 14, Code of Federal Regulations, for certifying commercial air tour operators. Such a uniform standard, which has been recommended by the NTSB, will substantially enhance safety by providing essential consistency in such areas as pilot qualifications, training, and flight and duty time limitations.

It mandates the development by the FAA of a generic operational rule for commercial air tour operations at all National Park System units, subject to modification at individual park units based on negotiations among air tour operators, the FAA, and the Park Service.

The bill requires the development, with public involvement, of individually-tailored park airspace management plans for units significantly affected by overflight activity, as determined by the Director of the Park Service. It calls for good faith negotiations between commercial air tour operators and both the Park Service and the FAA to reach agreement on flights over park areas.

It specifies that the Park Service, in consultation with the FAA and with opportunity for public comment, to develop criteria for, and to designate, "flight-free" parks.

The legislation invokes a three-tiered "enforcement" mechanism—including voluntary compliance with negotiated agreements, imposition of operational rules developed and enforced by FAA, and establishment of Special Federal Aviation Regulations developed and enforced by FAA—in the event that agreement cannot be reached or the impacts of agreed upon overflights are greater than anticipated.

My bill also requires the use of alternative dispute resolution procedures to resolve interagency disagreements as well as those between commercial air tour operators and the regulatory agencies.

It mandates commercial air tour safety initiatives recommended by the National Transportation Safety Board and others, including the installation of a flight monitoring system and the use of identification markings unique to a commercial air tour operator, and the development of aeronautical charts which reflect airspace management provisions with respect to individual park units.

Last but by no means least, the bill establishes a National Park Overflight Advisory Council that would provide advice and recommendations to the Park Service and the FAA on all issues related to commercial air tour flights over park units, and serve as a national forum for interest groups—including representatives of the air tour industry and the environmental community—to constructively exchange views.

Mr. President, I believe that the legislation I am offering today will minimize the adverse effects of commercial air tour flights on park resources as well as on the ground visitor experience, while enhancing the safety of such flights. I believe it is a balanced measure that, through extensive opportunity for public involvement, attempts to accommodate the legitimate concerns of all park users.

Nevertheless, my bill's central premise is that the 367 park units of the National Park System were created because of their exceptional natural or cultural significance to the American people. All of the provisions of the National Parks Airspace Management Act are therefore designed with the protection of park resources as its essential, if not exclusive, goal. For it is self-evident that a park whose values have been corrupted is a park ultimately not worth visiting, by air or land.

Mr. President, as the population soars, and we begin to inhabit lands that were once free of human intrusion, fewer and fewer places remain where we can seek refuge from the demands of civilization and renew our spirits in nature. If each park is a cathedral, Mr. President, then we in Congress are their deacons. It is therefore up to us, the guardians of these supreme natural legacies, to make certain that there will always be sanctuaries in this great land of ours where park visitors can still hear the cry of the eagle on the wing, the plaintive howl of the wolf at sunset, or the wind rustling through a pine forest—places where natural quiet, that ineffable, inimitable quality, is the only fitting condition.

Thank you, Mr. President. 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. 2428

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 "National Parks Airspace Management Act of 1994".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Air tour flights over units of the National Park System may have adverse effects on such units.

(2) Congressional concern over the effects of low-level flights on the units of the National Park System led to the enactment of the Act entitled "An Act to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units", approved August 18, 1987 (Public Law 100–91; 101 Stat. 674; 16 U.S.C. 1a–1 note). The Act required the Director to identify problems associated with flights by aircraft in

the airspace over the units of the National Park System.

(3) The number of flights by aircraft over units of the National Park System has increased rapidly since the enactment of the Act, and the National Park Service continues to struggle to develop a policy which would achieve an acceptable balance between flights over such units by commercial air tour operators and the protection of the resources in such units and the experiences of visitors to such units.

(4) Visitors to certain units of the National Park System may reasonably expect quiet during their visits to such units, particularly visitors to units established with the specific goal of providing visitors to the units with an opportunity for solitude.

(5) Natural quiet is an inherent resource of certain units of the National Park System. It is in the public interest that natural quiet at such units be conserved in the same manner as other resources under the care and jurisdiction of the National Park Service.

(6) The public has registered a significant number of complaints about commercial air tour flights over certain areas under the jurisdiction of the National Park Service.

(7) Such flights may degrade the experiences of visitors to the affected areas and may have adverse effects on wildlife and cultural resources in such areas.

(8) The Federal Aviation Administration continues to have difficulty controlling adequately commercial air tour flights by aircraft over units of the National Park System that are adversely affected by such flights.

(9) There are significant and continuing concerns about the safety of commercial air tour flights over some units of the National Park System, including concerns for the safety of occupants of the flights, of visitors to such units, of Federal Government employees at such units, and of the general public.

SEC. 3. MINIMIZATION OF EFFECTS OF COMMERCIAL AIR TOUR FLIGHTS OVER UNITS OF THE NATIONAL PARK SYSTEM.

(a) PROHIBITION ON FLIGHTS BELOW CERTAIN ALTITUDES.—(1) Notwithstanding any other provision of law and subject to paragraph (2), a commercial air tour operator may not conduct the portion of a commercial air tour flight that takes place over a unit of the National Park System at an altitude that is less than 3,000 feet above ground level.

(2) The prohibition in paragraph (1) may not be construed to prohibit an agreement among a commercial air tour operator, the Administrator, and the Director which establishes a minimum flight altitude for commercial air tour flights of the operator over a particular unit of the National Park System that differs from the minimum flight altitude set forth in that paragraph.

(b) ADDITIONAL ACTIONS TO MINIMIZE EFFECTS.—Notwithstanding any other provision of law, the Administrator and the Director shall jointly take such actions as the Administrator and the Director determine appropriate in order—

(1) to determine the most practical and effective means of minimizing the effects of commercial air tour flights over units of the National Park System;

(2) to implement such means; and

(3) to conduct periodic training of the employees of the Federal Aviation Administration and the National Park Service on matters relating to the implementation of such means.

SEC. 4. DEVELOPMENT OF SINGLE STANDARD FOR CERTIFYING COMMERCIAL AIR TOUR OPERATORS.

(a) COMMENCEMENT OF RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall initiate formal rulemaking procedures for the purpose of prescribing a new subpart of part 135 of title 14, Code of Federal Regulations (relating to air taxi operators and commercial operators), which would specifically cover all commercial air tour operators (as that term will be defined by the Federal Aviation Administration under the subpart) that conduct commercial air tour flights over units of the National Park System.

(b) COVERED MATTERS.—The subpart prescribed under subsection (a) shall contain regulations that address safety and environmental issues with respect to commercial air tour flights over units of the National Park System. In prescribing the subpart, the Administrator shall attempt to minimize the financial and administrative burdens imposed on commercial air tour operators by such regulations.

(c) COMPLETION.—The Administrator shall—

(1) complete prescription of the regulations referred to in subsection (a) not later than the end of the 1-year period beginning on the date of the enactment of this Act; or

(2) if the Administrator does not complete the prescription by the end of that period, submit to Congress a report at the end of that period which report shall—

(A) provide an explanation of the failure of the Administrator to complete the prescription within that period; and

(B) describe the status of the regulations to be prescribed.

SEC. 5. DEVELOPMENT OF OPERATIONAL RULE FOR COMMERCIAL AIR TOUR OPERATIONS OVER UNITS OF THE NATIONAL PARK SYSTEM.

(a) REQUIREMENT.—(1) Except as provided in paragraph (2), the Administrator shall initiate formal rulemaking procedures for the purpose of prescribing a single operational rule which would govern the conduct of fixed-wing and rotorcraft flights by commercial air tour operators over the units of the National Park System. The Administrator shall initiate such procedures not later than 90 days after the date of the enactment of this Act.

(2) The Administrator may prescribe separate operational rules governing the conduct of flights by fixed-wing aircraft and by rotorcraft if the Administrator determines under subsection (b)(1) that separate rules are warranted.

(b) CONSIDERATIONS.—In developing an operational rule under subsection (a), the Administrator shall—

(1) consider whether differences in the characteristics and effects on the environment of fixed-wing aircraft and rotorcraft warrant the development of separate operational rules with respect to such craft;

(2) provide a mechanism for the Director to recommend individual units or geographically proximate groups of units to be designated as aerial sightseeing areas, as defined by Federal Aviation Administration Handbook 92.01, dated January 1992; and

(3) provide a mechanism for the Director to obtain immediate assistance from the Administrator in resolving issues relating to the use of airspace above units which issues are of a critical, time-sensitive nature.

(c) COMPLETION.—The Administrator shall—

(1) complete prescription of the regulations referred to in subsection (a) not later than the end of the 1-year period beginning on the date of the enactment of this Act; or

(2) if the Administrator does not complete the prescription by the end of that period, submit to Congress a report at the end of that period which report shall—

(A) provide an explanation for the failure of the Administrator to complete the prescription within that period; and

(B) describe the status of the regulations to be prescribed.

(d) EFFECT ON AGREEMENTS.—Nothing in this section is intended to preclude the Administrator, the Director, and a commercial air tour operator from entering into an agreement under section 7 (including an agreement under subsection (c)(3) or (d)(1) of that section) on the conduct of air tour flights by the air tour operator over a particular unit of the National Park System under different terms and conditions than those imposed by the operational rule or rules prescribed under this section.

SEC. 6. FLIGHT-FREE PARKS.

(a) DESIGNATION OF UNITS.—Not later than 1 year after the date of the enactment of this Act, the Director, in consultation with the Administrator, shall—

(1) prescribe criteria to identify units of the National Park System where air tour flights by commercial air tour aircraft are incompatible with or injurious to the purposes and values for which such units were established;

(2) identify any units of the National Park System which meet such criteria; and

(3) designate such units as units of the National Park System covered by this section.

(b) REQUIREMENTS RELATING TO CRITERIA.—In prescribing criteria under subsection (a), the Director—

(1) shall ensure sufficient opportunity for public comment;

(2) shall give due consideration to the comments and recommendations of the National Park Overflight Advisory Council established under section 10 and of the Federal Interagency Airspace/Natural Resource Coordination Group, or any successor organization to that entity; and

(3) may utilize the authority to engage in negotiated rulemaking under subchapter III of chapter 5 of title 5, United States Code.

(c) EFFECT OF DESIGNATION.—

(1) PROHIBITION.—Except as provided in paragraphs (2) and (3), commercial air tour flights may not be conducted in the airspace over any unit of the National Park System designated under subsection (a)(3).

(2) OPERATORS CONDUCTING FLIGHTS BEFORE 1994.—

(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (4), a commercial air tour operator that conducted commercial air tour flights in the airspace over a unit designated under subsection (a)(3) as of December 31, 1993, may continue to conduct flights in that airspace.

(B) LIMITATION.—The number of commercial air tour flights over a unit that a commercial air tour operator may conduct under this paragraph in any year after 1994 may not exceed the number of such flights that the operator conducted over the unit during 1993.

(3) OPERATORS COMMENCING FLIGHTS AFTER 1993.—

(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (4), a commercial air tour operator that commences, during the period beginning on January 1, 1994, and ending on the date of the enactment of this Act, the conduct of commercial air tour flights in the

airspace over a unit designated under subsection (a)(3) may continue to conduct flights in that airspace.

(B) LIMITATION.—The number of commercial air tour flights over a unit that a commercial air tour operator may conduct under this paragraph in any month after December 1994 may not exceed the average number of flights per month that the operator conducted over the unit during the period referred to in subparagraph (A).

(4) EFFECT OF SALE OR DISCONTINUATION OF OPERATIONS.—

(A) PROHIBITION ON SALE.—The authority of a commercial air tour operator to conduct commercial air tour flights under paragraph (2) or (3) may not be sold, conveyed, or otherwise transferred.

(B) DISCONTINUATION.—Upon the discontinuation by a commercial air tour operator of commercial air tour flights over a unit of the National Park System under paragraph (2) or (3), the authority of the air tour operator to conduct such flights over that unit shall terminate.

SEC. 7. FLIGHTS OVER OTHER UNITS OF THE NATIONAL PARK SYSTEM.

(a) NATIONAL PARK AIRSPACE MANAGEMENT PLANS.—

(1) IN GENERAL.—The Director and the Administrator shall establish in accordance with this subsection a plan for the management of the airspace above each unit of the National Park System not designated under section 6 that—

(A) is affected by commercial air tour flights to such an extent that the Director considers the unit to be a unit requiring an airspace management plan; or

(B) is a unit over which—

(i) no commercial air tour flights occurred on or before the date of the enactment of this Act; and

(ii) a commercial air tour operator proposes to conduct commercial air tour flights after that date.

(2) PLAN PURPOSE.—The purpose of a plan under this subsection is to minimize the adverse effects of commercial air tour flights on the resources of a unit of the National Park System.

(b) DEVELOPMENT OF AIRSPACE MANAGEMENT PLANS.—

(1) IN GENERAL.—

(A) AFFECTED UNITS.—The Director and the Administrator shall jointly develop a plan for the management of the airspace above a unit of the National Park System referred to in subsection (a)(1)(A) not later than 1 year after the date of the determination by the Director under that subsection that the unit requires such a plan.

(B) UNITS SUBJECT TO PROPOSED OPERATIONS.—In the case of a unit referred to in subsection (a)(1)(B), the Director and the Administrator shall jointly develop a plan for the management of the airspace over the unit not later than 180 days after the date on which a commercial air tour operator first submits to the Director a proposal referred to in that subsection. The proposal shall include any information that the Director and the Administrator consider necessary in order to evaluate fully the proposal.

(2) TREATMENT OF RELEVANT EXPERTISE.—In developing plans under paragraph (1), the Administrator shall defer to the Director in matters relating to the identification and protection of park resources, and the Director shall defer to the Administrator in matters relating to the safe and efficient management of airspace.

(3) NEGOTIATED RULEMAKING.—In developing a plan for a unit, the Director and the Administrator shall jointly—

(A) determine whether the utilization of negotiated rulemaking procedures under subchapter III of chapter 5 of title 5, United States Code, in the development of the plan is in the public interest; and

(B) if the Director and the Administrator determine that such utilization is in the public interest, develop the plan utilizing procedures for such rulemaking under that subchapter.

(4) COMMENT ON PLANS.—In developing a plan for a unit, the Director and the Administrator shall—

(A) ensure sufficient opportunity for public comment; and

(B) give due consideration to the comments and recommendations of the National Park Overflight Advisory Council established under section 10 and the Federal Interagency Airspace/Natural Resource Coordination Group, or any successor organization to that entity.

(5) RESOLUTION OF PLAN INADEQUACIES.—If the Director and the Administrator disagree with respect to any portion of a proposed plan under this subsection, the Director and the Administrator shall refer the proposed plan to the Secretary of the Interior and the Secretary of Transportation who shall jointly resolve the disagreement.

(6) ASSESSMENT OF EFFECTS OF OVERFLIGHTS.—The Director and the Administrator may jointly conduct any studies to ascertain the effects of low-level flights of commercial air tour aircraft over units of the National Park System that the Director and the Administrator consider necessary for the development of plans under this subsection.

(7) PERIODIC REVIEW.—The Director and the Administrator shall periodically review each plan developed under this subsection. The purpose of the review is to ensure that the plan continues to meet the purpose of the plan under this subsection. The Director and the Administrator may revise a plan if they determine based on such review that such revision is advisable.

(c) FLIGHTS OVER UNITS REQUIRING MANAGEMENT PLANS.—

(1) FLIGHTS OVER UNITS COVERED BY PLANS.—A commercial air tour operator may not conduct commercial air tour flights in the airspace over a unit of the National Park System covered by an airspace management plan developed under subsection (b) unless the commercial air tour operator enters into an agreement with respect to the conduct of such flights under paragraph (3).

(2) FLIGHTS PENDING DEVELOPMENT OF PLANS.—

(A) FLIGHTS BY EXISTING OPERATORS.—

(i) IN GENERAL.—A commercial air tour operator described in clause (ii) may conduct commercial air tour operations in the airspace over a unit described in that clause during the period of the development of an airspace management plan for the unit under this section. The number of such flights during any day in that period may not exceed the average daily number of commercial air tour flights conducted by the air tour operator during the 12-month period ending on the date of the commencement of the development of the plan under this section.

(ii) COVERED OPERATORS.—Clause (i) applies to any commercial air tour operator that conducts commercial air tour flights over a unit of the National Park System for which the Director determines under subsection (a) that an airspace management plan is required if the commercial air tour operator conducts such flights over the unit as of the date of that determination.

(B) FLIGHTS BY POTENTIAL OPERATORS.—Except as provided in subparagraph (A), a commercial air tour operator may not conduct commercial air tour flights over a unit of the National Park System referred to in clause (ii) of that subparagraph during the period referred to in clause (i) of that subparagraph.

(3) AGREEMENT.—An agreement referred to in paragraph (1) is an agreement among a commercial air tour operator, the Director, and the Administrator which provides for the application of relevant provisions of the airspace management plan for the unit concerned to the commercial air tour operator entering into the agreement.

(d) FLIGHT OVER UNITS NOT REQUIRING MANAGEMENT PLANS.—

(1) REQUIREMENT FOR AGREEMENT.—A commercial air tour operator may not conduct commercial air tour flights over a unit of the National Park System for which no airspace management plan is required under this section unless the commercial air tour operator enters into an agreement with the Director and the Administrator relating to the conduct of such flights. The terms and conditions of the agreement shall, to the maximum extent practicable, provide for the conduct of air tour flights by the air tour operator in a manner that minimizes the adverse effect of such air tour flights on the environment of the unit.

(2) FLIGHTS PENDING AGREEMENT.—A commercial air tour operator that conducts commercial air tour flights over a unit referred to in paragraph (1) on the date of the enactment of this Act may continue to conduct such flights during negotiations for the agreement referred to in paragraph (1). The number of such flights during any day in that period may not exceed the average daily number of commercial air tour flights conducted by the air tour operator during the 12-month period ending on the date of the commencement of negotiations for the agreement.

(e) RESOLUTION OF DISPUTES IN ENTERING INTO AGREEMENTS.—

(1) RESOLUTION.—In the event of a dispute between a commercial air tour operator and the Director and the Administrator during entry into an agreement under subsection (c) or (d), the Director, the Administrator, and the air tour operator shall attempt to resolve the dispute using the dispute resolution proceedings authorized under subchapter IV of chapter 5 of title 5, United States Code.

(2) FAILURE OF RESOLUTION.—If the Director, the Administrator, and a commercial air tour operator are unable to resolve a dispute referred to in paragraph (1) using the dispute resolution procedures referred to in that paragraph, the Administrator shall prescribe an operational rule for the unit of the National Park System concerned in accordance with subsection (f)(3).

(f) OVERSIGHT.—

(1) ASSESSMENT OF EFFECTIVENESS OF AGREEMENTS.—The Director shall periodically carry out such studies as are necessary to determine if agreements entered into under subsections (c) and (d) are adequate to minimize the adverse effects of commercial air tour flights on the resources of the units of the National Park System covered by such agreements.

(2) RESPONSE TO INADEQUACY.—If the Director determines under paragraph (1) that one or more agreements referred to in that paragraph are inadequate to minimize the effects referred to in that paragraph, the Director shall—

(A) notify the Administrator and the commercial air tour operator concerned of that determination; and

(B) attempt to resolve the inadequacy utilizing the dispute resolution procedures authorized under subchapter IV of chapter 5 of title 5, United States Code.

(3) ADDITIONAL RESOLUTION AUTHORITY.—

(A) OPERATIONAL RULE.—If the Director, the Administrator, and a commercial air tour operator are unable to resolve an inadequacy in an agreement utilizing the dispute resolution procedures referred to in paragraph (2)(B), the Administrator shall prescribe an operational rule for the unit concerned. The purpose of the rule shall be to minimize the adverse effects of commercial air tour flights on the resources of the unit concerned.

(B) DISPUTES RELATING TO RULE.—If the Director determines that the implementation of an operational rule, and the enforcement thereof by the Administrator, is inadequate in whole or in part to minimize the adverse effects of commercial air tour flights on the resources of the unit concerned, the Director shall—

(i) notify the Administrator and the commercial air tour operator or operators concerned of that determination; and

(ii) attempt to resolve the inadequacy utilizing the dispute resolution procedures authorized under subchapter IV of chapter 5 of title 5, United States Code.

(C) FINAL RESOLUTION.—If the Director, the Administrator, and the commercial air tour operator or operators concerned are unable to resolve an inadequacy in an operational rule under subparagraph (B), the Administrator shall develop a Special Federal Aviation Regulation (SFAR) covering the unit concerned.

SEC. 8. FLIGHTS BY OTHER AIRCRAFT OVER UNITS OF THE NATIONAL PARK SYSTEM.

(a) FLIGHT EMERGENCIES.—No provision of this Act shall apply to an aircraft experiencing an in-flight emergency.

(b) FLIGHTS BY MILITARY AIRCRAFT.—Notwithstanding any other provision of law, military aircraft may not conduct flights in the airspace over a unit of the National Park System below an altitude that is 3,000 above ground level, except as provided for in a Memorandum of Understanding between the Director and the Secretary of Defense.

(c) FLIGHTS FOR COMMERCIAL AERIAL PHOTOGRAPHY.—

(1) IN GENERAL.—An aircraft or rotorcraft engaged in commercial aerial photography may not conduct flights in the airspace over a unit of the National Park Service below an altitude that is 3,000 feet above ground level unless the pilot of the aircraft or rotorcraft receives advance written permission from the appropriate Flight Standards District Office of the Federal Aviation Administration and from the superintendent of the unit of the National Park System concerned.

(2) FEES.—The superintendents of the units of the National Park System may collect fees from the operators of aircraft and rotorcraft engaged in commercial aerial photography. The fees shall be set at such amount as the Director determines necessary to ensure that the United States will receive fair market value for the use of the area concerned and shall, at a minimum, cover all administrative and other costs of providing necessary services associated with commercial aerial photography at such units.

SEC. 9. AIRCRAFT SAFETY.

(a) AIRCRAFT MARKINGS.—

(1) REQUIREMENT.—Each operator of commercial air tour aircraft shall display on each air tour aircraft of the operator the identification marks described in paragraph (2).

(2) IDENTIFICATION MARKS.—The identification marks for the aircraft of a commercial air tour operator shall—

(A) be unique to the operator;

(B) be not less than 36 inches in length (or a size consistent with the natural configuration of the aircraft fuselage);

(C) appear on both sides of the air tour aircraft of the air tour operator and on the underside of the aircraft; and

(D) be applied to the air tour aircraft of the air tour operator in a highly visible color that contrasts sharply with the original base color paint scheme of the aircraft.

(b) FLIGHT MONITORING SYSTEMS.—

(1) REQUIREMENT FOR STUDY.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall carry out a study of the feasibility and advisability of requiring that aircraft and rotorcraft operating in the airspace over units of the National Park System have onboard an automatic flight tracking system capable of monitoring the altitude and ground position of the aircraft and rotorcraft.

(2) INSTALLATION OF FLIGHT MONITORING SYSTEM.—If the Administrator determines under the study required under paragraph (1) that the use of automatic flight tracking system in aircraft and rotorcraft is feasible and advisable, then not later than 2 years after the date of the enactment of this Act, each commercial air tour operator that conducts air tour flights in the airspace above a unit of the National Park System shall have an automatic flight tracking system onboard each aircraft and rotorcraft of such air tour operator that conducts such air tour flights.

(3) MONITORING THROUGH SYSTEMS.—

(A) MONITORING.—The Director shall ensure that appropriate personnel of the National Park Service monitor the altitude and position of aircraft and rotorcraft, if any, having a system required under paragraph (2) for purposes of determining that the aircraft and rotorcraft comply with all laws, regulations, and agreements on flights in the airspace over units of the National Park System.

(B) VIOLATIONS.—The Director shall ensure that personnel referred to in subparagraph (A) report to the Federal Aviation Administration any apparent violations of the laws and regulations referred to in that subparagraph.

(c) AERONAUTICAL CHARTS.—The Administrator shall ensure that the boundaries of each unit of the National Park System and the provisions of the airspace management plan, operational rule, or Special Federal Aviation Regulation (SFAR), if any, with respect to each such unit are accurately reflected on aeronautical charts.

(d) PARK VISITOR EDUCATION.—The Director shall develop educational materials for public distribution on air tour flights over units of the National Park System by commercial air tour operators. Such materials shall include the most common flight patterns and routes of such flights.

(e) DATA COLLECTION.—

(1) IN GENERAL.—The Administrator shall collect and publish each year statistical data on commercial air tour flights over the units of the National Park System.

(2) REQUIREMENT FOR INFORMATION.—The information collected under paragraph (1) shall include the following:

(A) The units at which such flights occurred.

(B) The flight hours flown during such flights.

(C) The number of passengers carried during such flights.

(D) The number and type of aircraft safety violations that occurred during such flights.

(E) The number and type of accidents or other incidents involving air tour aircraft that occurred during such flights.

(F) The number and type of disciplinary actions, if any, taken against the pilots of such aircraft with respect to such flights.

SEC. 10. NATIONAL PARK OVERFLIGHT ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the National Park Overflight Advisory Council (in this section referred to as the "Council").

(b) MEMBERSHIP.—

(1) VOTING MEMBERS.—The Council shall be composed of 20 voting members appointed jointly by the Director and the Administrator as follows:

(A) Five representatives of environmental or conservation organizations, citizens' groups, and other groups with similar interests.

(B) Five representatives of the commercial air tour industry and organizations with similar interests.

(C) Five individuals from the private sector who—

(i) have an interest in the effects on the units of the National Park System of commercial air tour flights in the airspace over such units;

(ii) are not affiliated with the organizations or groups referred to in subparagraph (A) or the industry or organizations referred to in subparagraph (B); and

(iii) have no substantial financial interest in the management of the airspace over units of the National Park System.

(D) Five representatives of departments or agencies of the Federal Government (other than individuals associated with the Department of the Interior and the Department of Transportation), with the consent of the head of the department or agency concerned, who have regulatory responsibility over land management matters, airspace management matters, or both.

(2) EX OFFICIO MEMBERS.—The Director, or the designee of the Director, and the Administrator, or the designee of the Administrator, shall be ex officio members of the Council.

(3) APPOINTMENT DATE.—Members of the Council shall be appointed under this subsection not later than 90 days after the date of the enactment of this Act.

(4) SELECTION OF CHAIR.—The Council shall elect a Chairperson from among the voting members of the Council.

(5) MEETINGS.—The Council shall first meet not later than 180 days after the date of the enactment of this Act and shall meet thereafter at the call of a majority of the members of the Council.

(c) DUTIES.—The Council shall have the following duties:

(1) To determine the effects on the environment of units of the National Park System of commercial air tour flights in the airspace over such units.

(2) To determine the economic effects of restrictions or prohibitions on such flights.

(3) To solicit and receive comments from interested individuals and groups on such flights.

(4) To develop recommendations for means of reducing the adverse effects of such flights on such units.

(5) To explore financial and other incentives which could encourage manufacturers

to advance the state-of-the-art in quiet aircraft and rotorcraft technology and encourage commercial air tour operators to implement such technology in flights over park units.

(6) To provide comments and recommendations to the Director and the Administrator under sections 6 and 7.

(7) To provide advice or recommendations to the Director, the Administrator, and other appropriate individuals and groups on matters relating to such flights.

(8) To carry out such other activities as the Director and the Administrator jointly consider appropriate.

(d) ADMINISTRATION.—

(1) COMPENSATION OF NON-FEDERAL MEMBERS.—Members of the Council who are not officers or employees of the Federal Government shall serve without compensation for their work on the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code, to the extent funds are available therefor.

(2) COMPENSATION OF FEDERAL MEMBERS.—Members of the Council who are officers or employees of the Federal Government shall serve without compensation for their work on the Council other than that compensation received in their regular public employment, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law, to the extent funds are available therefor.

(3) ADMINISTRATIVE SUPPORT.—The Director and the Administrator shall, to the extent permitted by law, provide the Council with such administrative services, funds, facilities, staff and other support services as may be necessary for the performance of its functions.

(e) REPORTS.—The Council shall annually submit to Congress, the Administrator, and the Director a report that—

(1) describes the activities of the Council under this section during the preceding year; and

(2) sets forth the findings and recommendations of the Council on matters related to the mitigation of the effects on the units of the National Park System of flights of commercial air tour operators over such units.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 11. DEFINITIONS.

In this Act:

(1) The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) The term "air tour aircraft" means an aircraft (including a fixed-wing aircraft or a rotorcraft) that makes air tour flights.

(3) The term "air tour flight" means a passenger flight conducted by aircraft (including by fixed-wing aircraft or by rotorcraft) for the purpose of permitting a passenger to the flight to view an area over which the flight occurs.

(4) Except as defined by the Federal Aviation Administration under section 4, the term "commercial air tour operator" means a company, corporation, partnership, individual, or other entity that provides air tour flights for hire to the public.

(5) The term "Director" means the Director of the National Park Service.•

By Mr. AKAKA:

S. 2429. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Office for Women Veterans and an Office for Minority Veterans, and for other purposes; to the Committee on Veterans Affairs.

VETERANS LEGISLATION

• Mr. AKAKA. Mr. President, I am today introducing legislation that would establish an Office for Minority Veterans and an Office for Women Veterans within the Department of Veterans Affairs. This bill expands on and modifies H.R. 3013, legislation introduced by Representative MAXINE WATERS and recently approved by the House, that would create a Center for Women Veterans. My bill also builds on Public Law 102–218, which established the position of Chief Minority Affairs Officer [CMAO] within the Department.

Mr. President, women and minority veterans have traditionally been VA's stepchildren. VA has historically ignored the unique problems and needs of female and minority veterans which arise as a result of race, gender, history, geography, culture, or other circumstances. For example, native American veterans who live on reservations lack ready access to many VA facilities. Asian-Americans have been excluded from important medical research, such as research on post-traumatic stress disorder, that would have enabled VA to improve treatment for this particular group of veterans. Employment training services for Hispanic veterans have been hampered by the Department's ignorance of Hispanic culture and language. African-Americans, although overrepresented in the military, have suffered from higher rates of unemployment and homelessness, and filed fewer claims for education and home loan benefits, than any other racial group—problems which VA has yet to confront adequately. For their part, women veterans have suffered from an absence of gender-specific services at VA, such as mammography and sexual trauma counseling, even though women have officially participated in the Armed Forces since 1901.

To address these and other concerns, 3 years ago Congress adopted the CMAO Act, which provided for the designation of an Assistant Secretary of Veterans Affairs who would have overall responsibility for assessing the needs of minority and women veterans, and for evaluating VA policies, regulations, programs, and other activities as they affect such veterans. The underlying purpose of the act was to institutionalize concern for minority and women veterans at a high policymaking level within the Department. Through the CMAO Act, the principal authors of the statute, including the late Senator Spark Matsunaga, Rep. CHARLES RANGEL, and myself, hoped to cultivate sensitivity to the unique circumstances of minority and female veterans, in order that problems specific to such veterans could be anticipated and resolved before they occurred or, when discovered, addressed in routine, expeditious fashion.

While a promising concept in theory, in practice the CMAO Act has been slow to achieve its high expectations. Although the CMAO position was established in December 1991, it was not until 5 months later that the function was assigned to the Assistant Secretary for Human Resources and Administration. However, since this official was also responsible for internal, equal employment opportunity issues, veterans and departmental employees alike confused the responsibility of the CMAO to promote the interests of minority and women consumers of VA services with the responsibility of the Assistant Secretary for Human Resources and Administration to protect the employment rights of minority VA employees. This confusion diluted the effectiveness, and reduced the visibility, of the CMAO position. In addition, no dedicated staff resources were provided to support the CMAO in carrying out his duties under Public Law 102–218. Consequently, the CMAO function was to all intents and purposes moribund during the last administration.

It was not until the current administration, under the leadership of Secretary Jesse Brown, that the CMAO position received the attention and priority it deserved. To his credit, a year ago this month, the Secretary reassigned the CMAO function to the Assistant Secretary for Policy and Planning, to take advantage of that office's statistical and planning capabilities. Secretary Brown also administratively authorized the establishment of a minority affairs office and a women's program office, each staffed by a director and program analyst, to assist the CMAO. Unfortunately, early this year, before the new Assistant Secretary could fully undertake his new CMAO duties, illness tragically took his life. This position remains unfilled to this day, creating a leadership vacuum at the minority affairs and women's program offices.

Today, there are strong indications that the CMAO Act is not functioning as intended. In addition to the absence of a permanent CMAO, veterans and VA employees alike continue to confuse the consumer advocacy role of the CMAO with the equal employment function. Moreover, it is increasingly clear that the budget and staffing for the minority affairs and women's programs offices are inadequate to support the CMAO's broad mandate to evaluate the innumerable policies and programs potentially affecting minority and women veterans. Also, travel and conference dollars are limited, inhibiting the staff's ability to outreach the widely scattered target populations, organize conferences and seminars, and

generally educate veterans and Department personnel with respect to minority and women veterans' needs. Finally, because the Assistant Secretary/CMAO lacks operational authority over the respective health and benefits administrations, which actually provide veterans services and benefits offered by the Department, the recommendations of the minority affairs office and the women's programs office are not necessarily accorded the weight or priority they deserve by field personnel.

For these and other reasons, I believe that the CMAO function, as embodied in the women's programs and minority affairs offices, should be elevated from the Assistant Secretary to the secretarial level. Under the scheme outlined in this bill, the Secretary would be directly responsible for the promotion of minority and women veterans' interests, and the respective women and minority veterans offices would be established as statutory rather than administrative entities. I believe that establishing the minority and women veterans' offices as statutory organizations, as well as placing them directly under the Secretary, will make it easier to resolve the problems of visibility, clout, and, presumably, resources that these offices faced under the CMAO.

To underscore the importance of the minority and women veterans offices, to promote their credibility within the agency, and to ensure that the offices are led by competent professionals, the bill calls for them to be headed by career members of the Senior Executive Service. To ensure continuity in operations, the measure also provides for the position of Deputy Director.

To encourage the assignment of adequate resources, the legislation requires that detailed budgets for each office be clearly identified in the Department's annual budget submission to Congress, together with a statement expressing the Secretary's opinion about the adequacy of the proposed budget relative to the offices' statutory duties.

In addition to elevating the two offices, raising the status of the Directors, creating Deputy Director positions, and identifying annual budgets, the bill also establishes parity between women programs and minority programs. Under current law, VA is required to appoint women's coordinators at selected VA medical centers to assist women veterans seeking care. Also under current law, the concerns of women veterans are represented by a statutory advisory committee on women veterans. In the interests of equity and organizational simplicity, the legislation calls for the designation of minority affairs representatives at each regional office and medical center as well as for the establishment of an advisory committee on minority veterans.

Finally, Mr. President, the legislation borrows language from H.R. 3013, as passed by the House, that improves and expands the original CMAO mandate to evaluate and recommend changes in VA policies and programs with respect to women and minority veterans. Under the proposed bill, the women and minority veterans offices are also specifically tasked with disseminating information on, and serving as a clearinghouse for, minority and women's issues. In addition, it calls for the offices to: conduct social and demographic research on the needs of minority and women veterans; assess the adequacy and timeliness of VA services provided such veterans; promote the use of non-VA veterans programs which may assist minority and women veterans; publicize the results of medical research which are of particular significance to veterans who are females or minorities; and encourage inclusion of women and minorities in VA research.

Mr. President, I believe this legislation will significantly enhance VA's ability to provide minority and women veterans with equal access to the services and benefits available to other veterans. It builds logically on legislation I helped draft 3 years ago establishing the original CMAO position, which was enacted on a bipartisan basis. I hope that the measure I am offering today, which improves upon that groundbreaking measure, will again be supported by colleagues from both sides of the aisle.

Mr. President. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2429

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

SECTION 1. OFFICE FOR MINORITY VETERANS.

(a) IN GENERAL.—Section 317 of title 38, United States Code, is amended to read as follows:

"§ 317. Office for Minority Veterans

"(a) There is in the Department an Office for Minority Veterans.

"(b)(1) There is at the head of the Office a Director who shall be appointed by the Secretary. The Director shall be a career appointee in the Senior Executive Service. In appointing the Director, the Secretary shall give preference to the appointment of a veteran. The Director shall be appointed for a term of six years and may be reappointed for an additional term.

"(2) There is in the Office a Deputy Director who is the principal assistant of the Director. The Deputy Director shall perform such functions as the Director shall prescribe.

"(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Office.

"(d) The Director shall perform the following functions with respect to veterans who are minority group members:

"(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are minority group members.

"(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are minority group members are eligible.

"(3) Promote the use of benefits authorized by this title by veterans who are minority group members and the conduct of outreach activities to veterans who are minority group members, in conjunction with outreach activities carried out under chapter 77 of this title.

"(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are minority group members.

"(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are minority group members and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

"(6) Analyze and evaluate complaints made by or on behalf of veterans who are minority group members about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

"(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are minority group members.

"(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are minority group members.

"(9) Publicize the results of medical research which are of particular significance to veterans who are minority group members.

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (relating to the inclusion of women and minorities in clinical research) and of particular health conditions affecting the health of minority group members which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minority group members.

"(11) Perform such other duties consistent with this section as the Secretary shall prescribe.

"(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Office in a timely manner.

"(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Office;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Office to

comply with its statutory and regulatory duties; and

"(3) a report on the activities and significant accomplishments of the Office during the preceding fiscal year.

"(g) In this section, the term 'minority group member' means an individual who is—

"(1) Asian American;

"(2) Black;

"(3) Hispanic;

"(4) Native American (including American Indian, Alaskan Native, and Native Hawaiian); or

"(5) Pacific-Islander American.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 317 and inserting in lieu thereof the following:

"317. Office for Minority Veterans.".

SEC. 2. ADVISORY COMMITTEE ON MINORITY VETERANS.

(a) ESTABLISHMENT.—Subchapter III of chapter 5 of title 38, United States Code, is amended by adding at the end the following:

"§ 544. Advisory Committee on Minority Veterans

"(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Veterans (hereinafter in this section referred to as "the Committee").

"(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including—

"(i) representatives of veterans who are minority group members;

"(ii) individuals who are recognized authorities in fields pertinent to the needs of veterans who are minority group members;

"(iii) veterans who are minority group members and who have experience in a military theater of operations; and

"(iv) veterans who are minority group members and who do not have such experience.

"(B) The Committee shall include, as ex officio members—

"(i) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);

"(ii) the Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense);

"(iii) the Secretary of the Interior (or a representative of the Secretary of the Interior designated by the Secretary of the Interior);

"(iv) the Secretary of Commerce (or a representative of the Secretary of Commerce designated by the Secretary of Commerce);

"(v) the Secretary of Health and Human Services (or a representative of the Secretary of Health and Human Services designated by the Secretary of Health and Human Services); and

"(vi) the Under Secretary for Health and the Under Secretary for Benefits, or their designees.

"(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

"(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

"(4) The Committee shall meet as often as the Secretary considers necessary or appropriate, but not less often than twice each fiscal year.

"(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for veterans who are minority group members, reports and studies pertaining to such veterans and the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department.

"(c)(1) Not later than July 1 of each evennumbered year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to veterans who are minority group members. Each such report shall include—

"(A) an assessment of the needs of veterans who are minority group members with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to such section.

"(d) In this section, the term 'minority group member' means an individual who is—

"(1) Asian American;

"(2) Black;

"(3) Hispanic;

"(4) Native American (including American Indian, Alaskan Native, and Native Hawaiian); or

"(5) Pacific-Islander American.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 543 the following new item:

"544. Advisory Committee on Minority Veterans.".

SEC. 3. REPRESENTATIVES FOR MINORITY VETERANS AT DEPARTMENT FACILITIES.

The Secretary of Veterans Affairs shall designate an appropriate official at each regional office of the Department of Veterans Affairs and at each medical facility of the Department to serve as the minority affairs officer of the Department at the office or facility. The officials shall perform such functions as the Secretary shall prescribe.

SEC. 4. OFFICE FOR WOMEN VETERANS.

(a) IN GENERAL.—(1) Chapter 3 of title 38, United States Code, as amended by section 1(a) of this Act, is further amended by adding at the end the following new section:

"§ 318. Office for Women Veterans

"(a) There is in the Department an Office for Women Veterans.

"(b)(1) There is at the head of the Office a Director who shall be appointed by the Secretary. The Director shall be a career appointee in the Senior Executive Service. In appointing the Director, the Secretary shall give preference to the appointment of a veteran. The Director shall be appointed for a term of six years and may be reappointed for an additional term.

"(2) There is in the Office a Deputy Director who is the principal assistant of the Director. The Deputy Director shall perform such functions as the Director shall prescribe.

"(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Office.

"(d) The Director shall perform the following functions with respect to veterans who are women:

"(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are women.

"(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are women are eligible.

"(3) Promote the use of benefits authorized by this title by veterans who are women and the conduct of outreach activities to veterans who are women, in conjunction with outreach activities carried out under chapter 77 of this title.

"(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are women.

"(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are women and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

"(6) Analyze and evaluate complaints made by or on behalf of veterans who are women about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

"(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are women.

"(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are women.

"(9) Publicize the results of medical research which are of particular significance to veterans who are women.

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (relating to the inclusion of women and minorities in clinical research) and of particular health conditions affecting womens' health which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are women.

"(11) Provide support and administrative services to the Advisory Committee on Women Veterans established under section 542 of this title.

"(12) Perform such other duties consistent with this section as the Secretary shall prescribe.

"(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Office in a timely manner.

"(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Office;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Office to comply with its statutory and regulatory duties; and

"(3) a report on the activities and significant accomplishments of the Office during the preceding fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 1(b) of this Act, is further amended by adding at the end the following new item:

"318. Office for Women Veterans.".

SEC. 5. ADVISORY COMMITTEE ON WOMEN VETERANS.

(a) MEMBERS.—Paragraph (2)(A) of section 542(a) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of clause (ii);

(2) by striking out the period at the end of clause (iii) and inserting in lieu a semicolon; and

(3) by adding at the end the following:

"(iii) women veterans who have experience in a military theater of operations; and

"(iv) women veterans who do not have such experience.".●

ADDITIONAL COSPONSORS

S. 1288

At the request of Mr. AKAKA, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1875

At the request of Mr. DOMENICI, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1875, a bill to extend caps on defense and non-defense discretionary spending through fiscal year 1998.

S. 1887

At the request of Mr. BAUCUS, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 2255

At the request of Mr. GORTON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2255, a bill to amend the Budget Enforcement Act of 1990 to establish a new budget point of order against any amendment, bill, or conference report that directs increased revenues from additional taxation of Social Security or Railroad Retirement benefits to a fund other than the Social Security trust fund or the Social Security Equivalent Benefit Account.

S. 2287

At the request of Mr. HATCH, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 2287, a bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax on arrows.

S. 2312

At the request of Mr. DASCHLE, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 2312, a bill to maintain the ability of United States agriculture to remain viable and competitive in domestic and international markets, to meet the food and fiber needs of United States and international consumers, and for other purposes.

S. 2330

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2330, a bill to amend title 38, United States Code, to provide that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to disability compensation for service-connected diseases, and for other purposes.

S. 2336

At the request of Mr. INOUYE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2336, a bill to amend the Communications Act of 1934 to extend the authorization of appropriations of the Federal Communications Commission, and for other purposes.

S. 2347

At the request of Mr. SASSER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2347, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution.

S. 2378

At the request of Mr. DOLE, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 2378, a bill to prohibit United States assistance to countries that prohibit or restrict the transport or delivery of United States humanitarian assistance.

S. 2391

At the request of Mr. SIMON, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 2391, a bill to repeal the prohibitions against political recommendations relating to Federal employment, and for other purposes.

S. 2413

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2413, a bill for the relief of Richard M. Sakakida.

SENATE RESOLUTION 243

At the request of Mr. LOTT, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Resolution 243, a resolution recognizing the REALTORS Land Institute on the occasion of its 50th anniversary.

SENATE RESOLUTION 253—RELATING TO MONETARY POLICY

Mr. SIMON (for himself, Mr. METZENBAUM, Mr. DECONCINI, and Mr. BUMPERS) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 253

Whereas the Board of Governors of the Federal Reserve System is legitimately concerned about the potential threat of inflation;

Whereas past Congresses and Presidents have compounded the inflation problem by indexing many programs, contrary to the advice of the economics experts of both parties;

Whereas the Congress recognizes its own failure to follow sound fiscal policies, thus making monetary policy even more critical in controlling inflation;

Whereas the Board of Governors of the Federal Reserve System is an independent agency required by law to report to the Congress, implying an advisory role for the Congress;

Whereas higher interest rates can slow home construction and reduce investment in industrial capacity, thereby reducing the Nation's productivity;

Whereas lower unemployment does not necessarily or automatically lead to higher inflation, especially if low unemployment is accompanied by higher productivity; and

Whereas there is evidence that at the present time inflation is not a serious threat to the Nation: Now, therefore, be it

Resolved, That it is the sense of the Senate that, in the immediate future, it would be a mistake to raise interest rates further, and that the Secretary of the Senate shall transmit a copy of this resolution to the Board of Governors of the Federal Reserve System.

● Mr. SIMON. Mr. President, earlier this month the Federal Reserve Board raised interest rates by a half percentage point, the fifth rate hike this year.

While I understand the inflationary concerns that have led the Federal Reserve to act, I believe that any further increase in the near future would be excessive and unnecessary, posing a threat to the Nation's economic recovery. Consequently, I rise today, along with Senators METZENBAUM, DECONCINI, and BUMPERS, to offer the following measure, a sense-of-the-Senate resolution declaring that any additional rate increase in the near future would be unwise.●

SENATE RESOLUTION 254—TO DIRECT THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted a resolution; which was considered and agreed to:

S. RES. 254

Whereas, in the case of *Kenneth Riggin, et al.* v. *Office of Senate Fair Employment Practices*, No. 94-6004, pending in the United States Court of Appeals for the Federal Circuit, the Office of Senate Fair Employment Practices is the respondent in a proceeding under section 309 of the Civil Rights Act of 1991, 2 U.S.C. §1209, to review a final decision concerning allegations of discrimination in Senate employment;

Whereas, section 303(f) of the Civil Rights Act of 1991, 2 U.S.C. §1203(f), provides that for the purpose of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices shall be deemed a committee within the meaning of title VII of the Ethics in Government Act of 1978, 2 U.S.C. §288, *et seq.*;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a), 288c(a)(1), the Senate may direct its Counsel to defend a committee of the Senate in any civil action in which there is placed in issue any action taken by such committee in its official capacity;

Whereas, in accordance with 28 U.S.C. §2348, as made applicable by section 309(b) of the Civil Rights Act of 1991, 2 U.S.C. §1209(b), the Office of the Sergeant at Arms of the United States Senate, as a party in interest in the underlying proceeding within the Senate, may intervene on judicial review of the final decision in that proceeding. Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the case of *Kenneth Riggin, et al.* v. *Office of Senate Fair Employment Practices*.

SEC. 2. The Office of the Sergeant at Arms of the United States Senate may as a matter of statutory right intervene and be represented by its counsel of choice in the case of *Kenneth Riggin, et al.* v. *Office of Senate Fair Employment Practices*.

SENATE REOLUTION 255—TO EXPRESS THE SENSE OF THE SENATE

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

S. RES. 255

Whereas the public debate concerning abortion elicits strong emotions on all sides of the issue;

Whereas maintaining an ongoing, rational debate is the best way to ensure that the emotional issue of abortion is resolved in a manner that is satisfactory to all parties genuinely interested in resolving this issue;

Whereas the best way to ensure continued debate over abortion is to encourage all participants in the debate to engage in peaceful dialogue and compromise;

Whereas without an ongoing dialogue about abortion, potential participants in the debate will become isolated and marginalized;

Whereas extremist individuals and groups concerned with abortion have refused to engage in public dialogue and substantive debate about the issue, choosing instead to target and terrorize the individuals and groups that disagree with their position;

Whereas these extremist individuals and groups have actively engaged in tactics that sow the seeds of hatred, including soliciting written support in the form of letters and petitions to carry out murderous acts of violence;

Whereas such tactics ignite and fuel the underlying anger often associated with the public debate concerning abortion;

Whereas such tactics are shameful, abhorrent and divisive; and

Whereas the continued use of such tactics only serves to spawn further acts of senseless violence against innocent human beings and in no way advances the cause of the individuals and groups interested in resolving the abortion issue: Now, therefore, be it

Resolved, That it is the sense of the Senate that the tactics of extremist individuals and groups which are designed to sow the seeds of hatred, including soliciting, promoting, encouraging, or carrying out murderous acts of violence against abortion providers and activists, is condemned.

AMENDMENTS SUBMITTED

ALVARO DE LUGO UNITED STATES POST OFFICE ACT OF 1994

HEFLIN (AND OTHERS) AMENDMENT NO. 2574

Mr. FORD (for Mr. HEFLIN for himself, Mr. STEVENS, Mr. PRYOR, Mr. BOND, Mr. CAMPBELL, Mr. EXON, Mr. KEMPTHORNE, Mr. LOTT, and Mr. SHELBY) proposed an amendment to the bill (H.R. 4190) to designate the U.S. Post Office located at 41-42 Norre Gade in Saint Thomas, VI, as the "Alvaro de Lugo United States Post Office"; as follows:

On page 2, beginning with line 7, strike out all through line 16 on page 4 and insert in lieu thereof the following:

SEC. 3. EXTENSION OF EXCLUSIONARY AUTHORITY.

Section 1005(d) of title 39, United States Code, is amended—

(1) by striking "(d)" and inserting "(d)(1)"; and

(2) by adding at the end the following:

"(2) The provisions of subsection (g) of section 5532, subsections (i) and (l)(2) of section 8344, and subsections (f) and (i)(2) of section 8468 of title 5 shall apply with respect to the Postal Service. For purposes of so applying such provisions—

"(A) any reference in such provisions to the head of an Executive agency shall be considered a reference to the Postmaster General; and

"(B) any reference in such provisions to an employee shall be considered a reference to an officer or employee of the Postal Service.".

SEC. 4. ASSIGNMENT AUTHORITY.

Section 8706(e) of title 5, United States Code, is amended—

(1) by striking "Federal judge" and inserting "employee or former employee";

(2) by striking "judge's" and inserting "employee's or former employee's"; and

(3) by striking "purchase" and inserting "purchased".

Amend the title so as to read: "To designate the building located at 41-42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to amend title 39, United States Code, to make applicable with respect to the United States Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes.".

FEDERAL CROP INSURANCE REFORM ACT OF 1994

LEAHY AMENDMENT NO. 2575

Mr. FORD (for Mr. LEAHY) proposed an amendment to the bill (S. 2095) to reform the Federal Crop Insurance Program, and for other purposes; as follows:

Beginning on page 49, strike line 22 and all that follows through page 52, line 22, and insert the following new paragraph:

"(4) INDIVIDUAL AND AREA CROP INSURANCE COVERAGE.—The Corporation shall allow approved insurance providers to offer a plan of insurance to procedures that combines both individual yield coverage and area yield coverage at a premium rate determined by the provider under the following conditions:

"(A) The individual yield coverage shall be equal to or greater than catastrophic risk protection as described in subsection (b).

"(B) The combined policy shall include area yield coverage that is offered by the Corporation or similar area coverage, as determined by the Corporation.

"(C) The Corporation shall provide reinsurance on the area yield portion of the combined policy at the request of the provider, except that the provider shall agree to pay to the producer any portion of the area yield and loss indemnity payment received from the Corporation or a commercial reinsurer that exceeds the individual indemnity payment made by the provider to the producer.

"(D) The Corporation shall pay a part of the premium equivalent to—

"(i) the amount authorized under paragraph (2) (except provisions regarding operating and administrative expenses); and

"(ii) the amount of operating and administrative expenses authorized by the Corporation for the area yield coverage portion of the combined policy.

"(E) The provider shall provide all underwriting services for the combined policy, including the determination of individual yield coverage premium rates, the terms and conditions of the policy, and the acceptance and classification of applicants into risk categories, subject to subparagraph (F).

"(F) The corporation shall approve the combined policy unless the Corporation determines that the policy is not actuarially sound or that the interests of producers are not adequately protected.".

On page 66, line 14, strike "(a)" and insert "(a)(2)".

On page 88, between lines 20 and 21, insert the following new subsection:

(d) EMERGENCY APPROPRIATIONS.—

(1) IN GENERAL.—Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)) is amended by adding at the end the following new sentence: "This subparagraph shall not apply to appropriations to cover agricultural crop disaster assistance.".

(2) EMERGENCY LEGISLATION.—Section 252(e) of such Act (2 U.S.C. 902(e)) is amended

by adding at the end the following new sentence: "This subsection shall not apply to direct spending provisions to cover agriculture crop disaster assistance.".

On page 88, line 21, strike "(d)" and insert "(e)".

On page 89, between lines 5 and 6, insert the following new section:

SEC. 304. DISASTER ASSISTANCE.

(a) CROP LOSS ASSISTANCE.—The Secretary of Agriculture may provide assistance to producers for crop losses in 1994 due to natural disasters under the terms and conditions of—

(1) chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.,S.C. 1421 note); and

(2) subsections (a)(4), (b)(3), (d), and (e) of section 521 of the Federal Crop Insurance Act (as amended by this Act).

(b) OTHER EMERGENCY ASSISTANCE.—To provide assistance for losses in 1994 due to natural disasters, the Secretary of Agriculture may provide assistance under—

(1) the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.);

(2) the emergency watershed protection program of the Soil Conservation Service; and

(3) the emergency community water assistance grant program established under section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a).

(c) FUNDING.—

(1) CROP LOSS ASSISTANCE.—Out of available funds of the Commodity Credit Corporation, the Commodity Credit Corporation is authorized to provide to the Secretary of Agriculture, through July 15, 1995, such sums as are necessary to carry out subsection (a).

(2) OTHER EMERGENCY ASSISTANCE.—There are authorized to be appropriated such sums as are necessary to carry out subsection (b).

(3) EMERGENCY REQUIREMENT.—The amounts made available under paragraphs (1) and (2) are designated by Congress as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(e)). The amounts shall be available only to the extent that an official budget request for specific dollar amounts, that includes designation of the entire amount of the request as an emergency requirement pursuant to such Act, is transmitted by the President to Congress.

(d) DEFINITION OF NATURAL DISASTERS.—As used in this section, the term "natural disasters" includes weather-related insect damage to strawberries.

On page 89, line 6, strike "**304**" and insert "**305**".

On page 89, line 10, strike "August" and insert "October".

On page 89, line 13, strike "August" and insert "October".

On page 89, line 16, strike "(b) EXCEPTIONS.—Sections" and insert the following:

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Sections".

On page 89, line 17, strike "and 302," and insert "302, and 304,".

On page 89, between lines 19 and 20, insert the following new paragraph:

(2) EMERGENCY APPROPRIATIONS.—The amendments made by section 303(d) shall become effective—

(A) if this Act is enacted before October 1, 1994, on the date of enactment of this Act; or

(B) if this Act is enacted on or after October 1, 1994, on June 1, 1995.

On page 89, line 20, strike "**305**" and insert "**306**".

DOLE AMENDMENT NO. 2576

Mr. MCCONNELL (for Mr. DOLE) proposed an amendment to the bill S. 2095 supra, as follows:

SECTION 1. USE OF COMMODITY CREDIT CORPORATION FUNDS TO COVER CERTAIN COSTS FOR FALL-PLANTED 1995 CROPS.

(a) DEFINITION OF FALL-PLANTED 1995 CROP.—As used in this section, the term "fall-planted 1995 crop" means a 1995 crop that is insurable under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with a sales closing date that is prior to January 1, 1995.

(b) USE OF FUNDS TO COVER COSTS.—Subject to the other provisions of this section, the Federal Crop Insurance Corporation may use funds of the Commodity Credit Corporation to cover operating and administrative costs of the Corporation referred to in section 516(a)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(1)) associated with insurance policies issued for a fall-planted 1995 crop under such Act (7 U.S.C. 1501 et seq.).

(c) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds of the Commodity Credit Corporation that may be used under subsection (b) may not exceed $40,000,000.

(d) COMBINED LIMITATION ON AMOUNT OF FUNDS AND EMERGENCY CROP LOSS ASSISTANCE.—The amount of funds of the Commodity Credit Corporation used under subsection (b) and the amount of funds used for fiscal year 1995 to provide emergency crop loss assistance for 1995 crops shall not exceed $500,000,000.

LEAHY AMENDMENT NO. 2577

Mr. FORD (for Mr. LEAHY) proposed an amendment to the bill S. 2095, supra; as follows:

At the appropriate place insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Agriculture Reorganization Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—GENERAL AUTHORITIES OF THE SECRETARY

Sec. 101. Delegation of functions to the Secretary.
Sec. 102. Reorganization.
Sec. 103. Personnel reductions.
Sec. 104. Consolidation of headquarters offices.
Sec. 105. Reports by the Secretary.

TITLE II—NATIONAL APPEALS DIVISION

Sec. 201. Definitions.
Sec. 202. National Appeals Division and Director.
Sec. 203. Transfer of functions.
Sec. 204. Personnel of the Division.
Sec. 205. Notice and opportunity for hearing.
Sec. 206. Informal hearings.
Sec. 207. Rights of participants.
Sec. 208. Division hearings and Director review.
Sec. 209. Judicial review.
Sec. 210. Implementation of final determinations of Division.
Sec. 211. Decisions of State and county committees.
Sec. 212. Prohibition on adverse action while appeal is pending.
Sec. 213. Relationship to other laws.
Sec. 214. Evaluation of agency decisionmakers and other employees.
Sec. 215. Conforming amendments.

TITLE III—FARM AND INTERNATIONAL TRADE SERVICES

Sec. 301. Under Secretary for Farm and International Trade Services.
Sec. 302. Farm Service Agency.
Sec. 303. State and county committees.
Sec. 304. International Trade Service.

TITLE IV—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

Sec. 401. Under Secretary for Rural Economic and Community Development.
Sec. 402. Rural Utilities Service.
Sec. 403. Rural Housing and Community Development Service.
Sec. 404. Rural Business and Cooperative Development Service.

TITLE V—FOOD, NUTRITION, AND CONSUMER SERVICES

Sec. 501. Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.
Sec. 502. Food and Consumer Service.
Sec. 503. Nutrition Research and Education Service.

TITLE VI—NATURAL RESOURCES AND ENVIRONMENT

Sec. 601. Natural Resources Conservation Service.
Sec. 602. Reorganization of Forest Service.

TITLE VII—MARKETING AND INSPECTION SERVICES

Sec. 701. Grain Inspection, Packers and Stockyards Administration.

TITLE VIII—RESEARCH, ECONOMICS, AND EDUCATION

Sec. 801. Federal Research and Information Service.
Sec. 802. Cooperative State Research and Education Service.
Sec. 803. Agricultural Economics and Statistics Service.
Sec. 804. Program Policy and Coordination Staff.

TITLE IX—FOOD SAFETY

Sec. 901. Food Safety Service.

TITLE X—MISCELLANEOUS

Sec. 1001. Assistant Secretaries of Agriculture.
Sec. 1002. Removal of obsolete provisions.
Sec. 1003. Additional conforming amendments.
Sec. 1004. Termination of authority.
Sec. 1005. Elimination of duplicative inspection requirements.

SEC. 2. PURPOSE.

The purpose of this Act is to provide the Secretary of Agriculture with the necessary authority to streamline and reorganize the Department of Agriculture to achieve greater efficiency, effectiveness, and economies in the organization and management of the programs and activities carried out at the Department.

SEC. 3. DEFINITIONS.

As used in this Act (unless the context clearly requires otherwise):

(1) ADMINISTRATIVE UNIT.—The term "administrative unit" includes—

(A) any office, administration, agency, institute, unit, or organizational entity, or component thereof, except that the term does not include a corporation; and

(B) any county, State, or area committee, as established by the Secretary.

(2) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(3) FUNCTION.—The term "function" means an administrative, financial, or regulatory

duty of an administrative unit or employee of the Department, including a transfer of funds made available to carry out a function of an administrative unit.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

TITLE I—GENERAL AUTHORITIES OF THE SECRETARY

SEC. 101. DELEGATION OF FUNCTIONS TO THE SECRETARY.

(a) DELEGATION OF FUNCTIONS.—Except as otherwise provided in this Act and notwithstanding any other provision of law, all functions and all activities, officers, employees, and administrative units of the Department, not vested in the Secretary on the date of enactment of this Act, are delegated to the Secretary.

(b) EXCEPTIONS TO THE DELEGATION.—This section shall not apply to the following functions and administrative units of the Department:

(1) The functions vested in administrative law judges by subchapter II of chapter 5 of title 5, United States Code.

(2) The functions vested in the Inspector General by the Inspector General Act of 1978 (5 U.S.C. App. 3).

(3) The functions vested in the Chief Financial Officer by chapter 9 of subtitle I of title 31, United States Code.

(4) Corporations and the boards of directors and officers of the corporations.

(5) The functions vested in the Alternative Agricultural Research and Commercialization Board by the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901 et seq.).

SEC. 102. REORGANIZATION.

(a) GENERAL AUTHORITY OF THE SECRETARY.—The Secretary may transfer any function or administrative unit of the Department, including any function or administrative unit delegated to the Secretary by this Act, and any officer or employee of the Department, as the Secretary considers appropriate. The authority established in the preceding sentence includes the authority to establish, consolidate, alter, or discontinue any administrative unit of the Department.

(b) AUTHORITY TO TRANSFER RECORDS, PROPERTY, AND FUNDS.—

(1) IN GENERAL.—Subject to section 1531 of title 31, United States Code, the Secretary may transfer any of the records, property, and unexpended balances (available or to be made available for use in connection with any affected function or administrative unit) of appropriations, allocations, and other funds of the Department, as the Secretary considers necessary to carry out this Act, except as otherwise provided in this section.

(2) USE.—Absent prior approval by law, any unexpended balances transferred pursuant to paragraph (1) shall be used only for the purposes for which the funds were originally made available.

(3) ADDITIONAL AUTHORITY.—The Secretary may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the functions or administrative units, as the Secretary considers necessary to carry out this Act.

(c) PURPOSE OF THE AUTHORITY.—The Secretary shall carry out subsections (a) and (b) with the goals of simplifying and maximizing the efficiency of the national, State, regional, and local levels of the Department, and of improving the accessibility of farm and other programs at all levels. To the extent practicable, the Secretary shall adapt the administration of the programs to State, regional, and local conditions.

(d) EXHAUSTION OF ADMINISTRATIVE APPEALS.—Notwithstanding any other provision of law, a person shall exhaust all administrative appeal procedures established by the Secretary before the person may bring an action in a court of competent jurisdiction against—

(1) the Secretary;

(2) the Department;

(3) an administrative unit of the Department; or

(4) an employee or agent of an administrative unit of the Department.

(e) CONFORMING AMENDMENTS.—Section 9 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714g) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

SEC. 103. PERSONNEL REDUCTIONS.

(a) DEFINITIONS.—As used in this section:

(1) FIELD STRUCTURE.—The term "field structure" means the offices, functions, and employee positions of all administrative units of the Department, other than the headquarters offices. The term includes the physical and geographic locations of the units. The term shall not include State, county, or area committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

(2) HEADQUARTERS OFFICES.—The term "headquarters offices" means the offices, functions, and employee positions of all administrative units of the Department located or performed in Washington, District of Columbia, or elsewhere, as determined by the Secretary.

(b) EMPLOYEE REDUCTIONS.—Subject to subsection (c), the Secretary shall achieve employee reductions of at least 7,500 staff years within the Department by September 30, 1999.

(c) DISTRIBUTION.—The percentage of employee reductions in the headquarters offices under subsection (b) shall be substantially higher than the percentage of employee reductions in the field structure, as determined by the Secretary.

(d) SCHEDULE.—The personnel reductions under subsections (b) and (c) should be accomplished concurrently in a manner determined by the Secretary.

SEC. 104. CONSOLIDATION OF HEADQUARTERS OFFICES.

The Secretary shall develop and carry out a plan to consolidate offices of administrative units of the Department located in Washington, District of Columbia, subject to the availability of appropriations.

SEC. 105. REPORTS BY THE SECRETARY.

(a) IN GENERAL.—Subject to subsection (b), notwithstanding any other provision of law, the Secretary may, but shall not be required to, prepare and submit any report to Congress or any committee of Congress.

(b) LIMITATION.—For each fiscal year, the Secretary may not prepare and submit more than 30 reports referred to in subsection (a).

(c) SELECTION OF REPORTS.—In consultation with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary shall determine which reports shall be prepared and submitted in accordance with subsection (b).

TITLE II—NATIONAL APPEALS DIVISION

SEC. 201. DEFINITIONS.

As used in this title:

(1) ADVERSE DECISION.—The term "adverse decision" means an administrative decision made by a decisionmaker that is adverse to a participant, including a denial of equitable relief, except that the term shall not include a decision over which the Board of Contract Appeals has jurisdiction. The term shall include the failure of a decisionmaker to issue a decision or otherwise act on the request or right of the participant to participate in, or receive payments, loans, or other benefits under, any of the programs administered by an agency. Notwithstanding section 701(a)(2) of title 5, United States Code, a discretionary decision of the Secretary or the Division shall be reviewable under section 706(2)(A) of such title unless the decision is generally applicable to all program participants and, as a matter of general applicability, is committed to agency discretion by law within the meaning of section 701(a)(2) of such title.

(2) AGENCY.—The term "agency" means any agency of the Department designated by the Secretary or a successor agency of the Department, except that the term shall include—

(A) ASCS;

(B) CCC, with respect to domestic programs;

(C) FmHA (including rural housing programs);

(D) FCIC;

(E) RDA (including rural housing programs);

(F) SCS; or

(G) a State or county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

(3) APPELLANT.—The term "appellant" means a participant who appeals an adverse decision in accordance with this title.

(4) ASCS.—The term "ASCS" means the Agricultural Stabilization and Conservation Service or a successor agency.

(5) CASE RECORD.—The term "case record" means all the materials maintained by the Secretary that concern the participant, including any materials related to the adverse decision.

(6) CCC.—The term "CCC" means the Commodity Credit Corporation or a successor agency.

(7) DECISIONMAKER.—The term "decisionmaker" means an officer, employee, or committee of an agency who makes an adverse decision that is appealed by an appellant.

(8) DIRECTOR.—The term "Director" means the Director of the Division.

(9) DIVISION.—The term "Division" means the National Appeals Division established by this title.

(10) EMPLOYEE.—The term "employee" means an individual employed by an agency, including an individual who enters into a contract with an agency to perform services for the agency.

(11) FINAL DETERMINATION.—The term "final determination" means a determination of an appeal by the Division that is administratively final, conclusive, and binding.

(12) FCIC.—The term "FCIC" means the Federal Crop Insurance Corporation or a successor agency.

(13) FmHA.—The term "FmHA" means the Farmers Home Administration or a successor agency.

(14) HEARING OFFICER.—The term "hearing officer" means an individual employed by the Division who hears and determines appeals of adverse decisions by any agency.

(15) HEARING RECORD.—The term "hearing record" means the transcript of a hearing, any audio tape or similar recording of a hearing, any information from the case record that a hearing officer considers relevant or that is raised by the appellant or agency, and all documents and other evidence presented to a hearing officer.

(16) IMPLEMENT; IMPLEMENTATION.—The terms "implement" and "implementation" refer to those actions necessary to effectuate fully and promptly a determination of the Division not later than 30 calendar days after the effective date of the determination.

(17) PARTICIPANT.—The term "participant" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity whose application for, or right to participate in or receive, payments, loans, or other benefits in accordance with any of the programs administered by an agency, is affected by an adverse decision made by a decisionmaker.

(18) RDA.—The term "RDA" means the Rural Development Administration or a successor agency.

(19) SCS.—The term "SCS" means the Soil Conservation Service or a successor agency.

(20) STATE DIRECTOR.—The term "State director" means the individual who is primarily responsible for carrying out the program of an agency within a State.

SEC. 202. NATIONAL APPEALS DIVISION AND DIRECTOR.

(a) ESTABLISHMENT OF DIVISION.—

(1) ESTABLISHMENT.—The Secretary shall establish and maintain a National Appeals Division within the Office of the Secretary to carry out this title.

(2) APA APPLICATION.—The provisions of title 5, United States Code, shall apply to all appeals of the Division, including chapters 5 and 7 of such title.

(3) PROCEDURAL REGULATIONS AND POLICIES.—The Secretary shall promulgate procedural regulations and policies to govern the conduct of the business of the Division. The Secretary shall ensure and enhance the independence, integrity, and efficiency of the Division, the Director, hearing officers, and other employees of the Division.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Division shall be headed by a Director.

(2) POSITION CLASSIFICATION.—The position of the Director shall be a Senior Executive Service position that shall be filled by a career appointee (as defined in section 3132(a)(4) of title 5, United States Code), who shall not be subject to removal except for cause in accordance with law.

(3) QUALIFICATIONS.—The Director shall be a person who has substantial experience in practicing administrative law. In considering applicants for the position of Director, the Secretary shall consider persons employed outside the Government as well as Government employees.

(4) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Director, National Appeals Division, Department of Agriculture.".

(c) DIRECTION, CONTROL, AND SUPPORT.—The Director shall be free from the direction and control of any person other than the Secretary. The Division shall not receive administrative support (except on a reimbursable basis) from any agency other than the Office of the Secretary. The Secretary may not delegate to any other officer or employee of the Department, other than the Director, the authority of the Secretary with respect to the Division.

(d) COMMUNICATION WITH SECRETARY AND AGENCIES.—The Director shall inform the Secretary and the appropriate agency of problems regarding the functions of the agency that are identified as a result of the activities of the Division under this title. The information provided by the Director may include proposals to resolve the problems identified or otherwise to improve the programs of the agency.

(e) APPEALABLE DECISIONS.—Subject to section 204(b)(2), if a decisionmaker determines that a decision is not appealable and a participant appeals the decision to the Director, the Director shall determine whether the decision is adverse or of general applicability, and thus appealable. Except for a legal interpretation that may be reversed or modified by the Secretary, the determination of the Director as to whether a decision is appealable shall be administratively final, conclusive, and binding.

(f) OTHER POWERS OF THE DIRECTOR.—The Director may enter into contracts and make other arrangements for reporting and other services and make such payments as may be necessary to carry out this title.

SEC. 203. TRANSFER OF FUNCTIONS.

There are transferred to the Division all functions exercised and all administrative appeals pending before the date of enactment of this Act (including all related functions of any officer or employee) of or relating to—

(1) the National Appeals Division established by section 426(c) of the Agricultural Act of 1949 (7 U.S.C. 1433e(c)) (as in effect before the amendment made by section 215(a)(2));

(2) the National Appeals Division established by subsections (d) through (g) of section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) (as in effect before the amendment made by section 215(b));

(3) appeals of decisions made by FCIC; and

(4) appeals of decisions made by SCS.

SEC. 204. PERSONNEL OF THE DIVISION.

(a) APPOINTMENT, DIRECTION, AND CONTROL.—The Director shall appoint such hearing officers and other employees as are necessary for the administration of the Division. A hearing officer or other employee of the Division shall have no duties other than those that are necessary to carry out this title. Hearing officers shall be supervised by the Director. All other employees of the Division shall report to the Director.

(b) LEGAL COUNSEL.—

(1) IN GENERAL.—The Director shall employ legal counsel to advise the Director with respect to legal questions affecting the Division. The legal counsel shall not serve as a counsel to any other agency of the Department. This subsection is not intended to affect the role of the Office of General Counsel in representing the Department in civil or criminal actions or as a liaison between the Department and any other Federal agency.

(2) REVIEW BY THE SECRETARY.—If a hearing officer or the Director disagrees with the General Counsel on a matter of legal interpretation with respect to a program or authority of the Department, the Secretary shall have the authority to make a final determination on the interpretation at the request of the General Counsel. The authority of the Secretary under this paragraph may not be delegated.

(c) PERFORMANCE EVALUATIONS.—The Director shall establish policies to provide for the evaluation of the Director, hearing officers, and other employees of the Division who are involved in the appeal process under section 208 or the supervision of other employees. The evaluation process shall be designed to ensure and enhance the independence, integrity, and efficiency of the Director and employees of the Division. The actual evaluations shall include evaluations by individuals outside of the Department and may include peer review.

SEC. 205. NOTICE AND OPPORTUNITY FOR HEARING.

(a) NOTICE REQUIRED.—Not later than 10 working days after an adverse decision is made that is adverse to the participant, the Secretary shall provide the participant with the written notice described in subsection (b).

(b) CONTENT OF NOTICE.—The notice required under subsection (a) shall contain a description of the following:

(1) The decision, including all of the reasons, facts, and conclusions underlying the decision.

(2) The appeal and implementation process available to the participant, including the rights and responsibilities of the participant provided by this title.

(3) An opportunity to request a determination by the Director pursuant to section 202(e) concerning whether a decision is appealable, if the decisionmaker determines that the decision is not appealable.

(c) MAINTENANCE OF RECORDS.—The Secretary and the Director shall maintain the entire case record and hearing record, respectively, and any additional information from any further appeal proceeding, of the participant at least until the expiration of the period during which the participant may seek administrative or judicial review of the determination.

(d) JOINDER.—

(1) GUARANTEED LOANS.—With regard to a guaranteed loan under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), a borrower or applicant who is directly and adversely affected by a decision of the Secretary may appeal the decision pursuant to this title without the lender joining in the appeal.

(2) RENTAL HOUSING.—A tenant in rental housing of an agency who is individually, directly, and adversely affected by a decision of the Secretary may appeal the decision pursuant to this title without the landlord joining in the appeal.

(3) THIRD PARTIES.—If the Director determines that the receipt of a payment, loan, or other direct benefit by a participant may be directly, substantially, and adversely affected by a determination of the Division, a hearing officer may invite the participant to participate in a hearing if the final determination resulting from the hearing would, as a practical matter, foreclose the participant from receiving the payment, loan, or other direct benefit of the participant. If the participant elects to participate in the hearing, the participant shall have the same procedural rights as the appellant with regard to the hearing and other procedures described in this title.

(e) EFFECT OF REVERSAL OR MODIFICATION OF ADVERSE DECISION.—If an adverse decision is reversed or modified by the Division, a decisionmaker may not base any subsequent adverse decision with regard to that appellant on the information that was available to the previous decisionmaker (or could have been available with reasonable diligence on the part of the previous decisionmaker).

SEC. 206. INFORMAL HEARINGS.

If a decisionmaker of an agency makes an adverse decision, the decisionmaker shall hold, at the request of the participant, an informal hearing on the decision.

SEC. 207. RIGHTS OF PARTICIPANTS.

Among other rights, a participant shall have the right, in accordance with this title, to—

(1) appeal any adverse decision;

(2) representation by an attorney or nonattorney throughout the informal hearing and appeals process under this title;

(3) access to, and a reasonable opportunity to inspect and reproduce, the case record at an office of the agency located in the area of the participant; and

(4) an evidentiary hearing.

SEC. 208. DIVISION HEARINGS AND DIRECTOR REVIEW.

(a) POWERS OF DIRECTOR AND HEARING OFFICERS.—To carry out their responsibilities under this section, the Director and hearing officers—

(1) shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available that relate to programs and operations with respect to which an appeal has been taken;

(2) shall have the authorities that are provided under section 202(a)(2);

(3) may request such information or assistance as may be necessary for carrying out the duties and responsibilities established under this title from any Federal, State, or local governmental agency or unit of the agency;

(4) may, or shall at the request of an appellant with good cause shown, require the attendance of witnesses and the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to the proper resolution of appeals;

(5) may require the attendance of witnesses, and the production of evidence, by subpoena; and

(6) may administer oaths or affirmations.

(b) TIME FOR HEARING.—

(1) IN GENERAL.—Except as provided in paragraph (2), an appellant shall have the right to—

(A) request a hearing, not later than 30 days after the date an adverse decision is made; and

(B) have a hearing by the Division on the adverse decision, not later than 45 days after receipt of the request for the hearing.

(2) REDUCTION OR EXTENSION.—The Director may establish an earlier deadline for a hearing (or request for a hearing) on an appeal relating to a time sensitive decision, or delay a hearing (or request for a hearing), at the request of an appellant for good cause shown.

(c) LOCATION AND ELEMENTS OF HEARING.—

(1) LOCATION.—A hearing on an adverse decision shall be held in the State of residence of the appellant or at a location that is otherwise convenient to the appellant and the Division.

(2) EVIDENTIARY HEARING.—The evidentiary hearing before a hearing officer shall be in person, unless the appellant agrees to a hearing by telephone or by a review of the case record and hearing record. The hearing officer shall conduct and resolve the hearing (regardless of the hearing format) in a fair and impartial manner and free of undue influence. The hearing officer shall not be bound by previous findings of fact by the agency in making a determination.

(3) INFORMATION AT HEARING.—The hearing officer shall consider information, including new information, presented at the hearing without regard to whether the evidence was known to the decisionmaker at the time the adverse decision was made. The hearing officer shall leave the record open after the hearing for a reasonable period of time to allow the submission of information by the appellant or the decisionmaker after the hearing to the extent necessary to prevent the appellant or the decisionmaker from being prejudiced by new facts, information, arguments, or evidence presented or raised by the decisionmaker or appellant. At the hearing, the agency may not rely on or assert new grounds for the adverse decision, if the grounds were not described in the agency decision notice.

(4) BURDEN OF PROOF.—The appellant shall bear the burden of proving that the adverse decision of the agency was erroneous.

(5) PRODUCTION OF RECORD.—An official verbatim record shall be provided by the Division for each hearing before a hearing officer. The appellant or agency representative may record an unofficial record of the hearing.

(6) STANDARD OF REVIEW.—In any case pending before a hearing officer, the hearing officer may determine that the adverse decision was in error only if substantial evidence demonstrates that the adverse decision was not correct. For purposes of this paragraph, the evidentiary threshold for substantial evidence is lower than the evidentiary threshold for preponderance of the evidence.

(7) DETERMINATION NOTICE.—The hearing officer shall issue a notice of the determination on the appeal not later than 30 days after a hearing or after receipt of the request of the appellant to waive a hearing, except that the Director may establish an earlier or later deadline pursuant to subsection (b)(2). The hearing officer may include recommendations in the determination notice. If the determination is not appealed to the Director under subsection (d), the notice provided by the hearing officer shall be considered to be a notice of final determination.

(d) REVIEW BY DIRECTOR.—

(1) REFERRAL.—At the request of the appellant or the head of the agency affected by a determination of a hearing officer, the determination of the hearing officer shall be referred to the Director for review.

(2) APPEAL BY HEAD OF AGENCY TO DIRECTOR.—

(A) REVIEW OF DETERMINATION OF HEARING OFFICER AT THE REQUEST OF AN AGENCY HEAD.—In exceptional circumstances, if the head of an agency believes that the determination of a hearing officer is contrary to a statute or regulation, or a finding of fact of a hearing officer is clearly erroneous, only the head of the agency may make a written request, not later than 10 business days after receipt of the determination, that the Director review the determination.

(B) REQUESTS FOR REVIEW.—A request for review shall—

(i) include a full description of—

(I) the exceptional circumstances justifying the request for review; and

(II) the reasons that the head of the relevant agency believes that the determination is contrary to statute or regulation, or the finding of fact of the hearing officer is clearly erroneous; and

(ii) be provided to the appellant and the hearing officer at the same time the request is provided to the Director.

(C) DETERMINATION OF DIRECTOR.—Not later than 10 business days after receipt of the request for review, the Director shall—

(i) conduct a review of the determination based on the case record and hearing record, the request for review under subsection (b), and any additional arguments or information submitted by the appellant or the hearing officer; and

(ii)(I) issue a final determination notice that upholds, reverses, or modifies the determination of the hearing officer; or

(II) if the Director determines that the hearing record is inadequate, remand the determination for further proceedings to complete the hearing record, or, at the option of the Director, to hold a new hearing, and notify the appellant, agency, and hearing officer of the remand.

(D) NEW HEARING.—If the Director remands a determination for a new hearing on the adverse decision under subparagraph (C), the hearing officer shall make a new determination with respect to the adverse decision based on the case record and the hearing record.

(E) FINALITY.—The head of the relevant agency may not request a second review as to the determination of the hearing officer or the Director on the same issue.

(3) APPEAL BY HEAD OF AGENCY OR APPELLANT TO DIRECTOR.—

(A) USE OF RECORD.—If the determination of a hearing officer is appealed under paragraph (1), the hearing officer shall certify the hearing record and provide the record to the Director.

(B) NEW INFORMATION.—The Director may consider, under extraordinary circumstances, new information in reviewing a determination under this section. The appellant, decisionmaker, and hearing officer shall receive and have the opportunity to comment on the new information.

(C) ACTIONS.—Not later than 30 days after the referral to the Director, the Director shall—

(i) review the hearing record and the determination;

(ii) uphold the determination, issue a new determination, require that a new hearing be held on 1 or more of the issues considered at the original hearing, or take any combination of the actions described in this clause; and

(iii) issue a notice of—

(I) a new evidentiary hearing;

(II) a final determination; or

(III) a remand on certain issues and a final determination on remaining issues.

(D) RECOMMENDATIONS.—The Director may include recommendations in a final determination notice.

(E) RELIEF.—The Director shall have the same authority as the Secretary to grant equitable relief. Notwithstanding the administrative finality of a final determination, the Secretary shall have the authority to grant equitable or other types of relief to the appellant after a final determination is issued by the Division.

(e) BASIS FOR DETERMINATION.—The determination of the hearing officer and the Director shall be based on information from the hearing record, laws applicable to the matter at issue, and applicable regulations published in the Federal Register and in effect on the date of the adverse decision or the date on which the acts that gave rise to the adverse decision occurred, whichever date is appropriate. The Director shall not reverse the determination of a hearing officer with regard to a finding of fact that is based on oral testimony or inspection of evidence unless the finding of fact is clearly erroneous or the Director is considering new information under subsection (d)(3) with respect to the finding of fact.

(f) EFFECTIVE DATE.—The final determination shall be effective as of the date of filing of an application, the date of the transaction or event in question, or the date of the original adverse decision, whichever is applicable.

SEC. 209. JUDICIAL REVIEW.

A final determination of the Division under section 208 shall be reviewable and enforceable by any United States district court of competent jurisdiction in accordance with chapter 7 of title 5, United States Code. Notwithstanding section 701(a)(2) of such title, a discretionary decision of the Secretary or the Division shall be reviewable under section 706(2)(A) of such title unless the decision is generally applicable to all program participants and, as a matter of general applicability, is committed to agency discretion by law within the meaning of section 701(a)(2) of such title.

SEC. 210. IMPLEMENTATION OF FINAL DETERMINATIONS OF DIVISION.

(a) IN GENERAL.—On the return of a case to an agency pursuant to the final determination of a hearing officer or the Director under section 208, the agency shall implement the final determination of the Division not later than 30 days after the effective date of the notice of the final determination.

(b) ADDITIONAL AND UPDATED INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), after notice of a final determination is received by the agency—

(A) the agency may not require that additional and updated information be provided by the appellant or considered by the decisionmaker in implementing the final determination of the hearing officer or the Director; and

(B) additional and updated information from any other source may not be used in implementing the final determination.

(2) EXCEPTIONS.—

(A) INTRODUCTION BY APPELLANT.—If additional information is introduced by the appellant during the appeal process and accepted by the hearing officer or the Director, the agency shall consider the additional information in implementing the final determination.

(B) DETERMINATION LETTER.—If the final determination notice specifically states that additional and updated information will be considered in implementing the final determination, the agency shall consider any additional and updated information in implementing the final determination.

(C) SUBSEQUENT ADVERSE DECISION.—Additional and updated information considered under this paragraph may not be used as a ground for a subsequent adverse decision.

(c) IMPLEMENTATION RESPONSIBILITIES.—

(1) STATE DIRECTOR.—Each State director shall be—

(A) required to implement final determinations of a hearing officer or the Director that affect appellants in the State; and

(B) responsible for monitoring and ensuring the implementation of final determinations that reverse and modify adverse decisions.

(2) AGENCY HEADS.—Relevant agency heads shall be responsible for—

(A) the performance of State directors under paragraph (1); and

(B) the implementation of all final determinations of the Division that reverse or modify adverse decisions of the agency.

(d) PROTECTION OF APPELLANTS' RIGHTS.—

(1) IN GENERAL.—No officer or employee of the Federal Government shall make or engage in threats or intimidation, or solicit action, to prevent any potential appellant from exercising a right of the appellant under this title or make, solicit, or engage in retaliation or retribution for the exercise of a right of an appellant under this title.

(2) CORRECTIVE ACTION.—If an officer or employee of the Federal Government violates paragraph (1), the Secretary shall take corrective action (including the imposition of sanctions, when necessary) in conformance with civil service laws.

(e) IMPLEMENTATION PROBLEMS.—

(1) ACTIONS BY RELEVANT AGENCY HEAD.—The relevant agency head shall promptly correct any problems that may arise in the implementation of a final determination.

(2) OVERSIGHT.—The Secretary shall assign employees within the Office of the Inspector General whom appellants may contact concerning problems with the implementation of final determinations of the Division. The employees shall investigate and, to the extent practicable, resolve the implementation problems.

(3) IDENTITY AND ACTIVITIES OF OVERSIGHT AGENCY.—The Secretary shall notify the Director of the business address and telephone number of employees assigned under paragraph (2). The Director shall include this information in the final determination notice of the Division to an appellant.

SEC. 211. DECISIONS OF STATE AND COUNTY COMMITTEES.

(a) FINALITY.—Each decision of a State or county committee (or an employee of the committee) that administers functions of CCC, or functions assigned to ASCS on the date of enactment of this Act, made in good faith in the absence of misrepresentation, false statement, fraud, or willful misconduct shall be final not later than 90 days after the date of filing of the application for benefits, unless the decision is—

(1) appealed under this title; or

(2) modified by the Administrator of ASCS or the Executive Vice President of CCC.

(b) RECOVERY OF AMOUNTS.—No action shall be taken by the CCC, ASCS, or a State or county committee to recover amounts found to have been disbursed as a result of a decision in error if the decision of the State or county committee has become final under subsection (a), unless the participant had reason to believe that the decision was erroneous.

SEC. 212. PROHIBITION ON ADVERSE ACTION WHILE APPEAL IS PENDING.

(a) IN GENERAL.—The Secretary may not take any adverse action against an appellant relating to an appeal while any proceeding authorized or required under this title is pending, including any action that would prevent the implementation of a decision that is favorable to the appellant.

(b) WITHHOLDING.—This section shall not preclude the Secretary from withholding a payment if the eligibility for, or amount of, the payment is an issue on appeal, except that ongoing assistance to then current borrowers and grantees shall not be discontinued pending the outcome of an appeal.

SEC. 213. RELATIONSHIP TO OTHER LAWS.

(a) OTHER RIGHTS.—This title is not intended to supersede or deprive a recipient of assistance from an agency of any rights that the recipient may have under any other law, including section 510(g) of the Housing Act of 1949 (42 U.S.C. 1480(g)).

(b) EQUITABLE RELIEF.—This title is not intended to affect the authority of an agency head to grant equitable relief.

(c) EMPLOYEE RIGHTS.—This title shall neither supersede nor interfere with rights granted to employees or their exclusive representatives by applicable civil service laws.

SEC. 214. EVALUATION OF AGENCY DECISIONMAKERS AND OTHER EMPLOYEES.

(a) EVALUATION IN ANNUAL REVIEW.—The Secretary shall promulgate regulations to require the evaluation described in subsection (b) as part of the annual review of the performance of decisionmakers, State directors, and agency heads.

(b) PERFORMANCE.—In the review, a decisionmaker, a State director, or an agency head shall be considered to have performed poorly if the decisionmaker, State director, or agency head—

(1) takes action that leads to numerous appeals that result in adverse decisions that are reversed or modified;

(2) fails to properly implement final determinations of the Division;

(3) fails to satisfactorily perform the reviewing and monitoring responsibilities required under subsection (c) or (e)(1) of section 210, whichever applies; or

(4) threatens or intimidates, or engages in retaliation or retribution against, an appellant in violation of section 210(d).

(c) SANCTIONS.—If a decisionmaker, State director, or relevant agency head has performed poorly (as determined under subsection (b)), the Secretary shall issue sanctions against the decisionmaker, State director, or relevant agency head, as the case may be, which may include a formal reprimand or dismissal consistent with civil service laws.

SEC. 215. CONFORMING AMENDMENTS.

(a) ASCS.—

(1) FINALITY OF FARMERS PAYMENTS AND LOANS.—Section 385 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1385) is amended—

(A) by striking the first sentence and inserting the following new sentence: "As used in this section, the term 'payment' means any payment under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.), any payment under the wheat, feed grain, upland cotton, extra long staple cotton, and rice programs authorized by the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) and this Act, or any loan or price support operation, or the amount of the payment, loan, or price support."; and

(B) in the second sentence, by striking "any such payment" and inserting "a payment".

(2) DETERMINATIONS BY SECRETARY; APPEALS.—Sections 412 and 426 of the Agricultural Act of 1949 (7 U.S.C. 1429 and 1433e) are repealed.

(b) FMHA.—Section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) is repealed.

(c) FCIC.—The last sentence of section 508(f) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)) is amended by inserting before the period at the end the following: "or within 1 year after the claimant receives a final determination notice from an administrative appeal made in accordance with title II of the Department of Agriculture Reorganization Act of 1994, whichever is later".

TITLE III—FARM AND INTERNATIONAL TRADE SERVICES

SEC. 301. UNDER SECRETARY FOR FARM AND INTERNATIONAL TRADE SERVICES.

(a) ESTABLISHMENT.—There is established in the Department the position of Under Secretary of Agriculture for Farm and International Trade Services (referred to in this section as the "Under Secretary"), to be appointed by the President, by and with the advice and consent of the Senate.

(b) DUTIES.—The Under Secretary shall exercise such functions and perform such duties related to farm and international trade services, and shall perform such other duties, as may be required by law or prescribed by the Secretary.

(c) CONTINUITY OF THE POSITION.—Any official serving as Under Secretary for International Affairs and Commodity Programs

on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall be considered on and after the date of enactment of this Act to be serving in the successor position established by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this Act.

(d) CONFORMING AMENDMENTS.—

(1) Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Agriculture for International Affairs and Commodity Programs." and inserting "Under Secretary of Agriculture for Farm and International Trade Services.".

(2) Section 501 of the Agricultural Trade Act of 1978 (7 U.S.C. 5691) is repealed.

SEC. 302. FARM SERVICE AGENCY.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain a Farm Service Agency (referred to in this section as the "Agency") and assign to the Agency such functions as the Secretary may consider appropriate.

(b) HEAD.—

(1) AGENCY.—If the Secretary establishes the Agency, the Agency or any successor administrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) FCIC.—The Secretary may appoint the Administrator of the Agency, or any other person, to serve as head of the Federal Crop Insurance Corporation.

(c) FUNCTIONS.—Except as provided in subsection (d), the Secretary is authorized to carry out through the Agency—

(1) price and income support, production adjustment, and other related functions;

(2) functions of the Federal Crop Insurance Corporation;

(3) notwithstanding section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981), agricultural credit functions assigned prior to the date of enactment of this Act to the Farmers Home Administration, including farm ownership, operating, emergency, and disaster loan functions, and other lending programs for producers of agricultural commodities; and

(4) any other function or administrative unit that the Secretary considers appropriate.

(d) FUNCTIONS NOT ASSIGNABLE TO THE AGENCY.—Except as otherwise determined by the Secretary, functions relating to conservation programs authorized to be assigned to the Natural Resources Conservation Service established under section 601 may not be assigned to the Agency.

(e) USE OF EMPLOYEES.—Notwithstanding any other provision of law, in carrying out in any county or area any functions assigned to the Agency or any successor administrative area, the Secretary is authorized to—

(1) use interchangeably, in the implementation of functions, Federal employees, and employees of county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); and

(2) provide interchangeably for supervision by the employees of the performance of functions assigned to the Agency.

(f) COLLOCATION.—The Secretary, to the maximum extent practicable, shall collocate county offices of the Agency with county offices of the Natural Resources Conservation Service in order to—

(1) maximize savings from shared equipment, office space, and administrative support;

(2) simplify paperwork and regulatory requirements;

(3) provide improved services to producers and landowners affected by programs administered by the Agency and the Service; and

(4) achieve computer compatibility between the Agency and the Service to maximize efficiency and savings.

(g) CONTINUITY OF THE POSITION.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

(h) CONFORMING AMENDMENTS.—

(1) The second sentence of section 505(a) of the Federal Crop Insurance Act (7 U.S.C. 1505(a)) is amended by striking "the Under Secretary or Assistant Secretary of Agriculture responsible for the farm credit programs of the Department of Agriculture," and inserting "one additional Under or Assistant Secretary of Agriculture, as designated by the Secretary,".

(2) Section 507(d) of the Federal Crop Insurance Act (7 U.S.C. 1507(d)) is amended by striking "section 516 of this Act," and all that follows through the period at the end of the subsection and inserting "section 516.".

(3) Section 331(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(a)) is amended by striking "assets to the Farmers Home Administration" and all that follows through the period at the end of the subsection and inserting "assets to such officers or administrative units of the Department of Agriculture as the Secretary may consider appropriate.".

SEC. 303. STATE AND COUNTY COMMITTEES.

Section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended—

(1) by designating the first through eighth undesignated paragraphs as paragraphs (1) through (8), respectively; and

(2) in paragraph (5) (as so designated) by adding at the end the following new sentence: "The Secretary is authorized, after consultation with the State committee of the State in which the affected counties are located, to terminate, combine, and consolidate two or more county committees established under this subsection.".

SEC. 304. INTERNATIONAL TRADE SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain an International Trade Service (referred to in this section as the "Service") and to assign to the Service such functions or administrative units as the Secretary may consider appropriate and consistent with this Act.

(b) HEAD.—If the Secretary establishes the Service, the Service or any successor administrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS.—The Secretary is authorized to carry out, through the Service or through such other officers or administrative units as the Secretary may consider appropriate, programs and activities involving—

(1) the acquisition of information pertaining to agricultural trade;

(2) market promotion and development;

(3) promotion of exports of United States agricultural commodities;

(4) administration of international food assistance; and

(5) international development, technical assistance, and training.

(d) CONTINUITY OF THE POSITION.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—Sections 502 and 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692 and 5693) are repealed.

TITLE IV—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

SEC. 401. UNDER SECRETARY FOR RURAL ECONOMIC AND COMMUNITY DEVELOPMENT.

(a) ESTABLISHMENT.—Subsection (a) of section 3 of the Rural Development Policy Act of 1980 (7 U.S.C. 2211b) is amended to read as follows:

"(a)(1) There is established in the Department of Agriculture the position of Under Secretary of Agriculture for Rural Economic and Community Development to be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Under Secretary of Agriculture for Rural Economic and Community Development shall exercise such functions and perform such duties related to rural economic and community development, and shall perform such other duties, as may be required by law or prescribed by the Secretary of Agriculture.".

(b) CONTINUITY OF POSITION.—Any official serving as Under Secretary of Agriculture for Small Community and Rural Development on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered after the date of enactment of this Act to be serving in the successor position established by the amendment made by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this Act.

(c) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Agriculture for Small Community and Rural Development." and inserting "Under Secretary of Agriculture for Rural Economic and Community Development.".

SEC. 402. RURAL UTILITIES SERVICE.

(a) ESTABLISHMENT.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Utilities Service (referred to in this section as the "Service") and to assign to the Service such functions and administrative units as the Secretary may consider appropriate.

(b) HEAD.—If the Secretary establishes the Service, the Service or any successor administrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS.—The Secretary may carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate—

(1) electric and telephone loan programs and water and waste facility activities authorized by law, including—

(A) the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.); and

(B) section 2322 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926–1); and

(2) water and waste facility programs and activities authorized by law, including—

(A) sections 306, 306A, 306B, and 306C, the provisions of sections 309 and 309A relating to assets, terms, and conditions of water and sewer programs, section 310B(b)(2), and the amendment made by section 342 of the Consolidated Farm and Rural Development Act

(7 U.S.C. 1926, 1926a, 1926b, 1926c, 1929, 1929a, 1932(b)(2), and 1013a); and

(B) section 2324 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926 note).

(d) CONTINUITY OF THE POSITION.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

(e) CONFORMING AMENDMENTS TO THE RURAL ELECTRIFICATION ACT.—

(1) The first section of the Rural Electrification Act of 1936 (7 U.S.C. 901) is amended by striking "there is" and all that follows through "This Act" and inserting "this Act".

(2) Section 2 of such Act (7 U.S.C. 902) is amended by striking "Administrator" and inserting "Secretary of Agriculture".

(3) Section 3(a) of such Act (7 U.S.C 903(a)) is amended—

(A) by striking "Administrator, upon the request and approval of the Secretary of Agriculture," and inserting "Secretary,"; and

(B) by striking "Administrator appointed pursuant to the provisions of this Act or from the Administrator of the Rural Electrification Administration established by Executive Order Numbered 7037" and inserting "Secretary".

(4) Section 8 of such Act (7 U.S.C. 908) is amended—

(A) in the first sentence, by striking "Administrator authorized to be appointed by this Act" and inserting "Secretary"; and

(B) in the second sentence, by striking "Rural Electrification Administration created by this Act" and inserting "Secretary".

(5) Section 11A of such Act (7 U.S.C. 911a) is repealed.

(6) Section 13 of such Act (7 U.S.C. 913) is amended by inserting before the period the following: "; and the term 'Secretary' means the Secretary of Agriculture".

(7) Sections 206(b)(2), 306A(b), 311, and 405(b)(1)(A) of such Act (7 U.S.C. 927(b)(2), 936a(b), 940a, and 945(b)(1)(A)) are amended by striking "Rural Electrification Administration" each place it appears and inserting "Secretary".

(8) Section 403(b) of such Act (7 U.S.C. 943(b)) is amended by striking "Rural Electrification Administration or of any other agency of the Department of Agriculture," and inserting "Secretary".

(9) Section 404 of such Act (7 U.S.C. 944) is amended by striking "the Administrator of the Rural Electrification Administration" and inserting "the Secretary of Agriculture shall designate an official of the Department of Agriculture who".

(10) Sections 406(c) and 410(a)(1) of such Act (7 U.S.C. 946(c) and 950) are amended by striking "Administrator of the Rural Electrification Administration" each place it appears and inserting "Secretary".

(11) Such Act (7 U.S.C. 901 et seq.) is amended by striking "Administrator" each place it appears and inserting "Secretary".

(f) MISCELLANEOUS CONFORMING AMENDMENTS.—

(1) Section 236(a) of the Disaster Relief Act of 1970 (7 U.S.C. 912a) is amended by striking "Rural Electrification Administration" and inserting "Secretary pursuant to the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.)".

(2) The second undesignated paragraph of section 401 of the Rural Electrification Act of 1938 (52 Stat. 818; 7 U.S.C. 903 note) is amended by striking "Administrator of the Rural Electrification Administration" and inserting "Secretary of Agriculture".

(3) Section 15 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 915) is amended by striking "Rural Electrification Administration" and inserting "Secretary".

(4)(A) Section 2333 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa-2) is amended—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) through (11) as paragraphs (1) through (10), respectively.

(B) Chapter 1 of subtitle D of title XXIII of such Act (7 U.S.C. 950aaa et seq.) is amended by striking "Administrator" each place it appears and inserting "Secretary".

SEC. 403. RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE.

(a) ESTABLISHMENT.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Housing and Community Development Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate—

(1) programs and activities under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.);

(2) programs and activities authorized under section 310B(i) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(i)) and related provisions of law; and

(3) programs and activities that relate to rural community lending programs, including programs authorized by sections 365 through 369 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008 through 2008d).

SEC. 404. RURAL BUSINESS AND COOPERATIVE DEVELOPMENT SERVICE.

(a) ESTABLISHMENT.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Business and Cooperative Development Service (referred to in this section as the "Service"), and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) section 313 and title V of the Rural Electrification Act of 1936 (7 U.S.C. 940c and 950aa et seq.);

(2) subtitle G of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5901 et seq.);

(3) sections 306(a)(1) and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1) and 1932);

(4) section 1323 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1932 note); and

(5) the Act of July 2, 1926 (44 Stat. 802, chapter 725; 7 U.S.C. 451 et seq.).

TITLE V—FOOD, NUTRITION, AND CONSUMER SERVICES

SEC. 501. UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES.

(a) ESTABLISHMENT.—There is established in the Department the position of Under Secretary of Agriculture for Food, Nutrition, and Consumer Services to be appointed by the President, by and with the advice and consent of the Senate.

(b) DUTIES.—The Under Secretary of Agriculture for Food, Nutrition, and Consumer Services shall exercise such functions and perform such duties related to food, nutrition, and consumer services, and shall perform such other duties, as may be required by law or prescribed by the Secretary.

(c) CONTINUITY OF THE POSITION.—Any official serving as Assistant Secretary of Agriculture for Food and Consumer Services on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered to be serving in the successor position established by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this Act.

(d) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.".

SEC. 502. FOOD AND CONSUMER SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Food and Consumer Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(2) the National School Lunch Act (42 U.S.C. 1751 et seq.); and

(3) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq).

SEC. 503. NUTRITION RESEARCH AND EDUCATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Nutrition Research and Education Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities relating to human nutrition research and education.

TITLE VI—NATURAL RESOURCES AND ENVIRONMENT

SEC. 601. NATURAL RESOURCES CONSERVATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Natural Resources Conservation Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit of the Department as the Secretary may consider appropriate, programs and activities, including—

(1) title X of the Agricultural Act of 1970 (16 U.S.C. 1501 et seq.);

(2) the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.);

(3) the Water Bank Act (16 U.S.C. 1301 et seq.);

(4) section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103);

(5) title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.);

(6) title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.);

(7) section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)); and

(8) the Farms for the Future Act of 1990 (7 U.S.C. 4201 note).

(c) USE OF EMPLOYEES.—Notwithstanding any other provision of law, in carrying out in any county or area any functions assigned to the Service or any successor administrative unit, the Secretary is authorized to—

(1) use interchangeably, in the implementation of functions, Federal employees, and employees of county and area committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); and

(2) provide interchangeably for supervision by the employees of the performance of functions assigned to the Service.

(d) AGRICULTURAL CONSERVATION PROGRAM.—In carrying out the Agricultural Conservation Program, the Secretary shall—

(1) acting on the recommendations of the Service, with the concurrence of the Farm Service Agency, issue regulations to carry out the program; and

(2) use a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to make the final decision on which applicants are eligible to receive cost share assistance under the program based on priorities and guidelines established at the national and State levels by the Service.

(e) CONFORMING AMENDMENTS.—

(1) Section 5 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590e) is repealed.

(2)(A) Section 2(2) of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001(2)) is amended by striking "the Soil Conservation Service of".

(B) Section 3(2) of such Act (16 U.S.C. 2002(2)) is amended by striking "through the Soil Conservation Service".

(C) The first sentence of section 6(a) of such Act (16 U.S.C. 2005(a)) is amended by striking "Soil Conservation Service" and inserting "Secretary".

SEC. 602. REORGANIZATION OF FOREST SERVICE.

(a) IN GENERAL.—Reorganization proposals that are developed by the Secretary to carry out the designation by the President of the Forest Service as a Reinvention Lab pursuant to the National Performance Review (September 1993) shall include proposals for—

(1) reorganizing the Service in a manner that is consistent with the principles of interdisciplinary planning;

(2) redefining and consolidating the mission and roles of, and research conducted by, employees of the Service in connection with the National Forest System and State and private forestry to facilitate interdisciplinary planning and to eliminate functionalism;

(3) reforming the budget structure of the Service to support interdisciplinary planning, including reducing the number of budget line items;

(4) defining new measures of accountability so that Congress may meet the constitutional obligation of Congress to oversee the Service;

(5) achieving structural and organizational consolidations;

(6) to the extent practicable, sharing office space, equipment, vehicles, and electronic systems with other administrative units of the Department and other Federal field offices, including proposals for using an on-line system by all administrative units of the Department to maximize administrative efficiency; and

(7) reorganizing the Service in a manner that will result in a larger percentage of employees of the Service being retained at organizational levels below regional offices, research stations, and the area office of the Service.

(b) REPORT.—Not later than March 31, 1995, the Secretary shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that describes actions taken to carry out subsection (a) and identifies any disparities in regional funding patterns and the rationale behind the disparities.

TITLE VII—MARKETING AND INSPECTION SERVICES

SEC. 701. GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Grain Inspection, Packers and Stockyards Administration (referred to in this section as the "Administration") and to assign to the Administration such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Administration, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities authorized under—

(1) the United States Grain Standards Act (7 U.S.C. 71 et seq.); and

(2) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.).

(c) CONFORMING AMENDMENTS.—

(1)(A) Section 3 of the United States Grain Standards Act (7 U.S.C. 75) is amended—

(i) by striking subsections (z) and (aa); and

(ii) by redesignating subsection (bb) as subsection (z).

(B) Section 3A of such Act (7 U.S.C. 75a) is repealed.

(C) Section 5(b) of such Act (7 U.S.C. 77(b)) is amended by striking "Service employees" and inserting "employees of the Secretary".

(D) The first sentences of each of sections 7(j)(2) and 7A(l)(2) of such Act (7 U.S.C. 79(j)(2) and 79a(*l*)(2), respectively) are amended by striking "supervision by Service personnel of its field office personnel" and inserting "supervision by the Secretary of the field office personnel of the Secretary".

(E) Section 12 of such Act (7 U.S.C. 87a) is amended—

(i) in the first sentence of subsection (c), by striking "or Administrator"; and

(ii) in subsection (d), by striking "or the Administrator".

(F) Such Act (7 U.S.C. 71 et seq.) is amended by striking "Administrator" and "Service" each place either term appears and inserting "Secretary".

(2) Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228) is amended—

(A) by striking subsection (b);

(B) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively; and

(C) in subsection (e) (as so designated), by striking "subsection (e)" and inserting "subsection (d)".

TITLE VIII—RESEARCH, ECONOMICS, AND EDUCATION

SEC. 801. FEDERAL RESEARCH AND INFORMATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Federal Research and Information Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) agricultural research; and

(2) agricultural information and library services.

SEC. 802. COOPERATIVE STATE RESEARCH AND EDUCATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Cooperative State Research and Education Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service programs and activities, including—

(1) cooperative research programs; and

(2) agricultural extension and education programs.

SEC. 803. AGRICULTURAL ECONOMICS AND STATISTICS SERVICE.

(a) ESTABLISHMENT.—The Secretary may establish and maintain within the Department the Agricultural Economics and Statistics Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary may carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) economic analysis and research;

(2) energy-related programs;

(3) crop and livestock estimates; and

(4) agricultural statistics.

(c) STATE AND LOCAL STATISTICAL OFFICES AND PERSONNEL.—The authority provided by subsections (a) and (b) shall not authorize a substantial change in the functions or structures of State and local statistical offices and employees of the offices.

SEC. 804. PROGRAM POLICY AND COORDINATION STAFF.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Program Policy and Coordination Staff (referred to in this section as the "Staff") and to assign to the Staff such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—If the Staff is established and maintained, the Staff shall provide common program policy development for the Federal Research and Information Service, the Cooperative State Research and Education Service, and the Agricultural Economics and Statistics Service.

(c) COMPOSITION.—Not less than 50 percent of the employees of the Staff shall be former employees of the Cooperative State Research Service and the Extension Service, as in existence on the date of enactment of this Act.

(d) RELATIONSHIP TO FUNCTIONS CURRENTLY PERFORMED BY NASS.—The Staff may not—

(1) interfere with statistic collection and reporting; or

(2) compromise the independence or integrity of statistic collection and reporting functions of the National Agricultural Statistics Service as in effect on the date of enactment of this Act.

TITLE IX—FOOD SAFETY

SEC. 901. FOOD SAFETY SERVICE.

(a) MEAT INSPECTION.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is

amended by adding at the end the following new title:

"TITLE V—FOOD SAFETY SERVICE

"SEC. 501. FOOD SAFETY SERVICE.

"(a) IN GENERAL.—The Secretary shall establish and maintain within the United States Department of Agriculture the Food Safety Service (referred to in this section as the 'Service') and to assign to the Service such functions as the Secretary may consider appropriate.

"(b) ASSISTANT SECRETARY FOR FOOD SAFETY.—

"(1) APPOINTMENT.—There shall be in the Service the position of Assistant Secretary for Food Safety (referred to in this section as the 'Assistant Secretary'), who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) CONTINUITY OF THE POSITION.—Any official serving on the date of enactment of this section, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

"(3) RELATIONSHIP TO THE SECRETARY.—The Assistant Secretary shall report directly to the Secretary.

"(4) GENERAL POWERS.—The Secretary is authorized to carry out, through the Service or through such other officers or administrative units as the Secretary may consider appropriate, programs and activities involving food safety under this Act and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), including—

"(A) providing overall direction to the Service and establishing and implementing general policies concerning the management and operation of programs and inspection activities of the Service;

"(B) coordinating and overseeing the operation of all administrative entities within the Service;

"(C) research and inspection relating to meat, meat food products, poultry, and poultry products in carrying out this Act and the Poultry Products Inspection Act;

"(D) conducting educational and public information programs relating to the responsibilities of the Service; and

"(E) performing such other functions related to food safety as the Secretary may prescribe, except that only programs and activities related to food safety, as determined by the Secretary, shall be administered through the Service.

"(c) TECHNICAL AND SCIENTIFIC REVIEW GROUPS.—The Secretary, acting through the Assistant Secretary, may, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates—

"(1) establish such technical and scientific review groups as are needed to carry out the functions of the Service, including functions under this Act and under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.); and

"(2) appoint and pay the members of the groups, except that officers and employees of the United States shall not receive additional compensation for service as a member of a group.".

(b) POULTRY PRODUCTS INSPECTION.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended—

(1) by redesignating section 29 as section 30; and

(2) by inserting after section 28 the following new section:

"SEC. 29. ADMINISTRATION.

"The Secretary shall administer this Act through the Assistant Secretary for Food Safety of the Food Safety Service established under section 501 of the Federal Meat Inspection Act.".

TITLE X—MISCELLANEOUS

SEC. 1001. ASSISTANT SECRETARIES OF AGRICULTURE.

(a) ESTABLISHMENT.—There are established in the Department six positions of Assistant Secretary of Agriculture, each to be appointed by the President, by and with the advice and consent of the Senate.

(b) FUNCTIONS.—Each Assistant Secretary of Agriculture shall exercise such functions and perform such duties as may be required by law or prescribed by the Secretary, and shall receive compensation at the rate prescribed by law for an Assistant Secretary of Agriculture. The compensation of any person serving as an Administrator shall not be raised by this Act.

(c) CONFORMING AMENDMENTS.—

(1) Section 2 of the Act of February 9, 1889 (25 Stat. 659, chapter 122; 7 U.S.C. 2212), is repealed.

(2) Section 604 of the Rural Development Act of 1972 (7 U.S.C. 2212a) is amended by striking subsection (a).

(3) Section 2 of Public Law No. 94-561 (7 U.S.C. 2212b) is repealed.

(4) Section 1413 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128) is amended by striking subsection (d).

(5) Section 8 of the International Carriage of Perishable Foodstuffs Act (7 U.S.C 2212c) is amended by striking subsection (a).

(d) CONTINUITY OF POSITIONS.—Notwithstanding subsections (a) and (b) and the amendments made by subsection (c), any official serving in any of the positions referred to in this section on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered after the date of enactment of this Act to be serving in the successor positions established by subsection (a) and shall not be required to be reappointed by reason of the enactment of this Act.

(e) ADDITIONAL CONFORMING AMENDMENTS.—Section 5315 of title 5, United States Code, is amended—

(1) by striking "Assistant Secretaries of Agriculture (7)" and inserting "Assistant Secretaries of Agriculture (six)"; and

(2) by adding at the end the following:

"Administrator, Farm Service Agency, Department of Agriculture.

"Administrator, International Trade Service, Department of Agriculture.

"Administrator, Rural Utilities Service, Department of Agriculture.".

SEC. 1002. REMOVAL OF OBSOLETE PROVISIONS.

Section 5316 of title 5, United States Code, is amended—

(1) by striking "Administrator, Agricultural Marketing Service, Department of Agriculture.";

(2) by striking "Administrator, Agricultural Research Service, Department of Agriculture.";

(3) by striking "Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture.";

(4) by striking "Administrator, Farmers Home Administration.";

(5) by striking "Administrator, Foreign Agricultural Service, Department of Agriculture.";

(6) by striking "Administrator, Rural Electrification Administration, Department of Agriculture.";

(7) by striking "Administrator, Soil Conservation Service, Department of Agriculture.";

(8) by striking "Chief Forester of the Forest Service, Department of Agriculture.";

(9) by striking "Director of Science and Education, Department of Agriculture.";

(10) by striking "Administrator, Animal and Plant Health Inspection Service, Department of Agriculture."; and

(11) by striking "Administrator, Federal Grain Inspection Service, Department of Agriculture.".

SEC. 1003. ADDITIONAL CONFORMING AMENDMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to Congress recommended legislation containing additional technical and conforming amendments to Federal law that are necessary as a result of the enactment of this Act.

SEC. 1004. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—Subject to subsection (b), the authority delegated to the Secretary by this Act to reorganize the Department shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) FUNCTIONS.—Subsection (a) shall not affect—

(1) the authority of the Secretary to continue to carry out a function that the Secretary performs on the date that is 2 years after the date of enactment of this Act; or

(2) the authority delegated to the Secretary under Reorganization Plan No. 2 of 1953 (5 U.S.C. App. 1).

SEC. 1005. ELIMINATION OF DUPLICATIVE INSPECTION REQUIREMENTS.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) eliminate inspections of pilots and aircraft by the Department of Agriculture;

(2) develop with the Administrator of the Federal Aviation Administration inspection specifications and procedures by which aircraft and pilots contracted by the United States Department of Agriculture will be inspected. The Administrator will ensure that the inspection specifications and procedures are met; and

(3) permit the utilization by the Department of Agriculture of inspections and certifications of pilots and aircraft conducted by the Federal Aviation Administration.

(b) APPLICABILITY.—An inspection requirement shall be eliminated pursuant to subsection (a)(1) only if the pilots and aircraft are inspected by the Federal Aviation Administration for compliance with the safety regulations of the Federal Aviation Regulations.

BOXER AMENDMENT NO. 2578

Mr. FORD (for Mrs. BOXER) proposed an amendment to the bill S. 2095, supra; as follows:

At the end of the bill, insert the following section:

"It is the sense of the Senate that the U.S. Department of Agriculture should carry out its plans to hold public hearings during the month of September, 1994, for the purpose of receiving public input on issues related to the conditions under which poultry sold in the U.S. may be labeled "fresh" and to finalize and publish a decision on this issue as expeditiously as possible thereafter. It is the further sense of the Senate that no person serving on the expert advisory committee established to advise the Secretary of Agriculture on this issue should stand to profit,

or represent any interest that would stand to profit, from the Department's decision on the issue."

HELMS AMENDMENT NO. 2579

Mr. MCCONNELL (for Mr. HELMS) proposed an amendment to the bill S. 2095, supra; as follows:

At the appropriate place, add the following:

"SEC. . Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without public hearings from his or her position because of remarks made during personal time in opposition to Departmental policies, or proposed policies regarding homosexuals; provided that, any such individual so removed prior to date of enactment shall be reinstated to his or her previous position."

STEVENS AMENDMENT NO. 2580

Mr. MCCONNELL (for Mr. STEVENS) proposed an amendment to the bill S. 2095, supra; as follows:

At the appropriate place add the following:

SEC. . ADJUSTED COST OF THRIFTY FOOD PLAN.

Section 3(o)(11) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)(11) is amended by inserting before the period at the end of the following: ", except that the Secretary may not reduce the cost of such diet below the allotment in effect for fiscal year 1994".

ADJOURNMENT CONCURRENT RESOLUTION

MITCHELL AMENDMENT NO. 2581

Mr. FORD (for Mr. MITCHELL) proposed an amendment to the concurrent resolution (H. Con. Res. 289) providing for an adjournment or recess of the two Houses; as follows:

On page 1, line 3 beginning with "Thursday strike through "September 8" on line 4 and insert Monday, September 12.

On page 1 line 12 strike "Thursday, September 8, 1994," and insert the following: "Monday, September 12, 1994, or at such time as may be specified by the majority Leader or his designee in his motion to recess and adjourn."

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce that the Committee on Energy and Natural Resources will hold a hearing on the Agreement for Cooperation on Peaceful Uses of Atomic Energy between the United States and the European Atomic Energy Community [Euratom].

The purpose of the hearing is to receive testimony on the importance of the U.S.-Euratom Agreement for Cooperation to the development of civilian nuclear energy programs and on the executive branch's efforts to negotiate a new agreement with Euratom.

The hearing will take place on Thursday, September 29 at 9:30 in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information, please contact Sam Fowler of the committee staff at 202-224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, August 25, 1994, at 10:30 a.m., in closed session, to receive a briefing on the situation in Cuba.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 25, 1994, at 4 p.m. to receive a closed briefing from the administration on the current situation in Cuba.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, August 25, 1994, at 10:30 a.m. to hold a hearing on the nomination of Stanwood R. Duval, Jr. of Louisiana, to be U.S. District Judge for the Eastern District of Louisiana; John Gleeson, of New York, to be U.S. District Judge for the Eastern District of New York; and R. Samuel Paz, of California, to be U.S. District Judge for the Central District of California.

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

ADDITIONAL STATEMENTS

THE LITTLE LEAGUE WORLD SERIES

• Mr. DURENBERGER. Mr. President, there was some outstanding baseball played in America this past week and not a single player received a salary. The Little League World Series was played at Williamsport, PA, and the Nation was again reminded that the spirit of competition and a love for the game are the ingredients which have sustained the game of baseball in America for 150 years and made it our national pastime.

But this year's series was special for Minnesotans because we were represented by a team from Brooklyn Center, MN. The U.S. Central Region Champions opened the tournament with an upset victory over Northridge, CA, and ended it with a disappointing loss to Springfield, VA.

I read a quote in the Minneapolis newspaper which I'm sure illustrated the mood of the players and the coaches when Jason Erklouts stated "It was hard. I've never been this important before. I went from nobody to being a star." Luckily, Jason got half of the equation right. These young people were never "nobodies" and, judging from the heart and drive they displayed during their games, they will always be "stars." This says much more about their character than the outcome of a baseball game. That final score will soon be forgotten.

I hope my colleagues will join me in congratulating the players and coaches of the Little Leaguers from Brooklyn Center who reminded us all that the spirit of sportsmanship is alive and well.•

"SENATE'S 'MAINSTREAM' OUT OF TOUCH"

• Mr. SIMON. Mr. President, the St. Louis Post-Dispatch has an editorial titled "Senate's 'Mainstream' Out Of Touch."

I think it might be of interest to my colleagues in the Senate and to those who read the CONGRESSIONAL RECORD.

I ask to insert it into the RECORD at this point.

The editorial follows:

SENATE'S "MAINSTREAM" OUT OF TOUCH

The so-called mainstream coalition of Senate moderates takes pride in the supposedly middle-of-the-road positions it has staked out in the health-reform debate. But its membership, which includes Sen. John C. Danforth, essentially seeks to protect the status quo at the expense of the uninsured.

Fortunately, the group's health-care plan does not mirror the nation's political center. A majority of voters, polls show, think every American deserves a basic package of health-insurance benefits.

Worst of all, this Senate plan falls short of even Majority Leader George Mitchell's bill to cover 95 percent of Americans by the turn of the century. Under the Mitchell bill, at least 14 million Americans still would have no health insurance. Incredibly, the Senate coalition claims the Mitchell bill goes too far. It's safe to say health benefits might be denied to millions more if the mainstreamers get their way.

Yet the compromise proposals of this 15-member Senate group are being embraced as the best way to make some conservatives comfortable with voting for a weakened Mitchell bill. Some liberals, meanwhile, feel compelled to back the compromise for the political sake of President Bill Clinton.

These developments show how Washington has lost its way on the health-care issue. Both parties have forgotten the well-defined premises that initially shaped the debate. One was the health insurance should be portable, in that workers could take it from one job to the next; moreover, they wouldn't be denied coverage if they became unemployed

or seriously ill. Senators are only giving up lip service to these principles.

Another premise was cost containment. To the mainstreamers, that means attacking fraud, malpractice awards and so-called gold-plated health plans. Yet these senators object to standby government authority to restrain the genuine sources of medical inflation. These include the oversupply of hospital facilities, beds and high-tech equipment. Rising medical expenses are in part a reflection of these costs. Rather than lauding the health-care industry's 14 percent share of the economy, Mr. Danforth and others should ask hard questions about what Americans are getting—besides out-of-pocket medical bills and shrinking care for the uninsured—for the billions of dollars they're feeding this profit-hungry industry.

Just 14 years ago, the average U.S. family spend $1 for health care for every $11 of pretax income, says a study by Families USA. It says that under current trends, those same families can expect to spend $1 out of every $5 of income for health by the end of the decade in the absence of reforms.

The mainstreamers assail what they see as hidden taxes and big government in the Democrats' bills. Yet they say nothing about unchecked indirect taxes, the financial drain and human pain the current profit-oriented system imposes on everyone.

The Mitchell bill was in bad shape from the start. It imposes no employer mandate; it seeks no serious source of tax revenue to pay for care, and it leaves millions of Americans with no health insurance. That mainstreamers want to weaken even this anemic bill augurs poorly for genuine health reform this year.●

THE EQUITABLE ESCHEATMENT ACT—S. 1715

● Mr. JOHNSTON. Mr. President, on June 24, 1994, I expressed my support for a negotiated settlement of the dispute between Delaware, New York, and Massachusetts and the 47 States that support enactment of S. 1715, the Equitable Escheatment Act. The 47 States which support that legislation have been negotiating in good faith with representatives from Delaware, Massachusetts, and New York accepting the settlement. Subject to New York accepting the settlement, I am pleased to report that the Governors of Delaware and Massachusetts have worked out a compromise which would eliminate the need for legislation.

New York apparently believes it can defeat S. 1715, and is stonewalling this compromise. With 80 cosponsors and the support of 47 Governors, it would be unconscionable for this body to permit one State to thwart the will of the majority. Clearly, the will of the public must prevail. I strongly urge the parties involved to work toward reaching an acceptable compromise on an expedited basis. If negotiations do not result in an equitable compromise in the very near future, the only alternative available to the Senate will be immediate action on S. 1715.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

● Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Christine Ciccone, a member of the staff of Senator STEVENS, to participate in a program in Taiwan sponsored by the Chinese Culture University from August 27 to September 3, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Ciccone in this program.

The select committee received notification under rule 35 for Thomas G. Hohenthaner, a member of the staff of Senator PRESSLER, to participate in a program in Taiwan sponsored by the Chinese Culture University from August 29 to September 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Hohenthaner in this program.

The select committee received notification under rule 35 for Deanna Tanner Okun, a member of the staff of Senator MURKOWSKI, to participate in a program in Taiwan sponsored by the Chinese Culture University from August 30 to September 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Okun in this program.

The select committee received notification under rule 35 for Kris Hurley, a member of the staff of Congressman MFUME, to participate in a program in Taiwan, sponsored by the Tamkang University from August 24 to August 30, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Hurley in this program.

The select committee received notification under rule 35 for William Testerman, a member of the staff of Senator JEFFORDS, to participate in a program in Taiwan, sponsored by the Chinese Cultural University from August 29 to September 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Testerman in this program.

The select committee received notification under rule 35 for McLane Layton, a member of the staff of Senator NICKLES, to participate in a program in South China and Hong Kong, sponsored by the Hong Kong General Chamber of Commerce from August 29 to September 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Layton in this program.

The select committee received notification under rule 35 for Mark Ashby, a member of the staff of Senator BREAUX, to participate in a program in Singapore, sponsored by the Singapore International Foundation, from August 28 to September 3, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Ashby in this program.

The select committee received notification under rule 35 for Steve Sola, a member of the staff of Senator KASSEBAUM, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from August 28 to September 11, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Sola in this program.

The select committee received notification under rule 35 for Gare Smith, a member of the staff of Senator KENNEDY, to participate in a program in Mexico, sponsored by the Democracy Foundation from August 19–22, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Smith in this program.●

"LOOK WHO'S DOMINATING THE ARMS TRADE"

● Mr. SIMON. Mr. President, the U.S. role in arms sales has always been a troubling one.

And Members of the Senate, the House, and the administration should be troubled by the latest statistics.

I ask to insert a thoughtful New York Times editorial on the subject into the RECORD at this point.

The editorial follows:

[From the New York Times, Aug. 20, 1994]

LOOK WHO'S DOMINATING THE ARMS TRADE

The Clinton Administration has yet to announce a policy on arms sales. Under this Administration the U.S. is dominating the market for arms as no other country has in recent history. The American share of new arms deals in the third world soared to 73 percent in 1993 from 56 percent in 1992.

Given the dramatic rise, the failure to develop a policy is truly a missed opportunity. The U.S. could use its market dominance to try to get other leading producer countries to agree to restrain the arms trade. It could offer to limit its own sales in return for similar restraint from other countries, starting with the sale of the most advanced weapons to the world's most volatile region—the Middle East.

Instead, the two largest sales for 1993—80 percent of the total—went to that region. Saudi Arabia bought 72 F–15 jet fighters from McDonnell Douglas for $9.5 billion and Kuwait bought 256 M1–A2 tanks from General Dynamics for $2.2 billion.

With slowed Pentagon procurement, the defense industry cannot expect to fend off decline by pushing its products abroad. U.S. sales to the third world increased just slightly in 1993—to $14.8 billion from $14.6 billion the previous year. That is because the global arms market is shrinking. Third-world arms purchases totaled $20.4 billion in 1993, down 22 percent from 1992 and well below the 1988 peak of $61.5 billion.

As a result, the U.S. arms industry is certain to face further consolidation and shrinkage. That could reduce the little competition left in defense contracting and shut down critical parts of the supply pipeline. The Pentagon needs to study whether it should take a more active role in managing that shrinkage.

It might conclude that it is best left to the dictates of the market. But as with overall sales trends, having no policy seems to be Administration policy. And that is not necessarily the best policy.•

CENTENNIAL OF MOUNT AIRY, MD

• Mr. SARBANES. Mr. President, I want to recognize the centennial of Mount Airy, MD, a beautiful town in central Maryland. Although the community has grown more populous in recent years due to its proximity to both Washington, DC, and Baltimore, the area still consists of mostly rich farmland.

Mount Airy is unique in that the town's Main Street is also the dividing line of two counties. Frederick to the west and Carroll to the east. Not even 2 miles south, the four counties of Frederick, Montgomery, Howard, and Carroll meet at Parrs Spring, which is where the Patapsco River originates.

An old legend purports that Mount Airy received its name from an Irish rail worker who commented, "The weather here is rather airish, maybe we should call it Mount Airy." However the town got its name, no one can dispute its appropriateness.

In 1888, the Robert Garrett Sanitarium was established on North Main Street, so children from Baltimore City could benefit from the pure, dry, cool air during the summer months.

Mount Airy was founded by Henry Bussard who was its principal land owner, developer, and first merchant. The rapid growth of the town can be attributed to the construction of the Baltimore and Ohio Railroad. Work began in the 1830's and moved west from Baltimore with a spur line reaching Mt. Airy near the end of the decade.

As the area grew the local residents applied and received the right from the Maryland Legislature to institute its own local government. This act was approved in 1894 and signed into law by Governor Frank Brown, a Carroll County native. The first mayor was Byron S. Dorsey, owner of the local hardware store.

The town's history is not without tragedy. Mt. Airy has been devastated by three tragic fires. The first, in 1903 destroyed the south end of town except one building which remains today. In 1914 another fire burned buildings north of the railroad tracks with only the feed mill left standing. In 1925 the same north area was destroyed by fire and this time the mill burned.

With sheer determination the citizens proceeded to rebuild their beloved town after each fire and by the 1930's, Mount Airy had one of the largest canning factories in the country, one of the largest flour mills, and was the chicken hatching center of the United States with over 1 million chicks hatched each season.

I would like to congratulate the citizens of Mt. Airy as they celebrate their centennial. They will be celebrating this wonderful occasion with a parade on September 24. The entire town has joined to make this event a success and I wish them well.•

FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, I rise today in my continuing effort to put a face on the need for health care reform. Today, I would like to tell the story of Carrie Fowler of Plainwell, MI. Carrie is a 19 year old student at Kalamazoo Valley Community College who is studying to be a surgical technician. She lives with her parents, Bonnie and David. Carrie also works as a hostess at a Big Boy Restaurant. Her mother is a teacher's aide working with autistic children at a local school, and her father works for the State of Michigan as a construction technician.

When Carrie was 12 years old, she noticed that her hands were shaky and that it was impossible for her to write neatly. Her parents took her to see a neurologist, who first thought she had a brain tumor. After more testing, Carrie was diagnosed with hydrocephalus.

Hydrocephalus is usually a congenital condition. Abnormal build-up of fluid in the head causes compression of the brain, brain damage, and often causes death. Carrie's case is very unusual because it did not occur until she was 12. No cause has been found for her condition.

Carrie had surgery to install a shunt in her head to drain the water through a tube to her abdomen, and to monitor the pressure of the water on her brain. She has received therapy since then to help her regain the ability to memorize and deal with short term memory loss.

Since age 12, Carrie has had six surgeries to adjust and clean the shunt. The shunt becomes blocked by something as small as the head of a pin. Her last surgery was 20 months ago, when the shunt became blocked and she went into a coma. The bill for that hospital stay totaled over $40,000, all of which was paid for her by her HMO. In fact, her insurance has paid more than $230,000 for her medical care over the last 7 years.

Fortunately, Carrie's father works for the State of Michigan and therefore has excellent family health coverage through an HMO. But this insurance will only cover Carrie until she is 25 or is married, whichever comes first. Carrie must also remain a full-time student to maintain coverage.

Although she leads a very normal life, Carrie will always need a shunt to survive. She does not need any medication or regular medical treatment. She is able to recognize the symptoms, such as certain headaches, that mean she must seek medical care. But because of this condition and the incredible expense of its treatment, Carrie does not look forward to an independent life when she finishes college. She lives in fear of being without health coverage.

Carrie has met a young man, Jon, whom she would like to marry when she is 22. But she is afraid to marry him because if she does, she would lose her health insurance. Jon is also a student now, and knows that they cannot marry, unless one of them finds an employer that provides health insurance that would cover her. Even then, they would be locked into that job for the health benefits it offers.

Because of the pre-existing condition exclusions contained in most health policies, it is unlikely that Carrie will be eligible for any health insurance coverage at all when she reaches age 25.

Carrie is a very courageous young woman who has had to deal with memory loss and six surgeries since the age of 12. She knows that she could face surgery again tomorrow. She wants to marry and have a family, but insurance protection is crucial for that dream to come true.

Mr. President, we must pass a health care bill that will allow young people like Carrie and Jon to live full lives without the desperate fear of not having health coverage affecting their every decision. We need to get rid of pre-existing condition clauses that would deny individuals coverage if they have a chronic condition. And we need community rating, so that everyone can afford to buy coverage they need. I will continue to work with my colleagues to pass a health care reform bill this session.•

"YOU THOUGHT THE COLD WAR WAS DEAD?"

• Mr. SIMON. Mr. President, there is a great deal of attention on Cuba right now, and a great deal of irrationality continues to dominate American policy.

Robert Scheer, former Los Angeles Times national correspondent, recently had a op-ed piece about Cuba.

I know talking sense about Cuba is not politically popular, but it certainly makes sense.

I ask to insert his column into the RECORD at this point.

The column follows:

[From the Los Angeles Times, Aug. 19, 1994]

YOU THOUGHT THE COLD WAR WAS DEAD?

(By Robert Scheer)

Fidel Castro should start futzing around with the rods in his nuclear power plant at Cienfuegos, or hint that he's bought some of the plutonium that's being smuggled out of Russia. Anything to make it look like he's building a bomb. That way the Clinton Administration, following the example of its policy toward North Korea, would feel required to lift the economic embargo that has strangled Cuba for 33 years. Nothing else seems to work to get this Administration to re-evaluate a policy of isolating Cuba that made little sense when the Cold War was on and is simply bizarre in its aftermath.

How in the world can the Clinton Administration justify diplomatic recognition and trade with the communist nations of China, Vietnam and now North Korea while maintaining the trade embargo with Cuba because its a communist country? Is it that the Asian reds are no longer reds, or that they have a better human-rights record, or pose less of a potential military threat?

To argue any of that would be absurd. North Korea is suddenly presented with diplomatic exchange, trade and billions in nuclear technology without even being requested to make the slightest alterations in what remains one of the world's most tightly repressive and bellicose regimes.

The opening to China, and more recently to Vietnam, was justified by reference to those countries being open to foreign investment. The U.S. embargo makes such investments on the part of American corporations, and their foreign subsidiaries, in Cuba illegal. Despite severe U.S. pressure, 112 joint ventures worth $500 million were put into place in the past three years by British, Italian, French and Spanish companies.

U.S. Cuba policy is irrational, yet rarely is Clinton challenged by reporters on the obvious contradiction of continuing the Cold War against Cuba. We blockaded Cuba three decades ago because that small island was judged an outpost of Soviet power. Has Clinton not noticed that the Soviet Union no longer exists?

The sad truth is that Cubans are being denied the benefits of trade afforded the Chinese and Vietnamese because of a hard-line emigré claque in Miami. There is ample evidence that they no longer speak for many Cubans eager to aid relatives on the island, but they are still terrific at intimidation.

One who is clearly intimidated is Bill Clinton. In the 1992 election, he supported the tightening of the trade embargo which George Bush, like Ronald Reagan previously, had opposed. Thanks to Clinton and the Democratic Congress, the embargo was tightened in brazen denial of the changed world reality. This action was condemned by an 88-4 vote in the United Nations. It was a stupidly cruel move that hurt ordinary Cubans while saving Castro the challenges of a more open society.

As Roger Fontaine, former national security aide in the Reagan Administration, wrote:

"The 1992 law is a policy of impoverishing Cubans at the behest of the most militant conservative groups in the emigré community. It is polarizing Cuba—driving many anti-Castro Cubans back into Mr. Castro's camp . . . and enhancing his reputation as a fearless fighter of Yankee capitalism."

But let's say the policy works and we succeed in ratcheting up the misery of ordinary Cubans already suffering from the abrupt withdrawal of Soviet subsidies. Is upheaval and disarray in Cuba really in our national interest? Have we no memory of the Mariel boat lift? Are we really prepared to take in millions of more Cuban refugees when we currently imprison Haitian refugees at our Cuban base in Guantanamo?

We continue to view Castro as nothing more than an outlaw while blindly ignoring our nation's past crimes in his region, including numerous documented efforts to sabotage the Cuban economy and to assassinate Fidel.

His rule has been complex, filled with major achievements as in education and health and profound failure in civil liberty. There is no need to whitewash Castro any more than to continue demonizing him. But surely, if we can get along with the very people whom we fought in Vietnam and Korea, we can heal the wounds left over from the minor skirmish of the Bay of Pigs.

If Clinton fails this test of leadership and allows the situation to deteriorate, the cost in the suffering attendant to internecine warfare in Cuba will make a upheaval of the Mariel boat lift, and the more recent Haitian exodus and Cuban rafters, seem like a Caribbean cruise.●

ACT OF JUNE 8, 1926 AMENDMENT ACT

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 859) a bill to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 859) entitled "An Act to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926", do pass with the following Amendment:

Strike out all after the enacting clause and insert:

That section 2 of the Act of June 8, 1926 (ch. 498; 44 Stat. 708), is amended by—

(1) inserting "(a)" before "The conveyance";

(2) striking "States." at the end of the first sentence and inserting in lieu thereof "States, except that such restrictions on conveyances and uses shall not apply to those lands upon which communication facilities were located as of January 1, 1993."; and

(3) adding at the end thereof the following new subsections:

"(b) Reasonable use of an access route in existence on June 1, 1994, across National Forest lands shall be allowed for the repair, maintenance, or improvement of the communication facilities referred to in subsection (a), but the Secretary of Agriculture shall not be required to improve the condition of any such access route or to provide any additional access route for such purposes.

"(c) Recreational activities on the lands identified in section 1, totaling approximately one thousand four hundred and forty acres, may be allowed so long as such recreational use is consistent both with the protection of the watershed and water supply system of the city and with the management objectives for adjacent National Forest System lands. Construction of structures or other improvements associated with such recreational activities shall be permitted only to the extent that the Secretary of Agriculture has determined that such construction would be consistent with protection of watershed and would not adversely affect the resources and values of adjacent National Forest System lands.".

Mr. FORD. I move the Senate concur in the House amendment.

The motion was agreed to.

LINCOLN COUNTY, MT, LANDS TRANSFER ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 597, S. 528, a bill relating to land transfer in Montana; that the committee substitute be agreed to; that the bill be read a third time, passed; and that the motion to reconsidered be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

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

There being no objection, the Senate proceeded to consider the bill to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County, MT, to Lincoln County in the State of Montana, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause, and inserting in lieu thereof the following.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lincoln County, Montana, Lands Transfer Act of 1994".

SEC. 2. CONVEYANCE OF PROPERTY.

(a) As soon as practicable, but in no event not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture (hereinafter the "Secretary") shall convey, without consideration, all right, title, and interest of the United States to the following lands located within the boundaries of the Kootenai National Forest, Montana, to Lincoln County, Montana—

(1) approximately 30 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Libby Junior High School" dated August 1994;

(2) approximately 2 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Boyd Cemetery" dated August 1994;

(3) approximately 27.68 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Yaak Ambulance Barn" dated August 1994;

(4) approximately 170 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Libby Landfill" dated August 1994;

(5) approximately 11 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Eureka Administration Site" dated August 1994; and

(6) approximately 99.5 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Old Libby Airport" dated August 1994.

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall

convey, without consideration, the timber and mineral rights to approximately 182.04 acres at the new Libby Airport, as generally depicted on the map entitled "Kootenai National Forest Lands—Timber and Mineral Rights Transfer at Libby Airport" dated August 1994, to Lincoln County, Montana.

(c) If the lands referred to in subsection (a) cease to be used for public purposes, such lands shall revert to the United States: *Provided*, That the lands shall not revert if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following)).

SEC. 3. RELEASE.

Upon the transfer of any lands or interests therein identified in section 2 of this Act to Lincoln County, Lincoln County shall release the United States from any liability for claims relating to such lands or interests therein.

SEC. 4. MAPS.

The maps referred to in this Act shall be on file and available for public inspection in the Office of the Chief of the Forest Service, in Washington, D.C.

Mr. BURNS. Mr. President, I would like to speak in support of the Lincoln County, MT, Public Land Transfer Act, Senate bill 528. This is very important to the northwest corner of my State.

I introduced S. 528 with my colleague from Montana, Senator BAUCUS, over a year ago, and I am glad that this bill is now before the full Senate. S. 528 would transfer a small amount of Federal land controlled by the Forest Service over to the local government.

Lincoln County is in a tough position. The county relies on the use of these public lands because the county is 80 percent federally owned. They have used many of these lands under special use permit. But, as with most things dealing with the Federal Government, there are many loopholes which the county must go through.

This transfer has been on the table for years. These lands under consideration today are important to citizens of Lincoln County. S. 528 will enable Lincoln County to continue to use these lands and acquire small tracts of additional land for its everyday routine.

As a former county commissioner, I can understand the problems faced by the people in this area. Over 72 percent of Lincoln County is owned by the Federal Government. And this ownership often hampers local government's ability to manage for the daily needs of its residents. In addition, the intermingled ownership of the land has caused problems for the Forest Service.

This bill will aid Lincoln County by transferring only 320 acres. The areas include a landfill, airport, a cemetery, and the Libby Junior High School.

This county has the highest unemployment rate of any county in Montana. The county simply doesn't have the ability to buy the land. And, since the county is so heavily owned by the Federal Government, there is really no opportunity for exchange. Mr. President, the transfer of this small amount of land will mean so much to the folks in Lincoln County.

So the bill (S. 528), as amended, was deemed read a third time and passed.

(The text of the bill, as amended, as passed, will appear in a future edition of the RECORD.)

ELECTRONIC FREEDOM OF INFORMATION ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 594, S. 1782, the Electronic Freedom of Information Improvement Act of 1994; that the committee amendment be agreed to; that the bill, as amended, be deemed read three times, passed, and that the motion to reconsider be laid upon the table; that the title amendment be agreed to; further, that any statements appear in the RECORD as if read.

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

There being no objection, the Senate proceeded to consider the bill to amend title 5, United States Code, to provide for public access to information in an electronic format, to amend the Freedom of Information Act, and for other purposes, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Freedom of Information Improvement Act of 1994".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the purpose of the Freedom of Information Act is to require agencies of the Federal Government to make certain agency information available for public inspection and copying and to establish and enable enforcement of the right of any person to obtain access to the records of such agencies (subject to statutory exemptions) for any public or private purpose;

(2) since the enactment of the Freedom of Information Act in 1966, and the amendments enacted in 1974 and 1986, the Freedom of Information Act has been a valuable means through which any person can learn how the Federal Government operates;

(3) the Freedom of Information Act has led to the disclosure of waste, fraud, abuse, and wrongdoing in the Federal Government;

(4) the Freedom of Information Act has led to the identification of unsafe consumer products, harmful drugs, and serious health hazards;

(5) Government agencies increasingly use computers to conduct agency business and to store publicly valuable agency records and information; and

(6) Government agencies should use new technology to enhance public access to agency records and information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster democracy by ensuring public access to agency records and information;

(2) improve public access to agency records and information;

(3) ensure agency compliance with statutory time limits; and

(4) maximize the usefulness of agency records and information collected, maintained, used, retained, and disseminated by the Federal Government.

SEC. 3. PUBLIC INFORMATION AVAILABILITY.

Section 552(a)(1) of title 5, United States Code, is amended—

(1) in the first sentence by inserting "by computer telecommunications, or if computer telecommunications means are not available, by other electronic means," after "Federal Register";

(2) by striking out "and" at the end of subparagraph (D);

(3) by redesignating subparagraph (E) as subparagraph (F); and

(4) by inserting after subparagraph (D) the following new subparagraph:

"(E) a complete list of all statutes that the agency head or general counsel relies upon to authorize the agency to withhold information under subsection (b)(3) of this section, together with a specific description of the scope of the information covered; and".

SEC. 4. MATERIALS MADE AVAILABLE IN ELECTRONIC FORMAT.

Section 552(a)(2) of title 5, United States Code, is amended—

(1) in the first sentence by inserting "including, within 1 year after the date of the enactment of the Electronic Freedom of Information Improvement Act of 1994, by computer telecommunications, or if computer telecommunications means are not available, by other electronic means," after "copying";

(2) in subparagraph (B) by striking out "and" after the semicolon;

(3) in subparagraph (C) by inserting "and" after the semicolon;

(4) by adding after subparagraph (C) the following new subparagraphs:

"(D) an index of all major information systems containing agency records regardless of form or format unless such an index is provided as otherwise required by law; and

"(E) a description of any new major information system with a statement of how such system shall enhance agency operations under this section;"; and

(5) in the third sentence by inserting "and the extent of such deletion shall be indicated on the portion of the record which is made available or published at the place in the record where such deletion was made" after "explained fully in writing".

SEC. 5. LIST OF RECORDS MADE AVAILABLE TO THE PUBLIC AND HONORING FORMAT REQUESTS.,

Section 552(a)(3) of title 5, United States Code, is amended by—

(1) inserting "(A)" after "(3)";

(2) striking out "(A) reasonably" and inserting in lieu thereof "(i) reasonably";

(3) striking out "(B)" and inserting in lieu thereof "(ii)"; and

(4) adding at the end thereof the following new subparagraphs:

"(B) A list of all records which are made available to any person under this paragraph shall be made available for public inspection and copying as provided under paragraph (2) of this subsection. Copies of all such records, regardless of form or format, which because of the nature of their subject matter, have become or are likely to become the subject of subsequent requests under this paragraph for substantially the same records, shall be made available for inspection and copying as provided under paragraph (2) of this subsection.

"(C) An agency shall, as requested by any person, provide records in any form or format in which such records are maintained by that agency.

"(D) An agency shall make reasonable efforts to provide records in the form or format requested by any person, including in an electronic form or format, even where such records are not usually maintained but are available in such form or format.".

SEC. 6. DELAYS.

(a) FEES.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end thereof the following new clause:

"(viii) If at an agency's request, the Comptroller General determines that the agency annually has either provided responsive documents or denied requests in substantial compliance with the requirements of paragraph (6)(A), one-half of the fees collected under this section shall be credited to the collecting agency and expended to offset the costs of complying with this section through staff development and acquisition of additional request processing resources. The remaining fees collected under this section shall be remitted to the Treasury as general funds or miscellaneous receipts.".

(b) PAYMENT OF THE EXPENSES OF THE PERSON MAKING A REQUEST.—Section 552(a)(4)(E) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: "The court may assess against the United States all out-of-pocket expenses incurred by the person making a request, and reasonable attorney fees incurred in the administrative process, in any case in which the agency has failed to comply with the time limit provisions of paragraph (6) of this subsection.".

(c) DEMONSTRATION OF CIRCUMSTANCES FOR DELAY.—Section 552(a)(4)(E) of title 5, United States Code, is further amended—

(1) by inserting "(i)" after "(E)"; and

(2) by adding at the end thereof the following new clause:

"(ii) Any agency not in compliance with the time limits set forth in this subsection shall demonstrate to a court that the delay is warranted under the circumstances set forth under paragraph (6) (B) or (C) of this subsection.".

(d) PERIOD FOR AGENCY DECISION TO COMPLY WITH REQUEST.—Section 552(a)(6)(A)(i) is amended by striking out "ten days" and inserting in lieu thereof "twenty days".

(e) AGENCY BACKLOGS.—Section 552(a)(6)(C) of title 5, United States Code, is amended by inserting after the second sentence the following: "As used in this subparagraph, 'exceptional circumstances' shall be unforeseen and shall not include delays that result from a predictable workload, including any ongoing agency backlog, in the ordinary course of processing requests for records.".

(f) NOTIFICATION OF DENIAL.—The fourth sentence of section 552(a)(6)(C) of title 5, United States Code, is amended to read: "Any notification of any full or partial denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request and the total number of denied records and pages considered by the agency to have been responsive to the request.".

(g) MULTITRACK FIFO PROCESSING AND EXPEDITED ACCESS.—Section 552(a)(6) of title 5, United States Code, is amended by adding at the end thereof the following new subparagraphs:

"(D)(i) Each agency shall adopt a first-in, first-out (hereafter in this subparagraph referred to as FIFO) processing policy in determining the order in which requests are processed. The agency may establish separate processing tracks for simple and complex requests using FIFO processing within each track.

"(ii) For purposes of such a multitrack system—

"(I) a simple request shall be a request requiring 10 days or less to make a determination on whether to comply with such a request; and

"(II) a complex request shall be a request requiring more than 10 days to make a determination on whether to comply with such a request.

"(iii) A multitrack system shall not negate a claim of due diligence under subparagraph (C), if FIFO processing within each track is maintained and the agency can show that it has reasonably allocated resources to handle the processing for each track.

"(E)(i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing that upon receipt of a request for expedited access to records and a showing by the person making such request of a compelling need for expedited access to records, the agency shall determine within 5 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such a request, whether to comply with such request. No more than one day after making such determination the agency shall notify the person making a request for expedited access of such determination, the reasons therefor, and of the right to appeal to the head of the agency. A request for records to which the agency has granted expedited access shall be processed as soon as practicable. A request for records to which the agency has denied expedited access shall be processed within the time limits under paragraph (6) of this subsection.

"(ii) A person whose request for expedited access has not been decided within 5 days of its receipt by the agency or has been denied shall be required to exhaust administrative remedies. A request for expedited access which has not been decided may be appealed to the head of the agency within 7 days (excepting Saturdays, Sundays, and legal public holidays) after its receipt by the agency. A request for expedited access that has been denied by the agency may be appealed to the head of the agency within 2 days (excepting Saturdays, Sundays, and legal public holidays) after the person making such request receives notice of the agency's denial. If an agency head has denied, affirmed a denial, or failed to respond to a timely appeal of a request for expedited access, a court which would have jurisdiction of an action under paragraph (4)(B) of this subsection may, upon complaint, require the agency to show cause why the request for expedited access should not be granted, except that such review shall be limited to the record before the agency.

"(iii) The burden of demonstrating a compelling need by a person making a request for expedited access may be met by a showing, which such person certifies under penalty of perjury to be true and correct to the best of such person's knowledge and belief, that failure to obtain the requested records within the timeframe for expedited access under this paragraph would—

"(I) threaten an individual's life or safety;

"(II) result in the loss of substantial due process rights and the information sought is not otherwise available in a timely fashion; or

"(III) affect public assessment of the nature and propriety of actual or alleged governmental actions that are the subject of widespread, contemporaneous media coverage.".

SEC. 7. COMPUTER REDACTION.

Section 552(b) of title 5, United States Code, is amended by inserting before the period in the sentence following paragraph (9): ", and the extent of such deletion shall be indicated on the released portion of the record at the place in the record where such deletion was made".

SEC. 8. DEFINITIONS.

Section 552(f) of title 5, United States Code, is amended to read as follows:

"(f) For purposes of this section—

"(1) the term 'agency' as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency;

"(2) the term 'record' means all books, papers, maps, photographs, machine-readable materials, or other information or documentary materials, regardless of physical form or characteristics; and

"(3) the term 'search' means a manual or automated review of agency records that is conducted for the purpose of locating those records which are responsive to a request under subsection (a)(3)(A) of this section.".

Amend the title so as to read: "A bill to amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to provide for public access to information in an electronic format, and for other purposes.".

So the bill (S. 1782), as amended, was deemed read the third time, and passed.

(The text of the bill, as amended, as passed, will appear in a future edition of the RECORD.)

ALVARO DE LUGO UNITED STATES POST OFFICE

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 566, H.R. 4190, to designate the U.S. Post Office located at 41–42 Norre Gade as the "Alvaro de Lugo United States Post Office."

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4190) to designate the United States Post Office located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, as the "Alvaro de Lugo United States Post Office".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment and an amendment to the title.

The parts of the bill intended to be inserted are shown in italic.

H.R. 4190

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

SECTION 1. DESIGNATION.

The building located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, shall, for the period of time during which it houses operations of the United States Postal Service, be known and designated as the "Alvaro de Lugo Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall, with respect to the period referred to in section 1, be deemed to be a reference to the Alvaro de Lugo Post Office.

SEC. 3. EXCLUSION OF CERTAIN POSTAL EMPLOYEES FROM FEDERAL RETIREMENT PROVISIONS RELATING TO REEMPLOYED ANNUITANTS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended by adding at the end the following:

"(m)(1) For the purpose of this subsection—

"(A) the term 'postal annuitant' means any individual who becomes an annuitant by reason of retirement from the United States Postal Service;

"(B) the term 'rural postmaster' means the postmaster of any post office which provides regular postal services to any rural areas, communities, or small towns; and

"(C) the term 'rural letter carrier' means an employee of the United States Postal Service occupying a position the regular duties of which involve the collection and delivery of mail on a rural route.

"(2)(A) Subsections (a) and (b) shall not apply to any postal annuitant receiving an annuity from the Fund while such annuitant is employed by the United States Postal Service, on a temporary basis, as a rural postmaster or rural letter carrier, subject to subparagraph (B).

"(B) This subsection shall not, in the case of any postal annuitant, have the effect of excluding from the application of subsections (a) and (b) more than—

"(i) 90 days of service in any calendar year; or

"(ii) a total of 180 days of service.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended by adding at the end the following:

"(j)(1) For the purpose of this subsection—

"(A) the term 'postal annuitant' means any individual who becomes an annuitant by reason of retirement from the United States Postal Service;

"(B) the term 'rural postmaster' means the postmaster of any post office which provides regular postal services to any rural areas, communities, or small towns; and

"(C) the term 'rural letter carrier' means an employee of the United States Postal Service occupying a position the regular duties of which involve the collection and delivery of mail on a rural route.

"(2)(A) Subsections (a) and (b) shall not apply to any postal annuitant receiving an annuity from the Fund while such annuitant is employed by the United States Postal Service, on a temporary basis, as a rural postmaster or rural letter carrier, subject to subparagraph (B).

"(B) This subsection shall not, in the case of any postal annuitant, have the effect of excluding from the application of subsections (a) and (b) more than—

"(i) 90 days of service in any calendar year; or

"(ii) a total of 180 days of service.".

(c) CLARIFICATION.—Nothing in this section shall have the effect of causing any reemployed annuitant to be treated as an active employee for purposes of any provision of chapter 83 or 84 of title 5, United States Code.

(d) APPLICABILITY.—This section and the amendments made by this section shall apply with respect to temporary appointments commencing on or after the date of the enactment of this Act.

Amend the title so as to read: "An Act to designate the building located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers or rural postmasters.".

AMENDMENT NO. 2574

(Purpose: To designate the building located at 41–42 Norre Gade in Saint Thomas, VI, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to amend title 39 United States Code, to make applicable with respect to the United States Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes)

Mr. FORD. Mr. President, on behalf of Senator HEFLIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. HEFLIN, for himself, Mr. STEVENS, Mr. PRYOR, Mr. BOND, Mr. CAMPBELL, Mr. EXON, Mr. KEMPTHORNE, Mr. LOTT, and Mr. SHELBY, proposes an amendment numbered 2574.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page —, beginning with line 7, strike out all through line 16 on page 4 and insert in lieu thereof the following:

SEC. 3. EXTENSION OF EXCLUSIONARY AUTHORITY.

Section 1005(d) of title 39, United States Code, is amended—

(1) by striking "(d)" and inserting "(d)(1)"; and

(2) by adding at the end the following:

"(2) The provisions of subsection (g) of section 5532, subsections (i) and (l)(2) of section 8344, and subsections (f) and (i)(2) of section 8468 of title 5 shall apply with respect to the Postal Service. For purposes of so applying such provisions—

"(A) any reference in such provisions to the head of an Executive agency shall be considered a reference to the Postmaster General; and

"(B) any reference in such provisions to an employee shall be considered a reference to an officer or employee of the Postal Service.".

SEC. 4. ASSIGNMENT AUTHORITY.

Section 8706(e) of title 5, United States Code, is amended—

(1) by striking "Federal judge" and inserting "employee or former employee";

(2) by striking "judge's" and inserting "employee's or former employee's"; and

(3) by striking "purchase" and inserting "purchased".

Amend the title so as to read: "To designate the building located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to amend title 39, United States Code, to make applicable with respect to the United States Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes.".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Without objection, the bill, as amended, will be read the third time, and passed.

So the bill (H.R. 4190), as amended, was deemed read the third time and passed.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

So the title was amended so as to read "An Act to designate the building located at 41–42 Norre Grande in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are employed, on temporary basis, to serve as rural letter carriers or rural postmasters."

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BETTER NUTRITION AND HEALTH FOR CHILDREN ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 506, S. 1614, the child nutrition bill; that the committee substitute be agreed to; the bill read a third time, and passed; the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

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

There being no objection, the Senate proceeded to consider the bill to amend the Child Nutrition Act of 1966 and the National Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes, which had been reported from the Committee on Agriculture, Nutrition, and Forestry with an amendment to strike out all after the enacting clause, and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Better Nutrition and Health for Children Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

Sec. 101. Delivery of commodities.

Sec. 102. Combined Federal and State commodity purchases.

Sec. 103. Nutritional requirements.

Sec. 104. Elimination of whole milk requirement.

Sec. 105. Use of free and reduced price meal eligibility information.

Sec. 106. Automatic eligibility of Head Start participants.
Sec. 107. Use of nutrition education and training program resources.
Sec. 108. Special assistance for schools electing to serve all children free lunches or breakfasts.
Sec. 109. Definition of school.
Sec. 110. Reimbursement for meals, supplements, and milk under certain programs contingent on timely submission of claims and final program operations report.
Sec. 111. Organically produced agricultural products.
Sec. 112. Food and nutrition projects.
Sec. 113. Summer food service program for children.
Sec. 114. Commodity distribution program.
Sec. 115. Child and adult care food program.
Sec. 116. Homeless children nutrition program; demonstration program for the prevention of boarder babies.
Sec. 117. Pilot projects.
Sec. 118. Food service management institute.
Sec. 119. Compliance and accountability.
Sec. 120. Duties of the Secretary of Agriculture relating to nonprocurement debarment under certain child nutrition programs.
Sec. 121. Nutrition education promotion program.
Sec. 122. Information clearinghouse.
Sec. 123. Guidance and grants for accommodating medical and special dietary needs of children with disabilities.

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

Sec. 201. School breakfast program.
Sec. 202. State administrative expenses.
Sec. 203. Competitive foods of minimal nutritional value.
Sec. 204. Special supplemental nutrition program.
Sec. 205. Nutrition education and training program.

TITLE III—EFFECTIVE DATES

Sec. 301. Effective dates.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

SEC. 101. DELIVERY OF COMMODITIES.

(a) IN GENERAL.—Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended—

(1) by striking subsection (b) and inserting the following new subsection:

"(b) The Secretary shall deliver, to each State participating in the school lunch program under this Act, commodities valued at the total level of assistance authorized under subsection (c) for each school year for the school lunch program in the State, not later than September 30 of the following school year.";

(2) by striking subsections (c) and (d); and

(3) by redesignating subsections (e) and (f) as subsections (c) and (d), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (f), and clauses (i) and (ii) of subsection (g)(3)(A), of section 14 of such Act (42 U.S.C. 1762a) are amended by striking "section 6(e)" and inserting "section 6(c)".

(2) The last sentence of section 16(a) of such Act (42 U.S.C. 1765(a)) is amended by striking "section 6(e) of this Act" and inserting "section 6(c)".

(3) Section 17(h)(1)(B) of such Act (42 U.S.C. 1766(h)(1)(B)) is amended by striking "section 6(e)" and inserting "section 6(c)".

SEC. 102. COMBINED FEDERAL AND STATE COMMODITY PURCHASES.

Section 7 of the National School Lunch Act (42 U.S.C. 1756) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, the Secretary may enter into an agreement with a State agency under which funds payable to the State under section 4 or 11 may be used by the Secretary for the purpose of purchasing commodities for use by schools in the State in meals served under the school lunch program under this Act.".

SEC. 103. NUTRITIONAL REQUIREMENTS.

(a) TECHNICAL ASSISTANCE FOR SCHOOL LUNCH PROGRAM.—Section 9(a)(1) of the National School Lunch Act (42 U.S.C. 1758(a)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary shall provide technical assistance and training, including technical assistance and training in the preparation of lower-fat versions of foods commonly used in the school lunch program under this Act, to schools participating in the school lunch program to assist the schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A) and in providing appropriate meals to children with medically certified special dietary needs. The Secretary shall provide additional technical assistance to schools that are having difficulty maintaining compliance with the requirements.".

(b) MINIMUM NUTRITIONAL REQUIREMENTS MEASURED BY WEEKLY AVERAGE OF NUTRIENT CONTENT OF SCHOOL LUNCHES.—Section 9(a)(1)(A) of such Act (42 U.S.C. 1758(a)(1)(A)) (as amended by subsection (a)) is further amended—

(1) by striking "; except that such minimum nutritional requirements" and inserting the following: ", except that—

"(i) the minimum nutritional requirements";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(ii) the minimum nutritional requirements shall be measured by not less than the weekly average of the nutrient content of school lunches.".

SEC. 104. ELIMINATION OF WHOLE MILK REQUIREMENT.

Section 9(a)(2) of the National School Lunch Act (42 U.S.C. 1758(a)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking "fluid whole milk and fluid unflavored lowfat milk" and inserting "fluid milk, except that a State educational agency may require schools in the State to offer any type or types of milk to students"; and

(3) by adding at the end the following new subparagraph:

"(B)(i) The Secretary shall purchase each calendar year to carry out the school lunch program under this Act, and the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), lowfat cheese on a bid basis in a quantity that is the milkfat equivalent of the quantity of milkfat the Secretary estimates the Commodity Credit Corporation will purchase each calendar year as a result of the elimination of the requirement that schools offer students fluid whole milk and fluid unflavored lowfat milk, based on data provided by the Director of Office of Management and Budget.

"(ii) Not later than 30 days after the Secretary provides an estimate required under clause (i), the Director of the Congressional Budget Office shall provide to the appropriate committees of Congress a report on whether the Director concurs with the estimate of the Secretary.

"(iii) The quantity of lowfat cheese that is purchased under this subparagraph shall be in addition to the quantity of cheese that is historically purchased by the Secretary to carry out school feeding programs. The Secretary shall take such actions as are necessary to ensure that purchases under this subparagraph shall not displace commercial purchases of cheese by schools.".

SEC. 105. USE OF FREE AND REDUCED PRICE MEAL ELIGIBILITY INFORMATION.

Clause (iii) of section 9(b)(2)(C) of the National School Lunch Act (42 U.S.C. 1758(b)(2)(C)(iii)) is amended to read as follows:

"(iii) The use or disclosure of any information obtained from an application for free or reduced price meals, or from a State or local agency referred to in clause (ii), shall be limited to—

"(I) a person directly connected with the administration or enforcement of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or a regulation issued pursuant to either Act;

"(II) a person directly connected with the administration or enforcement of a State health or education program administered by the State or local educational agency (other than a program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)); and

"(III)(aa) the Comptroller General of the United States for audit and examination authorized by any other provision of law; and

"(bb) notwithstanding any other provision of law, a Federal, State, or local law enforcement official for the purpose of investigating an alleged violation of any program covered by paragraph (1) or this paragraph.

"(iv) Information provided by a school under clause (iii)(II) shall be limited to the income eligibility status of the child for whom application for free or reduced price meal benefits was made or for whom eligibility information was provided under clause (ii), unless the consent of the parent or guardian of the child for whom application for benefits was made is obtained.

"(v) A person described in clause (iii) who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law (including a regulation), any information obtained under this subsection shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.".

SEC. 106. AUTOMATIC ELIGIBILITY OF HEAD START PARTICIPANTS.

(a) IN GENERAL.—Section 9(b)(6) of the National School Lunch Act (42 U.S.C. 1758(b)(6)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "a member of";

(B) in clause (i)—

(i) by inserting "a member of" after "(i)"; and

(ii) by striking "or" at the end;

(C) in clause (ii)—

(i) by inserting "a member of" after "(ii)"; and

(ii) by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following new clause:

"(iii) enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.), on the basis of a determination that the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A) of the Head Start Act (42 U.S.C. 9840(a)(1)(A)).".; and

(2) in subparagraph (B), by striking "food stamps or aid to families with dependent children" and inserting "food stamps or aid to families with dependent children, or of enrollment or participation in a Head Start program on the basis described in subparagraph (A)(iii),".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on September 1, 1995.

SEC. 107. USE OF NUTRITION EDUCATION AND TRAINING PROGRAM RESOURCES.

Section 9 of the National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following new subsection:

"(f) In carrying out this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), a State educational agency shall, particularly with regard to the responsibilities of the agency under subsection (a)(3), use resources provided through the nutrition education and training program authorized under section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) for training aimed at improving the quality and acceptance of school meals.".

SEC. 108. SPECIAL ASSISTANCE FOR SCHOOLS ELECTING TO SERVE ALL CHILDREN FREE LUNCHES OR BREAKFASTS.

Section 11(a)(1) of the National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) in the second sentence, by striking "In the case of" and inserting the following:

"(B) Except as provided in subparagraph (C), (D), or (E), in the case of"; and

(3) by striking the third and fourth sentences and inserting the following new subparagraphs:

"(C)(i) Except as provided in subparagraph (D), in the case of any school that—

"(I) elects to serve all children in the school free lunches under the school lunch program during any period of 3 successive school years, or in the case of a school that serves both lunches and breakfasts, elects to serve all children in the school free lunches and free breakfasts under the school lunch program and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) during any period of 3 successive school years; and

"(II) pays, from sources other than Federal funds, for the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches or breakfasts served during the period;

special assistance payments shall be paid to the State educational agency with respect to the school during the period on the basis of the number of lunches or breakfasts determined under clause (ii) or (iii).

"(ii) For purposes of making special assistance payments under clause (i), except as provided in clause (iii), the number of lunches or breakfasts served by a school to children who are eligible for free lunches or breakfasts or reduced price lunches or breakfasts during each school year of the 3-school-year period shall be considered to be equal to the number of lunches or breakfasts served by the school to children eligible for free lunches or breakfasts or reduced price lunches or breakfasts during the first school year of the period.

"(iii) For purposes of computing the amount of the payments, a school may elect to determine on a more frequent basis the number of children who are eligible for free or reduced price lunches or breakfasts who are served lunches or breakfasts during the 3-school-year period.

"(D)(i) In the case of any school that, on the date of enactment of this subparagraph, is receiving special assistance payments under this paragraph for a 3-school-year period described in subparagraph (C), the State may grant, at the end of the 3-school-year period, an extension of the period for an additional 2 school years, if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school has remained stable.

"(ii) A school described in clause (i) may reapply to the State at the end of the 2-school-year period described in clause (i) for the purpose of continuing to receive special assistance payments, as determined in accordance with this paragraph, for a subsequent 5-school-year period. The school may reapply to the State at the end of the 5-school-year period, and at the end of each 5-school-year period thereafter for which the school receives special assistance payments under this paragraph, for the purpose of continuing to receive the payments for a subsequent 5-school-year period. The school shall require submission of applications for free and reduced price lunches, or for free and reduced price lunches and breakfasts, in the first school year of each 5-school-year period for which the school receives special assistance payments under this paragraph, for the purpose of calculating the special assistance payments.

"(E)(i) In the case of any school that—

"(I) elects to serve all children in the school free lunches under the school lunch program during any period of 4 successive school years, or in the case of a school that serves both lunches and breakfasts, elects to serve all children in the school free lunches and free breakfasts under the school lunch program and the school breakfast program during any period of 4 successive school years; and

"(II) pays, from sources other than Federal funds, for the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches or breakfasts served during the period;

total Federal cash reimbursements and total commodity assistance shall be provided to the State educational agency with respect to the school at a level that is equal to the total Federal cash reimbursements and total commodity assistance received by the school in the last school year for which the school accepted applications under the school lunch or school breakfast program, adjusted annually for inflation in accordance with paragraph (3)(B) and for changes in enrollment, to carry out the school lunch or school breakfast program.

"(ii) A school described in clause (i) may reapply to the State at the end of the 4-school-year period described in clause (i), and at the end of each 4-school-year period thereafter for which the school receives reimbursements and assistance under this subparagraph, for the purpose of continuing to receive the reimbursements and assistance for a subsequent 4-school-year period. The State may approve an application under this clause if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school has remained consistent with the income level of the population of the school in the last school year for which the school accepted the applications described in clause (i).".

SEC. 109. DEFINITION OF SCHOOL.

(a) IN GENERAL.—Section 12(d)(5) of the National School Lunch Act (42 U.S.C. 1760(d)(5)) is amended—

(1) in the first sentence—

(A) in subparagraph (A), by striking "under," and inserting "under and";

(B) in subparagraph (B), by striking ", and" and inserting a period; and

(C) by striking subparagraph (C); and

(2) in the second sentence, by striking "of clauses (A) and (B)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on October 1, 1995.

SEC. 110. REIMBURSEMENT FOR MEALS, SUPPLEMENTS, AND MILK UNDER CERTAIN PROGRAMS CONTINGENT ON TIMELY SUBMISSION OF CLAIMS AND FINAL PROGRAM OPERATIONS REPORT.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following new subsection:

"(j)(1) Except as provided in paragraph (2), the Secretary may provide reimbursements for final claims submitted to State agencies by eligible schools, institutions, and service institutions for service of meals, supplements, and milk under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) only if—

"(A) the claims have been submitted to the State agencies not later than 60 days after the last day of the month for which reimbursements are claimed; and

"(B) the final program operations report for the month is submitted to the Secretary not later than 90 days after the last day of the month.

"(2) The Secretary may waive the requirements of paragraph (1).".

SEC. 111. ORGANICALLY PRODUCED AGRICULTURAL PRODUCTS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) (as amended by section 110) is further amended by adding at the end the following new subsection:

"(k)(1) The Secretary shall make available, at the request of State educational agencies and schools participating in the school lunch program, information about means for schools to obtain organically produced agricultural products (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)), such as meats, poultry products, fruits, products made from grains, dairy products, and vegetables that are organically produced.".

"(2) Paragraph (1) shall apply beginning on the date the Secretary establishes an organic certification program for producers and handlers of agricultural products in accordance with such Act (7 U.S.C. 6501 et seq.).".

SEC. 112. FOOD AND NUTRITION PROJECTS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) (as amended by section 111) is further amended by adding at the end the following new subsection:

"(l)(1) The Secretary, acting through the Administrator of the Food and Nutrition Service or through the Extension Service, shall award on an annual basis grants to a private nonprofit organization or educational institution in each of 3 States to create, operate, and demonstrate food and nutrition projects that are fully integrated with elementary school curricula.

"(2) Each organization or institution referred to in paragraph (1) shall be selected by the Secretary and shall—

"(A) assist local schools and educators in offering food and nutrition education that integrates math, science, and verbal skills in the elementary grades;

"(B) assist local schools and educators in teaching agricultural practices through practical applications, like gardening;

"(C) create community service learning opportunities or educational programs;

"(D) be experienced in assisting in the creation of curriculum-based models in elementary schools;

"(E) be sponsored by an organization or institution, or be an organization or institution, that provides information, or conducts other educational efforts, concerning the success and productivity of American agriculture and the importance of the free enterprise system to the quality of life in the United States; and

"(F) be able to provide model curricula, examples, advice, and guidance to school, community groups, States, and local organizations regarding means of carrying out similar projects.

"(3) Subject to the availability of appropriations to carry out this subsection, the Secretary shall make grants to each of the 3 private organizations or institutions selected under this section in amounts of not less than $100,000, nor more than $200,000, for each of fiscal years 1995 through 1998.

"(4) The Secretary shall establish fair and reasonable auditing procedures regarding the expenditure of funds under this subsection.

"(5) There are authorized to be appropriated to carry out this subsection such sums as are

necessary for each of fiscal years 1995 through 1998.".

SEC. 113. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) ORDER OF PRIORITY.—Section 13(a)(4) of the National School Lunch Act (42 U.S.C. 1761(a)(4)) is amended by striking subparagraphs (A) through (F) and inserting the following:

"(A) School food authorities.

"(B) Units of local, municipal, or county government that have demonstrated successful program performance in a prior year.

"(C) Other units of local, municipal, or county government, and private nonprofit organizations eligible under paragraph (7).".

(b) PRIVATE NONPROFIT ORGANIZATIONS.—Section 13(a)(7) of such Act (42 U.S.C. 1761(a)(7)) is amended by striking subparagraph (C).

(c) NON-SCHOOL SITES.—Section 13(c)(1) of such Act (42 U.S.C. 1761(c)(1)) is amended by inserting before the period at the end the following: "or that provide meal service at non-school sites to children who are not in school for a period during the months of October through April due to an unanticipated school closure".

(d) REGISTERED FOOD SERVICE MANAGEMENT COMPANY REPORTS.—Section 13(l)(3) of such Act (42 U.S.C. 1761(l)(3)) is amended by striking "and their program record" and inserting "that have been seriously deficient in their participation in the program,".

(e) MANAGEMENT AND ADMINISTRATION PLAN.—Section 13(n) of such Act (42 U.S.C. 1761(n)) is amended—

(1) in paragraph (2), by adding "and" after the semicolon at the end;

(2) in paragraph (3), by striking the semicolon at the end and inserting a period; and

(3) by striking paragraphs (4) through (12).

(f) ELIMINATION OF WARNING IN PRIVATE NONPROFIT ORGANIZATION APPLICATION RELATING TO CRIMINAL PROVISIONS AND RELATED MATTERS.—Section 13(q) of such Act (42 U.S.C. 1761(q)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (4), by striking "paragraphs (1) and (3)" and inserting "paragraphs (1) and (2)".

(g) HEARINGS REGARDING STATE ACTION ON THE BASIS OF FEDERAL REVIEW FINDINGS.—Section 13(q) of such Act (42 U.S.C. 1761(q)) (as amended by paragraphs (1) and (2) of subsection (f)) is further amended by inserting before paragraph (4) the following new paragraph:

"(3) A State shall not be required to provide a hearing to a private nonprofit organization concerning a State action taken on the basis of a Federal review finding with respect to a program carried out under this section. If a State does not provide a hearing to the organization concerning the action, the Secretary, on request, shall provide a hearing to the organization concerning the action.".

(h) EXTENSION OF PROGRAM.—Section 13(r) of such Act (42 U.S.C. 1761(r)) is amended by striking "1994" and inserting "1998".

SEC. 114. COMMODITY DISTRIBUTION PROGRAM.

(a) EXTENSION.—Section 14(a) of the National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking "1994" and inserting "1998".

(b) NUTRITIONAL CONTENT.—Section 14(b) of such Act (42 U.S.C. 1762a(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraphs:

"(2) The Secretary shall improve the overall nutritional quality of entitlement commodities (within the meaning of section 18) provided to schools under the school lunch program to assist the schools in improving the nutritional content of meals served under the program.

"(3) The Secretary shall—

"(A) require that nutritional content information labels be placed on packages or shipments of commodities provided to schools under the school lunch program; or

"(B) otherwise provide nutritional content information regarding the commodities provided to schools under the school lunch program.".

SEC. 115. CHILD AND ADULT CARE FOOD PROGRAM.

(a) REAPPLICATION FOR ASSISTANCE AT 3-YEAR INTERVALS.—Section 17(d)(2)(A) of the National School Lunch Act (42 U.S.C. 1766(d)(2)(A)) is amended by striking "2-year intervals" and inserting "3-year intervals".

(b) USE OF ADMINISTRATIVE FUNDS TO CONDUCT OUTREACH AND RECRUITMENT TO UNLICENSED DAY CARE HOMES.—Section 17(f)(3)(C) of such Act (42 U.S.C. 1766(f)(3)(C)) is amended—

(1) by inserting "(i)" after "(C)"; and

(2) by adding at the end the following new clause:

"(ii) Funds for administrative expenses may be used by a family or group day care home sponsoring organization to conduct outreach and recruitment to unlicensed family or group day care homes so that the day care homes may become licensed.".

(c) INFORMATION AND TRAINING CONCERNING CHILD HEALTH AND DEVELOPMENT.—Section 17(k) of such Act (42 U.S.C. 1766(k)) is amended by adding at the end the following new paragraph:

"(4) The Secretary shall encourage States to provide information and training concerning child health and development to family or group day care home sponsoring organizations.".

(d) EXTENSION OF STATEWIDE DEMONSTRATION PROJECTS.—Section 17(p) of such Act (42 U.S.C. 1766(p)) is amended—

(1) in paragraph (4)(B), by striking "1992" and inserting "1998"; and

(2) in paragraph (5), by striking "1994" and inserting "1998".

(e) WIC INFORMATION.—Section 17 of such Act (42 U.S.C. 1766) is amended by adding at the end the following new subsection:

"(q)(1) The Secretary shall provide State agencies with basic information concerning the importance and benefits of the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(2) The State agency shall—

"(A) provide each child care institution participating in the program established under this section, other than institutions providing day care outside school hours for schoolchildren, with materials that include—

"(i) a basic explanation of the benefits and importance of the special supplemental nutrition program for women, infants, and children;

"(ii) the maximum income limits, according to family size, applicable to children up to age 5 in the State under the special supplemental nutrition program for women, infants, and children; and

"(iii) a listing of the addresses and phone numbers of offices at which parents may apply;

"(B) annually provide the institutions with an update of the information on income limits described in subparagraph (A)(ii); and

"(C) ensure that, at least once a year, the institutions to which subparagraph (A) applies provide written information to parents that includes—

"(i) basic information on the benefits provided under the special supplemental nutrition program for women, infants, and children;

"(ii) information on the maximum income limits, according to family size, applicable to the program; and

"(iii) information on where parents may apply to participate in the program.".

SEC. 116. HOMELESS CHILDREN NUTRITION PROGRAM; DEMONSTRATION PROGRAM FOR THE PREVENTION OF BOARDER BABIES.

(a) HOMELESS CHILDREN NUTRITION PROGRAM.—The National School Lunch Act is amended by inserting after section 17A (42 U.S.C. 1766a) the following new section:

"SEC. 17B. HOMELESS CHILDREN NUTRITION PROGRAM.

"(a) IN GENERAL.—The Secretary shall conduct projects designed to provide food service throughout the year to homeless children under the age of 6 in emergency shelters.

"(b) AGREEMENTS TO PARTICIPATE IN PROJECTS.—

"(1) IN GENERAL.—The Secretary shall enter into agreements with State, city, local, or county governments, other public entities, or private nonprofit organizations to participate in the projects conducted under this section.

"(2) ELIGIBILITY REQUIREMENTS.—The Secretary shall establish eligibility requirements for the entities described in paragraph (1) that desire to participate in the projects conducted under this section, including requirements that—

"(A) each private nonprofit organization shall operate not more than 5 food service sites under the project and shall serve not more than 300 homeless children under the age of 6 at each site; and

"(B) each food service site operated by any of the organizations shall meet applicable State and local health, safety, and sanitation standards.

"(c) PROJECT REQUIREMENTS.—

"(1) IN GENERAL.—A project conducted under this section shall—

"(A) use the same meal patterns, and receive reimbursement payments for meals and supplements at the same rates, as apply to child care centers participating in the child care food program established under section 17 for free meals and supplements; and

"(B) receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the sponsor of the project.

"(2) MODIFICATION.—The Secretary may modify the meal pattern requirements to take into account the needs of infants.

"(3) HOMELESS CHILDREN ELIGIBLE FOR FREE MEALS WITHOUT APPLICATION.—Homeless children under the age of 6 in emergency shelters shall be considered eligible for free meals without submitting an application.

"(d) FUNDING PRIORITIES.—From the amount described in subsection (f), the Secretary shall provide funding for projects carried out under this section for a particular fiscal year (referred to in this subsection as the 'current fiscal year') in the following order of priority, to the maximum extent practicable:

"(1) The Secretary shall first provide such funding to entities and organizations, each of which—

"(A) received funding under this section or section 18(c) (as in effect on the day before the date of enactment of this section) to carry out a project for the preceding fiscal year; and

"(B) is eligible to receive funding under this section to carry out the project for the current fiscal year;

to enable the entity or organization to carry out the project under this section for the current fiscal year at the level of service provided by the project during the preceding fiscal year.

"(2) From the portion of the amount that remains after the application of paragraph (1), the Secretary shall provide funds to entities and organizations, each of which is eligible to receive funding under this section, to enable the entity or organization to carry out a new project under this section for the current fiscal year, or

to expand the level of service provided by a project for the current fiscal year over the level provided by the project during the preceding fiscal year.

"(e) NOTICE.—The Secretary shall advise each State of the availability of the projects conducted under this subsection for States, cities, counties, local governments, and other public entities, and shall advise each State of the procedures for applying to participate in the project.

"(f) FUNDING.—

"(1) IN GENERAL.—From funds made available under section 7(a)(5)(B)(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)(i)), the Secretary shall expend $3,000,000 for fiscal year 1995 and each subsequent fiscal year to carry out this section.

"(2) EXCEPTION.—The Secretary may expend less than the amount described in paragraph (1) if there is an insufficient number of suitable applicants to carry out projects under this section. Any funds made available under this subsection to carry out the projects for a fiscal year that are not obligated to carry out the projects in the fiscal year shall remain available until expended for purposes of carrying out the projects.

"(g) DEFINITION OF EMERGENCY SHELTER.—As used in this section, the term 'emergency shelter' has the meaning provided in section 321(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11351(2)).".

(b) DEMONSTRATION PROGRAM FOR THE PREVENTION OF BOARDER BABIES.—Subsection (c) of section 18 of the National School Lunch Act (42 U.S.C. 1769(c)) is amended to read as follows:

"(c)(1) Using the funds provided under paragraph (7), the Secretary shall conduct at least 1 demonstration project through a participating entity during each of fiscal years 1995 through 1998 that is designed to provide food and nutrition services throughout the year to—

"(A) homeless pregnant women; and

"(B) homeless mothers or guardians of infants, and the children of the mothers and guardians.

"(2) To be eligible to obtain funds under this subsection, a homeless shelter, transitional housing organization, or other entity that provides or will provide temporary housing for individuals described in paragraph (1) shall (in accordance with guidelines established by the Secretary)—

"(A) submit to the Secretary a proposal to provide food and nutrition services, including a plan for coordinating the services with services provided under the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

"(B) receive the approval of the Secretary for the proposal;

"(C) be located in an urban area that has—

"(i) a significant population of boarder babies;

"(ii) a very high rate of mortality for children under 1 year of age; or

"(iii) a significant population of homeless pregnant women and homeless women with infants;

as determined by the Secretary; and

"(D) be able to coordinate services provided under this subsection with the services provided by the local government and with other programs that may assist the participants receiving services under this subsection.

"(3) Food and nutrition services funded under this subsection—

"(A) may include—

"(i) meals, supplements, and other food;

"(ii) nutrition education;

"(iii) nutrition assessments;

"(iv) referrals to—

"(I) the special supplemental nutrition program for women, infants, and children authorized under section 17 of such Act (42 U.S.C. 1786);

"(II) the medical assistance program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

"(III) other public or private programs and services;

"(v) activities related to the services described in any of clauses (i) through (iv); and

"(vi) administrative activities related to the services described in any of clauses (i) through (v); and

"(B) may not include the construction, purchase, or rental of real property.

"(4)(A) A participating entity shall—

"(i) use the same meal patterns, and receive reimbursement payments for meals and supplements at the same rates, as apply to child care centers participating in the child care food program under section 17 for free meals and supplements;

"(ii) receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the entity; and

"(iii) maintain a policy of not providing services or assistance to pregnant women, or homeless women with infants, who use a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(B) The Secretary may modify the meal pattern requirements to take into account the needs of infants, homeless pregnant women, homeless mothers, guardians of infants, or the children of the women, mothers, or guardians.

"(C) The Secretary shall provide funding to a participating entity for services described in paragraph (3) that are provided to individuals described in paragraph (1).

"(5) The Secretary shall impose such auditing and recordkeeping requirements as are necessary to monitor the use of Federal funds to carry out this subsection.

"(6) The Secretary shall periodically report to the appropriate committees of Congress on projects carried out under this subsection.

"(7)(A) Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary $400,000 for each of fiscal years 1995 through 1998 to carry out this subsection. The Secretary shall be entitled to receive the funds and shall accept the funds.

"(B) Any funds provided under subparagraph (A) to carry out projects under this subsection for a fiscal year that are not obligated in the fiscal year shall be used by the Secretary to carry out the homeless children nutrition program established under section 17B.

"(8) As used in this subsection:

"(A) The term 'boarder baby' means an abandoned infant described in section 103(1) of the Abandoned Infants Assistance Act of 1988 (Public Law 100–505; 42 U.S.C. 670 note).

"(B) The term 'nutrition education' has the meaning provided in section 17(b)(7) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(7)).".

SEC. 117. PILOT PROJECTS.

(a) FORTIFIED FLUID MILK.—Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following new subsection:

"(e)(1) Subject to the availability of appropriations to carry out this subsection, the Secretary shall establish pilot projects in at least 25 school districts under which the milk offered by schools meets the fortification requirements of paragraph (3) for lowfat, skim, and other forms of fluid milk.

"(2) The Secretary shall make available to school districts information that compares the nutritional benefits of fluid milk that meets the fortification requirements of paragraph (3) and the nutritional benefits of other milk that is made available through the school lunch program established under this Act.

"(3) The fortification requirements for fluid milk for the pilot project referred to in paragraph (1) shall provide that—

"(A) all whole milk in final package form for beverage use shall contain not less than—

"(i) 3.25 percent milk fat; and

"(ii) 8.7 percent milk solids not fat;

"(B) all lowfat milk in final package form for beverage use shall contain not less than 10 percent milk solids not fat; and

"(C) all skim milk in final package form for beverage use shall contain not less than 9 percent milk solids not fat.

"(4)(A) In selecting where to establish pilot projects under this subsection, the Secretary shall take into account, among other factors, the availability of fortified milk and the interest of the school district in being included in the pilot project.

"(B) The Secretary shall establish the pilot projects in as many geographic areas as practicable, except that none of the projects shall be established in school districts that use milk described in paragraph (3) or similar milk.

"(5) Not later than 2 years after the establishment of pilot projects under this subsection, the Secretary shall report to the appropriate committees of Congress on—

"(A) the acceptability of fortified whole, lowfat, and skim milk products to participating children;

"(B) the impact of offering the milk on milk consumption;

"(C) the views of the school food service authorities on the pilot projects; and

"(D) any increases or reductions in costs attributed to the pilot projects.

"(6) The Secretary shall—

"(A) obtain copies of any research studies or papers that discuss the impact of the fortification of milk pursuant to standards established by the States; and

"(B) on request, make available to State agencies and the public—

"(i) the information obtained under subparagraph (A); and

"(ii) information about where to obtain milk described in paragraph (3).

"(7)(A) The pilot projects established under this subsection shall terminate on the last day of the third year after the establishment of the pilot projects.

"(B) The Secretary shall advise representatives of all districts participating in the pilot projects that the districts may continue to offer the fortified forms of milk described in paragraph (3) after the project terminates.".

(b) INCREASED CHOICES OF FRUITS, VEGETABLES, LEGUMES, CEREALS, AND GRAIN-BASED PRODUCTS.—Section 18 of such Act (42 U.S.C. 1769) (as amended by subsection (a)) is further amended by adding at the end the following new subsection:

"(f)(1) The Secretary is authorized to establish a pilot project to assist schools participating in the school lunch program established under this Act, and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), to offer participating students additional choices of fruits, vegetables, legumes, cereals, and grain-based products (including, subject to paragraph (7), organically produced agricultural commodities and products) (collectively referred to in this subsection as 'qualified products').

"(2) The Secretary shall establish procedures under which schools may apply to participate in the pilot project. To the maximum extent practicable, the Secretary shall select qualified schools that apply from each State.

"(3) The Secretary shall use the funds provided under this subsection to provide to the schools referred to in paragraph (1)—

"(A) per meal reimbursements, in addition to reimbursements otherwise due the schools;

"(B) incentive awards to schools that agree to increase the choices of the schools of qualified products during the school year; or

"(C) qualified products acquired by the Secretary.

"(4) The Secretary may provide a priority for receiving funds under this subsection to—

"(A) schools that are located in low-income areas (as defined by the Secretary); and

"(B) schools that rarely offer 3 or more choices of qualified products per meal.

"(5) On request, the Secretary shall provide information to the appropriate committees of Congress on the impact of the pilot project on participating schools, including—

"(A) the extent to which school children increased consumption of qualified products;

"(B) the extent to which increased consumption of qualified products offered under the pilot project has contributed to a reduction in fat intake in the school breakfast and school lunch programs;

"(C) the desirability of—

"(i) requiring that each school participating in the school breakfast program increase the number of choices of qualified products offered per meal to at least 2 choices;

"(ii) requiring that each school participating in the school lunch program increase the number of choices of qualified products offered per meal; and

"(iii) mandating that the Secretary provide additional Federal reimbursements to assist schools in complying with clauses (i) and (ii);

"(D) the views of school food service authorities on the pilot project; and

"(E) any increase or reduction in costs to the schools in offering the additional qualified products.

"(6) Subject to the availability of funds appropriated to carry out this subsection, the Secretary shall use not more than $10,000,000 for each of fiscal years 1995 through 1997 to carry out this subsection.

"(7) For purposes of this subsection, qualified products shall include organically produced agricultural commodities and products beginning on the date the Secretary establishes an organic certification program for producers and handlers of agricultural products in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).".

(c) INCREASED CHOICES OF LOWFAT DAIRY PRODUCTS AND LEAN MEAT AND POULTRY PRODUCTS.—Section 18 of such Act (42 U.S.C. 1769) (as amended by subsection (b)) is further amended by adding at the end the following new subsection:

"(g)(1) The Secretary is authorized to establish a pilot project to assist schools participating in the school lunch program established under this Act, and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), to offer participating students additional choices of lowfat dairy products and lean meat and poultry products (including, subject to paragraph (7), organically produced agricultural commodities and products) (collectively referred to in this subsection as 'qualified products').

"(2) The Secretary shall establish procedures under which schools may apply to participate in the pilot project. To the maximum extent practicable, the Secretary shall select qualified schools that apply from each State.

"(3) The Secretary shall use the funds provided under this subsection to provide to the schools referred to in paragraph (1)—

"(A) per meal reimbursements, in addition to reimbursements otherwise due the schools;

"(B) incentive awards to schools that agree to increase the choices of the schools of qualified products during the school year; or

"(C) qualified products acquired by the Secretary.

"(4) The Secretary may provide a priority for receiving funds under this subsection to—

"(A) schools that are located in low-income areas (as defined by the Secretary); and

"(B) schools that rarely offer 3 or more choices of qualified products per meal.

"(5) On request, the Secretary shall provide information to the appropriate committees of Congress on the impact of the pilot project on participating schools, including—

"(A) the extent to which school children increased consumption of qualified products;

"(B) the extent to which increased consumption of qualified products offered under the pilot project has contributed to a reduction in fat intake in the school breakfast and school lunch programs;

"(C) the desirability of—

"(i) requiring that each school participating in the school breakfast program increase the number of choices of qualified products offered per meal to at least 2 choices;

"(ii) requiring that each school participating in the school lunch program increase the number of choices of qualified products offered per meal; and

"(iii) mandating that the Secretary provide additional Federal reimbursements to assist schools in complying with clauses (i) and (ii);

"(D) the views of the school food service authorities on the pilot project; and

"(E) any increase or reduction in costs to the schools in offering the additional qualified products.

"(6) Subject to the availability of funds appropriated to carry out this subsection, the Secretary shall use not more than $10,000,000 for each of fiscal years 1995 through 1997 to carry out this subsection.

"(7) For purposes of this subsection, qualified products shall include organically produced agricultural commodities and products beginning on the date the Secretary establishes an organic certification program for producers and handlers of agricultural products in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).".

SEC. 118. FOOD SERVICE MANAGEMENT INSTITUTE.

(a) REQUIRED ACTIVITIES.—Section 21(c)(2) of the National School Lunch Act (42 U.S.C. 1769b-1(c)(2)) is amended—

(1) in subparagraph (B)—

(A) by striking "and" at the end of clause (viii);

(B) by redesignating clause (ix) as clause (x); and

(C) by inserting after clause (viii) the following new clause:

"(ix) culinary skills; and";

(2) by striking "and" at the end of subparagraph (D);

(3) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(4) by adding at the end the following new subparagraphs:

"(F) training food service personnel to comply with the nutrition guidance and objectives of section 24 through a national network of instructors or other means;

"(G) preparing informational materials, such as video instruction tapes and menu planners, to promote healthier food preparation; and

"(H) assisting State educational agencies in providing additional nutrition and health instructions and instructors, including training personnel to comply with the nutrition guidance and objectives of section 24.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 21 (42 U.S.C. 1769b-1) is amended—

(1) in subsection (a)(1), by striking "from" and inserting "subject to the availability of, and from,"; and

(2) by striking subsection (e) and inserting the following new subsection:

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) TRAINING ACTIVITIES AND TECHNICAL ASSISTANCE.—There are authorized to be appropriated $3,000,000 for fiscal year 1990, $2,000,000 for fiscal year 1991, and $1,000,000 for each of fiscal years 1992 through 1998 for purposes of carrying out subsection (a)(1).

"(2) FOOD SERVICE MANAGEMENT INSTITUTE.—

"(A) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary $2,000,000 for fiscal year 1995 and each subsequent fiscal year to carry out subsection (a)(2). The Secretary shall be entitled to receive the funds and shall accept the funds.

"(B) ADDITIONAL FUNDING.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out subsection (a)(2) $2,000,000 for each of fiscal years 1995 through 1998. The Secretary shall carry out activities under subsection (a)(2), in addition to the activities funded under subparagraph (A), to the extent provided for, and in such amounts as are provided for, in advance in appropriations Acts.".

SEC. 119. COMPLIANCE AND ACCOUNTABILITY.

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Technology Assessment shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that analyzes—

(1) the status of the coordinated review system authorized under section 22 of the National School Lunch Act (42 U.S.C. 1769c);

(2) the advantages and disadvantages of the system; and

(3) the cost impact of the system on schools.

SEC. 120. DUTIES OF THE SECRETARY OF AGRICULTURE RELATING TO NONPROCUREMENT DEBARMENT UNDER CERTAIN CHILD NUTRITION PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) in recent years, there has been an alarming number of instances of price-fixing and bid-rigging regarding foods purchased for—

(A) the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); and

(B) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(2) effective educational and monitoring programs can greatly reduce the incidence of price-fixing and bid-rigging by companies that sell products to schools;

(3) reducing the incidence of price-fixing and bid-rigging in connection with the school lunch and breakfast programs could save school districts, parents, and taxpayers millions of dollars per year; and

(4) the Comptroller General of the United States has noted that bid-rigging awareness training is an effective means of deterring improper collusion and bid-rigging.

(b) NONPROCUREMENT DEBARMENT.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

"SEC. 25. DUTIES OF THE SECRETARY RELATING TO NONPROCUREMENT DEBARMENT.

"(a) PURPOSES.—The purposes of this section are to promote the prevention and deterrence of instances of fraud, bid rigging, and other anticompetitive activities encountered in the procurement of products for child nutrition programs by—

"(1) establishing guidelines and a timetable for the Secretary to initiate debarment proceedings, as well as establishing mandatory debarment periods; and

"(2) providing training, technical advice, and guidance in identifying and preventing the activities.

"(b) DEFINITIONS.—As used in this section:

"(1) CHILD NUTRITION PROGRAM.—The term 'child nutrition program' means—

"(A) the school lunch program established under this Act;

"(B) the summer food service program for children established under section 13;

"(C) the child and adult care food program established under section 17;

"(D) the homeless children nutrition program established under section 17B;

"(E) the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772);

"(F) the school breakfast program established under section 4 of such Act (42 U.S.C. 1773); and

"(G) the special supplemental nutrition program for women, infants, and children authorized under section 17 of such Act (42 U.S.C. 1786).

"(2) CONTRACTOR.—The term 'contractor' means a person that contracts with a State, an agency of a State, or a local agency to provide goods or services in relation to the participation of a local agency in a child nutrition program.

"(3) LOCAL AGENCY.—The term 'local agency' means a school, school food authority, child care center, sponsoring organization, or other entity authorized to operate a child nutrition program at the local level.

"(4) NONPROCUREMENT DEBARMENT.—The term 'nonprocurement debarment' means an action to bar a person from programs and activities involving Federal financial and nonfinancial assistance, but not including Federal procurement programs and activities.

"(5) PERSON.—The term 'person' means any individual, corporation, partnership, association, cooperative, or other legal entity, however organized.

"(c) ASSISTANCE TO IDENTIFY AND PREVENT FRAUD AND ANTICOMPETITIVE ACTIVITIES.—The Secretary shall—

"(1) in cooperation with any other appropriate individual, organization, or agency, provide advice, training, technical assistance, and guidance (which may include awareness training, training films, and troubleshooting advice) to representatives of States and local agencies regarding means of identifying and preventing fraud and anticompetitive activities relating to the provision of goods or services in conjunction with the participation of a local agency in a child nutrition program; and

"(2) provide information to, and fully cooperate with, the Attorney General and State attorneys general regarding investigations of fraud and anticompetitive activities relating to the provision of goods or services in conjunction with the participation of a local agency in a child nutrition program.

"(d) NONPROCUREMENT DEBARMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (3) and subsection (e), not later than 180 days after notification of the occurrence of a cause for debarment described in paragraph (2), the Secretary shall initiate nonprocurement debarment proceedings against the contractor who has committed the cause for debarment.

"(2) CAUSES FOR DEBARMENT.—Actions requiring initiation of nonprocurement debarment pursuant to paragraph (1) shall include a situation in which a contractor is found guilty in any criminal proceeding, or found liable in any civil or administrative proceeding, in connection with the supplying, providing, or selling of goods or services to any local agency in connection with a child nutrition program, of—

"(A) an anticompetitive activity, including bid-rigging, price-fixing, the allocation of customers between competitors, or other violation of Federal or State antitrust laws;

"(B) fraud, bribery, theft, forgery, or embezzlement;

"(C) knowingly receiving stolen property;

"(D) making a false claim or statement; or

"(E) other obstruction of justice.

"(3) EXCEPTION.—If the Secretary determines that a decision on initiating nonprocurement debarment proceedings cannot be made within 180 days after notification of the occurrence of a cause for debarment described in paragraph (2) because of the need to further investigate matters relating to the possible debarment or for other good cause (as determined by the Secretary), the Secretary may have such additional time as the Secretary considers necessary to make a decision, but not to exceed an additional 180 days.

"(4) MANDATORY CHILD NUTRITION PROGRAM DEBARMENT PERIODS.—

"(A) IN GENERAL.—Subject to the other provisions of this paragraph and notwithstanding any other provision of law except subsection (e), if, after deciding to initiate nonprocurement debarment proceedings pursuant to paragraph (1), the Secretary decides to debar a contractor, the debarment shall be for a period of not less than 1 year.

"(B) PREVIOUS DEBARMENT.—If the contractor has been previously debarred pursuant to nonprocurement debarment proceedings initiated pursuant to paragraph (1), and the cause for debarment is described in paragraph (2) based on activities that occurred subsequent to the initial debarment, the debarment shall be for a period of not less than 3 years.

"(C) SCOPE.—At a minimum, a debarment under this subsection shall serve to bar the contractor for the specified period from contracting to provide goods or services in conjunction with the participation of a local agency in a child nutrition program.

"(D) REVERSAL, REDUCTION, OR EXCEPTION.—Nothing in this section shall restrict the ability of the Secretary to—

"(i) reverse a debarment decision;

"(ii) reduce the period or scope of a debarment;

"(iii) grant an exception permitting a debarred contractor to participate in a particular contract to provide goods or services; or

"(iv) otherwise settle a debarment action at any time;

in conjunction with the participation of a local agency in a child nutrition program, if the Secretary determines there is good cause for the action, after taking into account factors set forth in paragraphs (1) through (6) of subsection (e).

"(5) INFORMATION.—On request, the Secretary shall present to the appropriate congressional committees information regarding the decisions required by this subsection.

"(6) RELATIONSHIP TO OTHER AUTHORITIES.—A debarment imposed under this section shall not reduce or diminish the authority of a Federal, State, or local government agency or court to penalize, imprison, fine, suspend, debar, or take other adverse action against a person in a civil, criminal, or administrative proceeding.

"(7) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this subsection.

"(e) MANDATORY DEBARMENT.—Notwithstanding any other provision of this section, the Secretary shall initiate the nonprocurement debarment proceedings described in subsection (d)(1) against the contractor who has committed a cause for debarment (as determined under subsection (d)(2)), unless the action—

"(1) is likely to have a significant adverse effect on competition or prices in the relevant market or nationally;

"(2) will interfere with the ability of a local agency to procure a needed product for a child nutrition program;

"(3) is unfair to a person that is not involved in the improper activity that would otherwise result in the debarment;

"(4) is likely to have significant adverse economic impacts on the local economy in a manner that is unfair to innocent parties;

"(5) is not justified in light of the penalties already imposed on the contractor for violations relevant to the proposed debarment; or

"(6) is not in the public interest, or otherwise is not in the interests of justice, as determined by the Secretary.

"(f) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Prior to seeking judicial review in a court of competent jurisdiction, a contractor against whom a nonprocurement debarment proceeding has been initiated shall—

"(1) exhaust all administrative procedures prescribed by the Secretary; and

"(2) receive notice of the final determination of the Secretary.

"(g) INFORMATION RELATING TO PREVENTION AND CONTROL OF ANTICOMPETITIVE ACTIVITIES.—On request, the Secretary shall present to the appropriate congressional committees information regarding the activities of the Secretary relating to anticompetitive activities, fraud, nonprocurement debarment, and any waiver granted by the Secretary under this section.".

(c) APPLICABILITY.—Section 25 of the National School Lunch Act (as added by subsection (b)) shall not apply to a cause for debarment as described in section 25(d)(2) of such Act that is based on an activity that took place prior to the effective date of section 25 of such Act.

(d) NO REDUCTION IN AUTHORITY TO DEBAR OR SUSPEND A PERSON FROM FEDERAL FINANCIAL AND NONFINANCIAL ASSISTANCE AND BENEFITS.—The authority of the Secretary of Agriculture that exists on the day before the date of enactment of this Act to debar or suspend a person from Federal financial and nonfinancial assistance and benefits under Federal programs and activities shall not be diminished or reduced by this Act or the amendment made by subsection (b).

SEC. 121. NUTRITION EDUCATION PROMOTION PROGRAM.

The National School Lunch Act (42 U.S.C. 1751 et seq.) (as amended by section 120(b)) is further amended by adding at the end of each the following new section:

"SEC. 26. NUTRITION EDUCATION PROMOTION PROGRAM.

"(a) IN GENERAL.—The Secretary, using amounts received under subsection (d), shall establish a nutrition education promotion program to promote healthy eating habits among participants in the domestic food assistance programs of the Department.

"(b) CONDUCT OF PROGRAM.—In carrying out the program described in subsection (a), the Secretary may—

"(1) develop or assist other persons in developing appropriate educational materials, including public service announcements, promotional publications, and press kits for the purpose of promoting nutrition education;

"(2) distribute or assist other persons in distributing the materials to appropriate public or private individuals and entities; and

"(3) provide funds to public or private individuals and entities, including teachers, child care providers, physicians, health professional organizations, food service personnel, school food authorities, and community-based organizations for the purpose of assisting the individuals and entities in conducting nutrition education promotion programs to promote healthy eating habits among the participants in the domestic food assistance programs of the Department.

"(c) COOPERATIVE AGREEMENTS AND GRANTS.—The Secretary may enter into cooperative agreements with, and make grants to, Federal agencies, State, and local governments, and

other entities, to carry out the program described in subsection (a).

"(d) GIFTS, BEQUESTS, AND DEVISES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of establishing and carrying out the program described in subsection (a). Gifts, bequests, or devises of money and proceeds from the sale of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement on order of the Secretary.

"(2) CRITERIA FOR ACCEPTANCE.—The Secretary shall establish criteria for determining whether to solicit and accept gifts, bequests, or devises under paragraph (1), including criteria that would ensure that the acceptance of any gifts, bequests, or devises would not—

"(A) reflect unfavorably on the ability of the Secretary to carry out the responsibilities of the Secretary in a fair and objective manner; or

"(B) compromise, or appear to compromise, the integrity of any governmental program or any officer or employee involved in the program.".

SEC. 122. INFORMATION CLEARINGHOUSE.

The National School Lunch Act (42 U.S.C. 1751 et seq.) (as amended by section 121) is further amended by adding at the end the following new section:

"SEC. 27. INFORMATION CLEARINGHOUSE.

"(a) IN GENERAL.—The Secretary shall enter into a contract with a nongovernmental organization described in subsection (b) to establish and maintain a clearinghouse to provide information to nongovernmental groups located throughout the United States that assist low-income individuals or communities regarding food assistance, self-help activities to aid individuals in becoming self-reliant, and other activities that empower low-income individuals or communities to improve the lives of low-income individuals and reduce reliance on Federal, State, or local governmental agencies for food or other assistance.

"(b) NONGOVERNMENTAL ORGANIZATION.—The nongovernmental organization referred to in subsection (a) shall be selected on a competitive basis and shall—

"(1) be experienced in the gathering of first-hand information in all the States through on-site visits to grassroots organizations in each State that fight hunger and poverty or that assist individuals in becoming self-reliant;

"(2) be experienced in the establishment of a clearinghouse similar to the clearinghouse described in subsection (a);

"(3) agree to contribute in-kind resources towards the establishment and maintenance of the clearinghouse and agree to provide clearinghouse information, free of charge, to the Secretary, States, counties, cities, antihunger groups, and grassroots organizations that assist individuals in becoming self-sufficient and self-reliant;

"(4) be sponsored by an organization, or be an organization, that—

"(A) has helped combat hunger for at least 10 years;

"(B) is committed to reinvesting in the United States; and

"(C) is knowledgeable regarding Federal nutrition programs;

"(5) be experienced in communicating the purpose of the clearinghouse through the media, including the radio and print media, and be able to provide access to the clearinghouse information through computer or telecommunications technology, as well as through the mails; and

"(6) be able to provide examples, advice, and guidance to States, counties, cities, communities, antihunger groups, and local organizations regarding means of assisting individuals and communities to reduce reliance on government programs, reduce hunger, improve nutrition, and otherwise assist low-income individuals and communities become more self-sufficient.

"(c) AUDITS.—The Secretary shall establish fair and reasonable auditing procedures regarding the expenditures of funds to carry out this section.

"(d) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall pay to the Secretary to provide to the organization selected under this section, to establish and maintain the information clearinghouse, $200,000 for each of fiscal years 1995 and 1996, $150,000 for each of fiscal years 1997 and 1998, and $75,000 for fiscal year 1999. The Secretary shall be entitled to receive the funds and shall accept the funds.".

SEC. 123. GUIDANCE AND GRANTS FOR ACCOMMODATING MEDICAL AND SPECIAL DIETARY NEEDS OF CHILDREN WITH DISABILITIES.

The National School Lunch Act (42 U.S.C. 1751 et seq.) (as amended by section 122) is further amended by adding at the end the following new section:

"SEC. 28. GUIDANCE AND GRANTS FOR ACCOMMODATING MEDICAL AND SPECIAL DIETARY NEEDS OF CHILDREN WITH DISABILITIES.

"(a) DEFINITIONS.—As used in this section:

"(1) CHILDREN WITH DISABILITIES.—The term 'children with disabilities' means individuals, each of which is—

"(A) a participant in a covered program; and

"(B) an individual with a disability, as defined in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)) for purposes of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(2) COVERED PROGRAM.—The term 'covered program' means—

"(A) the school lunch program established under this Act;

"(B) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

"(C) any other program established under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) that the Secretary determines is appropriate.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a school food service authority, or institution or organization, that participates in a covered program.

"(b) GUIDANCE.—

"(1) DEVELOPMENT.—The Secretary, in consultation with the Attorney General and the Secretary of Education, shall develop and approve guidances for accommodating the medical and special dietary needs of children with disabilities under covered programs in a manner that is consistent with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(2) TIMING.—In the case of the school lunch program established under this Act and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the Secretary shall develop the guidance as required by paragraph (1) not later than 90 days after the date of enactment of this section.

"(3) DISTRIBUTION.—Not later than 60 days after the date that the development of the guidance relating to a covered program is completed, the Secretary shall distribute the guidance to school food service authorities, and institutions and organizations, participating in the covered program.

"(4) REVISION OF GUIDANCE.—The Secretary, in consultation with the Attorney General and the Secretary of Education, shall periodically update and approve the guidance to reflect new scientific information and comments and suggestions from persons carrying out covered programs, recognized medical authorities, parents, and other persons.

"(c) GRANTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations provided in advance to carry out this subsection, the Secretary shall make grants on a competitive basis to State educational agencies for distribution to eligible entities to assist the eligible entities with nonrecurring expenses incurred in accommodating the medical and special dietary needs of children with disabilities in a manner that is consistent with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(2) ADDITIONAL ASSISTANCE.—Subject to paragraph (3)(A)(iii), assistance received through grants made under this subsection shall be in addition to any other assistance that State educational agencies and eligible entities would otherwise receive.

"(3) ALLOCATION BY SECRETARY.—

"(A) PREFERENCE.—In making grants under this subsection for any fiscal year, the Secretary shall provide a preference to State educational agencies that, individually—

"(i) submit to the Secretary a plan for accommodating the needs described in paragraph (1), including a description of the purpose of the project for which the agency seeks such a grant, a budget for the project, and a justification for the budget;

"(ii) provide to the Secretary data demonstrating that the State served by the agency has a substantial percentage of children with medical or special dietary needs, and information explaining the basis for the data; or

"(iii) demonstrate to the satisfaction of the Secretary that the activities supported through such a grant will be coordinated with activities supported under other Federal, State, and local programs, including—

"(I) activities carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(II) activities carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

"(III) activities carried out under section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) or by the food service management institute established under section 21.

"(B) REALLOCATION.—The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency under this subsection that are not used by the agency within a reasonable period (as determined by the Secretary).

"(C) APPLICATIONS.—The Secretary shall allow State educational agencies to apply on an annual basis for assistance under this subsection.

"(4) ALLOCATION BY STATE EDUCATIONAL AGENCIES.—In allocating funds made available under this subsection within a State, the State educational agency shall give a preference to eligible entities that demonstrate the greatest ability to use the funds to carry out the plan submitted by the State in accordance with paragraph (3)(A)(i).

"(5) MAINTENANCE OF EFFORT.—Expenditures of funds from State and local sources to accommodate the needs described in paragraph (1) shall not be diminished as a result of grants received under this subsection.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of fiscal years 1995 through 2000 to carry out this subsection.".

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

SEC. 201. SCHOOL BREAKFAST PROGRAM.

(a) TECHNICAL ASSISTANCE FOR SCHOOL BREAKFAST PROGRAM.—Section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary shall provide through State educational agencies technical assistance and training, including technical assistance and training in the preparation of lower-fat versions of foods commonly used in the school breakfast program established under this section, to schools participating in the school breakfast program to assist the schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A) and in providing appropriate meals to children with medically certified special dietary needs. The Secretary shall provide through State educational agencies additional technical assistance to schools that are having difficulty maintaining compliance with the requirements.".

(b) STARTUP AND EXPANSION OF SCHOOL BREAKFAST PROGRAM AND SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—Subsection (g) of section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773(g)) is amended to read as follows:

"STARTUP COSTS

"(g)(1) The Secretary shall make payments, totalling not less than $5,000,000 for each of fiscal years 1991 through 1996, $6,000,000 for each of fiscal years 1997 and 1998, and $7,000,000 for fiscal year 1999 and each subsequent fiscal year, on a competitive basis and in the following order of priority (subject to other provisions of this subsection), to—

"(A) State educational agencies in a substantial number of States for distribution to eligible schools to assist the schools with nonrecurring expenses incurred in—

"(i) initiating a school breakfast program under this section; or

"(ii) expanding a school breakfast program; and

"(B) a substantial number of States for distribution to service institutions to assist the institutions with nonrecurring expenses incurred in—

"(i) initiating a summer food service program for children; or

"(ii) expanding a summer food service program for children.

"(2) Payments received under this subsection shall be in addition to payments to which State agencies are entitled under subsection (b) and section 13 of the National School Lunch Act (42 U.S.C. 1761).

"(3) To be eligible to receive a payment under this subsection, a State educational agency shall submit to the Secretary a plan to expand school breakfast programs conducted in the State, including a description of the manner in which the agency will provide technical assistance and funding to schools in the State to expand the programs.

"(4) In making payments under this subsection for any fiscal year to initiate or expand school breakfast programs, the Secretary shall provide a preference to State educational agencies that—

"(A) have in effect a State law that requires the expansion of the programs during the year;

"(B) have significant public or private resources that have been assembled to carry out the expansion of the programs during the year;

"(C) do not have a breakfast program available to a large number of low-income children in the State; or

"(D) serve an unmet need among low-income children, as determined by the Secretary.

"(5) In making payments under this subsection for any fiscal year to initiate or expand summer food service programs for children, the Secretary shall provide a preference to States—

"(A)(i) in which the numbers of children participating in the summer food service program for children represent the lowest percentages of the number of children receiving free or reduced price meals under the national school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); or

"(ii) that do not have a summer food service program for children available to a large number of low-income children in the State; and

"(B) that submit to the Secretary a plan to expand the summer food service programs for children conducted in the State, including a description of—

"(i) the manner in which the State will provide technical assistance and funding to service institutions in the State to expand the programs; and

"(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year.

"(6) The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency or State under this subsection that are not used by the agency or State within a reasonable period (as determined by the Secretary).

"(7) The Secretary shall allow States to apply on an annual basis for assistance under this subsection.

"(8) Each State agency and State, in allocating funds within the State, shall give preference for assistance under this subsection to eligible schools and service institutions that demonstrate the greatest need for a breakfast program or a summer food service program for children, respectively.

"(9) Expenditures of funds from State and local sources for the maintenance of the breakfast program and the summer food service program for children shall not be diminished as a result of payments received under this subsection.

"(10) As used in this subsection:

"(A) The term 'eligible school' means a school—

"(i) attended by children a significant percentage of whom are members of low-income families; and

"(ii) that agrees to operate the breakfast program established with the assistance provided under this section for a period of not less than 3 years.

"(B) The term 'service institutions' means an institution or organization described in paragraph (1)(B) or (7) of section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)(1)(B) or (7)).

"(C) The term 'summer food service program for children' means a program authorized by section 13 of such Act (42 U.S.C. 1761).".

SEC. 202. STATE ADMINISTRATIVE EXPENSES.

(a) FUNDING FOR HOMELESS CHILDREN NUTRITION PROGRAM.—Section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) is amended—

(1) in the second sentence of paragraph (1), by striking "paragraphs (2), (3), and (4) of this subsection" and inserting "paragraphs (2) through (5)"; and

(2) in paragraph (5), by striking subparagraph (B) and inserting the following new subparagraph:

"(B)(i) Notwithstanding any other provision of this subsection, of the amounts that are provided under paragraph (1), before making the allocations required under paragraphs (2), (3), and (4), the Secretary shall allocate $3,000,000 for fiscal year 1995 and each subsequent fiscal year to carry out section 17B of the National School Lunch Act.

"(ii) After making the allocations required under clause (i) and paragraphs (2), (3), and (4), the Secretary shall allocate, for purposes of administrative costs, any remaining amounts among States that demonstrate a need for the amounts.".

(b) WITHHOLDING OF FUNDS FOR SERIOUS DEFICIENCY IN STATE ADMINISTRATION OF PROGRAMS.—Section 7(a) of such Act (42 U.S.C. 1776(a)) is amended by adding at the end the following new paragraph:

"(9)(A) If the Secretary determines that the administration of any program by a State under this Act (other than section 17) or under the National School Lunch Act (42 U.S.C. 1751 et seq.), or compliance with a regulation issued to carry out a program pursuant to either of such Acts, is seriously deficient, and the State fails to correct the deficiency within a period of time specified by the Secretary, the Secretary may withhold from the State all or part of the funds allocated to the State under this section and sections 13(k)(1) and 17 of the National School Lunch Act (42 U.S.C. 1761(k)(1) and 1766).

"(B) On a subsequent determination by the Secretary that the administration of the program for which the Secretary withheld funds under subparagraph (A), or compliance with the regulation issued to carry out the program, is no longer seriously deficient and is carried out in an acceptable manner, the Secretary may allocate all or part of the funds withheld under subparagraph (A) to the State.".

(c) EXTENSION OF AUTHORITY TO PROVIDE FUNDS FOR STATE ADMINISTRATIVE EXPENSES.—Section 7(h) of such Act (42 U.S.C. 1776(h)) is amended by striking "1994" and inserting "1998".

(d) PROHIBITION OF FUNDING UNLESS STATE AGREES TO PARTICIPATE IN CERTAIN STUDIES OR SURVEYS.—Section 7 of such Act (42 U.S.C. 1776) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h) The Secretary may not provide amounts under this section to a State for administrative costs incurred in any fiscal year unless the State agrees to participate in each study or survey of a program authorized under this Act or the National School Lunch Act (42 U.S.C. 1751 et seq.) that is conducted by the Secretary.".

SEC. 203. COMPETITIVE FOODS OF MINIMAL NUTRITIONAL VALUE.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by designating the first, second, and third sentences as subsections (a), (b), and (c), respectively;

(2) in subsection (b) (as so designated)—

(A) by striking "Such regulations" and inserting "(1) The regulations"; and

(B) by adding at the end the following new paragraphs:

"(2) The Secretary shall develop and provide to elementary schools, through each State agency, model language that bans the sale of competitive foods of minimal nutritional value anywhere on elementary school grounds before the end of the last lunch period.

"(3) The Secretary shall provide to secondary schools, through State agencies, a copy of regulations (in existence on the effective date of this paragraph) concerning the sale of competitive foods of minimal nutritional value.

"(4) Paragraphs (2) and (3) shall not apply to a State that has in effect a ban on the sale of competitive foods of minimal nutritional value in schools in the State.".

SEC. 204. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) DEFINITION OF NUTRITIONAL RISK.—Section 17(b)(8) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(8)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by inserting after "health," at the end of subparagraph (C) the following new subparagraph: "(D) conditions that directly affect the nutritional health of a person, such as alcoholism or drug abuse,"; and

(3) in subparagrah (E) (as so redesignated), by striking "alcoholism and drug addiction, homelessness, and" and inserting "homelessness and".

(b) PRESUMPTIVE ELIGIBILITY.—Section 17(d)(3) of such Act (42 U.S.C. 1786(d)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B) Under the procedures, a pregnant woman who meets the income eligibility standards shall be considered presumptively eligible to participate in the program and shall be certified for participation immediately, without delaying certification until an evaluation is made concerning nutritional risk. A nutritional risk evaluation of the woman shall be completed not later than 60 days after the woman is certified for participation. If it is subsequently determined that the woman does not meet nutritional risk criteria, the certification of the woman shall terminate on the date of the determination.".

(c) TECHNICAL CORRECTIONS.—Section 17(e) of such Act (42 U.S.C. 1786(e)) is amended by redesignating paragraph (3) (as added by section 123(a)(3)(D) of the Child Nutrition and WIC Reauthorization Act of 1989 (Public Law 101–147; 103 Stat. 895)) and paragraphs (4) and (5) as paragraphs (4), (5), and (6), respectively.

(d) COORDINATION OF WIC AND MEDICAID PROGRAMS USING MANAGED CARE PROVIDERS.—Section 17(f)(1)(C)(iii) is amended by inserting before the semicolon at the end the following: ", including medicaid programs that use managed care providers under section 1903(m) or 1915(b) of the Social Security Act (42 U.S.C. 1396b(m) or 1396n(b)) (including coordination through the referral of potentially eligible women, infants, and children between the program authorized under this section and the medicaid program)".

(e) PRIORITY CONSIDERATION FOR CERTAIN MIGRANT POPULATIONS.—The first sentence of section 17(f)(3) of such Act (42 U.S.C. 1786(f)(3)) is amended by inserting before the period at the end the following: "and shall ensure that local programs provide priority consideration to serving migrant participants who are residing in the State for a limited period of time".

(f) INCOME ELIGIBILITY GUIDELINES.—Paragraph (18) of section 17(f) of such Act (42 U.S.C. 1786(f)(18)) is amended to read as follows:

"(18) Not later than July 1 of each year, a State agency may implement income eligibility guidelines under this section concurrently with the implementation of income eligibility guidelines under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).".

(g) USE OF RECOVERED PROGRAM FUNDS IN YEAR COLLECTED.—Section 17(f) of such Act (42 U.S.C. 1786(f)) is amended by adding at the end the following new paragraph:

"(23) A State agency may use funds recovered as a result of violations in the food delivery system of the program in the year in which the funds are collected for the purpose of carrying out the program.".

(h) EXTENSION OF PROGRAM.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(1) in the first sentence of subsection (g)(1), by striking "1991, 1992, 1993, and 1994" and inserting "1991 through 1998"; and

(2) in the first sentence of subsection (h)(2)(A), by striking "1990, 1991, 1992, 1993 and 1994" and inserting "1990 through 1998".

(i) USE OF FUNDS FOR TECHNICAL ASSISTANCE AND RESEARCH EVALUATION PROJECTS.—Section 17(g)(5) of such Act (42 U.S.C. 1786(g)(5)) is amended—

(1) by striking "and administration of pilot projects" and inserting "administration of pilot projects";

(2) by inserting before the period at the end the following: ", and carrying out technical assistance and research evaluation projects of the programs established under this section"; and

(3) by adding at the end the following new sentence: "The Secretary may allow the interagency transfer of funds made available to carry out this paragraph to Federal and other agencies to carry out projects and initiatives that are consistent with program goals.".

(j) BREASTFEEDING PROMOTION AND SUPPORT ACTIVITIES.—

(1) IN GENERAL.—Section 17(h)(3) of such Act (42 U.S.C. 1786(h)(3)) is amended—

(A) in subparagraph (A)(i)(II), by striking "$8,000,000," and inserting "the national minimum breastfeeding promotion expenditure, as described in subparagraph (E),"; and

(B) by adding at the end the following new subparagraph:

"(E) The national minimum breastfeeding promotion expenditure shall be—

"(i) with respect to fiscal year 1995, the amount that is equal to $21 multiplied by the number of pregnant women and breastfeeding women participating in the program, based on the average number of pregnant women and breastfeeding women during the last 3 months for which the Secretary has final data; and

"(ii) with respect to each of fiscal years 1996 through 1998, the amount described in clause (i) adjusted for inflation in accordance with paragraph (1)(B)(ii).".

(2) IMPLEMENTATION.—The Secretary of Agriculture may permit a State agency a period of not more than 2 years after the effective date of this subsection to comply with the expenditure required by reason of the amendments made by paragraph (1).

(k) DEVELOPMENT OF STANDARDS FOR THE COLLECTION OF BREASTFEEDING DATA.—Section 17(h)(4) of such Act (42 U.S.C. 1786(h)(4)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E)(i) not later than 1 year after the effective date of this subparagraph, develop uniform requirements for the collection of data regarding the incidence and duration of breastfeeding among participants in the program; and

"(ii) effective beginning on the date of the establishment of the uniform requirements, require each State agency to report the data for inclusion in the report to Congress described in subsection (d)(4).".

(l) SUBMISSION OF INFORMATION TO CONGRESS ON WAIVERS WITH RESPECT TO PROCUREMENT OF INFANT FORMULA.—Section 17(h)(8)(D)(iii) of such Act (42 U.S.C. 1786(h)(8)(D)(iii)) is amended by striking "at 6-month intervals" and inserting "on a timely basis".

(m) COST CONTAINMENT.—

(1) IN GENERAL.—Section 17(h)(8)(G) (42 U.S.C. 1786(h)(8)(G)) is amended—

(A) in clause (i)—

(i) in the first sentence, by striking "The" and inserting "During each of fiscal years 1995 and 1996, the"; and

(ii) by striking the second sentence and inserting the following new sentence: "If an offer made under the preceding sentence results in the implementation of contracts by 2 or more State agencies, the Secretary shall also make offers in accordance with the preceding sentence during each of fiscal years 1997 and 1998.";

(B) in clause (viii), by inserting after the first sentence the following new sentence: "In conducting an offer under this clause, the Secretary shall attempt to develop and use procurement procedures that are likely to be broadly acceptable among State agencies."; and

(C) by adding at the end the following new clause:

"(ix) If an offer made under clause (i) results in the implementation of contracts by 2 or more State agencies, the Secretary shall promptly offer to solicit bids on behalf of State agencies regarding cost containment contracts to be entered into by infant cereal or infant juice manufacturers, or both, and State agencies. In carrying out this clause, the Secretary shall, to the maximum extent feasible, follow the procedures prescribed in this subparagraph regarding offers made by the Secretary with regard to soliciting bids regarding infant formula cost containment contracts. If the offer of the Secretary to solicit bids regarding cost containment contracts for infant cereal or infant juice, or both, results in the implementation of contracts by 2 or more State agencies, the Secretary shall renew the offer at appropriate intervals.".

(2) REPEAL OF TERMINATION OF AUTHORITY.—Section 209 of the WIC Infant Formula Procurement Act of 1992 (Public Law 102–512; 42 U.S.C. 1786 note) is repealed.

(n) PROHIBITION ON INTEREST LIABILITY TO FEDERAL GOVERNMENT ON REBATE FUNDS.—Section 17(h)(8) of such Act (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following new subparagraph:

"(L) A State shall not incur an interest liability to the Federal Government on rebate funds for infant formula and other foods if all interest earned by the State on the funds is used to carry out the program.".

(o) USE OF UNSPENT NUTRITION SERVICES AND ADMINISTRATION FUNDS.—Section 17(h) of such Act (42 U.S.C. 1786(h)) is amended by adding at the end the following new paragraph:

"(10)(A) For each of fiscal years 1995 through 1998, the Secretary shall use, for the purposes specified in subparagraph (B), the lesser of $10,000,000 or the amount of unspent funds for nutrition services and administration from the previous fiscal year.

"(B) Funds under subparagraph (A) shall be used for—

"(i) the development of infrastructure for the program under this section, including management information systems;

"(ii) special State projects of regional or national significance directed toward improving the services of the program under this section; and

"(iii) special breastfeeding support and promotion projects, including projects to assess the effectiveness of particular breastfeeding promotion strategies and to develop State or local agency capacity or facilities to provide quality breastfeeding services.".

(p) SPENDBACK FUNDS.—Section 17(i)(3) of such Act (42 U.S.C. 1786(i)(3)) is amended—

(1) in subparagraph (A)(i), by inserting "(except as provided in subparagraph (H))" after "1 percent"; and

(2) by adding at the end the following new subparagraph:

"(H) The Secretary may authorize a State agency to expend not more than 3 percent of the amount of funds allocated to a State under this section for supplemental foods for a fiscal year for expenses incurred under this section for supplemental foods during the preceding fiscal year, if the Secretary determines that there has been a significant reduction in rebates provided to the State agency that would affect the ability of the State agency to at least maintain the level of participation by eligible participants served by the State agency.".

(q) ELIMINATION OF DUPLICATIVE MIGRANT REPORTS.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(1) in subsection (d)(4), by inserting after "Congress" the following: "and the National Advisory Council on Maternal, Infant, and

Fetal Nutrition established under subsection (k)"; and

(2) by striking subsection (j).

(r) INITIATIVE TO PROVIDE PROGRAM SERVICES AT COMMUNITY AND MIGRANT HEALTH CENTERS.—Section 17 of such Act (42 U.S.C. 1786) (as amended by subsection (q)(2)) is further amended by inserting after subsection (i) the following new subsection:

"(j)(1) The Secretary and the Secretary of Health and Human Services (referred to in this subsection as the 'Secretaries') shall jointly establish and carry out an initiative for the purpose of providing both supplemental foods and nutrition education under the special supplemental nutrition program and health care services to low-income pregnant, postpartum, and breastfeeding women, infants, and children at substantially more community health centers and migrant health centers than are served on the date of enactment of the Better Nutrition and Health for Children Act of 1994.

"(2) The initiative shall also include—

"(A) activities to improve the coordination of the provision of supplemental foods and nutrition education under the special supplemental nutrition program and health care services at facilities funded by the Indian Health Service; and

"(B) the development and implementation of strategies to ensure that, to the maximum extent feasible, new community health centers, migrant health centers, and other federally supported health care facilities established in medically underserved areas provide supplemental foods and nutrition education under the special supplemental nutrition program.

"(3) The initiative may include—

"(A) outreach and technical assistance for State and local agencies and the health centers referred to in subparagraphs (A) and (B) of paragraph (2);

"(B) demonstration projects in selected States or local areas; and

"(C) such other activities as the Secretaries consider appropriate.

"(4) As used in this subsection:

"(A) The term 'community health center' has the meaning provided in section 330(a) of the Public Health Service Act (42 U.S.C. 254c(a)).

"(B) The term 'migrant health center' has the meaning provided in section 329(a)(1) of such Act (42 U.S.C. 254b(a)(1)).".

(s) FARMERS' MARKET NUTRITION PROGRAM.—

(1) MATCHING REQUIREMENT FOR INDIAN STATE AGENCIES.—Section 17(m)(3) of such Act (42 U.S.C. 1786(m)(3)) is amended by adding at the end the following new sentence: "The Secretary may negotiate with an Indian State agency a lower percentage of matching funds than is required under the preceding sentence, but not lower than 10 percent of the total cost of the program, if the Indian State agency demonstrates to the Secretary financial hardship for the affected Indian tribe, band, group, or council.".

(2) EXPANSION.—Section 17(m)(5)(F) of such Act (42 U.S.C. 1786(m)(5)(F)) is amended—

(A) in clause (i), by striking "15 percent" and inserting "17 percent"; and

(B) by striking clause (ii) and inserting the following new clause:

"(ii) During any fiscal year for which a State receives assistance under this subsection, the Secretary shall permit the State to use up to 1 percent of total program funds for market development or technical assistance to farmers' markets if the Secretary determines that the State intends to promote the development of farmers' markets in socially or economically disadvantaged areas, or remote rural areas, where individuals eligible for participation in the program have limited access to locally grown fruits and vegetables.".

(3) NOTIFICATION OF AWARD OF FUNDS.—Section 17(m)(6)(A) of such Act (42 U.S.C. 1786(m)(6)(A)) is amended by adding at the end the following new sentence: "The Secretary shall inform each State of the award of funds as prescribed by subparagraph (G) by February 15 of each year.".

(4) MINIMUM AMOUNT OF GRANTS.—Section 17(m)(6)(B)(ii) of such Act (42 U.S.C. 1786(m)(6)(B)(ii)) is amended by striking "$50,000" each place it appears and inserting "$75,000".

(5) STATE PLAN SUBMISSION DATE.—Section 17(m)(6)(D)(i) of such Act (42 U.S.C. 1786(m)(6)(D)(i)) is amended by striking "at such time and in such manner as the Secretary may reasonably require" and inserting "by November 15 of each year".

(6) MAINTENANCE OF EFFORT.—Section 17(m)(6)(F)(iii) of such Act (42 U.S.C. 1786(m)(6)(F)(iii)) is amended by striking "reduce in any fiscal year" and inserting "reduce, in the first full fiscal year of the Federal grant,".

(7) ALLOCATION OF ADDITIONAL FUNDS.—Section 17(m)(6)(G) of such Act (42 U.S.C. 1786(m)(6)(G)) is amended—

(A) in the first sentence of clause (i), by striking "45 to 55 percent" and inserting "60 percent"; and

(B) in the first sentence of clause (ii), by striking "45 to 55 percent" and inserting "40 percent".

(8) DATA COLLECTION REQUIREMENTS.—Section 17(m)(8) of such Act (42 U.S.C. 1786(m)(8)) is amended by striking subparagraphs (D) and (E) and inserting the following new subparagraphs:

"(D) if available, information on the change in consumption of fresh fruits and vegetables by recipients;

"(E) if available, information on the effects of the program on farmers' markets; and".

(9) AUTHORIZATION OF APPROPRIATIONS.—Section 17(m)(10)(A) of such Act (42 U.S.C. 1786(m)(10)(A)) is amended by striking "and $8,000,000 for fiscal year 1994" and inserting "$8,000,000 for fiscal year 1994, $10,500,000 for fiscal year 1995, $12,500,000 for fiscal year 1996, $15,000,000 for fiscal year 1997, and $18,000,000 for fiscal year 1998".

(10) ELIMINATION OF REALLOCATION OF UNEXPENDED FUNDS OF DEMONSTRATION PROJECTS.—Section 17(m)(10)(B)(ii) of such Act (42 U.S.C. 1786(m)(10)(B)(ii)) is amended by striking the second sentence.

(11) DEFINITION OF STATE AGENCY.—Section 17(m)(11)(D) of such Act (42 U.S.C. 1786(m)(11)(D)) is amended by inserting before the period at the end the following: "or any other agency approved by the chief executive officer of the State".

(12) PROMOTION BY THE SECRETARY.—The Secretary of Agriculture shall promote the use of farmers' markets by recipients of Federal nutrition programs administered by the Secretary.

(t) CHANGE IN NAME OF PROGRAM.—

(1) IN GENERAL.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(A) by striking the section heading and inserting the following new section heading:

"SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN";

(B) in the first sentence of subsection (c)(1), by striking "special supplemental food program" and inserting "special supplemental nutrition program";

(C) in the second sentence of subsection (k)(1), by striking "special supplemental food program" each place it appears and inserting "special supplemental nutrition program"; and

(D) in subsection (o)(1)(B), by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(2) CONFORMING AMENDMENTS.—

(A) The second sentence of section 9(c) of the Food Stamp Act of 1977 (7 U.S.C. 2018(c)) is amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(B) Section 685(b)(8) of the Individuals with Disabilities Education Act (20 U.S.C. 1484a(b)(8)) is amended by striking "Special Supplemental Food Program for Women, Infants and Children" and inserting "special supplemental nutrition program for women, infants, and children".

(C) Section 3803(c)(2)(C)(x) of title 31, United States Code, is amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(D) Section 399(b)(6) of the Public Health Service Act (42 U.S.C. 280c–6(b)(6)) is amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(E) Paragraphs (11)(C) and (53)(A) of section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) are each amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(F) Section 202(b) of the WIC Infant Formula Procurement Act of 1992 (Public Law 102–512; 42 U.S.C. 1786 note) is amended by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(3) REFERENCES.—Any reference to the special supplemental food program established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) in any law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the special supplemental nutrition program established under such section.

SEC. 205. NUTRITION EDUCATION AND TRAINING PROGRAM.

(a) NAME OF PROGRAM.—Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) is amended by striking "information and education" each place it appears in subsections (b), (c), (d)(1), and (j)(1) and inserting "education and training".

(b) NUTRITION EDUCATION PROGRAMS.—The second sentence of section 19(c) of such Act (42 U.S.C. 1788(c)) is amended—

(1) in subparagraph (B), by striking "school food service" and inserting "child nutrition program";

(2) by striking "and" at the end of subparagraph (C); and

(3) by inserting before the period at the end the following: "; and (E) providing information to parents and caregivers regarding the nutritional value of food and the relationship between food and health".

(c) NUTRITION EDUCATION AND TRAINING.—Section 19(d) of such Act (42 U.S.C. 1788(d)) is amended—

(1) in paragraph (1)(C), by inserting before the period at the end the following: ", and the provision of nutrition education to parents and caregivers";

(2) in the first sentence of paragraph (4), by striking "educational and school food service personnel" and inserting "educational, school food service, child care, and summer food service personnel"; and

(3) in the first sentence of paragraph (5), by inserting after "schools" the following: ", and in child care institutions and summer food service institutions,".

(d) USE OF FUNDS.—Section 19(f) of such Act (42 U.S.C. 1788(f)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) The funds made available under this section may, under guidelines established by the Secretary, be used by a State educational agency for—

"(A) employing a nutrition education specialist to coordinate the program, including travel and related personnel costs;

"(B) undertaking an assessment of the nutrition education needs of the State;

"(C) developing and carrying out a State plan of operation and management for nutrition education;

"(D) coordinating and promoting nutrition education and training activities in local school districts (incorporating, to the maximum extent practicable, as a learning laboratory, the child nutrition programs);

"(E) contracting with public and private nonprofit educational institutions for the conduct of nutrition education instruction and programs relating to the purpose of this section;

"(F) providing funding for a nutrition component in the health education curriculum offered to children in kindergarten through grade 12;

"(G) instructing teachers, school administrators, or other school staff on how to promote better nutritional health and to motivate children to practice sound eating habits;

"(H) developing means of providing nutrition education to children, and families of children, through after-school programs;

"(I) creating instructional programming for teachers, food service personnel, and parents on the relationships between nutrition and health and the role of the Food Guide Pyramid established by the Secretary;

"(J) encouraging public service advertisements to promote healthy eating habits for children; and

"(K) achieving related nutrition education purposes, including the preparation, testing, distribution, and evaluation of visual aids and other informational and educational materials."; and

(2) by striking paragraph (3) and inserting the following new paragraph:

"(3) A State agency may use an amount equal to not more than 15 percent of the funds made available through a grant under this section for expenditures for overall administrative and supervisory or program purposes in connection with the program authorized under this section if the State makes available at least an equal amount for the expenditures.".

(e) STATE COORDINATORS FOR NUTRITION; STATE PLAN.—Section 19(h) of such Act (42 U.S.C. 1788(h)) is amended—

(1) in the first sentence of paragraph (2), by inserting "and training" after "education"; and

(2) in the third sentence of paragraph (3)—

(A) by striking "and" at the end of subparagraph (D); and

(B) by inserting before the period at the end the following: "; and (F) a comprehensive plan for providing nutrition education during the first fiscal year beginning after the submission of the plan and the succeeding 4 fiscal years".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 19(i)(2)(A) of such Act (42 U.S.C. 1788(i)(2)(A)) is amended by striking "nutrition education and information programs" and all that follows through the period at the end and inserting "nutrition education and training programs $10,000,000 for fiscal year 1995 and each subsequent fiscal year.".

(g) AVAILABILITY OF FUNDS.—Section 19(i) of such Act (42 U.S.C. 1788(i)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) Funds made available to any State under this section shall remain available to the State for obligation in the fiscal year succeeding the fiscal year in which the funds were received by the State.".

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TITLE III—EFFECTIVE DATES

SEC. 301. EFFECTIVE DATES.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on October 1, 1994.

THE BETTER NUTRITION AND HEALTH FOR CHILDREN ACT

Mr. LUGAR. Mr. President, I rise to support legislation before us today to reauthorize the special supplemental nutrition program for women, infants and children [WIC], the summer food service program, the commodity distribution program, the nutrition education and training program, the homeless preschool program, and the State administrative expenses program. The legislation also makes improvements to these programs and those child nutrition programs which are already permanently authorized—the school lunch, school breakfast, child and adult care food, and special milk programs.

Although the fiscal starting-point for this bill was an administration budget that did not provide for any child nutrition program expansions other than WIC, this legislation does include provisions that will make our child nutrition resources go farther. The bill strengthens breastfeeding promotion in the WIC program, gives schools with high rates of free and reduced-price participation greater opportunities for reducing paperwork, and assists with school breakfast and summer food service program start-up and expansion, so that more children will have access to these programs.

The bill also extends a pilot project on alternative eligibility for the child and adult care food program, on which Senator MCCONNELL has done important work, and includes provisions developed by Senator DOLE to improve program accessibility for children with disability-related special dietary needs. At Senator GORTON'S suggestion, the bill includes language on informing summer food service program sponsors of sources of funding to support all-day activities at their sites.

The bill makes administrative improvements to the WIC Farmers' Market Program which were advocated by Senator GRASSLEY, among others. It also includes language development by the distinguished chairman to prevent fraud and bid-rigging in the child nutrition programs by establishing mandatory debarment periods and providing for relevant technical assistance and training for State and local agencies.

I am very pleased that the bill includes legislation I first introduced in 1991 to eliminate the Federal mandate on the types of milk schools must offer with lunch. Current law requires schools to offer whole and low-fat unflavored milk with lunch. My legislation gives local school food service personnel the authority to make the decision. During hearings on reauthorization, the Committee on Agriculture, Nutrition, and Forestry heard testimony in support of my legislation from numerous nutrition experts.

The bill before us allows States and schools to decide what types of milk to serve. Removing the Federal mandates will give school food service professionals more administrative flexibility and assist their efforts to follow the dietary guidelines. I thank the distinguished chairman for including my legislation in his original bill and also thank Senator CRAIG and other members of the committee for assisting in working out a compromise on this provision.

Mr. President, the legislation before us today is the product of much hard work by all the members of this committee and their staffs. I thank the chairman in particular for his leadership on this legislation, and urge my colleagues to support its speedy passage.

Mr. President, I would like to take this opportunity to reiterate that the sole purpose of the optional model language referred to in section 203 of the bill is to provide for expanding the time and place restrictions on the sale in elementary schools of competitive foods of minimal nutritional value, as currently defined.

Mr. LEAHY. There is one additional clarification to the bill that I intend to make at conference. The issue was brought to my attention too late to include in either the bill or the committee amendment to the bill which are before us today.

Section 105 of the bill deals with the use of free and reduced-price meal information. The intent of the provision is to permit the use of such information to identify low-income students for potential eligibility in other programs, while at the same time securing the privacy of those children and their families.

Toward this end, the provision limits the disclosure of data to the eligibility status of the child, prohibiting the disclosure of any specific family information without the written consent of the parent or guardian.

The bill limits disclosure of eligibility status to use for other State or local health or education programs. This unintentionally may be read as prohibiting its use in identifying eligibility for Federal education programs.

In conference I will work to make sure that the language in section 105 is changed to assure the availability of free and reduced-price lunch data for use in the implementation of Federal education programs at the school level.

Senator PELL, chairman of the Subcommittee on Education, Arts and Humanities, is supportive of this change, as it would allow the Congress to permit better targeting of the Chapter 1

program and other Federal education programs on low-income students.

Mr. LUGAR. I agree that this clarification is a good idea. I will work with you in conference with the House to see that this amendment is made to the child nutrition reauthorization bill.

It is my understanding that the committee does not intend for the Secretary of Agriculture, in issuing regulations implementing section 120 of this legislation, to revise the provisions contained in section 3017.220 of title VII of the Code of Federal Regulations.

Mr. LEAHY. That is my understanding as well.

Mr. COCHRAN. Mr. President, the committee amendment to S. 1614 includes language that will direct the Secretary to utilize the Food Service Management Institute at the University of Mississippi to assist in implementing dietary or nutritional initiatives undertaken by the Secretary.

It is my understanding that this would include, but not be limited to, the Secretary's dietary guidelines initiative, if made final, aimed at improving the quality of school meals. I have discussed this with Assistant Secretary Haas and it is my further understanding that from funds appropriated to implement these initiatives, the Department will compensate the institute for any expenses incurred associated with these additional new activities.

Mr. LEAHY. It is my understanding that the Secretary would compensate the institute for these additional expenses including those associated with its assistance in implementing the Secretary's initiative should that initiative be made final.

Mr. LUGAR. This represents my understanding as well.

Mr. COCHRAN. I thank my colleagues for these clarifications. Mr. President, I ask unanimous consent that a copy of a letter from Assistant Secretary Ellen Haas outlining the Department of Agriculture's intentions to utilize the Food Service Management Institute be printed in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COCHRAN: It was a pleasure to speak with you recently to discuss the School Meals Initiative for Healthy Children that Secretary Espy and I recently announced. As you know, the goal of this ambitious proposal is to ensure that our Nation's children have access to healthy meals at school. In the course of our conversation, we discussed how the Food Service Management Institute can contribute to the initiative. Substantial training and technical assistance will be necessary to prepare school food personnel to successfully implement the updated nutrition standards. The Department of Agriculture (USDA) will need a broad coalition of trainers, and nutrition professionals to be successful. I want to assure you that we recognize that the Food Service Management Institute can be a valuable member of this coalition to improve nutrition in the school meals programs.

I understand that under the Senate version of the child nutrition reauthorization bill (S. 1614) USDA could use a non-competitive process to work with the Institute on activities that the Secretary designates as helpful to schools across the nation in implementing the School Meals Initiative.

In this regard, USDA intends to provide funds to the Institute for these additional activities from an account established to implement section 6(a)(3) of the National School Lunch Act established to carry out training and technical assistance efforts related to implementing the School Meals Initiative.

I hope this clarifies our intent, and I look forward to working with you and the Institute.

Sincerely,

ELLEN HAAS,
Assistant Secretary for
Food and Consumer Services.

So the bill (S. 1614), as amended, was deemed read the third time, and passed.

(The text of the bill, as passed, will appear in a future edition of the RECORD.)

FEDERAL CROP INSURANCE REFORM ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 507, S. 2095, the Federal Crop Insurance Reform Act of 1994.

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

The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 2095) to reform the Federal crop insurance program, and for other purposes

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture, Nutrition and Forestry, with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Federal Crop Insurance Reform Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.

TITLE I—CATASTROPHIC RISK AND ADDITIONAL COVERAGE INSURANCE

Sec. 101. Authority to offer insurance.
Sec. 102. Catastrophic risk protection.
Sec. 103. General coverage levels.
Sec. 104. Premiums.
Sec. 105. Eligibility.
Sec. 106. Yield determinations.
Sec. 107. Insurance policies.
Sec. 108. Claims for losses.
Sec. 109. Reinsurance.
Sec. 110. Funding.
Sec. 111. Advisory Committee for Federal Crop Insurance.
Sec. 112. Management of Corporation.

TITLE II—NONINSURED ASSISTANCE PROGRAM

Sec. 201. Noninsured assistance program.
Sec. 202. Payment and income limitations.

TITLE III—MISCELLANEOUS

Sec. 301. Ineligibility for catastrophic risk and noninsured assistance payments.
Sec. 302. Prevented planting.
Sec. 303. Conforming amendments.
Sec. 304. Effective dates.
Sec. 305. Termination of authority.

(c) REFERENCES TO FEDERAL CROP INSURANCE ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

TITLE I—CATASTROPHIC RISK AND ADDITIONAL COVERAGE INSURANCE

SEC. 101. AUTHORITY TO OFFER INSURANCE.

Section 508 (7 U.S.C. 1508) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) AUTHORITY TO OFFER INSURANCE.—

"(1) IN GENERAL.—If sufficient actuarial data are available (as determined by the Corporation), the Corporation may insure, or provide reinsurance for insurers of, producers of agricultural commodities grown in the United States under 1 or more plans of insurance determined by the Corporation to be adapted to the agricultural commodity concerned. To qualify for coverage under a plan of insurance, the losses of the insured commodity shall be due to drought, flood, or other natural disaster (as determined by the Secretary).

"(2) PERIOD.—Except in the cases of tobacco and potatoes, insurance shall not extend beyond the period during which the insured commodity is in the field. As used in the preceding sentence, in the case of aquacultural species, the term 'field' means the environment in which the commodity is produced.

"(3) EXCLUSIONS.—Insurance provided under this subsection shall not cover losses due to—

"(A) the neglect or malfeasance of the producer;

"(B) the failure of the producer to reseed to the same crop in such areas and under such circumstances as it is customary to so reseed; or

"(C) the failure of the producer to follow good farming practices (as determined by the Secretary).";

(2) by striking subsections (c), (e), (g), (l), and (n); and

(3) by redesignating subsections (b), (d), (f), (h), (i), (j), (k), and (m) as subsections (g) through (n), respectively.

SEC. 102. CATASTROPHIC RISK PROTECTION.

Section 508 (7 U.S.C. 1508) (as amended by section 101) is further amended by inserting after subsection (a) the following new subsection:

"(b) CATASTROPHIC RISK PROTECTION.—

"(1) IN GENERAL.—The Corporation shall offer a catastrophic risk protection plan to indemnify producers for crop loss due to loss of yield or prevented planting when the producer is unable, because of drought, flood, or other natural disaster (as determined by the Secretary), to plant crops for harvest on the acreage for that crop year.

"(2) AMOUNT OF COVERAGE.—Catastrophic risk protection shall offer a producer 50 percent loss in yield coverage, on an individual yield or area yield basis, indemnified at 60 percent of the expected market price, or a comparable coverage (as determined by the Corporation).

"(3) PAYMENT.—A catastrophic risk payment may reflect a reduction that is proportionate to the lack of out-of-pocket expenses associated with the failure to plant, grow, or harvest the crop, as determined by the Corporation.

"(4) YIELD AND LOSS BASIS.—A producer shall have the option of basing the catastrophic coverage of the producer on an individual yield and loss basis or on an area yield and loss basis, if both options are offered by the Corporation.

"(5) SALE OF CATASTROPHIC RISK COVERAGE.—

"(A) IN GENERAL.—Catastrophic risk coverage may be offered by—

"(i) private insurance providers, if available in an area; and

"(ii) at the option of the Secretary that is based on considerations of need, local offices of the United States Department of Agriculture (referred to in this title as the 'Department').

"(B) NEED.—For purposes of considering need under subparagraph (A)(ii), the Secretary may take into account the most efficient and cost-effective use of resources, the availability of personnel, fairness to local producers, the needs and convenience of local producers, and the availability of private insurance carriers.

"(6) ADMINISTRATIVE FEE.—

"(A) IN GENERAL.—As a condition of catastrophic risk protection, a producer shall pay an administrative fee. The administrative fee shall be $50 per crop per county, but not to exceed $100 per producer per county. The administrative fee shall be paid at the service point, at the local office of the Department, or to the approved insurance provider, at the time of application.

"(B) FEE WAIVERS.—The administrative fee shall be waived—

"(i) for farmers of limited resources (as defined by the Corporation); or

"(ii) if the producer elects to purchase additional protection at 65 percent or more of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, offered by an approved insurance provider.

"(C) USE OF FEES COLLECTED.—Funds collected as administrative fees shall be retained by the Department or the approved insurance provider for operating and administrative expenses for the delivery of catastrophic risk protection policies.

"(7) PARTICIPATION REQUIREMENT.—A producer may obtain catastrophic risk coverage for a crop of the producer on land in the county only if the producer obtains such coverage for the crop on all insurable land of the producer in that county.

"(8) ELIGIBILITY FOR DEPARTMENT PROGRAMS.—

"(A) IN GENERAL.—To be eligible for any price support or production adjustment program or any benefit described in section 371 of the Consolidated Farm and Rural Development Act, the producer must obtain at least the catastrophic level of insurance for each crop of economic significance grown on each farm in the county in which the producer has an interest, if insurance is available in the county for the crop.

"(B) DEFINITION OF CROP OF ECONOMIC SIGNIFICANCE.—As used in this paragraph, the term 'crop of economic significance' means a crop that has contributed, or is expected to contribute, 10 percent or more of the total expected value of all crops grown by the producer.

"(9) LIMITATION DUE TO RISK.—The Corporation may limit catastrophic risk coverage in any county or area, or on any farm, on the basis of the insurance risk concerned.

"(10) SIMPLIFICATION.—

"(A) CATASTROPHIC RISK PROTECTION PLANS.—In developing and carrying out the policies and procedures for a catastrophic risk protection plan under this title, the Corporation shall, to the maximum extent practicable, minimize the paperwork required and the complexity and costs of procedures governing applications for, processing, and servicing of the plan for all parties involved.

"(B) OTHER PLANS.—To the extent that the policies and procedures developed under subparagraph (A) may be applied to other plans of insurance offered under this title without jeopardizing the actuarial soundness or integrity of the crop insurance program, the Corporation shall apply the policies and procedures to the other plans of insurance within a reasonable period of time (as determined by the Corporation) after the effective date of this paragraph.".

SEC. 103. GENERAL COVERAGE LEVELS.

Section 508 (7 U.S.C. 1508) (as amended by section 102) is further amended by inserting after subsection (b) the following new subsection:

"(c) GENERAL COVERAGE LEVELS.—

"(1) IN GENERAL.—The Corporation shall offer plans of insurance that provide levels of coverage that are greater than the level available under catastrophic risk protection under subsection (b). A producer may purchase such a plan only from an approved insurance provider, if the private insurance is available. Nothing in this paragraph restricts the Corporation from offering insurance plans if coverage from private insurance providers is unavailable.

"(2) TRANSFER OF INSURANCE FILES.—If a producer has already applied for catastrophic risk protection at the local office of the Department and elects to purchase additional coverage, the insurance file for the crop of the producer shall be transferred to the approved insurance provider servicing the additional coverage crop policy.

"(3) YIELD AND LOSS BASIS.—A producer shall have the option of purchasing additional coverage based on an individual yield and loss basis or on an area yield and loss basis, if both options are offered by the Corporation.

"(4) LEVEL OF COVERAGE.—The level of coverage shall be dollar denominated and may be purchased at any level not to exceed 85 percent of the individual yield or 95 percent of the area yield (as determined by the Corporation). By the beginning of the 1996 crop year, the Corporation shall provide producers with information on catastrophic risk and additional coverage in terms of dollar coverage (within the allowable limits of coverage provided in this paragraph).

"(5) PRICE LEVEL.—The Corporation shall establish a price level for each commodity on which insurance is offered that—

"(A) shall not be less than the projected market price for the commodity (as determined by the Corporation); or

"(B) at the discretion of the Corporation, may be based on the actual market price at the time of harvest (as determined by the Corporation).

"(6) PRICE ELECTIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), insurance coverage shall be made available to the producer on the basis of any price election that equals or is less than the price election established by the Corporation. The coverage shall be quoted in terms of dollars per acre.

"(B) MINIMUM PRICE ELECTIONS.—The Corporation may establish minimum price elections below which levels of insurance shall not be offered.

"(C) WHEAT VARIETIES.—The Corporation shall, over a period of time as determined practicable by the Corporation, offer producers different price elections for varieties of wheat, in addition to the standard price election, that reflect different market prices, as determined by the Corporation. The Corporation shall offer additional coverage for each variety determined under this subparagraph and charge a premium for each variety that is actuarially sound.

"(7) SUBSTITUTE COVERAGE FOR FIRE AND HAIL.—

"(A) IN GENERAL.—For levels of coverage 65 percent or more of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, the producer may elect to delete from the insurance coverage provided under this title coverage against damage caused by fire or hail, if an equivalent or greater dollar amount of coverage for damage caused by fire or hail is obtained from a private fire or hail insurance provider.

"(B) CREDIT FOR SUBSTITUTE COVERAGE.—On written notice of an election under subparagraph (A) to the company issuing the policy providing coverage under this title and submission of evidence of substitute coverage on the commodity insured, the premium of the producer shall be reduced by an amount determined by the Corporation to be actuarially appropriate, taking into account the actuarial value of the remaining coverage provided by the Corporation. The producer shall not be given a reduction for an amount of premium determined to be greater than the actuarial value of the protection against losses caused by fire or hail that is included in the coverage under this title for the crop.

"(8) STATE PREMIUM SUBSIDIES.—The Corporation may enter into agreements with any State or agency of a State under which the State or agency may pay to the approved insurance provider an additional premium subsidy to further reduce the portion of the premium paid by the producers in the State.

"(9) LIMITATION DUE TO RISK.—The Corporation may limit or refuse insurance in any county or area, or on any farm, on the basis of the insurance risk concerned.

"(10) ADMINISTRATIVE FEE.—

"(A) IN GENERAL.—As a condition of coverage that is in addition to catastrophic risk protection but less than 65 percent of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, a producer shall pay an administrative fee. The administrative fee shall be $50 per crop per county, but not to exceed $100 per producer per county. The administrative fee shall be paid to the approved insurance provider or the Department, as applicable, at the time of application.

"(B) FEE WAIVERS.—The administrative fee shall be waived—

"(i) for farmers of limited resources (as defined by the Corporation); or

"(ii) if the producer elects to purchase additional protection at 65 percent or more of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, offered by an approved insurance provider.

"(C) USE OF FEES COLLECTED.—Funds collected as administrative fees shall be retained by the approved insurance provider or the Department, as applicable, for operating and administrative expenses.".

SEC. 104. PREMIUMS.

Section 508 (7 U.S.C. 1508) (as amended by section 103) is further amended by inserting after subsection (c) the following new subsection:

"(d) PREMIUMS.—

"(1) LEVELS.—

"(A) CATASTROPHIC RISK PROTECTION.—For catastrophic risk protection coverage, the amount of premium shall be sufficient to cover anticipated losses and a reasonable reserve.

"(B) ADDITIONAL COVERAGE.—For levels of coverage below 65 percent of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, but greater than catastrophic risk protection coverage, the amount of premium shall be sufficient to cover anticipated losses, a reasonable reserve, and an amount for operating and administrative expenses (as determined by the Corporation) that is less than the amount established for coverage at 65 percent of the recorded

or appraised average yield and 100 percent of the expected market price, or an equivalent coverage.

"(C) HIGH COVERAGE.—For levels of coverage of at least 65 percent of the recorded or appraised average yield and 100 percent of the expected market price, or an equivalent coverage, the amount of premium shall be sufficient to cover anticipated losses, a reasonable reserve, and an amount to pay the operating and administrative expenses (as determined by the Corporation) on an industry-wide basis as a percentage of the total premium.

"(2) PAYMENT OF PART OF PREMIUM.—For the purpose of encouraging the broadest possible participation, the Corporation shall pay a part of the premium equivalent to—

"(A) for catastrophic risk protection coverage, an amount equal to the premium established under paragraph (1)(A);

"(B) for levels of coverage below 65 percent of the recorded and appraised average yield and 100 percent of the expected market price, or an equivalent coverage, but greater than catastrophic risk protection, an amount equal to the sum of the amount of premium established for catastrophic risk protection coverage and the amount for operating and administrative expenses established under paragraph (1)(B); and

"(C) for levels of coverage at or greater than 65 percent of the recorded and appraised yield and 100 percent of the expected market price, or an equivalent coverage, on an individual or area basis, an amount equal to the sum of—

"(i) the premium established for—

"(I) in the case of each of the 1995 and 1996 crop years, 50 percent loss in yield indemnified at 80 percent of the expected market price;

"(II) in the case of the 1997 crop year, 50 percent loss in yield indemnified at 77.5 percent of the expected market price; and

"(III) in the case of the 1998 and each subsequent crop year, 50 percent loss in yield indemnified at 75 percent of the expected market price; and

"(ii) the amount for operating and administrative expenses established under paragraph (1)(C).

"(3) REDUCTIONS BY PRIVATE PROVIDERS.—If a private insurance provider determines that the provider may provide insurance more efficiently than the expense reimbursement amount set by the Corporation, the private insurance provider may, with the approval of the Corporation, reduce the premium charged the insured by the amount of the efficiency. A reduction pursuant to the preceding sentence shall be subject to such rules, limitations, and procedures as are established by the Corporation.

"(4) INDIVIDUAL AND AREA CROP INSURANCE COVERAGE.—

"(A) IN GENERAL.—The Corporation shall allow an approved insurance provider to offer a producer a plan of insurance that provides a level of coverage that is greater than that provided under catastrophic risk protection at a premium rate determined by the provider if the provider agrees to bear (depending on the type of coverage involved) portions of the underwriting risk, and operating and administrative expenses, that result from the additional level of coverage.

"(B) COMBINED COVERAGES.—To provide the additional level of coverage to an insured producer under subparagraph (A), a provider may combine—

"(i) individual crop insurance coverage; and

"(ii) area crop insurance coverage provided by the Corporation through the provider to the producer that is based on area yields in a manner that allows the producer to qualify for an indemnity if a loss has occurred in a specified area (as defined by the Corporation) in which the farm of the producer is located.

"(C) INDEMNITY.—If a producer qualifies for an indemnity under an area crop insurance policy described in subparagraph (B)(ii), the Corporation shall provide to—

"(i) the provider, an amount that is the lesser of—

"(I) the indemnity under the individual crop insurance coverage; or

"(II) the indemnity under the area crop insurance coverage; and

"(ii) the producer, the remainder of the indemnity.

"(D) SUBSIDY.—If a provider combines individual crop insurance coverage and area crop insurance coverage under subparagraph (B), the Corporation shall pay a part of the premium equivalent to—

"(i) for individual crop insurance coverage, an amount equal to the premium established for catastrophic risk protection coverage; and

"(ii) for area crop insurance coverage, an amount equal to the premium established for 50 percent loss in yield indemnified at 15 percent of the expected market price on an individual basis, plus the amount of operating and administrative expenses for the area coverage (as established under paragraph (1)(C)).

"(E) REINSURANCE AND ADMINISTRATION.—If a provider combines individual crop insurance coverage and area crop insurance coverage under subparagraph (B), the Corporation shall—

"(i) not provide reinsurance, except that the Corporation shall provide reinsurance on—

"(I) the area crop insurance coverage at the request of the provider; and

"(II) the catastrophic risk protection provided under the individual insurance coverage; and

"(ii) reimburse the provider for administrative expenses associated with the area crop insurance coverage, except that the amount of the reimbursement shall be no less than reimbursement provided by the Corporation for comparable area coverage.".

SEC. 105. ELIGIBILITY.

(a) IN GENERAL.—Section 508 (7 U.S.C. 1508) (as amended by section 104) is further amended by inserting after subsection (d) the following new subsection:

"(e) ELIGIBILITY.—

"(1) IN GENERAL.—To participate in catastrophic risk protection coverage under this section, a producer shall submit an application at the local office of the Department or to an approved insurance provider.

"(2) SALES CLOSING DATE.—For coverage under this title, each producer shall purchase crop insurance on or before the sales closing date for the crop by providing the required information and executing the required documents. Subject to the goal of ensuring actuarial soundness for the crop insurance program, the sales closing date shall be established by the Corporation to maximize convenience to producers in obtaining benefits under price and production adjustment programs of the Department. Beginning with the 1995 crop year, the Corporation shall establish, for an insurance policy for each insurable crop that is planted in the spring, a sales closing date that is 30 days earlier than the corresponding sales closing date that was established for the 1994 crop year.

"(3) RECORDS.—For coverage under this title, each producer shall provide records, acceptable to the Corporation, of previous acreage and production or accept a yield determined by the Corporation.

"(4) REPORTING.—For coverage under this title, each producer shall report acreage planted and prevented from planting by the designated acreage reporting date for the crop and location as established by the Corporation.".

(b) PRODUCER ELIGIBILITY.—Section 520 (7 U.S.C. 1520) is amended to read as follows:

"SEC. 520. PRODUCER ELIGIBILITY.

"Except as otherwise provided in this title, a producer shall not be denied insurance under this title if—

"(1) for purposes of catastrophic risk protection coverage, the producer is a 'person' (as defined by the Secretary); and

"(2) for purposes of any other plan of insurance, the producer is 18 years of age and has a bona fide insurable interest in a crop as an owner-operator, landlord, tenant, or sharecropper.".

SEC. 106. YIELD DETERMINATIONS.

Section 508 (7 U.S.C. 1508) (as amended by section 105(a)) is further amended by inserting after subsection (e) the following new subsection:

"(f) YIELD DETERMINATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Corporation shall implement crop insurance underwriting rules that ensure that yield coverage is provided to eligible producers participating in the Federal crop insurance program.

"(2) YIELD COVERAGE PLANS.—

"(A) ACTUAL PRODUCTION HISTORY.—Subject to subparagraph (B), the yield for a crop shall be based on the actual production history for the crop, if the crop was produced on the farm without penalty during each of the 4 crop years immediately preceding the crop year for which actual production history is being established, building up to a production data base for each of the 10 consecutive crop years preceding the crop year for which actual production history is being established.

"(B) ASSIGNED YIELD.—If the producer does not provide satisfactory evidence of the yield of a commodity under subparagraph (A), the producer shall be assigned a yield that is not less than 65 percent of the transitional yield of the producer (adjusted to reflect actual production reflected in the records acceptable to the Corporation for continuous years), as specified in regulations issued by the Corporation based on production history requirements.

"(C) AREA YIELD.—The Corporation may offer a crop insurance plan based on an area yield that allows an insured producer to qualify for an indemnity if a loss has occurred in an area (as specified by the Corporation) in which the farm of the producer is located. Under an area yield plan, an insured producer shall be allowed to select the level of area production at which an indemnity will be paid consistent with such terms and conditions as are established by the Corporation.

"(D) COMMODITY-BY-COMMODITY BASIS.—A producer may choose between individual yield or area yield coverage or combined coverage (as provided in subsection (d)(4)), if available, on a commodity-by-commodity basis.

"(3) NOTICE.—The Corporation shall ensure that producers are given adequate notice of the applicable yield coverage provisions of this section in advance of the crop insurance application period for the crops to which the provisions first will apply.

"(4) TRANSITIONAL YIELDS FOR PRODUCERS OF FEED OR FORAGE.—

"(A) IN GENERAL.—If a producer does not provide satisfactory evidence of the yield under paragraph (2)(A), the producer shall be assigned a yield that is at least 80 percent of the transitional yield established by the Corporation (adjusted to reflect the actual production history of the producer) if the Secretary determines that—

"(i) the producer grows feed or forage primarily for on-farm use in a livestock, dairy, or poultry operation; and

"(ii) over 50 percent of the net farm income of the producer is derived from the livestock, dairy, or poultry operation.

"(B) YIELD CALCULATION.—The Corporation shall—

"(i) for the first year of participation of a producer, provide the assigned yield under this paragraph to the producer of feed or forage; and

"(ii) for the second year of participation of the producer, apply the actual production history or assigned yield requirement, as provided in this subsection.

"(C) TERMINATION OF AUTHORITY.—The authority provided by this paragraph shall terminate on the date that is 2 years after the effective date of this paragraph.".

SEC. 107. INSURANCE POLICIES.

Subsection (g) of section 508 (7 U.S.C. 1508) (as redesignated by section 101(3)) is amended—

(1) in paragraph (1), by striking "(a)" and inserting "(c)";

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) PREPARATION OF POLICIES.—A policy or other material submitted to the Corporation under this subsection may be prepared without regard to the limitations specified in this title, including the requirements concerning the levels of coverage and rates and the requirement that a price level for each commodity insured shall equal the projected market price for the commodity as established by the Corporation. The policy may be subsidized only at an amount equivalent to coverage authorized under this title.";

(3) in paragraph (3)—

(A) in the first sentence, by striking "taking into consideration the risks covered by the policy or other material"; and

(B) in the second sentence, by inserting "with a private insurance provider" after "reinsurance agreement"; and

(4) by striking paragraph (4) and inserting the following new paragraphs:

"(4) REQUIRED PUBLICATION.—Any policy, provision of a policy, or rate approved under this subsection shall be published as a notice in the Federal Register and made available to each person who contracts with or is reinsured by the Corporation under the same terms and conditions as are applicable between the Corporation and the submitting person.

"(5) PILOT COST OF PRODUCTION RISK PROTECTION PLAN.—

"(A) IN GENERAL.—The Corporation shall offer, to the extent practicable, a cost of production risk protection plan of insurance that would indemnify producers (including new producers) for insurable losses as provided in this paragraph.

"(B) PILOT BASIS.—The cost of production risk protection plan shall—

"(i) be established as a pilot project for each of the 1996 and 1997 crop years; and

"(ii) be carried out in a number of counties that is determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among producers for the plan.

"(C) INSURABLE LOSS.—An insurable loss shall be incurred by a producer if the gross income of the producer (as determined by the Corporation) is less than an amount determined by the Corporation, as a result of a reduction in yield or price resulting from an insured cause.

"(D) DEFINITION OF NEW PRODUCER.—As used in this paragraph, the term 'new producer' means a person that has not been actively engaged in farming for a share of the production of the insured crop for more than 2 crop years, as determined by the Secretary.

"(6) ADDITIONAL PREVENTED PLANTING POLICY COVERAGE.—

"(A) IN GENERAL.—Beginning with the 1995 crop year, the Corporation shall offer to producers additional prevented planting coverage that insures producers against losses in accordance with this paragraph.

"(B) APPROVED INSURANCE PROVIDERS.—Additional prevented planting coverage shall be offered by the Corporation through approved insurance providers.

"(C) TIMING OF LOSS.—A crop loss shall be covered by the additional prevented planting coverage if—

"(i) crop insurance policies were obtained for—

"(I) the crop year the loss was experienced; and

"(II) the crop year immediately preceding the year of the prevented planting loss; and

"(ii) the cause of the loss occurred—

"(I) after the sales closing date for the crop in the crop year immediately preceding the loss; and

"(II) before the sales closing date for the crop in the year in which the loss is experienced.

"(7) PILOT TRANSITIONAL YIELD PROGRAM FOR NEW PRODUCERS.—

"(A) INCREASED TRANSITIONAL YIELD.—The Corporation shall offer, to the extent practicable, a transitional yield program for new producers to provide 110 percent of the transitional yield established by the Corporation.

"(B) PILOT BASIS.—The transitional yield program shall—

"(i) be established as a pilot project for each of the 1995 and 1996 crop years; and

"(ii) be carried out in 30 counties that are determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among new producers for the plan.

"(C) DEFINITION OF NEW PRODUCER.—As used in this paragraph, the term 'new producer' means a person that has not been actively engaged in farming for a share of the production of the insured crop for more than 2 crop years, as determined by the Secretary.".

SEC. 108. CLAIMS FOR LOSSES.

Subsection (i) of section 508 (7 U.S.C. 1508) (as redesignated by section 101(3)) is amended to read as follows:

"(i) CLAIMS FOR LOSSES.—

"(1) IN GENERAL.—The Corporation may provide for adjustment and payment of claims for losses as provided under subsection (a) under rules prescribed by the Corporation. The rules prescribed by the Corporation shall establish standards to ensure that all claims for losses are adjusted, to the extent practicable, in a uniform and timely manner.

"(2) DENIAL OF CLAIMS.—

"(A) IN GENERAL.—Subject to subparagraph (B), if a claim for indemnity is denied by the Corporation or by the private insurance provider, an action on the claim shall only be brought against the Corporation or Secretary or the insurance provider in the United States District Court for the district in which the insured farm is located.

"(B) STATUTE OF LIMITATIONS.—A suit on the claim may be brought not later than 1 year after the date on which written notice of denial of the claim is provided to the claimant.

"(3) INDEMNIFICATION.—The Corporation shall provide insurance companies, agents, and brokers with indemnification, including costs and reasonable attorney fees, from the Corporation for errors or omissions on the part of the Corporation.".

SEC. 109. REINSURANCE.

Section 508 (7 U.S.C. 1508) is amended—

(1) by striking subsection (j) (as redesignated by section 101(3)) and inserting the following new subsection:

"(j) REINSURANCE.—Notwithstanding any other provision of this title, the Corporation shall, to the maximum extent practicable, provide reinsurance, on such terms and conditions as the Corporation determines to be consistent with subsections (b) and (c) and sound reinsurance principles, to insurers (as defined by the Corporation) that insure producers of any agricultural commodity under 1 or more plans acceptable to the Corporation. Each reinsurance agreement of the Corporation with a reinsured company shall require the reinsured company to bear a sufficient share of any potential loss under the agreement so as to ensure that the reinsured company will sell and service policies of insurance in a sound and prudent manner, taking into consideration the availability of private reinsurance."; and

(2) in subsection (k) (as so redesignated), by striking "provide" and inserting "offer plans of".

SEC. 110. FUNDING.

Section 516 (7 U.S.C. 1516) is amended to read as follows:

"SEC. 516. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) EXPENSES OF CORPORATION.—There are authorized to be appropriated such sums as are necessary to cover the salaries and expenses of the Corporation and the administrative and operating expenses of the Corporation for the sales commissions of agents.

"(2) EXPENSES OF PROVIDERS.—There are authorized to be appropriated such sums as are necessary to cover the administrative and operating expenses of an approved insurance provider for the delivery of policies with coverage that is greater than catastrophic risk protection.

"(b) PAYMENT OF EXPENSES.—

"(1) ADMINISTRATIVE AND OPERATING EXPENSES.—Beginning with the 1996 crop year, the Corporation is authorized to pay, from the insurance fund established under subsection (c), the administrative and operating expenses of an approved insurance provider, other than expenses covered under subsection (a)(1).

"(2) OTHER EXPENSES.—The Corporation is authorized to pay from the insurance fund established under subsection (c)—

"(A) all other expenses of the Corporation (other than expenses covered in subsection (a)(1)), including all premium subsidies and indemnities;

"(B) for the 1995 crop year, all administrative and expense reimbursements due under a reinsurance agreement with an approved insurance provider; and

"(C) to the extent necessary, expenses incurred by the Corporation to carry out research and development.

"(c) INSURANCE FUND.—

"(1) IN GENERAL.—There is established an insurance fund for the deposit of premium income, income from reinsurance operations, and amounts made available under subsection (a).

"(2) SOURCE OF FUNDING.—There are appropriated, without fiscal year limitation, such sums as may be necessary to carry out subsection (b) through the insurance fund.".

SEC. 111. ADVISORY COMMITTEE FOR FEDERAL CROP INSURANCE.

The Act is amended by inserting after section 514 (7 U.S.C. 1514) the following new section:

"SEC. 515. ADVISORY COMMITTEE FOR FEDERAL CROP INSURANCE.

"(a) ESTABLISHMENT.—The Secretary may establish within the Department a committee to be known as the 'Advisory Committee for Federal Crop Insurance' (referred to in this section as the 'Advisory Committee'), which shall remain in existence until September 30, 1998.

"(b) MEMBERSHIP.—The Advisory Committee shall be composed of—

"(1) the Manager of the Corporation;

"(2) the Secretary or a designee; and

"(3) not fewer than 10 representatives of organizations or agencies involved with the Federal crop insurance program, which may include insurance companies, insurance agents, farm producer organizations, experts on agronomic practices, and banking and lending institutions.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) TERMS.—Members of the Advisory Committee shall be appointed by the Secretary for a term of not more than 2 years from nominations made by the participating organizations and agencies referred to in subsection (b). The terms of the members shall be staggered.

"(2) CHAIRPERSON.—The Advisory Committee shall be chaired by the Manager of the Corporation.

"(3) MEETINGS.—The Advisory Committee shall meet at least annually. The meetings of the Advisory Committee shall be publicly announced in advance and shall be open to the public. Appropriate records of the activities of the Advisory Committee shall be kept and made available to the public on request.

"(d) PRIMARY RESPONSIBILITY.—The primary responsibility of the Advisory Committee shall be to advise the Secretary on the implementation of this title and on other issues related to crop insurance (as determined by the Manager of the Corporation).

"(e) REPORTS.—Not later than June 30 of each year, the Advisory Committee shall prepare, and submit to the Secretary, a report specifying the conclusions of the Advisory Committee on—

"(1) the progress toward implementation of this title;

"(2) the actuarial soundness of the Federal crop insurance program; and

"(3) the rate of participation in the catastrophic and the additional coverage programs under this title.".

SEC. 112. MANAGEMENT OF CORPORATION.

(a) IN GENERAL.—The second sentence of section 505(a) (7 U.S.C. 1505(a)) is amended—

(1) by striking "program, the Under Secretary" and inserting "program, 1 additional Under Secretary"; and

(2) by striking "responsible for the farm credit programs of the Department of Agriculture" and inserting ", as designated by the Secretary of Agriculture (referred to in this title as the 'Secretary')".

(b) GENERAL POWERS.—Section 506 (7 U.S.C. 1506) is amended—

(1) by redesignating subsections (j) through (n) as subsections (k) through (o), respectively;

(2) by inserting after subsection (i) the following new subsection:

"(j) SETTLING CLAIMS.—The Corporation shall have the authority to make final and conclusive settlement and adjustment of any claim by or against the Corporation or a fiscal officer of the Corporation.";

(3) in subsection (l) (as so redesignated)—

(A) in the first sentence, by inserting ", and issue regulations," after "agreements"; and

(B) in the second sentence, by striking "contracts or agreements" each place it appears and inserting "contracts, agreements, or regulations";

(4) in subsection (n)(1) (as so redesignated), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) disqualify the person from purchasing catastrophic risk protection or receiving noninsured assistance for a period of not to exceed 2 years, or from receiving any other benefit under this title for a period of not to exceed 10 years.";

(5) in subsection (o) (as so redesignated)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D) and aligning the margins of each subparagraph with the margins of subparagraph (A) of subsection (n)(1) (as redesignated by paragraph (1));

(B) by striking "(o) ACTUARIAL SOUNDNESS.—The Corporation" and inserting the following:

"(o) ACTUARIAL SOUNDNESS.—

"(1) PROJECTED LOSS RATIO AS OF OCTOBER 1, 1995.—The Corporation";

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by striking "from obtaining adequate Federal crop insurance, as determined by the Corporation" and inserting "(as defined by the Secretary) from obtaining Federal crop insurance";

(D) in subparagraph (C) (as so redesignated)—

(i) by inserting ", agents, and loss adjusters" after "participating producers"; and

(ii) by inserting ", agents, and loss adjusters" after "identify insured producers"; and

(E) by adding at the end the following new paragraphs:

"(2) PROJECTED LOSS RATIO AS OF OCTOBER 1, 1998.—The Corporation shall take such actions, including the establishment of adequate premiums, as are necessary to improve the actuarial soundness of Federal multiperil crop insurance made available under this title to achieve, on and after October 1, 1998, an overall projected loss ratio of not greater than 1.0.

"(3) NONSTANDARD CLASSIFICATION SYSTEM.—To the extent that the Corporation uses the nonstandard classification system, the Corporation shall apply the system to all insured producers in a fair and consistent manner."; and

(6) by adding at the end the following new subsections:

"(p) LOSS RATIO DEFINED.—As used in this Act, the term 'loss ratio' means the ratio of all sums paid by the Corporation as indemnities under any eligible crop insurance policy to that portion of the premium designated for anticipated losses and a reasonable reserve, other than that portion of the premium designated for operating and administrative expenses.

"(q) REGULATIONS.—The Secretary and the Corporation are each authorized to issue such regulations as are necessary to carry out this title.".

(c) PERSONNEL.—Section 507 (7 U.S.C. 1507) is amended—

(1) in subsection (a), by striking ", and county crop insurance committeemen";

(2) in subsection (c), by striking ", in which case the agent or broker" and all that follows through "the agent or broker has caused the error or omission"; and

(3) in subsection (d), by striking "of this Act," and all that follows through "agency".

(d) INFORMATION COLLECTION ON CROP INSURANCE.—Subsection (n) of section 508 (7 U.S.C. 1508) (as redesignated by section 101(3)) is amended to read as follows:

"(n) INFORMATION COLLECTION ON CROP INSURANCE.—The Secretary shall make available to producers through local offices of the Department—

"(1) current and complete information on all aspects of Federal crop insurance; and

"(2) a listing of insurance agents.".

(e) CROP INSURANCE YIELD COVERAGE.—Section 508A (7 U.S.C. 1508a) is repealed.

(f) PREEMPTION.—Section 511 (7 U.S.C. 1511) is amended by inserting after "The Corporation, including" the following: "the contracts of insurance of the Corporation and premiums on the contracts, whether insured directly or reinsured by the Corporation,".

(g) FALSE STATEMENTS.—Section 1014 of title 18, United States Code, is amended by inserting "or a company the Corporation reinsures" after "Federal Crop Insurance Corporation".

TITLE II—NONINSURED ASSISTANCE PROGRAM

SEC. 201. NONINSURED ASSISTANCE PROGRAM.

The Act (7 U.S.C. 1501 et seq.) is amended by adding at the end the following new section:

"SEC. 521. NONINSURED ASSISTANCE PROGRAM.

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—The Corporation shall establish a noninsured assistance program to provide coverage equivalent to the catastrophic risk protection insurance described in section 508(b) for crops for which catastrophic risk protection insurance is not available. Crops covered shall include all commercial crops and commodities for which catastrophic risk protection coverage is not available and that are produced for food, fiber, or an industrial crop on a commercial basis but shall not include livestock. Noninsured assistance shall not cover losses due to—

"(A) the neglect or malfeasance of the producer;

"(B) the failure of the producer to reseed to the same crop in such areas and under such circumstances as it is customary to so reseed; or

"(C) the failure of the producer to follow good farming practices (as determined by the Secretary).

"(2) APPLICATIONS.—To be eligible for assistance under this section, a producer shall make a timely application, as required by the Corporation, for noninsured assistance at the local office of the Department.

"(3) RECORDS.—A producer shall annually provide records, as required by the Corporation, of previous crop acreage and yields, or the producer shall accept a yield under subsection (c)(2)(B) determined by the Corporation.

"(4) ACREAGE REPORTS.—A producer shall provide reports on acreage planted or prevented from being planted, as required by the Corporation, by the designated acreage reporting date for the crop and location as established by the Corporation.

"(5) AREA YIELD LOSSES.—

"(A) AREA AVERAGE YIELD.—A producer of a noninsurable crop shall not be eligible for noninsured assistance unless the area (as determined by the Corporation) average yield, or an equivalent measure if yield data are not available, for the crop is less than 65 percent of the expected area yield established by the Corporation.

"(B) PREVENTED PLANTING PAYMENTS.—Subject to subparagraph (A), the Corporation shall make a prevented planting noninsured assistance payment to a producer if the producer is prevented from planting more than 35 percent of the acreage intended for the crop because of drought, flood, or other natural disaster (as determined by the Secretary).

"(C) REDUCED YIELD PAYMENTS.—Subject to subparagraph (A), if, because of drought, flood, or other natural disaster (as determined by the Secretary), the total quantity of the crop that a producer is able to harvest on any farm is less than 50 percent of the expected area yield for the crop (as determined by the Corporation) factored for the interest of the producer for the crop, the Corporation shall make a reduced yield noninsured assistance payment.

"(b) PAYMENT.—The Corporation shall make available to a producer eligible for noninsured assistance under this section a payment computed by multiplying—

"(1) the quantity that is less than 50 percent of the established yield for the crop; by

"(2) 60 percent of the average market price for the crop (or any comparable coverage determined by the Corporation); by

"(3) a payment rate for the type of crop (as determined by the Corporation) that—

"(A) in the case of a crop that is produced with a significant and variable harvesting expense, a payment rate that reflects the decreasing cost incurred in the production cycle for the crop that is—

"(i) harvested;

"(ii) planted but not harvested; and

"(iii) prevented from being planted because of drought, flood, or other natural disaster (as determined by the Secretary); and

"(B) in the case of a crop that is not produced with a significant and variable harvesting expense, a payment rate determined by the Corporation.

"(c) YIELDS.—

"(1) IN GENERAL.—The Corporation shall establish noninsured assistance program farm yields for crops for the purposes of this section.

"(2) ACTUAL PRODUCTION HISTORY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the yield for a crop shall be based on the actual production history for the crop, if the crop was produced on the farm without penalty during each of the 4 crop years immediately preceding the crop year for which actual production history is being established, building up to a production data base of the 10 crop years immediately preceding the crop year for which production history is being established.

"(B) ASSIGNED YIELD.—

"(i) IN GENERAL.—If the producer does not provide sufficient evidence of the yield (as required by the Corporation) of a commodity under subparagraph (A), the producer shall be assigned a yield that is not less than 65 percent of the transitional yield of the producer (adjusted to reflect actual production reflected in the records acceptable to the Corporation for continuous years), as specified in regulations issued by the Corporation based on production history requirements.

"(ii) LIMITATION.—A producer who receives an assigned yield for the current year of a natural disaster because required production records were not submitted to the local office of the Department shall not be eligible for an assigned yield for the year of the next natural disaster unless the required production records of the previous 1 or more years (as applicable) are provided to the local office.

"(C) YIELD VARIATIONS DUE TO DIFFERENT FARMING PRACTICES.—The Corporation shall make noninsured payments that accurately reflect significant yield variations due to different farming practices, such as between irrigated and nonirrigated acreage.

"(d) INCREASED CROP PLANTINGS.—

"(1) IN GENERAL.—If the acreage of a crop in a county has increased by more than 100 percent since the 1987 crop year, to become eligible for a noninsured assistance payment, a producer must provide detailed documentation of production costs, acres planted, and yield, as required by the Corporation. Except as provided in paragraph (2), a producer who produces a crop on a farm located in a county described in the preceding sentence may not obtain an assigned yield.

"(2) EXCEPTION.—A crop or a producer shall not be subject to this subsection if—

"(A) the planted acreage of the producer for the crop has been inspected by a third party acceptable to the Secretary; or

"(B)(i) the County Executive Director, the District Director, and the State Executive Director recommend an exemption from the requirement to the Deputy Administrator for State and County Operations of the Agricultural Stabilization and Conservation Service; and

"(ii) the Deputy Administrator approves the recommendation.

"(e) CONTRACT PAYMENTS.—A producer who has received a guaranteed payment for production, as opposed to delivery, of a crop pursuant to a contract shall have the production of the producer adjusted upward by the amount of the production equal to the amount of the contract payment received.

"(f) PAYMENT OF LOSSES.—Payments for noninsured assistance losses under this section shall be made from the insurance fund established under section 516(b). The losses shall not be included in calculating the premiums charged to producers for insurance.".

SEC. 202. PAYMENT AND INCOME LIMITATIONS.

Section 521 (as added by section 201) is further amended by adding at the end the following new subsection:

"(g) PAYMENT AND INCOME LIMITATIONS.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) PERSON.—The term 'person' has the meaning provided the term in regulations issued by the Secretary. The regulations shall conform, to the extent practicable, to the regulations defining the term 'person' issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).

"(B) QUALIFYING GROSS REVENUES.—The term 'qualifying gross revenues' means—

"(i) if a majority of the gross revenue of the person is received from farming, ranching, and forestry operations, the gross revenue from the farming, ranching, and forestry operations of the person; and

"(ii) if less than a majority of the gross revenue of the person is received from farming, ranching, and forestry operations, the gross revenue of the person from all sources.

"(2) PAYMENT LIMITATION.—The total amount of payments that a person shall be entitled to receive annually under this title may not exceed $100,000.

"(3) NO DOUBLE BENEFITS.—No person may receive a noninsured assistance payment under this title and emergency livestock feed assistance under section 606 of the Agricultural Act of 1949 (7 U.S.C. 1471d) for the same livestock feed or forage loss.

"(4) INCOME LIMITATION.—A person who has qualifying gross revenues in excess of the amount specified in section 2266(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) (as in effect on November 28, 1990) during the taxable year (as determined by the Secretary) shall not be eligible to receive any noninsured assistance payment under this section.

"(5) REGULATIONS.—The Secretary shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and equitable application of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308), the general payment limitation regulations of the Secretary, and the limitations established under this subsection.".

TITLE III—MISCELLANEOUS

SEC. 301. INELIGIBILITY FOR CATASTROPHIC RISK AND NONINSURED ASSISTANCE PAYMENTS.

The Act (7 U.S.C. 1501 et seq.) (as amended by section 201) is further amended by adding at the end the following new section:

"SEC. 522. INELIGIBILITY FOR CATASTROPHIC RISK AND NONINSURED ASSISTANCE PAYMENTS.

"If the Secretary determines that a person has knowingly adopted a material scheme or device to obtain catastrophic risk, additional coverage, or noninsured assistance benefits under this Act to which the person is not entitled, has evaded this Act, or has acted with the purposes of evading this Act, the person shall be ineligible to receive all benefits applicable to the crop year for which the scheme or device was adopted. The authority provided by this section shall be in addition to, and shall not supplant, the authority provided by section 506(m).".

SEC. 302. PREVENTED PLANTING.

(a) IN GENERAL.—Effective for the 1994 crop year, a producer described in subsection (b) shall receive compensation under the prevented planting coverage policy provision described in subsection (b)(1) by—

(1) obtaining from the Secretary of Agriculture the applicable amount that is payable under the conservation use program described in subsection (b)(4); and

(2) obtaining from the Federal Crop Insurance Corporation the amount that is equal to the difference between—

(A) the amount that is payable under the conservation use program; and

(B) the amount that is payable under the prevented planting coverage policy.

(b) ELIGIBLE PRODUCERS.—Subsection (a) shall apply to a producer who—

(1) purchased a prevented planting policy for the 1994 crop year from the Federal Crop Insurance Corporation prior to the spring sales closing date for the 1994 crop year;

(2) is unable to plant a crop due to major, widespread flooding in the Midwest, or excessive ground moisture, that occurred prior to the spring sales closing date for the 1994 crop year;

(3) had a reasonable expectation of planting a crop on the prevented planting acreage for the 1994 crop year; and

(4) participates in a conservation use program established for the 1994 crop of wheat, feed grains, upland cotton, or rice established under section 107B(c)(1)(E), 105B(c)(1)(E), 103B(c)(1)(D), or 101B(c)(1)(D), respectively, of the Agricultural Act of 1949 (7 U.S.C. 1445b–3a(c)(1)(E), 1444f(c)(1)(E), 1444–2(c)(1)(D), or 1441–2(c)(1)(D)).

(c) OILSEED PREVENTED PLANTING PAYMENTS.—

(1) IN GENERAL.—Effective for the 1994 crop year, a producer of a crop of oilseeds (as defined in section 205(a) of the Agricultural Act of 1949 (7 U.S.C. 1446f(a)) shall receive a prevented planting payment for the crop if the requirements of paragraphs (1), (2), and (3) of subsection (b) are satisfied.

(2) SOURCE OF PAYMENT.—The total amount of payments required under this subsection shall be made by the Federal Crop Insurance Corporation.

(d) PAYMENT.—A payment under this section may not be made before October 1, 1994.

SEC. 303. CONFORMING AMENDMENTS.

(a) PRICE SUPPORT PROGRAMS.—

(1) IN GENERAL.—Title IV of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

"SEC. 427. CROP INSURANCE REQUIREMENT.

"As a condition of receiving any benefit (including payments) under title I or II for each of the 1995 and subsequent crops of tobacco, rice, extra long staple cotton, upland cotton, feed grains, wheat, peanuts, oilseeds, and sugar and for each of the 1995 and subsequent calendar years with respect to milk, a producer must obtain at least catastrophic risk protection insurance coverage under section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) for the crop and crop year for which the benefit is sought, if the coverage is offered by the Corporation.".

(2) RICE.—Section 101B(c) of such Act (7 U.S.C. 1441–2(c)) is amended—

(A) in paragraph (1), by striking subparagraph (F); and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(3) UPLAND COTTON.—Section 103B(c) of such Act (7 U.S.C. 1444–2(c)) is amended—

(A) in paragraph (1), by striking subparagraph (F); and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(4) FEED GRAINS.—Section 105B(c) of such Act (7 U.S.C. 1444f(c)) is amended—

(A) in paragraph (1), by striking subparagraph (G); and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(5) WHEAT.—Section 107B(c) of such Act (7 U.S.C. 1445b–3a(c)) is amended—

(A) in paragraph (1), by striking subparagraph (G); and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) CROP INSURANCE REQUIREMENT.—A producer shall obtain catastrophic risk protection insurance coverage in accordance with section 427.".

(6) DISASTER PAYMENTS.—Section 208 of such Act (7 U.S.C. 1446i) is repealed.

(b) FARMERS HOME ADMINISTRATION PROGRAMS.—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following new section:

"SEC. 371. CROP INSURANCE REQUIREMENT.

"(a) IN GENERAL.—As a condition of obtaining any benefit (including a direct loan, loan guarantee, or payment) described in subsection (b), a borrower must obtain at least catastrophic risk protection insurance coverage under section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) for the crop and crop year for which the benefit is sought, if the coverage is offered by the Corporation.

"(b) APPLICABLE BENEFITS.—Subsection (a) shall apply to—

"(1) a farm ownership loan (FO) under section 303;

"(2) an operating loan (OL) under section 312; and

"(3) an emergency loan (EM) under section 321.".

(c) DISASTER ASSISTANCE.—Subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) is amended by striking chapter 3.

(d) TECHNICAL AMENDMENTS.—

(1) The first sentence of section 506(d) (7 U.S.C. 1506(d)) is amended by striking "508(f)" and inserting "508(i)".

(2) The last sentence of section 507(c) (7 U.S.C. 1507(c)) is amended by striking "508(b)" and inserting "508(g)".

(3) Section 518 (7 U.S.C. 1518) is amended by striking "(k)" and inserting "(m)".

SEC. 304. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective beginning with—

(1) if this Act is enacted before August 1, 1994, the 1995 crop year for the applicable agricultural commodity; or

(2) if this Act is enacted on or after August 1, 1994, the 1996 crop year for the applicable agricultural commodity.

(b) EXCEPTIONS.—Sections 1, 101(1), 112(e), 112(f), and 302, the amendments made by such sections, and this section shall become effective on the date of enactment of this Act.

SEC. 305. TERMINATION OF AUTHORITY.

The authority provided by this Act and the amendments made by this Act shall terminate on September 30, 2000.

AMENDMENT NO. 2575

(Purpose: To improve the bill)

Mr. FORD. Mr. President, on behalf of the Senator LEAHY and others, I send an amendment to the desk and ask unanimous consent for its immediate consideration; that the amendment be agreed to, and that the motion to reconsider be laid upon the table.

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

So the amendment (No. 2575) was agreed to, as follows:

Beginning on page 49, strike line 22 and all that follows through page 52, line 22, and insert the following new paragraph:

"(4) INDIVIDUAL AND AREA CROP INSURANCE COVERAGE.—The Corporation shall allow approved insurance providers to offer a plan of insurance to producers that combines both individual yield coverage and area yield coverage at a premium rate determined by the provider under the following conditions:

"(A) The individual yield coverage shall be equal to or greater than catastrophic risk protection as described in subsection (b).

"(B) The combined policy shall include area yield coverage that is offered by the Corporation or similar area coverage, as determined by the Corporation.

"(C) The Corporation shall provide reinsurance on the area yield portion of the combined policy at the request of the provider, except that the provider shall agree to pay to the producer any portion of the area yield and loss indemnity payment received from the Corporation or a commercial reinsurer that exceeds the individual indemnity payment made by the provider to the producer.

"(D) The Corporation shall pay a part of the premium equivalent to—

"(i) the amount authorized under paragraph (2) (except provisions regarding operating and administrative expenses); and

"(ii) the amount of operating and administrative expenses authorized by the Corporation for the area yield coverage portion of the combined policy.

"(E) The provider shall provide all underwriting services for the combined policy, including the determination of individual yield coverage premium rates, the terms and conditions of the policy, and the acceptance and classification of applicants into risk categories, subject to subparagraph (F).

"(F) The Corporation shall approve the combined policy unless the Corporation determines that the policy is not actuarially sound or that the interests of producers are not adequately protected.".

On page 66, line 14, strike "(a)" and insert "(a)(2)".

On page 88, between lines 20 and 21, insert the following new section:

(d) EMERGENCY APPROPRIATIONS.—

(1) IN GENERAL.—Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)) is amended by adding at the end the following new sentence: "This subparagraph shall not apply to appropriations to cover agricultural crop disaster assistance.".

(2) EMERGENCY LEGISLATION.—Section 252(e) of such Act (2 U.S.C. 902(e)) is amended by adding at the end the following new sentence: "This subsection shall not apply to direct spending provisions to cover agricultural crop disaster assistance.".

On page 88, line 21, strike "(d)" and insert "(e)".

On page 89, between lines 5 and 6, insert the following new section:

SEC. 304. DISASTER ASSISTANCE.

(a) CROP LOSS ASSISTANCE.—The Secretary of Agriculture may provide assistance to producers for crop losses in 1994 due to natural disasters under the terms and conditions of—

(1) chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note); and

(2) subsections (a)(4), (b)(3), (d), and (e) of section 521 of the Federal Crop Insurance Act (as amended by this Act).

(b) OTHER EMERGENCY ASSISTANCE.—To provide assistance for losses in 1994 due to natural disasters, the Secretary of Agriculture may provide assistance under—

(1) the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.);

(2) the emergency watershed protection program of the Soil Conservation; and

(3) the emergency community water assistance grant program established under section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a).

(c) FUNDING.—

(1) CROP LOSS ASSISTANCE.—Out of available funds of the Commodity Credit Corporation, the Commodity Credit Corporation is authorized to provide to the Secretary of Agriculture, through July 15, 1995, such sums as are necessary to carry out subsection (a).

(2) OTHER EMERGENCY ASSISTANCE.—There are authorized to be appropriated such sums as are necessary to carry out subsection (b).

(3) EMERGENCY REQUIREMENTS.—The amounts made available under paragraphs (1) and (2) are designated by Congress as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(e)). The amounts shall be available only to the extent that an official budget request for specific dollar amounts, that includes designation of the entire amount of the request as an emergency requirement pursuant to such Act, is transmitted by the President to Congress.

(d) DEFINITION OF NATURAL DISASTERS.—As used in this section, the term "natural disasters" includes weather-related insect damage to strawberries.

On page 89, line 6, strike "**304**" and insert "**305**".

On page 89, line 10, strike "August" and insert "October".

On page 89, line 13, strike "August" and insert "October."

On page 89, line 16, strike "(b) EXCEPTIONS.—SECTIONS" and insert the following:

(b) EXCEPTIONS.—

(1) IN GENERAL.—Sections".

On page 89, line 17, strike "and 302," and insert "302, and 304,".

On page 89, between lines 19 and 20, insert the following new paragraph:

(2) EMERGENCY APPROPRIATIONS.—The amendments made by section 303(d) shall become effective—

(A) if this Act is enacted before October 1, 1994, on the date of enactment of this Act; or

(B) if this Act is enacted on or after October 1, 1994, on June 1, 1995.

On page 89, line 20, strike "**305**" and insert "**306**".

Mr. LEAHY. Mr. President, in April of this year, the Senate voted 98 to 1 to pass a bill to reorganize the U.S. Department of Agriculture. That bill was the result of a bipartisan effort in the Committee on Agriculture, Nutrition, and Forestry to reform a bureaucracy many thought was immune to change.

Today I am proud to bring to the floor another major reform bill developed in a bipartisan manner by our committee. Like the USDA reorganization bill, the Federal Crop Insurance Reform Act of 1994 also achieves what many thought was impossible. By greatly improving the existing crop insurance program and eliminating the authority for ad hoc disaster programs, the bill provides major benefits to both farmers and taxpayers.

Farmers will benefit because the reformed crop insurance program will provide needed predictability and better risk management options. Ad hoc disaster bills are inherently unpredictable, and as a result, farmers do not

know what type of help they can expect in times of need.

Rather than relying on the uncertain benefits of annual ad hoc disaster bills, farmers will be able to obtain catastrophic crop insurance coverage for a nominal processing fee. In addition, the bill provides targeted incentives for farmers to purchase higher levels of coverage.

Taxpayers will benefit because the reform bill eliminates the senseless duplication of operating separate crop insurance and disaster assistance programs that cover the same losses on the same crops. In addition, a number of new safeguards will help guard against some of the abuses that have plagued the disaster and crop insurance programs in the past.

Recently the Senate Committee on Agriculture, Nutrition, and Forestry held an oversight hearing on Oversight of the Disaster Assistance Programs. The committee found that millions of dollars have been wasted in annual, ad hoc disaster programs as a result of insufficient production records, payments which do not accurately reflect market prices and the actual cost of production of the crop, and mismanagement.

In sum, past annual, ad hoc disaster programs have been fraught with fraudulent claims, mismanagement, and waste of the taxpayers's money. This bill addresses these problems by:

First, requiring increased reporting requirements for all producers who have received payments, but who have been allowed in the past to provide inadequate documentation to support their claims;

Second, mandating that payment rates be reduced for producers who do not incur production costs because they either did not hire farm labor to harvest a crop, did not harvest the crop, or were prevented from planting the crop;

Third, requiring that the payment be adjusted to reflect yield variations due to differing farming practices;

Fourth, requiring that the payment to a producer who receives a guaranteed payment for production reflect the amount of the guaranteed production; and

Fifth, providing that if the acreage of a crop in a county has increased by more than 100 percent since the 1987 crop year, a producer must provide detailed documentation of production costs, acres planted, and yield, unless the acreage is inspected or exempted by officials of the USDA.

The Congressional Budget Office estimates that the reform bill will reduce Government outlays for crop insurance and disaster assistance. Over the next 5 years, CBO estimates that the bill will reduce mandatory spending by $187 million, and the need for discretionary appropriations by $75 million.

CBO may underestimate the true savings likely to be achieved by this bill. For one thing, CBO's estimates compare the expected costs of the reformed program to a baseline where ad hoc disaster programs cost just $1 billion per year. In reality, disaster program spending has averaged more than $1.5 billion per year over the last 6 years, so the bill's savings would be even larger against a more realistic baseline.

I would like to thank the administration for developing the reform proposal that served as our starting point, budget conferees for their help in eliminating procedural roadblocks, and Senator LUGAR and other members of the Agriculture Committee for all their help in putting together a solid, bipartisan reform package.

Reinventing Government means more than just changing outdated bureaucratic structures. It also means redesigning Government programs to eliminate duplication and provide better Government services at lower costs to the taxpayer. Earlier this year, the Senate voted to make needed structural changes at USDA. Now it is time to make important programmatic changes as well.

The Federal Crop Insurance Corporation is authorized to offer catastrophic risk coverage to producer's for losses exceeding 50 percent of the producer's yield at a rate of 60 percent of the expected market price for the crop. This catastrophic coverage would cost producers $50 per crop per county, not to exceed $100 per producer. The purchase of catastrophic risk coverage would be a precondition to a producer's eligibility to participate in commodity price support and certain FmHA loan programs.

Insurance coverage in addition to catastrophic risk is offered at varying rates and increased premium subsidies. Noninsured assistance payments are offered for crops not currently covered by Federal crop insurance policies.

The Gramm-Rudman-Hollings budget bill is amended to make it very difficult for the President or Congress to declare an agricultural disaster appropriation as an emergency. Thus, any future crop disaster program would require a budgetary offset.

AMENDMENT NO. 2576

(Purpose: To authorize the Federal Crop Insurance Corporation to use funds of the Commodity Credit Corporation to cover the operating administrative costs of the Corporation associated with insurance policies for fall-planted 1995)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk for Mr. DOLE and ask unanimous consent for its immediate consideration; that the amendment be agreed to, and motion to reconsider be laid upon the table.

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

So amendment (No 2576) was agreed to, as follows:

SECTION 1. USE OF COMMODITY CREDIT CORPORATION FUNDS TO COVER CERTAIN COSTS FOR FALL-PLANTED 1995 CROPS.

(a) DEFINITION OF FALL-PLANTED 1995 CROP.—As used in this section, the term "fall-planted 1995 crop" means a 1995 crop that is insurable under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with a sales closing date that is prior to January 1, 1995.

(b) USE OF FUNDS TO COVER COSTS.—Subject to the other provisions of this section, the Federal Crop Insurance Corporation may use funds of the Commodity Credit Corporation to cover operating and administrative costs of the Corporation referred to in section 516(a)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(1)) associated with insurance policies issued for a fall-planted 1995 crop under such Act (7 U.S.C. 1501 et seq.).

(c) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds of the Commodity Credit Corporation that may be used under subsection (b) may not exceed $40,000,000.

(d) COMBINED LIMITATION ON AMOUNT OF FUNDS AND EMERGENCY CROP LOSS ASSISTANCE.—The amount of funds of the Commodity Credit Corporation used under subsection (b) and the amount of funds used for fiscal year 1995 to provide emergency crop loss assistance for 1995 crops shall not exceed $500,000,000.

FEDERAL CROP INSURANCE REFORM

Mr. DOLE. Mr. President, several weeks ago, the Senate Agriculture Committee passed the Federal Crop Insurance Reform Act of 1994. If enacted, this legislation would provide much needed reform for a crop insurance program which provides little incentive to farmers to participate.

Unfortunately, the Senate has struggled to pass this legislation. At the same time, the AG subcommittee of the Senate Appropriations Committee failed to fund payments to crop insurance companies for their reimbursable expenses during their consideration of the AG appropriations bill.

The net result of these activities is that without crop insurance reform, farmers who plant their crops in the fall of 1994 will not have any crop insurance. No doubt about it, the outcry from rural America will be deafening if producers are denied this important management tool. The consequences could be significant. For example, many banks will not make operating loans to farmers unless the bank has crop insurance payments as collateral for a crop loss.

As a resolution to this problem, I offered as an amendment to the child nutrition reauthorization bill legislation which would resolve this difficult situation by providing money to cover crop insurance companies' reimbursable expenses. My amendment would allow these companies to continue to write crop insurance policies until the Government can decide how best to proceed with the Crop Insurance Reform Act of 1994.

Mr. President, I would point out that this legislation addresses a problem facing not just Kansas wheat farmers, but farmers in many other States as

well. The legislation would apply to crops which have a sales closing date before January 1, 1995. Consequently, almonds, barley, citrus, cranberries, grapes, potatoes, and rye are just a few of the crops that will be affected.

Unfortunately, politics have stopped this legislation from passing. The administration opposes my legislative fix fearing that, if passed, it would take pressure off Congress to pass the administration's reform package. Of course, my stop gap bill would not be necessary if the Secretary of Agriculture had not refused to work with Senator HELMS in resolving a personnel problem at USDA. His refusal to resolve this matter has escalated into a situation where a simple personnel problem at USDA could cause the cancellation of thousands of crop insurance policies in the Midwest.

It is truly unfortunate that America's farmers are being held hostage by the Secretary of Agriculture. In the next few weeks, farmers will be going to their bankers to obtain operating loans in order to plant their wheat crop. And when those bankers refuse the loans until they have a commitment of crop insurance payments for collateral I believe those farmers will turn their attention to Washington for help. I encourage the Secretary to act responsibly in his leadership role and do what is necessary to assist America's farmers.

I encourage my colleagues to join me in addressing this unfortunate problem until Congress can act on crop insurance reform.

AMENDMENT NO. 2577

Mr. FORD. Mr. President, I send an amendment to the desk on behalf of Senator LEAHY and ask unanimous consent for its immediate consideration; that the amendment be agreed to, and the motion to reconsider be laid upon the table.

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

So the amendment (No. 2577) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 2578

Mr. FORD. Mr. President, I send an amendment to the desk on behalf of Senator BOXER and ask unanimous consent for its immediate consideration; that the amendment be agreed to, and the motion to reconsider be laid upon the table.

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

So the amendment (No. 2578) was agreed to, as follows:

At the end of the bill, insert the following section: "It is the sense of the Senate that the U.S. Department of Agriculture should carry out its plans to hold public hearings during the month of September, 1994, for the purpose of receiving public input on issues related to the conditions under which poultry sold in the U.S. may be labeled fresh and to finalize and publish a decision on this issue as expeditiously as possible thereafter. It is the further sense of the Senate that no person serving on the expert advisory committee established to advise the Secretary of Agriculture on this issue should stand to profit, or represent any interest that would stand to profit, from the Department's decision on the issue."

Mrs. BOXER. Mr. President, I want to thank the chairman of the Agriculture Committee, Senator LEAHY, for his counsel and assistance on an issue that is very important to consumers in California and across the Nation.

I am grateful to the chairman and the distinguished ranking member of the Agriculture Committee, Senator LUGAR, for agreeing to accept my amendment to S. 2095 to express the sense of the Senate with regard to the issue of accuracy in poultry labeling.

The amendment expresses the sense of the Senate that the Department of Agriculture should carry out its plans to hold public hearings during the month of September, for the purpose of receiving public input on issues related to labeling of poultry sold in the United States and to finalize and publish a decision on this issue as expeditiously as possible thereafter.

It also expresses the sense of the Senate that persons serving on the expert advisory committee established to advise the Secretary of Agriculture on this issue should be impartial and free of conflicts of interest.

This amendment represents a breakthrough on an issue that has been at an impasse since 1988. Federal law allows poultry which has been frozen rock hard—to as low as one degree fahrenheit—to be thawed and sold under labels marked "fresh."

In 1988, after extensive study, USDA experts concluded that chicken freezes at 26 degrees, and issued a labeling rule to restrict the use of the term "fresh" to poultry that had never been frozen. A policy memo from the USDA's Food Safety and Inspection Service dated July 11, 1988, stated:

The word "fresh" may not be used in conjunction with the product name of: * * * Any poultry, poultry part, or an edible portion thereof that has been frozen or previously frozen to 26 degrees Fahrenheit or below.

Unfortunately, the Bush administration chose to stop promulgation of the 1988 rule. The decision to reject the rule was not based on any scientific evidence, but—according to a declaration filed in Federal Court by Dr. Lester Crawford, the Bush administration's chief of the Food Inspection and Safety Service—"as a political compromise." Dr. Crawford also stated:

I * * *, continue to believe that it is misleading to label poultry that has been frozen to 26 degrees Fahrenheit or below as fresh because such poultry is clearly frozen.

Several States have tried to solve the political problem by passing their own poultry labeling laws regarding the definition of "fresh," including New York, California, Arizona, Oregon, Maine, Alaska, Illinois, Washington, and Puerto Rico. But frozen chicken producers have successfully challenged the California statute, and the U.S. Department of Agriculture has backed their effort, arguing that Federal law preempts State law in this situation. Although the other States' laws have not been challenged, the precedent has been set, and consumers in those States will be at risk until we put Federal law on a firm scientific footing.

Secretary Espy has responded to pressure to adopt the 1988 rule by setting up another task force to review the issue. Mr. President, I am convinced that we don't need another study. This issue has been studied and then studied again and the facts have not changed: fresh is fresh and frozen is frozen.

But if we must have another review, and hold hearings, it is important that we do so with as little delay as possible. In a letter I received yesterday from Michael Taylor, the new Administrator of the Food Safety and Inspection Service, I was assured that the USDA is "committed to resolving this issue as expeditiously as possible." Mr. Taylor also pledged to hold hearings on the issue and to take a position by Thanksgiving.

While I appreciate Mr. Taylor's commitment to resolving this issue, previous promises that hearings would be held and the issue decided have produced only delay and more delay.

My amendment puts the Senate on record that the Department of Agriculture should end the delays and decide this issue as soon as it can.

A few weeks ago fresh poultry producers held an event outside the Rayburn House Office Building featuring frozen chicken bowling. Members of the House actually bowled frozen chickens, clearly labeled as fresh. Even in the heat of a Washington summer the hard-as-rock chickens skated along the floor and knocked down pins as effectively as bowling balls.

Mr. President, this situation is not only absurd, it is grossly unfair to consumers and to the producers of genuinely fresh poultry. Consumers have no way of knowing whether the chickens and turkeys they buy for dinner are really fresh or whether they have been kept frozen for months and thawed out for sale.

And what is the difference? Consumers and some of our best chefs have testified that in terms of taste and texture, fresh poultry is superior to poultry that has been kept frozen. Because of that, consumers are willing to pay a premium price for fresh poultry—as much as 50 cents a pound more. Unfortunately, because of misleading labels, consumers are not always getting what they're paying for.

In addition, producers of genuinely fresh poultry in States like California

are at a significant disadvantage as big out-of-State producers of frozen poultry benefit from lower feed costs, lower labor costs, and less stringent health, safety, and environmental standards. This puts 25,000 jobs at risk in California alone.

I am pleased that thanks to the help of the chairman and the Senator from Indiana, we at long last have a timetable for decisionmaking.

Over the next three months the Agriculture Department will have another chance to hear all the views on this issue. They will hear from the big frozen-chicken producers and from the fresh-chicken producers. they will hear from scientists and politicians. But in the end, I hope they listen to American consumers.

Consumers prefer genuinely fresh poultry and they are willing to pay extra for it. It is up to the Federal Government to make sure that they get what they are paying for.

Mr. President, poultry producers should not be allowed to put a "fresh" label on chicken that's been frozen as hard as a bowling ball.

Federal law should not allow chicken to be labeled fresh, even though its been frozen as low as 1 degree Fahrenheit, when we know the chicken freezes below 26 degrees.

Of course not. That is why the Nation's leading consumer organizations, the Attorney General of New York, the State of California, the Washington Post and the Los Angeles times have all been urging the USDA to put an end to this consumer fraud.

This amendment will help end the delays and clear the way for a standard based on sound scientific information, not on politics and emotion.

If the Department of Agriculture sticks to its timetable, Americans will be able to buy fresh turkey for Thanksgiving, confident, for the first time in years, that it is in fact fresh. That would be reason enough to give thanks.

AMENDMENT NO. 2579

(Purpose: To protect the First Amendment rights of employees of the Department of Agriculture)

Mr. McCONNELL. Mr. President, I send an amendment to the desk on behalf of Senator HELMS and ask unanimous consent for its immediate consideration; that the amendment be agreed to, and that the motion to reconsider be laid upon the table.

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

So the amendment (No. 2579) was agreed to, as follows:

"SEC. . Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without public hearings from his or her position because of remarks made during personal time in opposition to Departmental policies, or proposed policies regarding homosexuals; provided that, any such individual so removed prior to date of enactment shall be reinstated to his or her previous position."

AMENDMENT NO. 2580

Mr. McCONNELL. Mr. President, I send an amendment to the desk on behalf of Senator STEVENS and ask unanimous consent for its immediate consideration; that the amendment be agreed to, and that the motion to reconsider be laid upon the table.

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

So the amendment (No. 2580) was agreed to, as follows:

At the appropriate place add the following:

SEC. . ADJUSTED COST OF THRIFTY FOOD PLAN.

Section 3(o)(11) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)(11) is amended by inserting before the period at the end the following: ", except that the Secretary may not reduce the cost of such diet below the allotment in effect for fiscal year 1994".

Mr. DASCHLE. Mr. President, I would like to begin by commending Senator LEAHY and the administration for the effort they have put into getting this bill off the ground. Because of that effort, we have the chance today to take a big step toward providing America's farmers with an effective, reliable, and reasonably-priced risk management tool to protect them from natural disasters.

Many of us on the Agriculture Committee have long advocated moving away from dependence on ad hoc disaster programs through a comprehensive reform of the Nation's crop insurance program. As we all know, disaster programs are an imperfect risk management tool. Each year, producers affected by a natural disaster must wait to see if Congress will enact a program, and whether that program will provide them with adequate coverage. Thus, our current system places producers in a perpetual state of financial uncertainty, making it extremely difficult to develop sound financial plans and secure adequate credit.

The proposal we are considering today would change this. By paying minimal administrative costs, producers would be able to purchase catastrophic insurance that offers them protection similar to that provided by recent disaster programs, but on a more stable basis. Most importantly, farmers would be able to count on this coverage, even taking it to the bank as collateral to secure a loan.

This proposal truly is an innovative step forward. It would greatly reduce the uncertainty currently plaguing much of our farm economy. In addition, this new plan would reduce the price of high levels of crop insurance coverage, affording more farmers the opportunity to match their insurance protection to their true level of risk.

The bill before us today also includes a number of other commendable provisions, three of which I would like to discuss in more detail.

First, this bill addresses concerns I raised during a hearing earlier this spring about the way FCIC has been administering prevented planting coverage. Specifically, as a result of FCIC rule changes, there was much confusion in North and South Dakota over whether producers who had excessively wet land as of the April 15 crop insurance signup deadline were eligible for prevented planting coverage. The bill before us includes a provision to clarify this situation and to provide producers with the prevented planting coverage that they were promised.

Second, I am pleased to note the bill requires the Federal Crop Insurance Corporation to market all coverage in a simple dollar amount. Virtually every time I discuss crop insurance with producers in South Dakota, they point out how the way the coverage is presented complicates current coverage levels. They would like to see crop insurance coverage offered in dollars per acre terms similar to hail insurance policies. This makes great sense because most producers measure their input costs in dollars per acre terms, and have a more concrete idea of their insurance needs when coverage levels are expressed in these terms. This bill will finally allow producers to purchase crop insurance in terms they readily understand and are comfortable with.

Third, this bill requires FCIC to institute a pilot program that will increase the coverage levels for beginning farmers in several counties. It is my hope that by decreasing the risk that beginning farmers pose to lenders, this pilot project will provide a model for making credit more accessible. Amassing enough credit to start up a farming operation is one of the most significant barriers facing beginning farmers today. This project is designed to help lower that barrier, and promises to offer us a completely new approach to rejuvenating rural communities by attracting new farmers.

Unfortunately, the reforms embodied in this legislation will not take effect until next year at the earliest. They are, consequently, of no use to the many producers all across the country who already are facing devastating natural disasters this crop year. For these reasons, Senator LEAHY and I drafted an amendment to the crop insurance bill that would provide assistance to all producers whose crops are affected by natural disasters in 1994.

Last summer, the entire country watched as devastation caused by flooding throughout the Midwest paraded across our television screens. Nearly continuous rains reduced much of our Nation's most productive farmland to virtual swampland, filled with water and weeds. In that atmosphere, there was strong and justified public support for a disaster program to help America's hardworking agricultural producers survive the extraordinary difficult year.

Until recently, the agricultural disasters of the current year have not

drawn the same publicity. However, for the affected farmers, this year's disasters are equally devastating.

In my State of South Dakota, 15 counties have already been declared Presidential disaster areas because of flooding, and at least 5 more counties have disaster declaration applications pending. There is a total crop loss for many producers in these counties, and they are in desperate need of some relief. In some areas, this is the second year in a row farmers have not be able to produce a crop, pushing them and the rural economies that depend on their success to the edge of financial failure.

South Dakota is not an isolated case. Many other States also have faced destructive natural disasters. Floods have been devastating in Georgia, Florida and Alabama; ice storms hit Mississippi and Arkansas this spring; drought conditions affect several western States; and many other localized disasters have destroyed crops across the country.

Starting next year, the crop insurance bill we are considering today will respond to all of these disasters. We cannot, however, afford to let producers suffer economic hardship this year simply because the government has failed to provide them with an adequate risk management tool.

Mr. President, this bill is not perfect, but it is a step in the right direction. It saves the Government money; it reduces the cost of crop insurance coverage to producers; it simplifies the crop insurance program; it moves us away from our dependence on ad hoc disaster assistance; and it provides disaster assistance for producers who suffer crop losses this year. I urge support for this important legislation.

Mr. DOMENICI. Mr. President, I am supportive of the overall objectives of the crop insurance reform bill but skeptical if the reform will work.

I agree that we should reform crop insurance and agree with the overall policy objectives.

We should remove the uncertainty associated with ad hoc disaster bills and replace it with a program that will adequately protect farmers in a disaster, remove the demand for ad hoc disaster bills, and must be financially sound.

The committee reported bill includes a number of changes to the administration's bill to make it more fiscally sound. However, I am still concerned about the possible future costs.

S. 2095 would provide permanent and indefinite spending authority from the Crop Insurance Fund for the mandatory costs of the new program.

In addition, the bill would eliminate the Department of Agriculture's existing authority to transfer Commodity Credit Corporation funds to the Crop Insurance Fund.

The bill also eliminates the Secretary of Agriculture's discretion to provide disaster assistance through the Commodity Credit Corporation.

The Congressional Budget Office has scored savings of $187 million in outlays over 5 years with this bill.

However, everyone must remember that the conference report on the concurrent resolution on the budget for fiscal year 1995 included $5 billion in new mandatory spending to pay for crop insurance reform.

This program will work only if Congress constrains itself from providing future ad hoc disaster bills.

This will be hard to do based on past experiences.

I am cosponsoring an amendment today with the chairman of the Budget Committee, Mr. SASSER, which would create a hurdle for Congress to provide emergency disaster assistance.

As I stated this is only a hurdle and does not prevent Congress from providing disaster assistance.

The amendment I am cosponsoring would not allow the emergency designation for both discretionary and mandatory agriculture disaster spending.

The President's reform proposal only eliminated the emergency designation for agriculture disaster discretionary spending but both the mandatory and discretionary designations should be eliminated as done in this amendment.

This means that all future agriculture disaster spending would fall under the pay as you go system. If the disaster spending does not include an offset it would require 60 votes to waive the budget act.

Eliminating the emergency designation for both mandatory and discretionary spending is necessary if this new crop insurance program is suppose to replace ad hoc agriculture disaster bills.

Also, the CBO says that the adoption of this amendment would increase the likelihood that the savings estimated would be realized. This is relative to the fiscal year 1995 budget resolution, which assumes future spending of $1.0 billion per year associated with future ad hoc agriculture disaster assistance payments.

I will not support the conference report if this amendment is dropped in conference.

Mr. SASSER. Mr. President, today, I am pleased the Agriculture Committee agreed to accept my amendment to S. 2095. It is cosponsored by Senator DOMENICI—the Budget Committee's ranking member, as well as Senators LEAHY and LUGAR. We offer this amendment to ensure that the crop insurance measure before us incorporates one of the key elements of the President's proposed reforms. Specifically, this amendment removes "agriculture crop disaster assistance" from the list of items which are eligible for the emergency designation under the Budget Enforcement Act.

Mr. President, it is no secret that the Federal crop insurance program has been the subject of constant criticism as being ineffective and costly. Indeed, the program has been the target of reform of administrations both Democratic and Republican for most of the last decade and a half. Though the program has a variety of problems, one of the underlying causes of its failure has been the constant provision of emergency disaster relief for farmers with significant crop losses. Through the years, many farmers have rightly made the calculation that it is wiser to await an ad hoc disaster relief measure rather than enroll in the Federal crop insurance program.

The result of these constant disaster relief bills has been to seriously undermine the effectiveness of the crop insurance program. As many farmers opt out of the program, the financial viability of the insurance is destroyed.

The administration's reform proposal recognizes the inherent obstacle that emergency disaster legislation poses to crop insurance reform efforts. For this reason, along with a myriad of other changes designed to increase program participation, actuarial soundness and to obviate the need for emergency legislation, the administration proposed to create a higher legislative hurdle for ad hoc agriculture disaster bills. Specifically, the plan would subject these bills to a 60 vote point of order if they are not fully offset with other spending cuts.

The amendment I am offering here will implement this very important limitation. By removing agriculture disaster relief from the list of items eligible for an emergency designation, the amendment would create the 60 vote hurdle proposed by the administration.

Mr. President, this amendment represents the very best kind of budgeting. It strikes a balance between fiscal responsibility and responsible policy. On average, the Congress approves an agriculture disaster bill costing about $1 billion each year. The Budget Resolution recognized this fact by incorporating a baseline adjustment reflecting these costs. The sole purpose for this adjustment was to allow the Agriculture Committees to rechannel these funds to create an effective and workable crop insurance program. Inherent to this adjustment was the requirement that the crop insurance reform include the amendment I am offering here.

This amendment enjoys the strong backing of Secretary Espy and the ranking minority member of the Budget Committee, Senator DOMENICI as well as the bipartisan support of the chairman and ranking member of the Senate Committee on Agriculture. It is with this rare spirit of unanimity that I join my colleagues in urging its adoption.

Mr. EXON. Mr. President, I thank the two managers for their prompt action. We do these things very quickly in the Senate. In the case of the crop insurance program, I am delighted it is happening in that fashion. I wanted to say that the speed with which we have passed this bill should be noted, and it was possible only with a great deal of hard work way back early when the crop insurance program had to be remade. It was remade and redone in the Agriculture Committee, and things were going very well. It has been on the schedule here for passage for some time.

Fortunately, earlier today, my colleague, Senator KERREY from Nebraska, called to my attention a fact that I was not fully familiar with, although I knew there were some earlier problems. It seems that my distinguished colleague from North Carolina, Senator HELMS, had a hold on the crop insurance bill. The reason he had a hold on the bill was that—and in my view, Senator HELMS had a good point—he was trying to correct what he thought had been some unfortunate decisions by some employees of the U.S. Department of Agriculture regarding the transfer of one employee of the Department for making what is alleged to be inappropriate remarks with regard to the lenient policies existing, or alleged to have existed, in the Department with regard to homosexuals. Senator HELMS had a hold placed on this bill and was trying to get that corrected to his satisfaction.

When I talked about this, I went over to see Senator HELMS, whom I have worked with on many issues for a long, long time and told him of the adverse effect that not passing this crop insurance bill tonight would have on farmers. Some of the insurance companies were prepared to send out notices to some 12,000 farmers next week—had we not acted on this—saying that their crop insurance program might likely not be renewed. I also visited with Senator DOLE about this. I found that Senator DOLE had already been talking to Senator HELMS about it. I called the Secretary of Agriculture and got him involved, and I might say that we put in a lot of time and effort on this today in getting it resolved—at least up until this point.

Senator HELMS was not totally satisfied, but the Secretary of Agriculture has guaranteed an early hearing in September on this matter that might lay it to rest.

In any event, I want to take a moment to thank Senator HELMS for his consideration and his understanding after I explained to him why it was necessary to pass this bill tonight. Senator DOLE played a very key role, as did the Secretary of Agriculture, and I am pleased that we are passing this measure tonight. It does indicate that in some of the debates we have on the floor, from time to time, there is a lot more understanding between Members of the Senate on all sides of the aisle when matters of this nature come up. Once again, I thank all that had a part in this, and I am pleased that the bill is passing.

I am sorry to interrupt the proceedings. I wanted to make those remarks.

I thank my colleagues from Kentucky for allowing me to take this time.

I yield the floor.

Mr. FORD. Mr. President, have we had third reading.

The PRESIDING OFFICER. No.

If there is no further debate, the question is on agreeing to the committee substitute, as amended.

The committee amendment, as amended, was agreed to.

The bill was deemed read a third time.

Mr. FORD. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar 552, H.R. 4217, the House companion, that all after the enacting clause be stricken, and the text on S. 2095, as amended, be inserted in lieu thereof; the bill be advanced to a third reading, passed, and the motion to reconsider be laid upon the table; and that upon disposition of H.R. 4217 the Senate measure be indefinitely postponed.

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

So the bill (H.R. 4217), as amended, was deemed read a third time and passed.

(The text of the bill will appear in a future edition of the RECORD.)

MEASURE REFERRED TO THE COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that Calendar No. 603, S. 2375, a bill to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes be referred to the Committee on the Judiciary.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. FORD. Mr. President, I ask unanimous consent that during the adjournment of the Senate that the Senate committees may file committee-reported legislative and executive calendar business on Wednesday, September 7, from 11 a.m. to 3 p.m.

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

REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. FORD. Mr. President, I ask unanimous consent that Senate proceed to the immediate consideration of Senate Resolution 254, a resolution relating to representation by the Senate legal counsel, submitted earlier today by the distinguished majority leader, Senator MITCHELL, and the distinguished Republican leader; that the resolution be adopted; the preamble be agreed to; and that the statement of Senator MITCHELL appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 254) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 254

Whereas, in the case of *Kenneth Riggin, et al.* v. *Office of Senate Fair Employment Practices*, No. 94-6004, pending in the United States Court of Appeals for the Federal Circuit, the Office of Senate Fair Employment Practices is the respondent in a proceeding under section 309 of the Civil Rights Act of 1991, 2 U.S.C. §1209, to review a final decision concerning allegations of discrimination in Senate employment;

Whereas, section 303(f) of the Civil Rights Act of 1991, 2 U.S.C. §1203(f), provides that for the purpose of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices shall be deemed a committee within the meaning of title VII of the Ethics in Government Act of 1978, 2 U.S.C. §288, et. seq.;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288B(a), 288c(a)(1), the Senate may direct its Counsel to defend a committee of the Senate in any civil action in which there is placed in issue any action taken by such committee in its official capacity;

Whereas, in accordance with 28 U.S.C. §2348, as made applicable by section 309(b) of the Civil Rights Act of 1991, 2 U.S.C. §1209(b), the Office of the Sergeant at Arms of the United States Senate, as a party in interest in the underlying proceeding within the Senate, may intervene on judicial review of the final decision in that proceeding. Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the case of *Kenneth Riggin, et al.* v. *Office of Senate Fair Employment Practices*.

SEC. 2. The Office of the Sergeant at Arms of the United States Senate may as a matter of statutory right intervene and be represented by its counsel of choice in the case of *Kenneth Riggin, et al.* v. *Office of Senate Fair Employment Practices*.

Mr. MITCHELL. Mr. President, the case of Kenneth Riggin, et al. versus Office of Senate Fair Employment Practices, pending in the U.S. Court of Appeals for the Federal Circuit, is the second case to reach the judicial review stage of the process for review of claims of discrimination in Senate employment that was created by title III of the Civil Rights Act of 1991.

Petitioners are 10 former members of the Capitol Police who seek judicial review of a final decision, entered in the records of the Office of Senate Fair Employment Practices, rejecting their

claim of age discrimination. The petitioners assert that the age discrimination prohibition of the 1991 Civil Rights Act supersedes the 1990 Capitol Police Retirement Act, sections 8335(d) of title 5, United States Code, which, until recently, mandated retirement at age 55. By virtue of the Legislative Branch Appropriations Act for the coming fiscal year the Capitol Police retirement age has been increased to 57.

Under title III of the Civil Rights Act of 1991, cases are adjudicated in independent hearing bonds whose decisions are reviewed by the Ethics Committee. In this case both the hearing board and the Ethics Committee agreed that the Capitol Police Retirement Act had not been superseded by the 1991 Civil Rights Act. Under the statute, following the entry of a final decision in the records of the Office of Senate Fair Employment Practices, aggrieved parties may petition for review in the Federal circuit. In that proceeding, the Office of Senate Fair Employment Practices, where final decisions are entered, is required to be named the respondent.

As petitions for review in the Federal circuit challenge final decisions of a Senate adjudicatory process, under title III the Senate may authorize the Senate Legal Counsel to defend those decisions through representation of the Office of Senate Fair Employment Practices in court. Accordingly, this resolution would authorize the Senate Legal Counsel to represent the Office of Senate Fair Employment Practices in defense of the final decision affirming dismissal of petitioners' claim.

Under section 2348 of title 28, United States Code, which is made applicable by the 1991 Civil Rights Act to the judicial review of Senate employment decisions, a party in interest to administrative proceedings that are under review in court has a statutory right to intervene. To implement that authority, section 2 of the resolution provides that the Office of the Sergeant at Arms, the employing office in this matter, may intervene in this case.

VIOLENCE AGAINST ABORTION PROVIDERS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 255, a resolution pertaining to the use of violence against abortion providers and activists, submitted earlier by Senator REID, that the resolution be agreed to and the motion to reconsider be laid upon the table, that the preamble be agreed to and any statements relating to this legislation be placed in the RECORD at the appropriate place as if read.

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

So the resolution (S. Res. 255) was agreed to, as follows:

S. RES. 255

Whereas the public debate concerning abortion elicits strong emotions on all sides of the issue;

Whereas maintaining an ongoing, rational debate is the best way to ensure that the emotional issue of abortion is resolved in a manner that is satisfactory to all parties genuinely interested in resolving this issue;

Whereas the best way to ensure continued debate over abortion is to encourage all participants in the debate to engage in peaceful dialogue and compromise;

Whereas without an ongoing dialogue about abortion, potential participants in the debate will become isolated and marginalized;

Whereas extremist individuals and groups concerned with abortion have refused to engage in public dialogue and substantive debate about the issue, choosing instead to target and terrorize the individuals and groups that disagree with their position;

Whereas these extremist individuals and groups have actively engaged in tactics that sow the seeds of hatred, including soliciting written support in the form of letters and petitions to carry out murderous acts of violence;

Whereas such tactics ignite and fuel the underlying anger often associated with the public debate concerning abortion;

Whereas such tactics are shameful, abhorrent and divisive; and

Whereas the continued use of such tactics only serves to spawn further acts of senseless violence against innocent human beings and in no way advances the cause of the individuals and groups interested in resolving the abortion issue: Now, therefore, be it

Resolved, That it is the sense of the Senate that the tactics of extremist individuals and groups which are designed to sow the seeds of hatred, including soliciting, promoting, encouraging, or carrying out murderous acts of violence against abortion providers and activists, is condemned.

AVAILABILITY OF CREDIT FOR PEOPLE AFFECTED BY DISASTERS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of S. 2430, a bill introduced earlier today by Senators NUNN and COVERDELL, regarding the availability of credit for people affected by disasters; that the bill be deemed read a third time and passed; the motion to reconsider laid upon the table and any statements thereon appear at the appropriate place in the RECORD as though read.

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

So the bill (S. 2430) was deemed read a third time and passed.

(The text of the bill will appear in a future edition of the RECORD.)

Mr. NUNN. Mr. President, I rise today to introduce legislation on behalf of myself and my colleague, Senator COVERDELL. This legislation, which if enacted, would enhance the availability of credit in disaster areas created by the flooding associated with Tropical Storm Alberto by reducing the regulatory burden imposed upon insured depository institutions to the extent such action is consistent with the safety and soundness of these institutions.

Last year, in response to the Midwest floods, Senator BOND and others sponsored legislation, S. 1273, which provided similar relief for banks impacted by last summer's Midwest floods. Like S. 1273, this bill will help provide credit to individuals and small businesses damaged by the flooding in Georgia, Alabama, and Florida, by giving the Federal bank regulatory agencies the discretion to waive regulations that inhibit the operation of banks operating in disaster areas. The waivers must be made in order to enhance credit availability and be consistent with the financial safety and soundness of the institution.

Last summer, I am informed that many Midwest banks faced problems arising from the provisions in the Truth in Lending Act [TILA]. TILA affects the ability of a consumer to waive the 3-day right of recision on getting funds disbursed from a loan. Midwest bankers found that the pace of construction repair grew exponentially and contractors had difficulty scheduling jobs and work crews when their customers could not get the proceeds from loans on the day the loans were made.

Another example is the need to grant banks more flexibility in dealing with the Expedited Fund Availability Act. This law was designed to force banks to make deposited funds more quickly available to consumers. Banks were still given the ability to hold checks from unknown or suspicious makers for periods of up to 14 days. Georgia banks anticipate that they will begin receiving deposits from their customers from all sorts of places such as charities, church groups, and philanthropic organizations from all over the country. Georgia banks would like the same administrative flexibility made available to their counterparts in the Midwest last summer to handle these situations so that customers can be given their money without the banks taking undue risks.

Another example is the problem some banks in the Midwest ran into difficulty when their customers received insurance checks and deposited them into their accounts pending the use of the funds for repairs. Because these deposits grew quite rapidly, some banks' capital was insufficient to support these deposits and the banks became undercapitalized by regulatory standards. As my colleagues know, there are severe penalties in the FDICIA legislation dealing with undercapitalized banks, and the proposed legislation would allow flexibility to the regulators in these circumstances.

This legislation, like S. 1273, provides Federal banking agencies the flexibility and discretion to waive temporarily regulations—like those mentioned above—to make it easier to extend existing credit lines, to simplify how

loans are written, to speed access to funds, and to minimize paperwork.

The bill would require the financial institution to be located within a disaster area or have a significant portion of its service area located in a disaster area. A disaster area is defined as an area determined by the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to be the location of a major disaster.

Before yielding the floor, I would like to make a couple of final notes. Georgia Banking Commissioner Jack Dunn concurs with the need to pursue this legislation. The Georgia Bankers Association supports this legislation, and it is also my understanding that the Treasury Department has no objection to this legislation.

Finally, it is important to keep in mind that this proposed legislation does not give carte blanche authority to the banks to waive any of the provisions of these laws. Rather, it gives such authority to Federal banking regulators to grant waivers and retains their responsibility for continued oversight. As they did last summer and in the aftermath of Hurricane Andrew, I urge my colleagues to support this legislation and join our efforts for its expeditious enactment.

CAMPAIGN FINANCE REFORM

Mr. FORD. Mr. President, I ask unanimous consent that the Chair lay before the Senate the message from the House on S. 3, the campaign finance reform bill; that the Senate disagree to the House amendments, request a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FORD. It is on the record.

HOUSE CONCURRENT RESOLUTION 289—PROVIDING FOR ADJOURNMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 289, the adjournment resolution now at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 289) providing for adjournment or recess of the two Houses.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 2581

Mr. FORD. Mr. President, I send an amendment to the desk and I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

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

So the amendment (No. 2581) was agreed to, as follows:

On page 1, line 3, beginning with "Thursday" strike through "September 8" on line 4 and insert "Monday, September 12."

On page 1, line 12, strike "Thursday, September 8, 1994," and insert the following: "Monday, September 12, 1994, or at such time as may be specified by the Majority Leader or his designee in his motion to recess or adjourn."

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution (H. Con. Res. 289), as amended, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR MONDAY, SEPTEMBER 12, 1994

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon, Monday, September 12; and when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date, the call of the Calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 1 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. FORD. Mr. President, on behalf of the majority leader, I would like to announce for the information of the Senate that on Monday, September 12, it is the leader's intention to proceed to S. 2182, the Department of Defense authorization conference report, as well as his intent to seek consent to consider nominations from the executive calendar.

ADJOURNMENT TO MONDAY, SEPTEMBER 12, 1994

Mr. FORD. Mr. President, I now move that the Senate stand in adjournment as provided under the provisions of House Concurrent Resolution 289.

The motion was agreed to; and at 11:40 p.m. the Senate adjourned until Monday, September 12, 1994, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate August 25, 1994:

DEPARTMENT OF LABOR

TIMOTHY M. BARNICLE, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE JOHN D. DONAHUE.

THE JUDICIARY

JAMES A. BEATY, JR., OF NORTH CAROLINA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE RICHARD C. ERWIN, RETIRED.

DAVID BRIONES, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE LUCIUS DESHA BUNTON III, RETIRED.

DEPARTMENT OF STATE

PETER JON DE VOS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

NATIONAL COUNCIL ON DISABILITY

JOHN A. GANNON, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1995. (REAPPOINTMENT.)

THE JUDICIARY

HELEN W. GILLMOR, OF HAWAII, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, VICE A NEW POSITION CRATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

OKLA JONES, II, OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE FREDERICK J.R. HEEBE, RETIRED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BRUCE A. MORRISON, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2000, VICE WILLIAM C. PERKINS, RESIGNED.

THE JUDICIARY

FRED I. PARKER, OF VERMONT, TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE JAMES L. OAKES, RETIRED.

DEPARTMENT OF JUSTICE

JOE BRADLEY PIGOTT, OF MISSISSIPPI, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF 4 YEARS, VICE GEORGE L. PHILLIPS.

THE JUDICIARY

G. THOMAS PORTEOUS, JR., OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE ROBERT F. COLLINS, RESIGNED.

JOHN R. TAIT, OF IDAHO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF IDAHO, VICE HAROLD L. RYAN, RETIRED.

DEPARTMENT OF TRANSPORTATION

VINCENT J. SORRENTINO, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE LEO C. MCKENNA.

DEPARTMENT OF JUSTICE

REGINALD B. MADSEN, OF OREGON, TO BE U.S. MARSHAL FOR THE DISTRICT OF OREGON FOR THE TERM OF 4 YEARS, VICE KERNAN H. BAGLEY, RESIGNED.

NATIONAL SCIENCE FOUNDATION

EVE L. MENGER, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE ARDEN L. BEMENT, JR., TERM EXPIRED.

DEPARTMENT OF STATE

ALFRED H. MOSES, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ROMANIA.

NATIONAL SCIENCE FOUNDATION

ROBERT M. SOLOW, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE PETER H. RAVEN, TERM EXPIRED.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

ANNE JEANETTE UDALL, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM OF 4 YEARS. (NEW POSITION.)

DEPARTMENT OF JUSTICE

RICHARD THOMAS WHITE, OF MICHIGAN, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 1996, VICE FRANK H. CONWAY, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE

10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AN DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

ANGELITA R. GABATIN xxx-xx-x...
WILLIAM L. MICHELS xxx-xx-x...
SPENCER G. MITCHELL xxx-xx-xx...
SAMIR B. SHAMIYEH xxx-xx-x...
PRABHA H. SOLANKI xxx-xx-x...
KENNETH F. STEEL xxx-xx-xx...

To be lieutenant colonel

WILLIAM A. PARKER, JR. xxx-xx-xx...
WARREN REESE xxx-xx-x...
RICHARD D. TRIFILO xxx-xx-xx...

To be major

JEFFREY G. DEMAIN xxx-xx-xx...
HOBSON E. LEBLANC xxx-xx-x...
KEVIN J. O'TOOLE xxx-xx-xx...

THE FOLLOWING CADETS, U.S. AIR FORCE ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 9353 (B) AND 531, TITLE 10, UNITED STATES CODE, WITH A DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

VIKHYAT S. BEBARTA xxx-xx-x...
JONATHAN C. RICE IV xxx-xx-x...
ALEXANDRA PALOTAS xxx-xx-x...

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be colonel

STEPHEN M. GOLDEN xxx-xx-xx...

To be lieutenant colonel

JOHN P. HALFEN III xxx-xx-xx...

NURSE CORPS

To be lieutenant colonel

DANEEN T. HARRIS xxx-xx-xx...

THE FOLLOWING STUDENT OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES CLASS OF 1994, FOR APPOINTMENT IN THE REGULAR AIR FORCE IN THE GRADE OF CAPTAIN, EFFECTIVE UPON HER GRADUATION UNDER THE PROVISIONS OF SECTION 2114, TITLE 10, UNITED STATES CODE, IF OTHERWISE FOUND QUALIFIED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

MEDICAL CORPS

JILL A CATALANO xxx-xx-x...

THE FOLLOWING AIR FORCE OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR, U.S. AIR FORCE ACADEMY, UNDER THE PROVISIONS OF SECTION 9333(B), TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

CHARLES R. MYERS xxx-xx-xx...

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

MICHAEL AUSTIN xxx-xx-x...
CHARLES R. BECKETT xxx-xx-xx...
RICHARD E. BLAKE xxx-xx-x...
GARY L. BRESS xxx-xx-xx...
JOSEPH L. BROCKMAN xxx-xx-x...
THEODORE M. BROWN xxx-xx-x...
JULIA J. CLECKLEY xxx-xx-xx...
ALLEN DAVIS III xxx-xx-xx...
WILLIAM W. DAVIS xxx-xxx...
PERSSE K. DEVERELL III xxx-xx-xxxx
ROGER D. DUBS xxx-xx-x...
JOHN J. GOFF, JR. xxx-xx-xxxx
FRANCIS M. HENRICH xxx-xx-x...
ELWYN L. KROPUENSKE xxx-xx-xx...
EDWIN S. LIVINGSTON xxx-xx-x...
DRANNAN E. LUNN xxx-xx-x...
EDWARD H. RUSSELL xxx-xx-x...
CLYDE A. VAUGHN xxx-xx-x...
JAMES M. WHEELER, JR. xxx-xx-xx...
ANEDERSON H. WILLIAMS III xxx-xx-xx...
JESSICA L. WRIGHT xxx-xx-xx...

THE JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

JAMES M. DEICHERT xxx-xx-xx...

ARMY PROMOTION LIST

To be lieutenant colonel

JERRY G. BECK, JR. xxx-xx-xx...
DELBERT L. BENNETT, JR. xxx-xx-xxxx
JAMES G. CHAPINON xxx-xx-xx...
STEPHEN D. COLLINS xxx-xx-xx...
STEVEN W. COOPER, SR. xxx-xx-xx...
JOHNNY CORBETT xxx-xx-x...
MICHAEL J. CURTIN xxx-xx-xx...
ALBERT HALLE III xxx-xx-xx...
RANDALL A. JIPP xxx-xx-xx...
JOHN G. KING xxx-xx-x...
WARREN H. MANDRELL xxx-xx-x...
JAMES R. MASON xxx-xx-x...
ROBERT G. MCNAMARA xxx-xx-x...
JAMES J. PETTIT, JR. xxx-xx-xxxx
JOSEPH W. REITER xxx-xx-xx...

MEDICAL CORPS

To be lieutenant colonel

RICHARD EVANS III xxx-xx-xx...

MEDICAL SERVICE CORPS

To be lieutenant colonel

DONALD L. GRINNELL xxx-xx-x...
L.L. PRILLERMAN xxx-xx-xx...

DENTAL CORPS

To be lieutenant colonel

ROBERT A. PRUCKLER xxx-xx-xx...

ARMY NURSE CORPS

To be lieutenant colonel

WILLIAM L. LAXTON, JR. xxx-xx-xx...

CHAPLAIN CORPS

To be lieutenant colonel

THOMAS M. BYERLY xxx-xx-x...

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADES INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be lieutenant colonel

*IRENE F. LOGAN xxx-xx-x...

MEDICAL CORPS

To be major

DEBRA S. BRESCAN xxx-xx-x...
DOUGLAS L. CLARK xxx-xx-x...
JAMES M. FEELEY xxx-xx-xx...
ROGER G. GANO xxx-xx-x...
STEPHEN M. SMITH xxx-xx-xx...

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3370, AND 1552:

ARMY PROMOTION LIST

To be colonel

BRIAN J. DONOHOE xxx-xx-x...
JAMES E. SWARTZ xxx-xx-xx...

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3366, AND 1552:

ARMY PROMOTION LIST

To be lieutenant colonel

JULIA T. BROWN xxx-xx-x...
JAMES M. BRUSEK xxx-xx-xx...
STEPHEN J. CLAVERE xxx-xx-xx...
GAREY D. FRITZ xxx-xx-xx...
CHRISTOPHER C. FRYE xxx-xx-xx...
ORLANDO H. GRIEGO xxx-xx-x...
ROBERT D. HAYNER xxx-xx-x...
DAVID R. HORN xxx-xx-x...
ALEXANDER G. MCLAREN xxx-xx-x...
JOEL G. MCWILLIAMS III xxx-xx-xx...
LOUIS C. RITCHIE, JR. xxx-xx-xx...
JAMES R. SCERBO xxx-xx-xx...
KEVIN E. SMITH xxx-xx-xx...
MICHAEL D. STERNFELD xxx-xx-xx...
HENRY A. WHITEHURST xxx-xx-xx...

MEDICAL SERVICE CORPS

To be lieutenant colonel

WILLIAM N. GREENE xxx-xx-xx...

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADES INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be lieutenant colonel

*WILLIAM D. GEESLIN, x...
EUGENE H. PFEIFFER xx...
STEVEN G. TREADWAY, 1271

To be major

EARNESTINE BEATTY xx...

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be lieutenant commander

CHRISTOPHER L. BRALEY xxx-xx-xx...

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

MIKE A. BRYAN xxx-xx-x...
ROBERT W. ERNST xxx-xx-x...

PANAMA CANAL COMMISSION

CLIFFORD B. O'HARA, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE PANAMA CANAL COMMISSION, VICE WILLIAM CARL.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. MERRILL A. MCPEAK, xxx-xx-xx... U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE INDICATED WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, AND TO BE APPOINTED AS CHIEF OF STAFF, U.S. AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8033:

To be Chief of Staff, U.S. Air Force

To be general

GEN. RONALD R. FOGLEMAN, xxx-xx-xx... U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. ROBERT L. RUTHERFORD, xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8351 AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. ROBERT W. BARROW, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. ROBERT G. CHRISJOHN xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. STEFFEN P. CHRISTENSEN, III xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. HARRIS R. HENDERSON xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. ROBERTA V. MILLS, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. HERBERT J. SPIER, JR. xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. WILLIAM A. TREU xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. KEITH D. BJERKE xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
COL. SAMUEL G. DEGENERES xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WILLIAM F. DOCTOR, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ROBERT S. DUTKO, SR. xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
COL. VERNA D. FAIRCHILD xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

COL. DANIEL J. GIBSON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. GARY L. HINDOIEN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. TIMOTHY J. LOWENBERG, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WILLIAM B. LYNCH, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JAMES R. MCKINNEY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN R. METZ, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. SCOTT A. MIKKELSEN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ALLAN W. NESS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. KENNETH S. PETERSON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. AUSTIN P. SNYDER, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. RICHARD E. SPOONER, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JAMES E. THOMEY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. RICHARD W. TUTTLE, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. SALVATORE VILLANO, JR., [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JAMES E. WHINNERY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE JUDGE ADVOCATE GENERAL'S CORPS, U.S. ARMY, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C) AND 3037:

To be permanent brigadier general

COL. JOHN D. ALTENBURG, JR. [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE CHAPLAIN BRANCH, U.S. ARMY, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. GAYLORD T. GUNHUS, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE DENTAL CORPS, U.S. ARMY, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. PATRICK D. SCULLEY, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624:

To be permanent brigadier general

COL. JOHN W. MOUNTCASTLE, [redacted]
COL. JOHN C. REPPERT, [redacted]
COL. JOHN S. CALDWELL, JR. [redacted]
COL. ALBERT J. MADORA, [redacted]
COL. JERRY L. SINN [redacted]
COL. JOSEPH R. INGE [redacted]
COL. JULIAN A. SULLIVAN, JR. [redacted]
COL. SAMUEL S. THOMPSON III [redacted]
COL. ROBERT L. NABORS, [redacted]
COL. SAMUEL L. KINDRED [redacted]
COL. WARREN C. EDWARDS, [redacted]
COL. BURWELL B. BELL III [redacted]
COL. JAMES E. MITCHELL [redacted]
COL. EVAN R. GADDIS, [redacted]
COL. REGINAL G. CLEMMONS, [redacted]
COL. DANIEL A. DOHERTY, [redacted]
COL. DAN K. MCNEILL, [redacted]
COL. WILLIAM S. WALLACE, [redacted]
COL. THOMAS R. DICKINSON, [redacted]
COL. ROBERT L. FLOYD II [redacted]
COL. JOHN J. MARCELLO [redacted]
COL. GILBERT S. HARPER [redacted]
COL. PAUL T. MIKOLASHEK [redacted]
COL. MARY E. MORGAN, [redacted]
COL. EDWARD SORIANO, [redacted]
COL. PHILLIP R. ANDERSON [redacted]
COL. DONALD L. KERRICK, [redacted]
COL. GEOFFREY D. MILLER [redacted]
COL. ROGER W. SCEARCE, [redacted]
COL. ROBERT A. GLACEL, [redacted]
COL. ROBERT J. ST. ONGE, JR. [redacted]
COL. CARL H. FREEMAN [redacted]
COL. PHILLIP R. KENSINGER, JR. [redacted]
COL. STEPHEN R. SMITH [redacted]
COL. BRYAN D. BROWN, [redacted]
COL. BENJAMIN S. GRIFFIN [redacted]
COL. BRUCE K. SCOTT, [redacted]
COL. WILLIAM E. WARD [redacted]
COL. JAMES R. SNIDER [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. STANLEY R. ARTHUR, U.S. NAVY [redacted]

THE FOLLOWING-NAMED CAPTAIN OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

CIVIL ENGINEER CORPS OFFICER

To be rear admiral (Lower Half)

CAPT. NOAH HALBROOK LONG, JR. [redacted] U.S. NAVAL RESERVE

CONFIRMATIONS

Executive nominations confirmed by the Senate August 25, 1994:

DEPARTMENT OF DEFENSE

WILLIAM T. COLEMAN III, OF MICHIGAN, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY.

DEPARTMENT OF STATE

BRADY ANDERSON, OF ARKANSAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

DOROTHY MYERS SAMPAS, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JEFFREY RUSH, JR., OF VIRGINIA, TO BE INSPECTOR GENERAL, AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

CARL BURTON STOKES, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

E. MICHAEL SOUTHWICK, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

PHYLISS E. OAKLEY, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF STATE.

RICHARD L. GREENE, OF MARYLAND, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF STATE.

ENVIRONMENTAL PROTECTION AGENCY

ROBERT JAMES HUGGETT, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

INTER-AMERICAN FOUNDATION

NEIL H. OFFEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 1998.

DEPARTMENT OF STATE

CURTIS WARREN KAMMAN, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

EILEEN A. MALLOY, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KYRGYZ REPUBLIC.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

RALPH EARLE II, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY.

DEPARTMENT OF ENERGY

ELIZABETH ANNE MOLER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1999.

ENVIRONMENTAL PROTECTION AGENCY

WILLIAM A. NITZE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

NORMA UDALL, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM OF 6 YEARS.

DEPARTMENT OF STATE

RICHARD HOLBROOKE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE.

JAMES W. SWIHART, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

ROBERT L. GALLUCCI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR AT LARGE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL E. RYAN, [redacted] U.S. AIR FORCE

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING JOSEPH HUGGINS, AND ENDING RICHARD SCOTT SACKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 1994.

HOUSE OF REPRESENTATIVES—*Friday, August 26, 1994*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. EDWARDS of California].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 26, 1994.

I hereby designate the Honorable DON EDWARDS to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that Your spirit surrounds us wherever we might be and Your grace is with us no matter what our circumstance. Though we may forget Your goodness toward us, You are ever our creator; though we are so concerned with our own ways, Your love forgives and strengthens us all the day long. We pray now that Your benediction will bless us and keep us, may Your face shine on us and be gracious unto us, may You look upon us with favor and give us Your peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Colorado [Mrs. SCHROEDER] please come forward and lead the House in the Pledge of Allegiance.

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 215. Concurrent resolution honoring James Norman Hall and recognizing his outstanding contributions to the United States and the South Pacific.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 289. Concurrent resolution providing for an adjournment or recess of the two Houses.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 3355) "An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 859) "An act to reduce the restrictions on lands conveyed by deed under the act of June 8, 1926."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1587) "An act to revise and streamline the acquisition laws of the Federal Government, and for other purposes."

The message also announced that pursuant to Public Law 103-236, the Chair, on behalf of the Republican Leader, appoints Mr. HELMS and Alison B. Fortier of Maryland to the Commission on Protecting and Reducing Government Secrecy.

THE 74TH ANNIVERSARY OF WOMEN'S SUFFRAGE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, on August 26, 1920, the 19th amendment granting women the right to vote in elections became part of the U.S. Constitution. The amendment was first introduced into Congress in 1878.

Our foremothers had to wage a 45-year crusade to get the right to vote. It is only fitting that women today are using that vote to make sure that politicians act on issues they care about.

The power of women's vote resonated yesterday as the Senate passed the omnibus crime bill, which includes the Violence Against Women Act, a historic package of provisions that will finally put some equality into our criminal justice system for women who are victims of domestic violence and sex-based crimes.

Finally, we can go about training police officers, prosecutors and judges about sex-based crimes. Finally, we will be encouraging States to adopt laws for the mandatory arrest of abusive husbands and partners. Finally, the criminal justice system will be changed to be more responsive to women.

While it took 45 long years for women to get the right to vote, it took us only 6 years to pass the Violence Against Women Act. Mr. Speaker, I think that is a tribute to how women have learned to effectively use their vote and their voices in the political process.

So today, on the 74th anniversary of Women's Suffrage, I salute the women of America.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

H. CON. RES. 289

Resolved by the House of Representatives (the Senate concurring), That when the House is in receipt of a message that the Senate has agreed to a concurrent resolution providing for the adjournment of the two Houses to noon on Thursday, September 8, 1994, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, that the House shall stand adjourned in like manner; and that when the Senate recesses or adjourns at the close of business on Monday, August 22, 1994, or any day thereafter, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Thursday, September 8, 1994, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

The Clerk read as follows:

Senate amendments:

Page 1, lines 4 and 5, strike out "Thursday, September 8" and insert: *Monday, September 12*

Page 1, line 13, strike out "Thursday, September 8, 1994" and insert: *Monday, September 12, 1994, or at such time as may be specified by the Majority Leader or his designee in his motion to recess or adjourn*

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROWLAND.
Mr. COYNE.
Mrs. MALONEY.
Mr. TRAFICANT.
Mr. LAFALCE.
Ms. FURSE.
Mr. FAZIO.

CONFERENCE REPORT ON H.R. 4624, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1995

Mr. STOKES submitted the following conference report and statement on the bill (H.R. 4624), making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. REPT. 103–715)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4624) "making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 21, 36, 44, 45, 78, 79, 81, 88, 89, 101, 102, 106, 114, 116, 118, 119, 120, 121, and 122.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 7, 8, 9, 12, 22, 23, 25, 27, 31, 35, 37, 39, 46, 61, 62, 67, 68, 69, 70, 73, 74, 75, 76, 83, 85, 90, 91, 92, 93, 95, 96, 110, 112, 113, and 115, and agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$890,600,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,400,000,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed in said amendment insert: *$11,083,000,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$282,000,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,700,000,000*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment, insert: *$25,000,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$175,000,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$100,000,000*; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,279,000,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$290,000,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$20,000,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$5,000,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$42,000,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$955,398,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$42,509,000*; and the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$145,900,000*; and the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$215,960,000*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,554,587,000*; and the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,280,000,000*; and the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$126,000,000*; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$250,000,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 5, 11, 14, 17, 19, 20, 28, 30, 32, 33, 38, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 60, 64, 65, 66, 71, 72, 77, 80, 82, 84, 86, 87, 97, 98, 100, 103, 104, 105, 111, 117, and 123.

LOUIS STOKES,
ALAN B. MOLLOHAN,
JIM CHAPMAN,
MARCY KAPTUR,
ESTEBAN EDWARD TORRES,
RAY THORNTON,
DAVID R. OBEY,
JERRY LEWIS,
TOM DELAY,
DEAN A. GALLO,
JOSEPH M. MCDADE,
Managers on the Part of the House.

BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
J. BENNETT JOHNSTON,
FRANK R. LAUTENBERG,
J. ROBERT KERREY,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
PHIL GRAMM,
ALFONSE D'AMATO,
DON NICKLES,
CHRISTOPHER S. BOND,
CONRAD BURNS,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4624) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate reducing the fiscal year 1994 funding floor on personnel compensation and benefits by $50,000,000 and to $9,813,265,000.

The House and the Senate each added $111,000,000 above the 1995 budget request for medical care activities. The following represents the changes from the budget estimate agreed to by the conferees:

+$78,054,000 as a general increase to meet veterans health care needs, including the treatment of post traumatic stress disorder and compliance with resident work limits. The increase in funds recommended, together with an increase of approximately $300,000,000 requested for contract employment, will permit the VA to maintain the 1994 hospital staffing levels. It is the conferees' intention that the Secretary have the discretion to determine whether the federal FTE level is 201,508 as proposed in the budget, 205,188 as provided in 1994, or some level in between. Any reduction below the 1994 FTE level is to be offset with increases in contract employment.

+$10,000,000 for new homeless programs.

+$5,000,000 for programs to meet the needs of women veterans.

+$300,000 for a new community-based outpatient clinic in Belmont County, Ohio.

+$550,000 for expansion of the primary health care clinic in Clovis, New Mexico.

+$178,000 for veterans primary health care service in Clayton, New Mexico.

+$1,000,000 for a new community-based outpatient clinic in Monroe, Louisiana.

+$559,000 for community-based outpatient clinics in Wood County and Tucker County, West Virginia.

+$250,000 for a veterans center in Raleigh, North Carolina.

+$750,000 for veterans counseling centers in Bellingham, Washington and the northwest section of the State of Washington.

+$484,000 for an inpatient post traumatic stress disorder unit at the Clarksburg VA Medical Center.

+$5,000,000 for blind rehabilitation services.

+$5,000,000 for the installation of bedside telephones in VA medical centers.

+$1,000,000 for a community-based outpatient clinic in North PLatte, Nebraska.

+$1,525,000 for continuing the demonstration project involving the Clarksburg VA Medical Center and the Ruby Memorial Hospital.

+$900,000 for a regional referral center for Alzheimer's disease and degenerative neurological disorders at the Oklahoma City VA Medical Center.

+$450,000 for expansion of the outpatient clinic in Cambridge, Maryland.

The conferees have deleted without prejudice funding proposed by the Senate to establish up to five centers of excellence in the area of mental illness at existing VA health facilities. A reprogramming of funds for such centers would be considered subsequent to the enactment of authorizing legislation.

Amendment No. 2: Deletes language proposed by the Senate earmarking not more than $500,000 of medical and prosthetic research funds for an epidemiological study of veterans who underwent radium nasopharyngeal irradiation. The conferees have agreed not to earmark funds in the bill, but urge the Department to consider utilizing up to $500,000 of research funds for such a study.

The conferees are concerned that the Office of Management and Budget is including under the full-time equivalent ceiling nonfederal research personnel employed by the nonprofit research corporations, as well as temporary employees. Employees of these nonprofit research corporations are not VA employees, receive no compensation or benefits from VA, and therefore should not count toward the personnel ceiling. The conferees further note that Public Law 100-322 directed that temporary research personnel were to be excluded from any ceiling on full-time equivalent employees of the VA.

DEPARTMENTAL ADMINISTRATION

Amendment No. 3: Appropriates $890,600,000 for general operating expenses, instead of $887,909,000 as proposed by the House and $893,285,000 as proposed by the Senate.

The conference agreement includes the following changes from the budget estimate:

+$29,443,000 to fund administrative costs of three life insurance programs.

+$16,491,000 for additional staffing, overtime and training to reduce the backlog of veterans benefits claims. This amount includes the $5,400,000 that VA requested be shifted from the guaranty and indemnity program account due to the decrease in housing activity.

+$331,000 reflecting the VA's request to transfer the security office from the Office of Inspector General account.

−$550,000 as a result of VA's request to transfer certain Chief Financial Officer Act activities to the Veterans Health Administration in the MAMOE account.

+$1,600,000 for vocational rehabilitation and counseling to address the backlog of pending cases.

Amendment No. 4: Appropriates $31,819,000 for the Office of Inspector General as proposed by the Senate, instead of $32,219,000 as proposed by the House.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$355,612,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the following changes from the budget estimate:

+$6,000,000 for the joint project for the relocation of medical school functions and facility renovations at the Mountain Home VA Medical Center.

+$4,000,000 for the design of a spinal cord injury unit project at the Haley VA Medical Center in Tampa.

+$1,000,000 for the design of a new national cemetery in the Dallas/Fort Worth area.

+$18,100,000 for the new Matsunaga Medical Center in Honolulu, Hawaii.

+$22,900,000 for an ambulatory care addition at the Truman VA Medical Center in Columbia, Missouri.

+$40,985,000 for an ambulatory care addition at the Hayden VA Medical Center in Phoenix.

+$14,000,000 to renovate the Orlando Naval Training Center Hospital for a satellite outpatient clinic/nursing home.

+$2,500,000 for the design of an ambulatory care and clinical addition project at the Eisenhower VA Medical Center in Leavenworth, Kansas.

+$250,000 for the design of a new national cemetery in the Oklahoma City area.

+$17,812,000 for an ambulatory care addition at the Gainesville VA Medical Center.

+$29,200,000 for an ambulatory care addition at the Hampton VA Medical Center.

+$34,800,000 for an ambulatory care addition at the San Juan VA Medical Center.

+$48,600,000 for an ambulatory care addition at the West Haven VA Medical Center.

The conferees are highly supportive of the Department's latest plans to renovate the Reno VA Medical Center. The conferees note that there is $4,300,000 of unobligated funds from the fiscal year 1992 appropriation for this project, and expect the Secretary to request from the Office of Management and budget the reprogramming of unobligated funds by October 1, 1994. The conferees further expect that the fiscal year 1996 budget will include sufficient funds to complete this project as soon as possible.

Amendment No. 6: Deletes language proposed by the Senate earmarking major construction funds for two projects.

Amendment No. 7: Appropriates $16,300,000 for the parking revolving funds as proposed by the Senate, instead of $1,400,000 as proposed by the House. The conferees agree that the additional $14,900,000 above the budget request is for the parking facility for the Honolulu VA Medical Center.

Amendment No. 8: Appropriates $47,397,000 for grants for construction of State extended care facilities as proposed by the Senate, instead of $37,397,000 as proposed by the House.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

Amendment No. 9: Appropriates $50,000,000 for the homeownership and opportunity for people everywhere grants program as proposed by the Senate, instead of $100,000,000 as proposed by the House.

Amendment No. 10: Appropriates $1,400,000,000 for the HOME investment partnerships program, instead of $1,275,000,000 as proposed by the House and $1,500,000,000 as proposed by the Senate.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $50,000,000 for the National Homeownership Trust Demonstration program.

Amendment No. 12: Inserts change to the heading as proposed by the Senate.

Amendment No. 13: Appropriates $11,083,000,000 for annual contributions for assisted housing, instead of $11,473,019,000 as proposed by the House and $10,600,000,000 as proposed by the Senate. The conferees expect the Department and the Office of Management and Budget to adhere to the 1995 program detailed in the following table:

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING, FISCAL YEAR 1995—GROSS RESERVATIONS

	Units	Cost	Term	Budget authority
New authority	NA	NA	NA	$11,083,000,000
Recaptures	NA	NA	NA	200,000,000
Transfer from P.L. 103–124	NA	NA	NA	200,000,000
Transfer from (UDAG)	NA	NA	NA	100,000,000
Total available	NA			11,583,000,000
Public housing:				
Public housing development	6,994	85,500	NA	598,000,000
Public housing amendments	NA	NA	NA	50,000,000
Public housing service coordinators (sec. 673)	NA	NA	NA	30,000,000
Indian housing	2,910	96,884	NA	282,000,000
Lease adjustments	NA	NA	NA	21,900,000
Modernization	NA	NA	NA	3,700,000,000
Tenant opportunity program	NA	NA	NA	[25,000,000]
Technical assistance and training	NA	NA	NA	[15,000,000]
Subtotal, public housing	9,904			4,681,900,000
Section 8 and other:				
Elderly:				
Capital grants/rental assistance	9,654	NA	NA	1,279,000,000
Service coordinators (sec. 671/677)	NA	NA	NA	22,000,000
Disabled:				
Capital grants/rental assistance	2,915	NA	NA	387,000,000
Total, elderly/disabled	12,569			1,688,000,000
Incremental rental assistance	62,774	6,857	5	2,785,582,000
Pension fund	[3,402]	6,857	15	[350,000,000]
New initiatives	NA	NA	NA	[1] [400,000,000]
Service coordinators (sec. 674/675/676)	NA	NA	NA	30,000,000
P.H. and housing relocation/replace/opt outs	2,420	6,851	5	82,916,000
Preservation	8,806	NA	NA	175,000,000
Family investment centers	NA	NA	NA	26,342,000
Family self-sufficiency coordinators	NA	NA	NA	17,300,000
Property disposition	5,191	7,128	15	555,000,000
Loan management	5,814	5,160	5	150,000,000
Section 23 conversions	195	4,059	5	3,960,000
Housing opportunities for persons with AIDS	1,058	NA	NA	186,000,000
Lead-based paint	NA	NA	NA	100,000,000
Foster child care	2,107	7,214	5	76,000,000
Special purpose grants	NA	NA	NA	290,000,000
Amendments	NA	NA	NA	735,000,000
Subtotal, section 8 and other	100,934			6,901,100,000
Total, annual contributions	110,838			11,583,000,000
Incremental units (*)	88,412			5,193,582,000

[1] Permissive transfer authority will be included pursuant to authorizing legislation subject to usual reprogramming procedures.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will move to concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *to be added to and merged with the foregoing amounts there shall be up to $400,000,000 of amounts of budget authority (and contract authority) reserved or obligated in prior years for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as herein provided, for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1995 or are unobligated as of September 30, 1994; and up to $100,000,000 of transfers of unobligated balances from the Urban Development Action Grants program: Provided further, That*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees expect that approximately one-half of the $400,000,000 will be derived from funds which are recaptured during fiscal year 1995 and one-half from funds that are unobligated as of September 30, 1994, in the vacancy reduction program.

Amendment No. 15: Provides $282,000,000 for Indian housing, instead of $263,000,000 as proposed by the House and $300,000,000 as proposed by the Senate.

Amendment No. 16: Provides $3,700,000,000 for the public housing modernization program, instead of $3,600,000,000 as proposed by the House and $3,800,000,000 as proposed by the Senate.

The Secretary is not to provide public housing operating subsidies to support the provision of security to the New York City Housing Authority or the City of New York after the merger of the New York City Housing Authority Police Department and the New York City Police Department until the Secretary finds there has been a public hearing conducted under the authority of a legislative body, including Congress, at which the plan for the merger is adequately described by the Chief Executive of the City of New York or his or her designee, and the tenants of the New York City Housing Authority or their representatives have had an opportunity to be heard on the merits of the merger.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate earmarking $15,000,000 of modernization funds for inspection, technical assistance, oversight and management activities, instead of 0.54 per centum as proposed by the House.

Amendment No. 18: Restores language proposed by the House and stricken by the Senate earmarking $85,000,000 of modernization funds for the Tenant Opportunity Program, amended to earmark $25,000,000.

Amendment No. 19: Reported in technical disagreement. The managements on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$2,785,582,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $350,000,000 of section 8 rental assistance funds for the pension program. The conferees expect that the Department will propose, in its operating plan, the amounts for homeless

and disabled units, consistent with authorizing legislation.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed in said amendment, insert the following: *: Provided further,* That of the amount provided for rental assistance, a total of up to $400,000,000 may be made available for new programs subject to enactment into law of applicable authorizing legislation

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides up to $400,000,000 for new initiatives of the Department for which authorizing legislation is enacted and which the secretary, subject to normal reprogramming procedures, recommends for funding. The Senate amendment proposed specific earmarks for several of these initiatives including the Community Viability Fund, the Colonias program, and the Neighborhood Leverage Investment program. In addition to these activities, the conferees agree that funding of other new programs may be proposed, including up to $10,000,000 for the New Towns Demonstration program.

Amendment No. 21: Restores language proposed by the House and stricken by the Senate establishing administrative fees for new incremental assistance units at the rate authorized by law.

Amendment No. 22: Earmarks $735,000,000 for amendments to section 8 contracts (other than for section 202 projects) as proposed by the Senate, instead of $1,202,100,000 as proposed by the House.

Amendment No. 23: Inserts technical correction to the language as proposed by the Senate.

Amendment No. 24: Earmarks $175,000,000 for the Preservation program, instead of $100,000,000 as proposed by the House and $250,000,000 as proposed by the Senate.

Amendment No. 25: Earmarks $186,000,000 for Housing Opportunities for Persons with AIDS as proposed by the Senate, instead of $156,000,000 as proposed by the House.

Amendment No. 26: Earmarks $100,000,000 for grants to States and local governments for the lead-based paint hazard reduction program, instead of $150,000,000 as proposed by the House and $75,000,000 as proposed by the Senate. The conferees agree that the Department should propose reprogramming additional funds for this program, if needed.

Amendment No. 27: Deletes language proposed by the House and stricken by the Senate earmarking $149,100,000 for the moving to opportunity program. The conferees agree that a reprogramming of existing funds should be proposed in the operating plan for the choice in residency or other authorized program.

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided further, That notwithstanding the language preceding the first proviso of this paragraph, $290,000,000 shall be used for special purpose grants in accordance with the terms and conditions specified for such grants in the committee of conference report and statement of the managers (H. Rept. 103-715) accompanying H.R. 4624.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are in agreement with the following special purpose grants:

+$2,000,000 to the town of Fort Scott, KS for business relocation and related activities.

+$1,500,000 to the city of Wichita, KS for the 21st street corridor improvement project.

+$600,000 to the city of Wichita, KS for capital costs at the Heartspring school for children with disabilities.

+$500,000 for the city of Portland, ME for environmental modifications to community facilities utilizing state of the art architectural techniques.

+$700,000 to the state of Maine for economic development activities for northern Maine.

+$1,000,000 for a rural economic development initiative for the Local Support Initiatives Corporation.

+$700,000 to Salt Lake City, UT for transitional housing and single room occupancy housing for the homeless.

+$100,000 for outreach, trade and export assistance activities of the New Mexico small business development council.

+$900,000 to Taos County, NM for implementation of the Taos County community centers concept to provide basic community services to up to 30 beneficiary communities.

+$2,500,000 to Kansas City, MO for the restoration of Union Station.

+$200,000 to Kansas City, MO for renovation of the main facility at the DeLaSalle Education Center to improve and expand services to troubled students.

+$300,000 to St. Louis, MO for capital costs at Faith House to aid at-risk children.

+$800,000 to St. Louis, MO for child care facilities at Hope house and the Bond center.

+$500,000 to Tulsa, OK for continued revitalization of the Kendall Whittier neighborhood project.

+$600,000 to Ponca City, OK for industrial economic development activities.

+$1,500,000 to the City of San Francisco, CA for transitional housing for homeless mentally disabled persons.

+$1,000,000 to Los Angeles and Hollywood, CA for construction of an emergency shelter for youth run by Covenant House.

+$1,500,000 for completion of construction on the Merced County, CA public health facility.

+$500,000 to Alameda County, CA for continuation of the jobs for homeless consortium.

+$3,000,000 to North Las Vegas, NV for revitalization of the Windsor Park neighborhood.

+$200,000 to Reno, NV for transitional housing activities.

+$1,000,000 to Butte, MT for energy efficiency and resource conservation in public housing throughout Montana.

+$1,500,000 to Billings, MT for clinical lab space.

+$1,000,000 to Missoula, MT for Women's Opportunity and Resource Development, Inc. for homeless assistance for families and women at risk.

+$500,000 for innovative housing research in inner city neighborhoods in the cities of Gary, Indianapolis, Terre Haute, Bloomington, and Columbus, IN, to be conducted through the Housing Futures Institute in Muncie, IN.

+$2,500,000 to the Turtle Mountain Chippewa Indian Reservation in North Dakota for economic development activities.

+$2,000,000 to New York City for the Bedford Stuyvesant Restoration Corporation for renovation of Restoration plaza.

+$2,000,000 to New York City for the Council of Jewish Organization's economic development project.

+$2,000,000 to Lake Placid, NY for capital costs related to economic development activities.

+$1,500,000 for economic development related to science and technology activities in Sioux Falls, SD.

+$2,500,000 for the city of Hartford, CT for continued capital costs at the Hartford children's hospital.

+$1,000,000 for economic development activities in Bridgeport, CT.

+$1,500,000 for Alliance, OH for continued capital costs for assisted living activities at the Alliance Community Hospital.

+$1,000,000 to Seattle, WA for economic development activities.

+$1,000,000 to Seattle, WA and King County, WA for phase II of the Seattle community action capital project.

+$1,000,000 to Tacoma, WA for an affordable housing and economic development revolving loan fund.

+$2,500,000 for Seattle, WA and Spokane, WA for capital costs associated with public science education activities.

+$100,000 for a small business development center in Walla Walla, WA.

+$5,000,000 to the city of Huntington, WV for the construction of a new library.

+$5,000,000 to Shepherdstown, WV for continued capital costs for science and education activities.

+$4,000,000 to Lewisburg, WV for construction of a new ambulatory care clinic.

+$5,000,000 to Beckley, WV for construction of a new library facility.

+$1,000,000 for infrastructure improvements for the central business district of Jacksonville Beach, FL.

+$1,000,000 for affordable housing connected to the Cedar Grove II affordable housing project in Gainesville, FL.

+$1,700,000 to Gainesville, FL for public facilities in the Citizen's Park development.

+$2,000,000 to Polk County, IA for implementation of the Des Moines housing trust.

+$200,000 for hazardous materials recovery activities for Waterloo, IA.

+$1,000,000 to Cedar Rapids, IA for affordable housing activities.

+$500,000 for the southern Iowa housing authority for an innovative affordable homeownership program.

+$1,000,000 to the State of Iowa for continued implementation of the individual home acquisition program.

+$2,200,000 for capital costs to expand social services activities in Portland, OR.

+$2,000,000 for planning and design of urban revitalization activities in Portland, OR.

+$1,200,000 to the State of Oregon for economic development activities in Hood River, OR.

+$5,000,000 for science education facility in Newport, OR.

+$1,000,000 to Brownsville, TX for infrastructure improvements to the port of Brownsville.

+$1,600,000 to the County of Hawaii, HI for affordable housing activities along the Hamakua coast.

+$500,000 to the state of Hawaii for the Hawaii foodbank.

+$2,000,000 for the County of Kauai, HI for infrastructure improvements in the Lihue area.

+$500,000 to New Orleans, LA for the New Orleans recreation department's neighborhood rehabilitation program.

+$1,000,000 to New Orleans, LA for continued operations of the national center for the revitalization of central cities.

+$200,000 to New Orleans, LA for the Odyssey House treatment program.

+$500,000 to New Orleans, LA for homeless activities with Associated Catholic Charities of New Orleans.

+$700,000 to New Orleans, LA for the Mirabeau family learning center.

+$2,500,000 to Boston, MA for revitalization of the Lowell Square housing development.

+$2,000,000 to Springfield, MA for infrastructure and capital improvements connected to the Tapley street operations center.

+$1,000,000 to Boston, MA for renovations to the Boston public library.

+$2,200,000 to Omaha, NE for the Omaha Builds project.

+$200,000 to Kearney, NE for operations at the community education resource center.

+$100,000 to Crete, NE for completion of the Blue Ridge family resource center.

+$1,000,000 to Lincoln, NE for capital costs associated with social service delivery to at-risk children and families.

+$700,000 for continued neighborhood crime intervention activities in Milwaukee, WI.

+$1,500,000 to Trenton, NJ for capital costs related to facilities for substance abuse treatment and intervention.

+$1,000,000 for Newark, NJ for renovation of facilities for treatment of, and services to, infectious disease.

+$1,000,000 for high technology economic development activities in Newark, NJ.

+$1,000,000 to Atlantic City, NJ for facilities for troubled youth.

+$1,500,000 for at-risk children intervention in Camden, NJ.

+$1,500,000 for affordable housing activities in St. Albans, Brattleboro, Windsor, Island Pond, and Barre, VT.

+$2,000,000 for revolving loan funds for the Vermont community loan fund, the northern Vermont development credit union, the Washington County revolving loan fund, the Rockingham revolving loan fund, the northern community investment corporation, and the Vermont job start program.

+$200,000 to Burlington, VT for the Burlington relief campaign.

+$1,500,000 for capital costs associated with public education and scientific literacy activities in Burlington, VT.

+$1,000,000 for anti-crime youth initiative in Washington, DC public housing projects using the Greater Washington Boys and Girls Clubs.

+$1,000,000 to Paris, IL for its Paris Twin Lakes restoration project.

+$1,000,000 to Chicago, IL and other communities throughout the State of Illinois for youth sports activities for at-risk youth.

+$500,000 to Chicago, IL for neighborhood revitalization activities.

+$200,000 for Crainville, IL for the development of infrastructure improvements related to the water supply.

+$1,500,000 for renovation of existing public facilities in Buffalo, NY.

+$1,500,000 for renovation of the central terminal in Buffalo, NY.

+$3,500,000 for community development activities in Yonkers, NY.

+$2,500,000 for Project Social Care MB Inc. for a multi-lingual, multi-service center in Brooklyn, NY to serve elderly Holocaust survivors and immigrants.

+$500,000 to the state of Arkansas for the Arkansas enterprise group for the development of a wood products modernization and market development fund.

+$800,000 for the northern economic initiatives corporation for the creation of economic development revolving loan fund in upper peninsula of Michigan.

+$800,000 for a grant to Albion College in Albion, MI for downtown renovation and economic revitalization.

+$3,000,000 for Focus HOPE in Detroit, MI.

+$800,000 to Virginia Beach, VA for capital costs connected with innovative homeless activities.

+$800,000 to Newport News, VA for the An Achievable Dream program for at-risk youth.

+$1,000,000 to Clinton, TN for infrastructure improvements in the south Clinton.

$600,000 for Lackawanna County, PA for construction of a community center.

+$200,000 to Williamsport, PA for expansion of the Bethune Douglass Community Center.

+$2,000,000 to the state of Pennsylvania for educational telecommunications network.

+$100,000 to Easton, PA for downtown revitalization activities.

+$700,000 to Philadelphia, PA for the Philadelphia development partnership for developing community development corporations.

+$100,000 to Napaskiak, AK for infrastructure costs associated with a community multipurpose center.

+$300,000 to the state of Alaska for the Alaska villages initiative.

+$1,000,000 for the Thunder Child residential Substance Abuse Treatment Center near Sheridan, WY.

+$600,000 for Lebanon, KY for capital construction, equipping and outfitting costs connected with new economic and community development facilities.

+$3,200,000 to Baltimore, MD for continued capital costs for the high technology economic development activities.

+$1,000,000 for the Milton S. Eisenhower Foundation for innovative community policing activities in public housing involving tenant organizations in Los Angeles, CA, Baltimore, MD, Chicago, IL, Columbia, SC, Arkansas, AR, Memphis, TN, Newark, NJ, and San Juan, PR.

+$1,450,000 to the College of Notre Dame of Maryland in Baltimore, MD for capital costs, including equipping and outfitting activities, connected to the renovation of the Knott Science Center.

+$1,450,000 to Villa Julie College in Stevenson, MD for a state-of-the-art computer training program, including construction, other capital activities, equipment, and outfitting for a technology training center.

+$800,000 to the Bay County Building Authority in Bay County, MI, for the continued development of a conference center and for other municipal purposes.

+$500,000 for the rehabilitation and renovation of the Macon Coliseum in Macon, GA, as part of the city's urban revitalization plan.

+$1,000,000 for the development of a national demonstration project at Misericordia Hospital in Philadelphia, PA, for a comprehensive inpatient, outpatient and primary care program in medically underserved communities.

+$1,200,000 for the development of a National Center for the treatment of the hand and upper extremities at the Raymond M. Curtis Hand Center at the Union Memorial Hospital in Baltimore, MD.

+$2,000,000 for the development of an Urban Health Education Center at the University of Detroit Mercy in Detroit, MI.

+$175,000 for Bowie County, TX, to the Domestic Violence Prevention, Inc. for battered women's shelter and related services.

+$1,400,000 for the Ark-Tex Council of Governments in Bowie County, TX, for infrastructure, community or economic development activities.

+$1,275,000 for the East Texas Council of Governments in Kilgore, TX, for infrastructure, community or economic development activities in Wood, Camp, Gregg, Harrison, Marion, Rusk, Upshur, or Panola Counties.

+$400,000 to Nacogdoches County, TX, for infrastructure improvements in the Community of Briar Forest.

+$750,000 to Wood County, TX, for infrastructure improvements in the City of Quitman.

+$1,000,000 for the Henry Ford Health System to initiate the Center for Integrated Urban Care, as part of a regional and national demonstration of urban health care delivery in Mississippi.

+$2,000,000 for the development of a specialized HIV/AIDs health center in Chicago.

+$1,500,000 for a pediatric primary care demonstration program at six sites in Detroit, MI, by the Children's Hospital of Michigan.

+$2,000,000 to the City of Vienna, GA, for infrastructure improvements for water and sewer lines.

+$2,600,000 to the City of Houston, TX, for community development activities.

+$1,400,000 to the City of Worcester, Massachusetts for the Community Health Care Center in Central Massachusetts.

+$750,000 for a jobs program for the Homeless Consortium in Oakland, CA.

+$750,000 to the City of Oakland for a new Sickle Cell Center at Children's Hospital in Oakland, CA.

+$1,000,000 for New Direction, a non-profit veterans organization in southern Los Angeles, CA, which provides educational assistance, medical and legal referrals for homeless veterans.

+$300,000 to Fordham University to construct a new facility to house the Regional Educational Technology Center in Bronx, New York.

+$750,000 for the renovation, expansion, and conversion of a section of Iona College's New Rochelle campus' Ryan Library to house an Information Access Center for women and minority owned businesses in the New York area.

+$500,000 for sewer infrastructure improvements in Gridley, CA.

+$500,000 for the expansion of the Red Bluff Community Center in Red Bluff, CA.

+$500,000 to develop an industry incubation program in the North Highlands area of California, to stimulate economic activities through technology transfer and secondary market industry development.

+$400,000 to the City of Woodland, CA, for restoration and remodeling of a facility for a safe single-room-occupancy residence for low- and very low-income people.

+$300,000 for the development of an innovative multi-purpose, all-services, youth-to-senior center designed to meet the diverse Philadelphia community impacted by AIDS and HIV.

+$300,000 to the City of Chester, PA, for the development of a recreational center designed to meet the poverty-related needs of the community.

+$300,000 for the City of Chester, PA, for the next phase of Operation Seal Out Drugs.

+$125,000 to offset costs incurred by the Freeman School district for construction of a new sewer lagoon in Washington.

+$54,000 for the Spokane Housing Authority for Reclaiming Our Area Residences (ROAR) crime reducing project in Washington.

+$135,000 for the handicapped access project needed to upgrade the Young Women's Christian Association facility in Walla Walla County, WA.

+$1,000,000 for the purchase and renovation to code of a community health center in Dover, New Jersey.

+$100,000 to Morristown, New Jersey for minority, youth facilities.

+$75,000 to Dover, New Jersey for rehabilitation services and out-patient drug and alcohol treatment at the Hope House.

+$1,000,000 for high technology economic development activities in Newark, New Jersey.

+$915,000 to Sparta, New Jersey for senior center and community center expansion.

+$900,000 to Morristown, New Jersey for a transitional housing project for battered women and their children administered by Jersey Battered Women's Service.

+$600,000 for the infrastructure improvement for a sewer system in a subdivision of Jefferson County in St. Louis, MO.

+$1,000,000 to Hillsborough County, Florida for the construction of a community-based facility providing multi-services to individuals with AIDS.

+$1,200,000 for the New York Medical College to develop a community based medical infrastructure project in New York.

+$600,000 for the continued renovation of the Bradley Academy for a multi-purpose community/cultural/heritage and civic center in Murfreesboro, TN.

+$500,000 for the acquisition and renovation of a historical building for a revitalization housing project in Riviera Beach, Florida.

+$1,500,000 for the continued development of a model community-based rural health network headquartered at the Carolinas medical Center in Charlotte, NC.

+$300,000 to rehabilitate uninsured buildings damaged by fire, and provide residential and commercial use in Auburn, N.Y.

+$450,000 for the construction of the Center for Political Participation at the University of Maryland at College Park.

+$1,000,000 for the expansion of St. Mary's Community College in St. Mary's County, MD, for needed educational opportunities.

+$1,050,000 for the renovation of a facility needed to offer coordinated services to an underserved community in Charles County, Maryland.

+$1,500,000 for the National Child Protection and Trauma Center at the Children's National Medical Center in Washington, D.C.

+$500,000 for the initial processing phase of the Housing for Inner-City Neighborhoods research project in the Indiana area.

+$1,000,000 for the Dallas Affordable Housing Coalition and the Dallas Citizens Council to develop and implement a plan for an adequate supply of affordable housing in the Dallas area.

+$500,000 to the City of Toledo, OH, for the continued work in conjunction with the Toledo Area Transit Authority and other agencies to renovate Central Union Terminal through abandoned building demolition and site improvements.

+$2,000,000 to the City of Toledo Farmers' Market to provide indoor and outdoor improvements and renovate the existing Civic Auditorium Building and convert it into an indoor retail market of Ohio.

+$500,000 for the rehabilitation of a youth detoxification facility for juvenile offenders in the central city in Ohio.

+$500,000 to the Cherry-Bancroft-Summit (CBS) Corridors Coalition to be used for redevelopment strategies to strengthen efforts towards revitalization in Ohio.

+$500,000 for the removal of asbestos from an abandoned public school building for use as a Jobs Corps training and employment center for low-income youth in the city of Toledo.

+$300,000 for the Community Alliance Resource Environment, Inc. to upgrade facilities which provide extensive residential treatment, aftercare, and prevention services for inner-city substance abusers in Flint, MI.

+$200,000 for the Flint Housing Commission to increase security to prevent the spate of threats and assaults on senior citizens in Michigan.

+$1,000,000 for the Cradle Beach Camp to support summer recreational opportunities for developmentally, physically, socially and economically challenged children in western New York.

+$250,000 for the Rural Opportunities Inc. of Rochester, NY, to capitalize a revolving loan fund to finance early stage, predevelopment activities for multi-family housing project in New York.

+$1,000,000 for the City of Highland, CA, to correct physical blight and to revitalize the Ware/Cunningham neighborhood.

+$850,000 to the Partnership in Academic Excellence Foundation in Apple Valley, California for capital costs associated with science education activities.

+$500,000 for the Happy Trails Children's Foundation for completion of renovations at the Cooper Home for Abused Children in Apple Valley, CA.

+$1,650,000 to the Redlands Center for Science and Environmental Studies for capital costs associated with a science education facility in Redlands, CA.

+$2,000,000 for a community based cancer patient support project in Loma Linda, CA, including capital costs for an extended outpatient care residential facility combing multidisciplinary cancer approaches.

+$750,000 for the SciTrek science museum to create a mezzanine level in its building to increase exhibit space in downtown Atlanta.

+$2,460,000 for the King Center in Atlanta, GA, for continued activities to combat poverty, racism and violence, including technical assistance, direct grants and community capacity-building activities.

+$900,000 to the City of Mount Pleasant Iowa to assist in the construction of low-to-moderate-income housing.

+$750,000 for the New Rochelle Housing Authority to develop a demonstration program for protecting public housing residents from drugs and drug crime in White Plains, New York.

+$1,000,000 for international business and economic development center in Smithfield, Rhode Island.

+$2,000,000 for the acquisition and renovation of a new facility for the organization God's Love We Deliver in New York.

+$160,000 for the infrastructure improvements of the recreational facility in Conshohocken, PA.

+$2,000,000 for an information technology and training network and for related economic development activities in Norristown and Aston, PA, in concert with the Southeastern Pennsylvania Consortium for Information Technology and Training.

+$750,000 for the Habitat Humanity Project in California which provides housing for underserved families.

+$1,000,000 for the Parkland Neighborhood Revitalization program in Louisville, KY.

+$1,500,000 for the Lackawanna Valley Pennsylvania Heritage Authority for renovation and conversion of vacant school buildings located in Olyphant, PA, for use as low- and moderate-income elderly housing.

+$2,500,000 for the National Institute for Environmental Renewal in Lackawanna County, PA, for economic development and job expansions.

+$1,500,000 for the development of a Center for Primary Health and Family Practice Development needed to provide services to underserved residents of Allentown, PA.

+$350,000 for the restoration and renovation of the West Broad Street YMCA in Savannah, GA.

+$2,000,000 for the development of a Comprehensive Family and Child Development Center in Carol City, FL, serving a economically disadvantaged community.

+$1,000,000 for the Township of North Bergen, NJ, for a multi-year comprehensive anti-drug, educational, and job training program targeted to service low-income housing units, and seniors' housing.

+$1,000,000 for the renovation of Jordan Hall at the New England Conservatory in Boston, MA.

+$900,000 for Preston County, WV, to be distributed as follows: $300,000 for Arthurdale Heritage Inc., $100,000 for the Tunnelton Historical Society, and $500,000 for the Kingwood Main Street program to pursue economic development, downtown revitalization, and historic preservation initiatives.

+$1,500,000 for the City of Moundsville, WV, to be divided equally between local housing initiatives and downtown revitalization efforts.

+$1,000,000 for the City of Parkersburg, WV, for economic development and downtown revitalization efforts.

+$600,000 for the City of Wheeling, WV, for educational and recreational opportunities for at-risk youth, and the acquisition and renovation of dilapidated housing.

+$1,000,000 for the George Marshall Home Preservation Fund to develop the George C. Marshall International Center in Leesburg, VA.

+$350,000 for the City of Kensington, MD, to complete conversion of the Town Armory into a community center.

+$4,350,000 to Armstrong County, PA, for the renovation and revitalization of the Kittanning Riverfront Project in Kittanning, PA.

+$26,000 for the upgrade of recreational facilities in Homer City, PA.

+$500,000 to Springfield, MA, for infrastructure and capital improvements connected to the Tapley Street Operations Center.

+$1,000,000 for the renovation and preservation of the Perry School Project for purpose of providing community services to underserved individuals in Washington, DC.

+$1,000,000 for the construction of a community center/conference and office complex in Provo City, Utah.

+$1,000,000 for the University Heights Science Park project for further educational, community, and science developments in New Jersey.

+$1,000,000 for a demonstration revolving loan fund to explore mechanisms for assembling, cleaning, and offering deteriorated urban land for development in New Jersey.

+$1,000,000 for funds to develop the Center for Pacific Rim studies in San Francisco, CA.

+$1,500,000 for Columbia University for the development of Audubon Research Park for biomedical research in New York.

+$250,000 for an economic development and port modernization project at Davisville, Rhode Island.

+$500,000 for the Community Hospital in Alliance, Ohio, to create a Corporate Health Alliance to address heart disease, cancer, and stroke prevention among industrial workers.

+$1,500,000 for a affordable housing development in Santa Fe, NM, to assist low income home buyers in the community.

+$1,000,000 for the Hazard Community College for construction of a community service center in Kentucky.

+$300,000 for the Martin County, Kentucky, to complete lead paint removal at the Inez Community Youth Center.

+$2,000,000 for Pembroke State University to construct a Regional Center for economic, community and professional development in southeastern North Carolina.

+$2,000,000 for DePaul University's library to provide direct services and partnerships with community organizations, schools, and individuals in North Carolina.

+$1,000,000 for the support of the development of affordable housing for persons afflicted with HIV/AIDS in Illinois.

+$1,500,000 for the infrastructure of the Englewood Hospital and Medical Center for an extended breast care center in New Jersey.

+$1,500,000 for the construction of Saint Xavier University Center for Urban Redevelopment and community services in Chicago, IL.

+$2,000,000 for the Twin Cities Opportunities Industrialization Center for construction of a new multi-purpose training, commercial and community service facility in Illinois.

+$15,000 for the Pennsylvania American Legion Homeless Veterans Corporation for the Cypress Street project in Munhall, PA.

+$1,000,000 for the health care project specializing in cardiac care for children's hospital in San Diego, CA.

+$500,000 for program support for the Leadership Institute at Hampton University for activities which address profound social problems in Hampton, VA.

+$1,300,000 for the City of Richmond and the Virginia Commonwealth University for the development of the Richmond Education, Training and Employment Network project.

+$500,000 for the development of a Center for the Prevention of Crime, Violence, Illiteracy, and Poverty at Norfolk State University in Norfolk, VA.

+$250,000 for emergency response rescue equipment for the Santa Rosa Volunteer Fire Department in eastern New Mexico.

+$1,000,000 to Cibola County, NM, for the development of the multi-agency visitor center.

+$750,000 for the Delta Foundation in Greenville, MI, for the establishment of a HUD Urban Revolving Loan Fund.

+$1,700,000 to the City of Little Rock, AR, for community development activities.

+$835,000 for the Little Rock, AR, public housing authority for security improvement and service coordination activities.

+$1,050,000 to the University of Arkansas at Little Rock for a coordinated urban community revitalization program operation in Arkansas.

+$1,000,000 for America's Economic Development Venture for Area Neighborhoods, Communities and Enterprises (ADVANCE) program in the greater San Gabriel Valley, CA.

+$150,000 for San Antonio, CA, Southtown to develop an urban revitalization project to establish a Microenterprise Assistance program.

+$1,600,000 for the National Council of La Raza/Southwest Voter Research Institute to establish and administer a Community Adjustment and Investment Technical Assistance Consortium in California.

+$250,000 for the new Bilingual Foundation of the Arts theater facility in California.

+$1,000,000 for the construction of a Regional Training facility for the fire, police, and volunteer disaster workers in the Los Angeles, California area.

+$750,000 for the development of a center to coordinate academic training programs for physical therapists at Veterans' Administration hospitals in Brooklyn, NY.

+$1,000,000 for a residential and commercial sewer rehabilitation project in Merrillville, Indiana.

+$500,000 for sewer line infrastructure affecting Lake Michigan and surrounding areas in Indiana.

+$500,000 to Applied Technology Center at Onondaga Community College to serve as a comprehensive economic development resource in central New York.

+$500,000 for the demolition and removal of asbestos in a abandoned building for the revitalization of the neighborhood in central New York.

+$1,500,000 for the Mount Cleveland Initiative, a community development project in Kansas City, MO.

+$450,000 to the City of Sardis, MS, to further implement an economic development plan for the region and for development of multiple facilities.

+$1,000,000 for the development of the Lucas Valley Seniors Housing project for use 80 housing units needed for low-income elderly citizens in Marin County, California.

+$750,000 for the Chicago Department of Housing's Homescape Program to rehabilitate and restore housing of persons with low- and moderate-incomes in Chicago.

+$2,000,000 to the Jewish Community Federation of Cleveland, Ohio for a comprehensive system of support services to the frail elderly.

+$1,750,000 to the City of East Cleveland, Ohio for economic and community development activities.

+$1,000,000 to the City of Euclid, Ohio for further development relative to its community reinvestment area in the downtown commercial shopping district.

+$1,000,000 to the Playhouse Square Foundation in Cleveland, Ohio for redevelopment and restoration of the Allen Theater.

+$1,000,000 to the Urban League of Greater Cleveland, Ohio for planning and implementation of a job training and economic preparedness program.

+$750,000 to the City of South Euclid, Ohio for economic and community development activities.

+$500,000 to the East End Neighborhood House in Cleveland, Ohio for community activities associated with the Rites of Passage Institute.

+$500,000 to the Fairfax Renaissance Development Corporation in Cleveland, Ohio for the Caravan Housing Project for housing, renovations and rehabilitation and other related housing activities.

+$500,000 to the Hough Area Partners in Progress in Cleveland, Ohio for economic and community development activities.

+$500,000 to Karamu House in Cleveland, Ohio for development of bicentennial and media center activities.

+$500,000 to the Northeastern Neighborhood Development Corporation in Cleveland, Ohio for the Lakeview Corridor Improvement project for planning and implementation of projects.

+$300,000 for the construction of a shell building with funds to be divided between Roanoke County, VA and Grayson County, VA for completion of Phase I of the Valley TechPark.

+$300,000 for the expansion of the Science and Mathematics Complex at the University of South Carolina.

+$500,000 for the Earth Conservatory for the acquisition of land near Wilkes-Barre, PA for economic and community development purposes.

+$400,000 for public infrastructure improvements and business renewal and development along Martin King Boulevard in Savannah, GA.

+$500,000 to the City of Holyoke, MA to create a Health Center at the Holyoke Children's Museum.

+$1,000,000 for the Center for Community Self Help located in Durham, NC, for homeownership for disadvantaged families.

+$500,000 for the exhibition development at Inventure Place, a national invention resource center in Akron, OH.

+$250,000 for the continued support of the Share the Harvest project in the Ohio area.

+$300,000 for the Community Housing Corporation for site work and environmental assessments in South Bronx, New York.

+$300,000 for the New York City Housing Authority to fund a law enforcement and social initiative for University Avenue Consolidated.

+$2,000,000 for economic development activities related to distance learning programs in Storm Lake, Iowa.

+$1,000,000 to the City of Birmingham, Alabama, to assist in expanding a small business incubator program at the University of Alabama.

+$2,000,000 for the Department of Veterans Affairs for the assistance of veterans who are participating in the 1996 Paralympic Games.

+$300,000 to the Sault Ste. Marie, MI, Community Action Human Resource Authority for a revitalization project with senior citizen housing and related services.

Amendment No. 29: Earmarks $1,279,000,000 for the section 202 housing for the elderly program, instead of $1,158,000,000 as proposed by the House and $1,300,000,000 as proposed by the Senate.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed in said amendment, insert the following: *$2,536,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 31: Deletes language proposed by the House and stricken by the Senate appropriating an advance 1996 appropriation of $800,000,000 for the assistance for the renewal of expiring section 8 subsidy contracts account.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $25,000,000 for the congregate services program, instead of $6,267,000 as proposed by the House. The conferees agree that HUD may utilize unobligated funds for retrofitting frail elderly housing.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $500,000,000 for the severely distressed public housing program pursuant to the authorization in the 1993 Appropriations Act, and including other provisions regarding the utilization of these funds, instead of providing $500,000,000 pursuant to section 24 of the authorizing legislation and permitting up to one-half of one percent of the funds for technical assistance.

The amendment modifies the 1993 Appropriations Act regarding the number and size of the grant applications, requires 1995 implementation grants to be first awarded to communities which received planning grants

in 1993 or 1994, earmarks up to $2,500,000 for technical assistance activities, and permits the Secretary to conform the program with subsequently enacted authorizing legislation.

Amendment No. 34: Appropriates $290,000,000 for the drug elimination grants for low-income housing program, instead of $265,000,000 as proposed by the House and $315,000,000 as proposed by the Senate.

Amendment No. 35: Deletes language proposed by the House and stricken by the Senate earmarking $1,500,000 for grants for a demonstration program.

Amendment No. 36: Deletes language proposed by the Senate limiting the allocation of drug elimination grants.

FEDERAL HOUSING ADMINISTRATION

Amendment No. 37: Appropriates $188,395,000 for the FHA-general and special risk program account as proposed by the Senate, instead of $152,000,000 as proposed by the House.

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that apportions general and special risk program costs on a quarterly basis—not more than 25 percent in the first quarter, not more than 50 percent by the end of the second quarter, and not more than 85 percent by the end of the third quarter.

The conferees remain concerned about the Department's violation of the reprogramming guidelines in apportioning credit subsidy for FHA general and special risk insurance fund programs in fiscal year 1994. This action, and the Department's poor estimating ability on the need for credit subsidies, were the principal reasons why a fiscal year 1994 supplemental was required for credit subsidies. While the conferees are cognizant of the need for flexibility in administering these FHA programs, rigorous steps must be taken by the FHA to avoid the need for supplementals in credit subsidies in 1995 and future years. For this reason, the conferees are capping credit subsidies and loan commitment levels for programs in the general and special risk funds at the levels estimated in the general and special risk funds at the levels estimated by the Department in its letter report to the Senate Appropriations Committee of July 26, 1994. Any proposed changes in these amounts which individually, or in the aggregate, are equal to, or exceed $250,000, may not be made without the prior approval of the Committees on Appropriations consistent with the standard reprogramming guidelines. The conferees strongly believe that credit subsidies, consistent with their status as discretionary activities, are clearly and unquestionably subject to the Committees' reprogramming guidelines. As a result, the Department should treat them as such, and include that account in the annual operating plan. The operating plan should specify individual loan commitment and credit subsidies levels, how those levels compare to the original budget request, and the amended budget request specified in the July 26, 1994 report.

COMMUNITY PLANNING AND DEVELOPMENT

Amendment No. 39: Earmarks $44,000,000 of community development grants for section 107 grants as proposed by the Senate, instead of $61,500,000 as proposed by the House. The conferees are in agreement that section 107 funding includes $7,000,000 for insular areas, $3,000,000 for the work study program, $8,000,000 for historically black colleges and universities, $10,500,000 for technical assistance, $6,000,000 for joint community development, $7,500,000 for community outreach, and $2,000,000 for community adjustment planning.

Amendment No. 40: Restores language proposed by the House and stricken by the Senate earmarking $35,000,000 for an early childhood development program, amended to provide $20,000,000.

Amendment No. 41: Restores language proposed by the House and stricken by the Senate earmarking $10,000,000 for a neighborhood development program, amended to provide $5,000,000.

POLICY DEVELOPMENT AND RESEARCH

Amendment No. 42: Appropriates $42,000,000 for research and technology, instead of $40,000,000 as proposed by the House and $44,000,000 as proposed by the Senate.

The conference agreement reflects the following changes from the budget estimate:

+$4,000,000 as a grant for the Housing Assistance Council, including $2,000,000 for the rural housing loan fund.

+$1,000,000 as a grant for the National American Indian Housing Council.

+$2,000,000 for the creation of a competitively selected center on violence in public housing.

This amount is in addition to the $2,000,000 for an interdisciplinary center to support research on violence in the National Science Foundation's research and related activities account.

−$5,000,000 as a general reduction, subject to normal reprogramming guidelines.

MANAGEMENT AND ADMINISTRATION

Amendment No. 43: Appropriates $955,398,000 for salaries and expenses, instead of $962,173,000 as proposed by the House and $947,398,000 as proposed by the Senate. The Department is to distribute the general reduction, subject to normal reprogramming guidelines.

ADMINISTRATIVE PROVISIONS

Amendment No. 44: Restores language proposed by the House and stricken by the Senate permitting a 1993 special purpose grant for Scranton, Pennsylvania, to be redesignated to another site.

Amendment No. 45: Restores language proposed by the House and stricken by the Senate permitting the reprogramming of urban development action grants in Buffalo, New York.

Amendment No. 46: Deletes language proposed by the House and stricken by the Senate which would raise the Federal Housing Administration loan limit—both ceiling and floor.

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate increasing the Federal Housing Administration loan limitation.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate permitting the Government National Mortgage Association, during 1995, to issue REMIC securities which involve adjustable rate mortgages.

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would deny section 8 contract rent increases in 1995 based on annual adjustment factors whenever the contract rent for a unit in a section 8 new construction, substantial rehabilitation, or moderate rehabilitation project is more than the section 8 fair market rent.

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would reduce the annual adjustment factor by one percent in 1995 for section 8 units that did not have tenant turnover at the beginning of the year.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *The United States Housing Act of 1937 is amended in each of sections 6(c)(4)(A)(ii) and 8(d)(1)(A)(ii), by striking "and (V)" and inserting in lieu thereof the following: "(V) assisting families that include one or more adult members who are employed; and (VI)"; and in sections 6(c)(4)(A)(ii) and 8(d)(1)(A)(ii), by inserting after the final semicolon in each the following: "subclause (V) shall be effective only during fiscal year 1995;".*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This language establishes a preference for working families in section 8 and public housing during 1995.

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing refinancing incentives for section 8 projects.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate incorporating certain reforms in the preservation program.

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing HUD with the authority for single family non-judicial foreclosures.

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate permitting the New York City Housing Authority to utilize certain public housing funds already awarded to it for homeownership activities.

TITLE III—INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, $1,730,000 are rescinded immediately upon enactment of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores a rescission of funds previously appropriated for the Chemical Safety and Hazard Investigation Board, stricken by the Senate, amended to make the rescission effective upon enactment of this Act.

It is the understanding of the conferees that members of the Chemical Board will

soon be nominated. Therefore, it is unlikely that the funds appropriated for fiscal year 1994 can be expended.

Amendment No. 57: Appropriates $500,000 for the Chemical Safety and Hazard Investigation Board, instead of none as proposed by the House and $4,250,000 as proposed by the Senate. The Chemical Safety and Hazard Investigation Board is expected to be established in fiscal year 1995 and this appropriation should provide sufficient start up funds for this new entity.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, $125,000,000, to remain available until September 30, 1996: Provided, That of the funds made available under this heading, up to $10,000,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided further, That the cost of direct loans, including the cost of modifying such loans, shall be defined as in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $75,815,000: Provided further, That not more than $39,000,000 of the funds made available under this heading may be used for programs and activities authorized in section 114 of the Community Development Banking and Financial Institutions Act of 1994.

The managers on the part of the Senate will offer a motion to recede and concur in the amendment of the House to the amendment of the Senate.

CONSUMER PRODUCT SAFETY COMMISSION

Amendment No. 59: Appropriates $42,509,000 for salaries and expenses of the Consumer Product Safety Commission, instead of $43,486,000 as proposed by the House and $40,509,000 as proposed by the Senate.

The conferees agree that $1,200,000 shall be made available for the implementation of the Fire Safe Cigarette Act, upon enactment of the corresponding legislation.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and proposed by said amendment, insert the following: *$575,000,000, of which $386,212,000 is available for obligation for the period September 1, 1995 through August 31, 1996*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree to the following overall allocation for the fiscal year 1995 appropriation:

Americorps Grants	$250,000,000
National Service Trust	145,900,000
Innovation, Assistance, and Other Activities	60,200,000
Service Learning	50,000,000
Program Administration	29,400,000
National Civilian Community Corps	26,000,000
Audits and Evaluations	7,000,000
Points of Light Foundation	6,500,000
Total appropriation	575,000,000

Amendment No. 61: Limits administrative expenses to $29,400,000 as proposed by the Senate, instead of $27,400,000 as proposed by the House.

Amendment No. 62: Limits administrative expenses for State commissions to $14,700,000 as proposed by the Senate, instead of $13,700,000 as proposed by the House.

Amendment No. 63: Limits funds for the National Service Trust Fund to $145,900,000, instead of $125,900,000 as proposed by the House and $155,900,000 proposed by the Senate.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided further, That not more than $14,175,000 of the $145,900,000 for the National Service Trust shall be for educational awards authorized under section 129(b) of the subtitle C of title I of the Act*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing $6,500,000 for the Points of Light Foundation.

The conferees agree that the Points of Light Foundation, despite its statutory independence and autonomy, is an integral part of the Corporation's mission, and that every effort should be made by the Corporation to involve the Points of Light Foundation in program activities which would benefit from the Foundation's broad community service experiences.

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate prohibiting funds made available to the Corporation, including other appropriation vehicles, from being utilized to pay for any central administrative expenses or expenses related to the National Service program associated with the Corporation.

The conferees agree that the Corporation may enter into personal service contracts, if necessary, in the event any program under the authority of the Corporation is jeopardized as a result of pertinent limitations placed on the Corporation's central administrative expenses.

Amendment No. 67: Appropriates $2,000,000 for the Office of Inspector General as proposed by the Senate, instead of $1,000,000 as proposed by the House.

COURT OF VETERANS APPEALS

Amendment No. 68: Appropriates $9,429,000 for salaries and expenses as proposed by the Senate, instead of $9,289,000 as proposed by the House.

Amendment No. 69: Earmarks $790,000 for the pro-bono legal representation program as proposed by the Senate, instead of $650,000 as proposed by the House.

ENVIRONMENTAL PROTECTION AGENCY

Amendment No. 70: Deletes language proposed by the House and stricken by the Senate establishing one account in fiscal year 1995 for program activities rather than two for "Research and development" and "Abatement, control, and compliance".

To the extent possible, for the fiscal year 1996 budget, the EPA should review the current budget structure and is strongly urged to restructure its accounts. The conferees wish to express concern about the lack of account integrity and hope that the Agency realigns the budget structure that is now in place. The Committees on Appropriations should be consulted during the development process. Should such an undertaking occur too late in the budget process for fiscal year 1996, the Agency is expected to begin immediately to develop a plan for budget structure changes in fiscal year 1997.

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

RESEARCH AND DEVELOPMENT

For research and development activities, including procurement of laboratory equipment and supplies; other operating expenses in support of research and development; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project, $350,000,000, to remain available until September 30, 1996: Provided, That not more than $55,000,000 of these funds shall be available for procurement of laboratory equipment, supplies, and other operating expenses in support of research and development.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment restores the research and development account to its current structure.

The conferees are in agreement to the following changes to the budget request:

+$700,000 for continued neurotoxicity research.

+$600,000 for continued indoor air research.

+$400,000 for toxicological research.

+$1,700,000 for drinking water research to be conducted by the American Waterworks Association Research Foundation. At least forty percent of these funds should be for disinfectants and disinfection byproducts research.

+$1,020,000 for academic training in the EPA's research office.

+$600,000 for health effects research.

+$300,000 for a model rural drinking water demonstration project in Virginia.

+$600,000 for program research at the Center for Excellence in Polymer Research and Environmental Study.

+$300,000 for the National High Altitude Heavy-Duty Engine Research and Technology Center.

+$300,000 to conduct research at the Environmental Education, Research, and Demonstration Center.

+$120,000 for research of production and management practices to prevent non-point source pollution.

+$300,000 for research at the Small Business Pollution Prevention Center.

+$500,000 for research at the Fresh Water Institute.

+$450,000 for the Adirondacks Destruction Assessment program.

+$500,000 for research on microbial contamination in drinking water.

+$1,000,000 for the experimental program to stimulate competitive research (EPSCoR).

+$450,000 for an aquifer research and demonstration project on drinking water storage

and peaking demand and emergencies in Des Moines, Iowa.

+$500,000 for oil spill remediation research at McNeese State University.

+$250,000 for the Urban Waste Management Research Center to address municipal solid waste, sewage, and surface and ground water quality problems.

+$800,000 for research related to the use of oxygenated fuel in the Arctic Region.

+$500,000 for the Oregon Institute of Marine Biology for land margin ecosystem research.

+$600,000 for a PM-10 clean air study in the San Joacquin Valley.

+$500,000 for an urban and environmental research and education center in California.

+$500,000 for the Sacramento River Toxic Pollutant Control Program.

+$735,000 to continue the study of agricultural/livestock pollution abatement.

+$500,000 for the Mickey Leland Urban Air Toxics Research Center.

+$1,000,000 for the National Center for Excellence on Air Toxic Metals, Energy, and Environmental Research.

−$6,000,000 from the environmental technology initiative.

−$10,000,000 from multimedia research.

−$2,300,000 from tropospheric ozone research.

−$11,285,000 as a general reduction, to be taken at the discretion of the Administrator, subject to normal reprogramming guidelines.

The committee of conference is in agreement that credible science is an essential cornerstone to the mission at EPA. The conferees recognize the efforts of the Agency to improve upon its science and its efforts in implementing a more stringent peer-review system. Because the Agency needs to improve upon its current peer review process, the conferees believe that several entities should work together in providing guidance and consultation to the EPA in the development of its peer-review system. The Agency should work with the National Research Council as described in Senate Report 103-311 and the Carnegie Commission in the merit-review process. Further, the EPA is expected to work closely with the appropriate Congressional authorizing and oversight committees. In addition to providing guidance on the development of a merit-based, competitive process, these various entities should provide their expertise and make recommendations concerning the various categories of research at the Agency as well. Finally, it is the intent of the conferees that all research at the Agency, including that conducted in the program offices, be included when developing the research categories and assessing the quality of the research at the Agency. In addition to the reports already requested in the House and Senate reports, the Agency is to provide quarterly status reports on the improvements made to EPA's research.

ABATEMENT, CONTROL, AND COMPLIANCE

Amendment No. 72: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

ABATEMENT, CONTROL, AND COMPLIANCE

For abatement, control, and compliance activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,417,000,000, to remain available until September 30, 1996: Provided, That not more than $304,722,500 of these funds shall be available for operating expenses: Provided further, That none of the funds appropriated under this head shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: Provided further, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are in agreement on the following changes to the budget request:

+$3,141,805 for the Clean Lakes programs.

+$1,100,000 for pollution prevention grants.

+$1,000,000 for lead grants.

+$500,000 for lead activities. These funds should be used to prepare for notification and disclosure related to lead-based paint. The conferees urge EPA to focus its primary prevention strategies project on the planning, education and outreach efforts needed to ensure the smooth implementation of lead paint notification and disclosure during real estate transactions.

+$1,200,000 for training grants to small, minority, and women-owned businesses and contractors, of which $300,000 is for lead-based paint abatement and other lead activities, $100,000 is for radon activities, $100,000 is for asbestos activities, $200,000 is for underground storage tank cleanup and $500,000 is for hazardous waste clean up.

+$400,000 for Long Island Sound program activities.

+$1,500,000 for environmental education grants, to be awarded to minority institutions.

+$1,480,000 for a coastal sediment decontamination program in the NY/NJ Harbor.

+$800,000 for the small business ombudsman program.

+$375,000 for the Grand Canyon Visibility Transport Commission.

+$250,000 for water quality protection for the Florida Keys Marine Sanctuary.

+$500,000 for the Washington State coordinated tribal water quality program initiative.

+$2,000,000 for the Southwest Center for Environmental Research and Policy.

+$200,000 for monitoring and clean up activities in Puget Sound. EPA is urged to provide additional funds for these activities.

+$300,000 to support the Ashtubula River Partnership initiative.

+$600,000 for the Spokane Aquifer protection program.

+$880,000 for the clean up of the Maumee River and Bay.

+$300,000 for the Methane Energy-Agriculture Development project.

+$120,000 for a comprehensive water quality management plan for the Skaneatles and Owasco Lakes.

+$300,000 for the Resource and Agricultural Policy Systems initiative, subject to general guidelines set by Agency regulations.

+$450,000 for the National Mine Lands Reclamation Center to demonstrate modified remining practices to resolve acid-mine drainage from abandoned mines.

+$70,000 for studies of the potential detrimental effects of the European Ruffe, a non-indigenous fish to Lake Superior.

+$165,000 to study the uptake of environmental mercury by fish populations.

+$150,000 for high-altitude exhaust emissions compliance testing.

+$180,000 for a groundwater study at Lake Calumet.

+$250,000 for a study of alternative revenue sources for clean water project funding.

+$835,000 for the Caanan Valley Task Force.

+$200,000 for the study of wetland protection and preservation and water quality improvement in the Blackwater River watershed.

+$300,000 for the Susquehanna River wetlands project.

+$600,000 for the development of an integrated waste management/disposal system, subject to general guidelines set by Agency regulations.

+$150,000 for the National Center for Vehicle Emissions Control and Safety for emissions training activities.

+$8,500,000 for rural water assistance activities. These funds are for the National Rural Water Association's training and technical assistance program, NRWA wellhead/groundwater protection program, the Rural Community Assistance Program, the Small Flows Clearinghouse, and the National Underground Injection Council. These funds should be distributed in the same proportion as in fiscal year 1994. The conferees expect that these funds will be used only to provide technical assistance to communities for the new wastewater and drinking water mandates. Also, the conferees urge EPA and these organizations to increase efforts to assist small, rural communities. Finally, these funds should be used to fund existing State water programs, particularly those State programs that match Federal dollars.

+$1,200,000 for ongoing and expanded Earthvision activities.

+$500,000 for OSDBU's environmental justice and monitoring efforts. The conferees direct that these funds be split between activities for monitoring of States' eight percent goal efforts and outreach of environmental justice activities to be carried out by a non-profit minority organization with a proven track record with OSDBU's minority programs.

+$2,000,000 for minority academic institutions.

+$3,000,000 for the small grants program to communities disproportionately impacted by pollution to be administered by the Office of Environmental Justice.

+$1,000,000 for a demonstration program in the Office of Small and Disadvantaged Business Utilization to incorporate small disadvantaged business into the Agency's goals in environmental justice and environmental technology.

+$2,000,000 for the programmatic development of a Great Lakes Center. The emphasis of the center is the interdependence of scientific, environmental and technological activities in the Great Lakes region.

+$1,100,000 for a research and faculty development program involving Hispanic Serving Institutions.

+$200,000 for an emerging environmental technologies initiative for application in defense environmental restoration and agriculture.

+$1,550,000 for lead-based paint worker training grants.

+$900,000 for asbestos worker training grants, through joint labor-management trust funds.

+$800,000 for core TSCA program activities.

+$150,000 for an intergovernmental planning study of contamination of Flathead Lake.

+$400,000 for the dredging and cleanup of Five Island Lake.

+$1,000,000 for water quality improvements for Lake Pontchartrain.

+$1,500,000 for the Onondaga Lake Management Conference.

+$400,000 for the integrated solid waste management planning project for tribal governments in Arizona, through the Intertribal Council of Arizona.

+$600,000 for a collaborative environmental technology effort in Alaska, Montana, Idaho, Oregon, and Washington.

+$375,000 for the establishment of a small public water systems technology assistance center to be housed within the Water Center at Montana State University.

+$430,000 for technical assistance to the State of Alaska for initiatives related to Alaska rural sanitation needs.

+$2,000,000 for the Lake Champlain management conference.

+$2,000,000 to continue a Solar Aquatic Wastewater Treatment Demonstration Program.

+$1,630,000 for wastewater operator training grants under 104(g) of the Clean Water Act.

+$100,000 for the Washington State PM-10 air quality study.

+$225,000 for the Fresh Kills Landfill.

+$225,000 for the Center for Analysis of Environmental Change for an assessment of Pacific Northwest ecosystem research.

+$400,000 to assist the State of Hawaii and the county of Maui to further investigate the causes and to develop and implement solutions to the algal bloom crisis.

+$150,000 for educational activities related to the Heron Haven wetlands and other sites along the Missouri River near Omaha, Nebraska.

+$200,000 for the Sokaogon Chippewa Community to assess the potential environmental impacts of a proposed underground sulfide mine near the reservation.

+$400,000 for continued implementation of the Buzzards Bay comprehensive conservation and management plan.

+$475,000 for the integrated pollution prevention initiative at the New Jersey Institute of Technology.

+$140,000 for the Northeast Waste Management Officials Association to address regional solid waste programs.

+$1,500,000 for the alternate transportation fuels center at West Virginia University.

+$2,000,000 for the Gulf of Maine Council, including $100,000 for the St. Croix International Waterway Commission.

+$400,000 to continue a demonstration project to control methane through the use of fuel cells in the waste water treatment process.

+$1,000,000 for the National Environmental Training Center at West Virginia University.

+$385,000 for restoring the Duck River watershed.

+$100,000 for a sediment contaminant mitigation and prevention project for mercury and PCB in Lake Superior.

+$250,000 for a demonstration project to control zebra mussel infestation in the City of Chicago.

+$100,000 for a technical assistance grant to the Mantua Citizens' Association of the Town of Mantua, VA, for the purpose of assisting the residents of the town in analyzing and understanding the remedial options available for dealing with substances posing a risk to the environment at a tank farm in the vicinity of the town.

+$225,000 for acid mine drainage remediation in the North Branch of the Potomac River.

+$50,000 for the Oregon Division of State Lands for wetlands plants of western Oregon and Washington.

+$250,000 for the Northeast states for a coordinated air use management system.

+$58,195 for Budd Lake, under the Clean Lakes program.

−$58,900,000 from public water system supervision grants. Funding has been moved to the "Water Infrastructure" account.

−$7,000,000 from the Montreal Protocol facilitation fund.

−$6,000,000 from the environmental technology initiative.

−$2,800,000 from international activities.

−$3,000,000 from the "green" programs.

−$5,000,000 from NAFTA-related activities.

−$4,500,000 from climate change plan activities.

−$12,000,000 from administrative expenses.

−$68,251,000 as a general reduction, to be taken at the discretion of the Administrator, subject to the normal reprogramming requirements.

The conferees are concerned that the agency's budget justification documents are not providing sufficient detail. A particular example with which the conferees are disturbed is the wastewater training grant program authorized under 104(g) of the Clean Water Act. While this program is slated for a reduction of 86 percent in the President's fiscal year 1995 budget, no mention is made in the justification to this effect. The conferees wish to make clear that in the future, any program proposed for a major reduction or increase is to be explicitly highlighted in the budget justification.

It has been noted by the Committees on Appropriations that there has been a large number of reprogrammings requested by the Agency. For this reason, the Conferees are limiting the number of reprogrammings submitted by EPA. In addition to the reprogrammings that occur at the time of the submission of the operating plan, the Agency is expected to provide only one other major reprogramming request approximately six months into the fiscal year. In extenuating circumstances, the Committees will entertain additional reprogramming requests.

Amendment No. 73: Provides $922,000,000 for the program and research operations account as proposed by the Senate, instead of $935,000,000 as proposed by the House. Of the amount provided, funding levels as recommended in the House Report 103-555 should be provided to augment current staffing at the Office of Small and Disadvantaged Business Utilization and the Office of Environmental Justice.

The conferees would like to express their general concern about the reorganization of the Office of Administration and Resources Management. It has recently come to the attention of the Committees on Appropriations that this office was in the process of reorganizing. The Agency is expected to solicit input from all sources affected by this reorganization prior to continuing with the development or restructuring of this office.

Although the amount provided for the program and research operations account is not at the level desired by the Agency, the conferees continue to expect that contractor conversion will take place. The committee of conference is highly supportive of this effort and will continue to support the Agency in future years in the conversion of contract employees to in-house employees. Based on figures provided by the Agency, the overall amount provided for PRO in fiscal year 1995 should be sufficient to initiate this effort.

Because a sizable reduction was taken from the salary account, and the Agency may not believe that the level provided is sufficient for contractor conversion, the conferees would welcome a supplemental budget request transferring funds from the program accounts to the program and research operations account should the Agency determine that this is needed in fiscal year 1995. Finally, the conferees expect that the 1996 budget request will continue to include the funds for the contractor conversion effort as well as include the necessary resources to implement the Agency's many programs and tasks.

Amendment No. 74: Deletes center heading as proposed by the Senate.

Amendment No. 75: Appropriates $28,542,000 for the office of inspector general as proposed by the Senate, instead of $44,595,000 as proposed by the House. Funds totaling $16,053,000 are transferred from the Superfund and Leaking Underground Storage Tank accounts to the office of inspector general account, for a total of $44,595,000 for the office of inspector general. The conferees have not included an administrative expense limitation as proposed by the House.

Amendment No. 76: Deletes language proposed by the House and stricken by the Senate creating a new appropriation account entitled Facilities and Nationwide Support.

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing $43,870,000 for the Buildings and Facilities account as requested in the budget.

The conferees wish to reiterate concerns expressed in House Report 103-555 about the buildings, facilities and support-related items at EPA and expect the Agency to take appropriate steps to review these costs.

Amendment No. 78: Provides $1,435,000,000 for the Hazardous Substance Superfund account as proposed by the House, instead of $1,200,000,000 as proposed by the Senate.

The conferees are in agreement on the following changes to the budget request:

+$14,000,000 for the National Institute of Environmental Health Sciences' basic research grants, of which $2,000,000 is for minority research activities.

+$16,000,000 for the Agency for Toxic Substances and Disease Registry, of which $4,000,000 is for the study of human health impacts of contaminated fish and $4,000,000 is for an existing ATSDR/Minority Health Professions cooperative agreement.

+$2,500,000 for the Gulf Coast Hazardous Substance Research Center.

+$3,000,000 for a minority worker training program. The conferees have included these funds for a worker training program to address the current and projected needs for environmental workers. In establishing these demonstrations, the Agency should give priority consideration to programs with a demonstrated ability to conduct such training activities, and with a demonstrated relationship to contractors engaged in environmental remediation and other services, assuming that the requisite elements of job training and assured employment can be provided by them.

+$3,500,000 for Clark Atlanta Hazardous Substance Research Center.

+$250,000 for a minority outreach program for a Hispanic Serving Institution.

+$5,000,000 for the Mine Waste Technology Pilot program.

−$40,674,600 from administrative expenses.

−$66,778,000, as a general reduction, to be taken at the discretion of the Administrator, subject to normal reprogramming guidelines.

Amendment No. 79: Provides $1,185,000,000 to be derived from the Hazardous Substance

Superfund as proposed by the House, instead of $950,000,000 as proposed by the Senate.

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate transferring $15,384,000 from the Superfund account to the office of inspector general.

Amendment No. 81: Deletes language proposed by the Senate ensuring that the Administrator is able to conform the Superfund program standards and criteria with subsequent authorization legislation that may be enacted into law.

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate transferring $669,000 from the Leaking Underground Storage Tank account to the office of inspector general account.

Amendment No. 83: Deletes language proposed by the House and stricken by the Senate for Water Infrastructure/State Revolving Funds.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

WATER INFRASTRUCTURE/STATE REVOLVING FUND

For necessary expenses for capitalization grants for State revolving funds to support water infrastructure financing, and to carry out the purposes of the Federal Water Pollution Control act, as amended, and the Water Quality Act of 1987, $2,962,000,000, to remain available until expended, of which $22,500,000 shall be for making grants under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; $100,000,000 shall be for making grants under section 319 of the Federal Water Pollution Control Act, as amended, and shall be available only upon enactment of clean water authorizing legislation, but if no such legislation is enacted by November 1, 1994, these funds shall immediately be available; $52,500,000 shall be for section 510 of the Water Quality Act of 1987; $70,000,000 shall be for making grants under section 1443(a) of the Public Health Service Act; and, notwithstanding any other provision of law, $771,800,000 shall be available upon enactment of clean water authorizing legislation, but if no such legislation is enacted by November 1, 1994, the funds shall then be available for making grants for the construction of wastewater treatment facilities in accordance with the terms and conditions specified for such grants in House Report 103-715: Provided, That notwithstanding any other provision of law, $500,000,000 made available under this heading in Public Law 103-124, and earmarked to not become available until May 31, 1994, which date was extended to September 30, 1994, in Public Law 103-211, shall be available upon enactment of clean water authorizing legislation, but if no such legislation is enacted by September 30, 1994, these funds shall then be available for making grants for the construction of wastewater treatment facilities in accordance with the terms and conditions specified for such grants in House Report 103-715: Provided further, That notwithstanding any other provision of law, $1,235,200,000 shall be available upon enactment of clean water state revolving fund authorizing legislation, but if no such legislation is enacted by November 1, 1994, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: Provided further, That the grant awarded from funds appropriated under the paragraph with the heading "Construction grants" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (103 Stat. 858), for construction of wastewater treatment facilities for the towns of Ware Shoals and Honea Path, South Carolina, and would include, but would not be limited to, the construction of a connector sewer line, consisting of a main trunk line and four pump stations for the town of Honea Path, South Carolina, to the wastewater treatment facility in the town of Ware Shoals, South Carolina, the upgrade and expansion of the Ware Shoals wastewater treatment plant, and the demolition of the Chiquala Mill Lagoon, the Clatworthy Lagoon, the Corner Creek Lagoon, and the Still Branch Lagoon.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amount provided includes the following:

$1,935,200,000 for state revolving funds, of which $700,000,000 is for drinking water state revolving funds. The wastewater revolving funds are to be released upon enactment of authorization legislation but not later than November 1, 1994. The drinking water funds are to be released contingent upon enactment of authorization legislation;

$22,500,000 for making grants under section 104(b)(3);

$100,000,000 for making grants under section 319. These funds are to be released upon enactment of authorization legislation but not later than November 1, 1994;

$52,500,000 for section 510 of the Water Quality Act for the international wastewater treatment plant in Tijuana;

$70,000,000 for public water system supervision grants;

$781,800,000 for grants to cities with special needs, contingent upon authorization legislation but no later than November 1, 1994, as follows:

$100,000,000 for a grant to the city of Boston for a secondary sewage treatment facility;

$47,500,000 for architectural, engineering, and design, and related activities in connection with wastewater facilities in the vicinity of Nogales, AZ, and Mexicali, Mexico, and planning and design of other high priority wastewater facilities in the area of the Mexico border, to control municipal wastewater from Mexico;

$50,000,000 for grants to the State of Texas for improving wastewater treatment in colonias;

$40,000,000 for San Francisco's Richmond transport control wastewater facility for a comprehensive combined sewer overflow system;

$25,000,000 for a grant to the Water Reclamation District of Greater Chicago for a two-phase tunnel and reservoir plan;

$37,000,000 for the City of Waterloo, IA for wastewater treatment facility improvements;

$10,000,000 for a grant to the city of Portland, OR, for the Columbia Slough revitalization project;

$5,700,000 for a grant to the City of St. Louis, MO, for repair and replacement of sewer systems;

$3,700,000 for a grant to the City of Flowood, MS, for the construction of the Hogg Creek interceptor;

$12,000,000 for a grant to the State of New Mexico for wastewater improvements in the South Valley, NM;

$15,000,000 for a grant to the State of Alaska for wastewater sanitation systems in Native and rural Alaska villages;

$5,000,000 for a grant to the City of Freemont, NE for wastewater treatment improvements.

$6,000,000 for a grant to the City of Kearney, NE for wastewater treatment improvements;

$6,000,000 for a grant to Anne Arundel County, MD, for the Communities of Rose Haven and Holland Point for wastewater treatment improvements;

$3,000,000 for a grant to Kansas City, KS, for a major storm sewer improvement project for the Argentine neighborhood;

$1,300,000 for a grant to the City of Topeka, KS, for the extension of sanitary sewer lines to low and moderate income neighborhoods;

$45,500,000 for San Diego wastewater reclamation facility;

$20,000,000 for a grant to Warren County, NY, for wastewater treatment improvements;

$75,000,000 for the Rouge River National Wet Weather Demonstration Project;

$20,000,000 for a grant to the City of Columbus, GA, for construction of a combined sewer overflow advanced demonstration facility;

$1,000,000 for a grant to the City of Jacksonville Beach, FL, for water, sewer and drainage system improvements and construction;

$3,200,000 for a grant to the City of Mt. Pleasant, NJ, for wastewater treatment improvements;

$3,200,000 for a grant to the City of Mt. Arlington, NJ, for wastewater treatment improvements;

$10,000,000 for a grant to the Mojave Water Agency of Apple Valley, CA, for a groundwater recharge demonstration project;

$30,000,000 for a grant to the County of Lackawanna, PA, for a wastewater treatment facility in Jermyn and a combined sewer overflow project along the Lackawanna River;

$3,800,000 for a grant to the City of Gardner, MA, for extension of sewer and water service to areas surrounding Snake and Kendall Ponds;

$6,000,000 for a grant to the Village of Bosque Farms, NM, for construction of a wastewater treatment facility and distribution lines;

$29,900,000 for alternative water source projects in Tampa and St. Petersburg, FL;

$60,000,000 for the Westerly wastewater treatment plant;

$44,300,000 for a grant to the City of Newark, NJ, for combined sewer overflow construction and sewer segment repair;

$6,000,000 for a grant to the City of Biddeford, Maine, for wastewater treatment improvements to upgrade secondary treatment facilities;

$6,000,000 for a grant to the City of Bangor, ME, for wastewater treatment improvements relating to sewage sludge management and disposal;

$8,200,000 for a grant to the City of Laredo, TX, for improvement and expansion of water and sewer infrastructure;

$5,000,000 for a regional water quality research project in Pima County, AZ;

$3,500,000 for wastewater treatment in Bernalillo County, NM;

$4,600,000 for wastewater treatment improvements in Dona Ana County, NM;

$1,500,000 for water infrastructure improvements in Fall River, MA;

$1,500,000 for water infrastructure improvements in New Bedford, MA;

$3,500,000 for wastewater improvements in Union Township, Mifflin County, PA;

$4,300,000 for wastewater improvements in Clearfield County, PA;

$200,000 for wastewater improvements in Southern Fulton County, PA;

$6,500,000 for wastewater improvements in Tyrone Borough, Blair County, PA;

$2,000,000 for the Geysers Effluent Pipeline and Injection Project for wastewater disposal in Yolo and Lake counties, CA;

$1,900,000 for the Jordan River Restoration project; and

$8,000,000 for a grant to the City of Ogden, UT, for rehabilitation of water treatment and distribution systems.

The conferees have included bill language providing that funds appropriated in fiscal year 1994 for "needy cities" shall be released upon enactment of authorization legislation but no later than September 30, 1994, as follows:

$50,000,000 for grants to the state of Texas for Improving wasterwater treatment in colonias;

$10,000,000 for grants to the State of New Mexico for improving wastewater treatment in colonias;

$150,000,000 for a grant to the City of Boston for a secondary sewage treatment facility;

$70,000,000 for a grant to the City of New York for the construction of a wastewater reclamation facility;

$50,000,000 for a grant to the City of Los Angeles for wastewater treatment improvements;

$50,000,000 for Los Angeles County Sanitation Districts;

$35,000,000 for the King County Metro (Seattle, WA) combined sewer overflow project; and

$85,000,000 for Rouge River National Wet Weather Demonstration project.

The conferees are in agreement that the agency should work with the grant recipients on appropriate cost-share arrangements. It is the conferees' expectation that the agency will apply the 45 percent local cost share requirement under Title II of the Clean Water Act in most circumstances.

The conferees urge the Agency to consider that if authorization legislation is not enacted by August 1, 1995, the Agency Request reprogramming some of the funds provided for drinking water state revolving funds to wastewater state revolving funds.

The conferees have included language related to a fiscal year 1990 appropriation for the construction of a connector sewer line for the town of Honea Path, SC.

Amendment No. 85: Inserts heading as proposed by the Senate making a technical correction.

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing a limitation stating that none of the funds can be used for the promulgation of a rule concerning a new standard for radon in drinking water.

This provision is intended to preclude the promulgation of a new radon standard. Existing rules and proposed and final rules for other than radon would not be affected. EPA could promulgate the non-radon provisions of the pending rulemaking as required by the court. It is not intended to affect the Agency's actions concerning the final development of such a non-radon rule for such promulgation under the applicable provisions of law.

The conferees are in agreement that this provision will not take effect if the Safe Drinking Water Act Amendments of 1994 are enacted into law to provide a new direction for a radon rule.

Amendment No. 87: Reported in disagreement.

Amendment No. 88: Deletes language inserted by the Senate including a "Sense of the Senate" regarding the environmental self-evaluation privilege. The EPA should consider the "environmental self-evaluation privilege" enacted into law by some states and report its findings and recommendations back to the authorization and appropriations committees.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Amendment No. 89: Appropriates $320,000,000 for disaster relief as proposed by the House, instead of no funds as proposed by the Senate.

Amendment No. 90: Deletes language proposed by the House and stricken by the Senate appropriating $1,980,000 for the subsidy associated with the community disaster loan program. The subsidy is not required since the conferees deleted funds for the community disaster loan program. Funds for the community disaster program are instead provided in Title VI of this Act. A total of $12,500,000 is included in FEMA's disaster assistance direct loan program account.

Amendment No. 91: Deletes language proposed by the House and stricken by the Senate appropriating $3,000,000 for the community disaster loan program account. The conferees note that $50,000,000 in emergency funding is provided for community disaster loans under Title VI of this legislation.

Amendment No. 92: Appropriates $95,000 for administrative expenses of the disaster assistance direct loan program as proposed by the Senate, instead of $145,000 as proposed by the House.

Amendment No. 93: Appropriates $162,000,000 for salaries and expenses as proposed by the Senate, instead of $165,000,000 as proposed by the House. The conferees urge FEMA to comply with the specific reductions recommended in Senate Report 103-311.

Amendment No. 94: Appropriates $215,960,000 for emergency management planning and assistance, instead of $220,345,000 as proposed by the House and $212,960,000 as proposed by the Senate.

The conferees are in agreement on the following changes to the budget request:

+$4,000,000 for emergency management assistance grants.

+$2,500,000 for arson control programs established under the Arson Prevention Act of 1994.

+$15,000 for a warning siren in the City of Van Wert.

+$53,000 for warning sirens in Wood and Fulton Counties, Ohio.

+$500,000 for the Earthquake Engineering Center at the University of Nevada, Reno.

+$950,000 for the earthquake hazard mitigation program with the City of Portland.

+$225,000 for the Vermont Fire Service Training Center.

+$75,000 for a feasibility study for a regional dispatch in Chittenden County, Vermont.

+$250,000 for a grant to the National Academy of Public Administration for a study of the role of the National Guard in disaster response, as described in Senate bill 1697 as introduced.

+$750,000 for a demonstration of a biodegradable, environmentally safe, non-toxic fire suppression liquid which is effective on class A, class B, and many class D metal fires.

−$13,703,000 as a general reduction, to be taken at the discretion of the Director subject to normal reprogramming guidelines.

The conferees are concerned about the proposed rule published by FEMA in the Federal Register on April 1 to implement Section 928 of Public Law 102-550, the Housing and Community Development Act of 1992. Accordingly, the conferees recommend FEMA consult with and receive written direction from the appropriate authorizing committees prior to implementing the proposed rule.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Amendment No. 95: Appropriates $5,573,900,000 for human space flight as proposed by the Senate, instead of $5,592,900,000 as proposed by the House. The conference agreement reflects the following changes from the budget request:

+$10,000,000 for spacelab activities.

−$15,000,000 from payload and utilization operations, to be taken as a general reduction subject to normal reprogramming guidelines.

−$94,000,000 from space shuttle operations. The conferees note offsets of $22,000,000 in reimbursements from the Japanese for a shuttle launch and $13,000,000 not needed for termination costs associated with the advanced solid rocket motor project.

−$30,000,000 from launch site equipment upgrades as a result of terminating the check-out, control, and monitoring system (CCMS-II) for shuttle processing.

−$17,000,000 in space shuttle upgrades to reflect rephasing of the fiber optic cable for the orbiter payload bay.

The conferees agree to cap the space station program's remaining costs through assembly complete (1994-2002) at $17,400,000,000. The agency should initiate a semiannual project status report on the space station, utilizing the baseline estimates for costs and schedule now in place as a result of the 1993 redesign effort. The first such report should be submitted to the Committees on Appropriations in March 1995.

The conferees agree that funds appropriated for the International Space Station Alpha (ISSA) program are intended to be expended for its expeditious development. Consequently, the conferees direct that, for the purpose of offsetting potential contractual liabilities which would accrue only in the event of termination of the ISSA program for the convenience of the government, NASA shall provide for coverage of certain special termination costs from funds other than those obligated to the ISSA prime contract, but from available human space flight appropriations. However, in the event of termination of the ISSA program for the convenience of the government, it is the intent of the conferees to provide such additional appropriations as may be necessary to provide fully for termination payments in a manner which avoids impacting the conduct of other ongoing NASA programs.

SCIENCE, AERONAUTICS AND TECHNOLOGY

Both the House and the Senate provided $5,901,200,000 for the science, aeronautics and technology account. The following represents the changes from the budget request:

+$5,000,000 for the minority university research and education program. This recommendation will provide a $14,700,000 program increase above the 1994 level—to be equally divided between Historically Black Colleges and Universities and Hispanic-Serving Institutions. Of the increase, $3,000,000 is to establish six regional Minority University-Space Interdisciplinary Centers at HBCUs (3) and HSIs (3), and $500,000 is to strengthen science education and technology initiatives for students with disabilities. The conferees have provided additional funding for programs to strengthen research capabilities and increase training opportunities

for minorities and other traditionally underrepresented groups in the sciences and mathematics. The conferees have directed these funds to the minority university research and education account in the office of equal opportunity programs.

+$2,000,000 for the Office of Advanced Concepts and Technology to continue the software reuse and artificial intelligence program.

+$3,000,000 for a regional ecosystem computer-based modelling project at the Ohio Supercomputer Center. In making these funds available, the conferees want to make it clear that this is a one-time appropriation, that they do not support by this appropriation the inclusion of this Center into the EOSDIS program, and that they will not make any additional funds available for this project in future years.

+$40,000,000 for the global geospace science mission.

−$15,000,000 from mission operations and data analysis for the global geospace science mission.

+$10,000,000 for mission operations and data analysis for the Hubble telescope to be allocated as follows:

$2,000,000 for the advanced camera instrument, $3,000,000 for the Space Telescope Institute, and $5,000,000 as a reserve consistent with the terms of Senate Report 103–311 on the 1995 budget. The conferees want to make clear that they expect an announcement of opportunity for the advanced camera to be issued shortly, and that it will be part of the 1999 Hubble servicing mission.

−$19,000,000 from the Mars Surveyor program. This decrease is offset by an identical amount in the recovered fee from the Mars Observer program.

−$7,000,000 from launch services for the Cassini program.

+$5,000,000 to life and microgravity sciences for the NASA–NIH protocol.

+$7,200,000 for spacelab payload development to be applied to science experiments displaced due to the proposed termination of several spacelab missions. The remaining amount needed for restoring these payloads, approximately $17,200,000, is to be taken from unobligated balances within life sciences—other than those designated for the NASA–NIH protocol.

+$35,100,000 for the EOS program. Of these funds, $25,000,000 should be allocated for secondary spacecraft development to provide resiliency in their funding and scheduled profiles, $1,500,000 for visualization techniques consistent with Senate Report 103–311, and an additional $8,600,000 for EOSDIS, to be used for program reserves.

−$9,800,000 from space station attached payloads for SAGE–III.

−$10,000,000 from rotorcraft institutes. The conferees note that a proposed rotorcraft center concept was never forwarded as a budget amendment to the Congress. The Committees on Appropriations will consider a NASA reprogramming of up to $6,000,000 for such a center, provided that it is selected on the basis of merit review and that it is equally matched with an appropriation from the Department of Defense in 1995, with a DOD commitment to match NASA funds dollar-for-dollar beyond 1995.

−$8,000,000 from the hypersonic technology initiative.

+$1,500,000 for hypersonic wind tunnels.

−$40,000,000 from the commercial middeck augmentation module.

The conferees have included the full budget request for Landsat. In doing so, $5,000,000 should be fenced until NASA certifies that the condition on future NOAA funding outlined in Senate Report 103–311 is met. This should be addressed in the operating plan.

In deleting the $10,000,000 in additional funds proposed by the Senate for mission communications services, the conferees direct NASA to use any and all TDRSS carryover or reimbursement funds to prevent involuntary RIFs in mission communications services in fiscal year 1995. These funds may not be used for any other activities, including the TDRSS replenishment spacecraft procurement, unless this condition is first addressed. This matter should be addressed in the operating plan.

Amendment No. 96: Inserts center heading as proposed by the Senate.

Amendment No. 97: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate rescinding $10,000,000 of 1993 construction of facilities funds for the Consortium for International Earth Science Information Network.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

NATIONAL AERONAUTICAL FACILITIES

(INCLUDING RESCISSION)

For construction of new national wind tunnel facilities, including final design, modification of existing facilities, necessary equipment, and for acquisition or condemnation of real property as authorized by law, for the National Aeronautics and Space Administration, $400,000,000, to remain available until March 31, 1997: Provided, That the funds made available under this heading shall be rescinded on July 15, 1995, unless the President requests at least $400,000,000 in the fiscal year 1996 budget request for the National Aeronautics and Space Administration for continuation of this wind tunnel initiative.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $400,000,000 for the construction of two new aeronautical wind tunnel facilities. These funds have been included because of the conferees' belief that the nation's future manufacturing base in commercial aviation and aeronautics hinges in large part on the availability of these new wind tunnels. This conclusion was also reached by a recently concluded interagency facility strategy on aeronautics and space facilities.

In providing these funds, however, the conferees are concerned by the possibility that any future federal funds needed to complete these facilities not come at the expense of other important programs in the VA, HUD, and Independent Agencies Appropriations bill. Specifically, the conferees do not anticipate providing additional funds for this purpose unless it is made clear that the Administration is committed to this project, and that non-NASA initiatives are not sacrificed to complete their construction. For this reason, the language included in the conference agreement would rescind the $400,000,000 provided unless the Administration requests at least the same amount of funds for the wind tunnel initiative in the fiscal year 1996 NASA budget request.

In addition, the conferees are fencing the availability of the $400,000,000 provided until July 1, 1995. By March 1, 1995, the President should submit a comprehensive plan and strategy to the Committees on Appropriations that meets the following terms and conditions:

First, that states unequivocally whether or not the Administration intends to pursue the construction of these facilities as a national aeronautics initiative.

Second, that outlines the anticipated costs of the project by fiscal year, including the expected federal and non-federal shares of this cost, and an identifiable funding stream for the federal share.

Third, that specifies the anticipated private sector cost-sharing target for the total capital cost of the project, with a range of 10–20 percent of the stated requirement for the project proceeding.

Fourth, that outlines what other federal agencies outside of NASA will contribute as their share for the capital cost of the project. This non-NASA share should be estimated at 10–20 percent of the stated requirement for the project proceeding, and based upon the anticipated usage by other federal agencies once the facility is completed.

Fifth, the relative priority of this initiative in the context of NASA's overall budget be clearly identified so that the Committees on Appropriations know its precise ranking in comparison to other major programs, including space station, Mission to Planet Earth, space science, and the ongoing aeronautics program. This "decision tree" should articulate what programs the agency would be willing to consider reducing or eliminating, if necessary, to facilitate construction of these wind tunnels.

Sixth, a site selection plan on the basis of a competitive process, with a merit-based selection no later than December 1, 1996. The factors for selection should be based on best price and technical merit, including local cost sharing.

Seventh, a strategy for minority and disadvantaged business participation in the construction of the project that equals the eight percent goal required of NASA by Public Law 101–507.

The conferees do not intend to provide any additional funds or approve the release of any of the $400,000,000 provided in this amendment, until or unless all seven conditions are fully satisfied. These conditions should be considered over and above the stipulation in the bill language related to the required 1996 budget request. Upon submission of the Presidential plan, and after the Subcommittees on VA, HUD, and Independent Agencies have received their section 602(b) allocations, the Committees will consider the release of these funds under the conditions of the cap letter from NASA to the Committees of August 9, 1984, and reaffirmed by letter on September 30, 1993.

The conferees expect that this appropriation should be used as an active means to leverage a robust, reliable, and resilient cost-sharing from the private sector, other federal agencies, and state and local governments bidding on potential sites. The intent of the conferees is to guarantee completion of these wind tunnels' construction before the turn of the century if the conditions specified in this conference report can be met.

Amendment No. 99: Appropriates $2,554,587,000 for mission support, instead of $2,549,587,000 as proposed by the House and $2,559,587,000 as proposed by the Senate.

The conference agreement reflects the following changes from the budget request:

−$13,000,000 from salaries and expenses funds not needed as a result of the buyout effort in 1994 which achieved a higher than anticipated reduction in employment.

−$35,000,000 as a general reduction, subject to normal reprogramming guidelines.

−$60,000,000 from the TDRSS replenishment spacecraft program. This reduction leaves $40,000,000 in new funds for this activity, consistent with the terms of the NASA "decision tree" provided to the Senate Appropriations Committee earlier this year. In addition, up to $25,000,000 may be used from reimbursement funds for augmenting this procurement, provided that this does not result in any involuntary reductions-in-force in 1995 in space network services or mission communications services.

In deleting the $7,000,000 in additional funds proposed by the Senate for space network services, the conferees direct NASA to use any and all TDRSS carryover and reimbursement funds to prevent involuntary RIFs in mission communications services in fiscal year 1995. These carryover and reimbursement funds may not be used for any other activities, including the TDRSS replenishment spacecraft procurement, unless this condition is first addressed. This matter should be addressed in the operating plan.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: , *to remain available until September 30, 1996: Provided, That of the amounts made available under the heading "Research and program management" in Public Law 103–211, $18,000,000 are rescinded immediately upon enactment of this Act: Provided further, That an additional $18,000,000, to remain available until September 30, 1995, shall be immediately available for research and program management activities, contingent upon the enactment of the rescission in the preceding proviso before October 1, 1994.*

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 101: Appropriates $16,000,000 for the Office of Inspector General as proposed by the House, instead of $16,800,000 as proposed by the Senate.

Amendment No. 102: Restores language proposed by the House and stricken by the Senate reducing amounts available to the National Aeronautics and Space Administration for procurement by $59,003,000, to be derived exclusively from the human space flight account.

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate limiting the availability of personnel and related costs and travel expenses to one year and permitting such funds to be used for services provided in the next fiscal year.

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate extending funding for the Challenger Center on a permanent basis.

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate conveying title to NASA's Slidell Computer Complex to the City of Slidell, Louisiana.

Amendment No. 106: Deletes language proposed by the Senate limiting the obligation of funds to satisfy requirements of the Small Business Innovation Research program.

NATIONAL SCIENCE FOUNDATION

Amendment No. 107: Appropriates $2,280,000,000 for research and related activities instead of $2,216,923,000 as proposed by the House and $2,300,000,000 as proposed by the Senate.

The committee of conference is in agreement on the following changes to the budget request:

+$10,000,000 for civil infrastructure systems.

+$10,000,000 for advanced manufacturing technology.

+$5,000,000 for research within the human capital initiative. The conferees affirm their strong support for this worthwhile program.

+$6,000,000 for a global climate change initiative for a center or consortium for the human dimensions of global climate change.

+$2,000,000 for an interdisciplinary center to support research on violence.

+$1,000,000 to establish a national center for environmental research.

−$33,000,000 from the global climate change initiative.

−$15,000,000 from the high performance computing initiative.

−$54,297,000 as a general reduction to be taken at the discretion of the Director, subject to normal reprogramming guidelines.

For fiscal year 1995, the Critical Technologies Institute has been funded at the budget request of $2,000,000. Of the total amount provided, $50,000 is to complete the review by the National Academy of Public Administration of NSF centers programs.

The conferees are in agreement that the reprogramming threshold for NSF should be $250,000. The Foundation is directed to limit transfers of funds between programs, activities, and subactivities to not more than $250,000 without prior approval of the Committees.

Amendment No. 108: Appropriates $126,000,000 for major research equipment, instead of $105,000,000 as proposed by the House and $150,000,000 as proposed by the Senate.

Of the total amount provided, $35,000,000 is for a reappropriation for the LIGO project which is newly funded in this account. Additionally, the conferees are in agreement that the additional $21,000,000 is to complete the total funding requirement for the construction of the GEMINI telescopes.

Amendment No. 109: Appropriates $250,000,000 for academic research infrastructure, instead of $100,000,000 as proposed by the House and $300,000,000 as proposed by the Senate.

Amendment No. 110: Deletes language proposed by the House and stricken by the Senate delaying the availability of funds for this account until March 31, 1995.

Amendment No. 111: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided, That $131,867,000 of the funds under this heading are available for obligation for the period September 1, 1995 through August 31, 1996: Provided further, That the funds made available in the preceding proviso shall be rescinded on July 15, 1995, unless the President requests at least $250,000,000 in the fiscal year 1996 budget request for the National Science Foundation for academic research infrastructure activities.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment limits the obligation period for $131,867,000 of funds provided for academic research infrastructure from September 1, 1995 through August 31, 1996, instead of limiting the obligation of $190,000,000 for the same period of time as proposed by the Senate.

The conferees have provided NSF with $250,000,000 for academic research infrastructure activities. Of this amount, $118,133,000 should be used for the standard NSF facilities and instrumentation modernization program, equally divided between the two activities. The remaining funds, which are included entirely in this amendment, $131,867,000, should be allocated for a new interagency facilities and instrumentation modernization program managed by the NSF. Twenty percent of both pots of funds should be allocated to smaller colleges and universities, including historically black colleges and universities, and those institutions of higher learning with an established record of recruitment, retention and graduation of predominantly underrepresented groups in science and technology.

The conferees are deeply concerned about the continued staggering need to address the academic infrastructure backlog in facilities and instrumentation. However, to induce the Administration to support this new initiative, language has been included which would automatically rescind these extra funds unless the President's fiscal year 1996 budget request includes at least $250,000,000 for academic research infrastructure funds for the NSF. The additional funds provided by the conferees in fiscal year 1995 should be part of the cornerstone of a broader federal research infrastructure modernization effort, but they should be clearly managed by the NSF. Funds for this additional program should also be apportioned equally between facilities and instrumentation.

In addition to the NSF program, the National Science and Technology Council, with the cooperation of the OSTP, should develop a five-year interagency research infrastructure strategy, consistent with the terms specified in Senate Report 103–311. This strategy should also specify how increasing numbers of Federal science and technology agencies would participate in similar activities modelled on merit review selection.

Amendment No. 112: Provides $605,974,000 for education and human resources as proposed by the Senate, instead of $585,974,000 as proposed by the House.

The conferees are in agreement on the following changes to the budget request:

+$5,000,000 for EPSCoR.

+$5,750,000 for the advanced technology education and outreach community college grants.

+$1,000,000 for the Model Institution of Excellence Program.

+$750,000 for the Partnerships for Minority Student Achievement.

+$500,000 for summer science camps.

+$1,000,000 for the rural systemic initiative.

+$4,000,000 for the graduate traineeship program.

+$3,000,000 for the urban systemic initiative.

+$1,000,000 for informal science education.

+$1,000,000 to implement a pilot project to establish an interactive telecommunications system among tribally controlled community colleges.

+$2,000,000 to establish a competitive, merit-based program to support the efforts of states to develop electronic libraries.

−$5,000,000 as a general reduction, to be taken at the discretion of the Director, subject to normal reprogramming requirements.

The committee of conference recognizes that NSF has actively supported education activities to encourage participation of women and minorities who are underrepresented in science, engineering and mathematics and persons with disabilities. NSF is

encouraged to continue emphasizing this area. Further, the conferees urge NSF to coordinate its programs with related programs in other federal agencies to ensure that federal resources achieve the maximum beneficial effect. The conferees wish to encourage the Foundation to coordinate the several successful programs administered by the Department of Education, which are collectively known as the TRIO programs.

The conferees join in support of the administration's commitment to investment in science and technology and concur with the belief that our Nation's economy and future well being are dependent upon these essential investments. Consistent with the administration's position to invest in science and technology as part of its agenda to build a prosperous economy, the conferees direct each agency under its jurisdiction to establish an intragency economic impact and diversity council to provide guidance and advice with respect to issues in the areas of science and technology as they impact racial and ethnic minorities, women and persons with disabilities who are underrepresented in these fields. The Office of Science and Technology Policy is to monitor and report back to the committees on the creation of these councils by October 31, 1994.

Amendment No. 113: Appropriates $4,380,000 for the Office of Inspector General as proposed by the Senate, instead of $4,000,000 as proposed by the House.

TITLE IV—CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

Amendment No. 114: Restores language proposed by the House and stricken by the Senate appropriating $15,000,000 for the FDIC affordable housing program and allowing the FDIC the flexibility to waive certain provisions of section 40 of the Federal Deposit Insurance Act in order to maximize the efficient use of available funds.

TITLE V—GENERAL PROVISIONS

Amendment No. 115: Deletes language proposed by the House and stricken by the Senate requiring a report from the Resolution Trust Corporation.

Amendment No. 116: Restores language proposed by the House and stricken by the Senate relating to the purchase of American-made equipment and products.

Amendment No. 117: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 518. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 118: Deletes language proposed by the Senate expressing the sense of the Senate that United Nations Security Council Resolution 940 does not constitute authorization for the deployment of U.S. armed forces in Haiti.

Amendment No. 119: Deletes language proposed by the Senate reducing the amount of funds available to NASA for procurement by $19,703,000. Amendment number 102 reduced NASA procurement funds by $59,003,000.

Amendment No. 120: Deletes language proposed by the Senate that delays publication, implementation, or enforcement of elderly facility regulations until July 1, 1995. The conferees agree that publication of said regulations should be delayed until June 1, 1995.

Amendment No. 121: Deletes language proposed by the Senate prohibiting the use of HUD funds to provide any individual assistance or benefit based on immigration status.

Amendment No. 122: Deletes language proposed by the Senate condemning the murders of a doctor and escort serving a reproductive health clinic, and urging the Administration to take steps to protect persons who work at, and people who wish to enter, such clinics.

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Amendment No. 123: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing three supplemental appropriations, all of which are designated as emergency requirements. The first appropriation provides $225,000,000 for the community development grants program to finance housing repairs in areas affected by the Southern California earthquake. Of the total, $200,000,000 is for the City of Los Angeles and $25,000,000 is for the City of Santa Monica.

The second appropriation provides $180,000,000 for the community development grants program to assist states, local communities, and businesses recover from the flooding and damages caused by Tropical Storm Alberto and other disasters. The language also permits up to $50,000,000 to be transferred to the HOME program.

The third appropriation provides $12,500,000 for the Federal Emergency Management Agency's disaster assistance direct loan program account for $50,000,000 in direct loans.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1995 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

New budget (obligational) authority, fiscal year 1994	$88,313,837,932
Budget estimates of new (obligational) authority, fiscal year 1995	90,318,793,061
House bill, fiscal year 1995	90,547,927,061
Senate bill, fiscal year 1995	90,116,109,061
Conference agreement, fiscal year 1995	90,118,186,061
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994	+1,804,348,129
Budget estimates of new (obligational) authority, fiscal year 1995	−200,607,000
House bill, fiscal year 1995	−429,741,000
Senate bill, fiscal year 1995	+2,077,000

LOUIS STOKES,
ALAN B. MOLLOHAN,
JIM CHAPMAN,
MARCY KAPTUR,
ESTEBAN EDWARD TORRES,
RAY THORNTON,
DAVID R. OBEY,
JERRY LEWIS,
TOM DELAY,
DEAN A. GALLO,
JOSEPH M. MCDADE,
Managers on the Part of the House.

BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
J. BENNETT JOHNSTON,
FRANK R. LAUTENBERG,
J. ROBERT KERREY,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
PHIL GRAMM,
ALFONSE D'AMATO,
DON NICKLES,
CHRISTOPHER S. BOND,
CONRAD BURNS,
MARK O. HATFIELD,
Managers on the Part of the Senate.

ADJOURNMENT

Mr. STUDDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 289 of the 103d Congress, the House stands adjourned until noon on Monday, September 12, 1994.

Thereupon (at 10 o'clock and 6 minutes a.m.), pursuant to House Concurrent Resolution 289, the House adjourned until Monday, September 12, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3734. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Russia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3735. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Korea, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3736. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Brazil, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3737. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Venezuela, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3738. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Thailand, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3739. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to India, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3740. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China ("RPC"), pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3741. A letter from the President and Chairman, Export-Import Bank of the United

States, transmitting a report involving United States exports to Russia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3742. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the United Mexican States ("Mexico"), pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3743. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3744. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the United Mexican States ("Mexico"), pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3745. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China ("PRC"), pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3746. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Australia (Transmittal No. 22-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3747. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Australia (Transmittal No. 23-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3748. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Australia (Transmittal No. 24-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GIBBONS: Committee on Ways and Means. H.R. 3800. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes, with an amendment (Rept. 103-582, Pt. 3); to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 3396. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide security for workers, to improve pension plan funding, to limit growth in insurance exposure, to protect the single-employer plan termination insurance program, and for other purposes, with an amendment (Rept. 103-632, Pt. 2); to the Committee of the Whole House on the State of the Union.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1277: Mr. ROYCE.

H.R. 1709: Mr. ENGEL, Mr. JOHNSON of South Dakota, Mr. ROMERO-BARCELO, Mr. SAWYER, Ms. PRYCE of Ohio, and Mr. CLAY.

H.R. 1886: Mr. SWIFT, Mr. MCCLOSKEY, Mr. WAXMAN, and Mr. DICKS.

H.R. 4256: Mr. DELLUMS.

H.R. 4399: Mr. DELLUMS.

H.R. 4578: Mr. KILDEE, Mr. LIPINSKI, Mr. HINCHEY, Ms. VELÁZQUEZ, Mr. SABO, Mr. MAZZOLI, Mr. EDWARDS of California, Mr. REYNOLDS, Mr. RANGEL, Mr. SERRANO, Mr. DELLUMS, Mr. KOPETSKI, and Mr. WATT.

H.R. 4654: Ms. MARGOLIES-MEZVINSKY.

H.R. 4944: Mr. KIM.

H.R. 4955: Mr. SCHUMER and Mr. YATES.

H.J. Res. 397: Mr. JOHNSON of South Dakota, Mr. MATSUI, Mr. COLEMAN, Mr. GUTIERREZ, Mr. RANGEL, Mr. HASTINGS, Ms. LOWEY, Mr. JEFFERSON, Mr. KLEIN, Mr. UNDERWOOD, Mr. BACCHUS of Florida, Mr. KLECZKA, Mr. GENE GREEN of Texas, Mr. FARR, Mr. MINGE, Mr. SANDERS, Mr. CALVERT, Mr. MURPHY, and Mr. BROWN of California.

H. Con. Res. 243: Mr. COSTELLO and Mr. TALENT.

EXTENSIONS OF REMARKS

TRIBUTE TO CHRISTOPHER S. ENEY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 26, 1994

Mr. TRAFICANT. Mr. Speaker, 10 years ago on August 24, 1984, U.S. Capitol Police Sgt. Christopher S. Eney was killed in a tragic training accident. On the 10th anniversary of Sergeant Eney's death I want to pay tribute to Sergeant Eney and his courageous widow, Vivian.

Sergeant Eney was killed in an accidental shooting during a training exercise. He was 37 years old and a 12-year veteran of the U.S. Capitol Police. He left behind a wife, Vivian, and two daughters, Shannen and Heather. Vivian and Chris had been married 12½ years. Needless to say, on August 24, 1984, Vivian Eney's life took a dramatic turn. She entered the world of police survivors.

Shortly after Chris' death, Vivian decided to channel her energies toward something positive. She was determined to help others across the country who found themselves as police survivors. Vivian joined a newly formed group—Concerns of Police Survivors [COPS]. COPS is a self-support group, that over the years has become a nationally known and respected organization. The growth and success of COPS as a national advocate for the families of law enforcement officers killed in the line of duty can be attributed in large part to Vivian's energy and leadership.

In addition to testifying before Congress and successfully lobbying to increase the Federal death benefit for police survivors, Vivian has actively expanded COPS national outreach efforts in assisting police survivors. Most significantly, Vivian played a key role in the successful effort to build the National Law Enforcement Officers Memorial in Washington, DC.

As a member of the board of directors of the National Law Enforcement Officers Memorial Fund, Vivian was instrumental in raising the funds necessary to build the memorial and focus national attention on the need to recognize the sacrifices that law enforcement officers have made throughout American history.

Over the past 10 years Vivian has accomplished a lot. Perhaps her most important and significant accomplishment has been the superb job she has done in single handedly raising her two wonderful daughters. Chris would have been proud of the fine job Vivian has done as a single parent.

So, Mr. Speaker, on this the 10th anniversary of Sgt. Chris Eney's tragic death, I salute the memory of a dedicated and talented law enforcement officer. I also salute the fine work his widow has done in preserving his memory and giving of herself to help thousands of police survivors across the country.

A TRIBUTE TO GEORGE DOURIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 26, 1994

Mrs. MALONEY. Mr. Speaker, I rise to bring to the attention of my colleagues the extraordinary life story of a great American and a constituent who it is my profound honor to represent.

George Douris of Astoria, Queens, is a man I like to call "The Greek Cannon Ball." He can best be described as an activist, a philanthropist, a journalist, and a humanist.

George has been an inspiration to me over the years. He was my mentor early in my career, when I worked for the Hellenic American Neighborhood Action Committee. He founded HANAC in 1969, at the suggestion of Mayor John Lindsay, who provided $75,000 for a survey of the needs of Greek New Yorkers, George and his colleagues wrote a report and received funds for an English as a Second Language School. HANAC began witn $75,000 and seven employees. Today, HANAC has a budget of over $50 million and employs more than 3,000 people. HANAC is testament to George's unique ability to succeed at everything he endeavors to do.

George served in the Army in Korea in the late 1940's. After his father's death in 1947, he returned to New York where he was stationed. He worked as a campaign coordinator for Representative (Col.) James Roe when he ran and won the congressional seat in the Astoria/Flushing area in Queens. That was the beginning of George Douris' illustrious career as a political operative. In 1954, George founded the Hellenic American Political Action Committee.

But George's first love was journalism. He worked with world-famous columnist Jimmy Breslin at the Long Island Star Journal while they attended school together at Long Island University. The two enterprising journalists would leave the newspaper at 3 a.m., take the subway to Brooklyn, sleep 3 hours in an abandoned car, get up, go to a Greek restaurant at the corner for breakfast, and attend class from 6:30 until 11:30 a.m.

George continued his career as a sports writer and then a "People and Food" editor at the Star Journal, a position he held for 8 years. He was also very active in the Greek community which he held so dear. He combined his two passions by starting the Hellenic American World, a weekly newspaper, which he sold 6 months later.

In 1955, a demonstration took place in Istanbul, in which a number of Greek Orthodox priests were killed and the Archbishop's home and property were burned. George and his colleagues worked 25 consecutive hours and wrote an eight-page tabloid newspaper with the true story and pictures of the event. Thanks to his work, the immediate reaction was in favor of orthodoxy, and the killing was stopped. In this respect, George did nothing less than change world history.

Following the 1955 earthquake in Volos, Greece, George organized a fundraiser to aid the victims, which produced more than $20,000. George went to Greece with his wife in 1956 and distributed thousands of aid packages in Volos with the help of the organization CARE.

In the 1960's, George was elected president, lieutenant governor, and governor of American Hellenic Educational and Progressive Association [AHEPA] in New York State. When the Turks invaded Cyprus, AHEPA and George were intensely involved in the relief effort. George met with Secretary of State Henry Kissinger in Washington and demanded that the United States put a stop to using United States arms to attack Cyprus. With the help of Representative Mario Biaggi, George helped obtain $25 million in emergency funds for Cyprus from the United States allotment.

George then went to Cyprus and worked on the first documentary film—narrated by Telly Savalas—about the devastation in Cyprus. When George returned from Cyprus, he was met by Mayor Abe Beame, who gave HANAC a pier on the west side of Manhattan, from which thousands of tons of emergency food, blankets, medical supplies, and a mobile United States medical operation were transported to Cyprus.

In 1966, when John Lindsay was elected mayor, George who was the first Greek-American elected president of the New York Press Club as well as the prestigious Inner Circle, was assigned to room 9, the city hall press room. Mayor Lindsay had a "hot room" in the basement where citizens came to lodge complaints about services. Many Greeks arriving from Greece could not speak English, so the mayor asked George to help out, which he did. After the Long Island Star Journal closed in 1967, George went to the Long Island Press and worked part-time for the United Press.

In 1969, George founded HANAC and started its senior center. Mayor Lindsay later gave George the City of New York Medal for his philanthropic work.

After the Long Island Press folded in 1977, George took a job as a public relations consultant for the Police Benevolent Association and opened his own public relations firm.

During his PBA days, George saw two police officers slain in a Bedford-Stuyvesant hospital. George swore to do something about it, and started a campaign to raise $2 million to put a bullet-proof vest on every police officer. As in most every other venture in his life, George succeeded. New York's Finest are deeply indebted to George to this day.

HANAC has thrived, George's business has boomed. He has received numerous honors, dinners, and medals throughout his life.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

But he is most proud of his son Thomas, his daughter Litsa and her son Naki. He loves them deeply. And, Mr. Speaker, nearly everyone who has ever known George loves him deeply as well. Thank you.

CONGRATULATIONS TO WOODLAND ALL STARS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 26, 1994

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to the Woodland 13-year-old Babe Ruth All-Star Team. On Saturday, August 20, 1994, the Woodland All Stars captured the 1994 Babe Ruth 13-year-old world series title in Concord, NH.

The 1994 Babe Ruth 13-year-old world series champion roster included: Tony Salvemini, manager; Cliff Young, coach; James Wells, coach; Chris Bojorquez, Cesar Fernadez, Diego Genera, Matt Giebel, Joe Giger, Sam Henderson, Jay Jimenez, Eddie Lavorico, Marc Lecair, Isaac Preciado, Mario Quintana, Richard Rowland, Anthony Salvemini, David Saragoza, and Jeff Watson.

On the way to winning the series title, the team amassed an impressive overall postseason record of 15 wins and 1 loss. Their road to the world series title included victories over Elk Grove and Rancho Cordova for the district title, and victories over Oakland, Mountain View, Hayward, and Vallejo for the NorCal title. The team's sole loss in the postseason was to Glendale in the regionals. However, they avenged the loss with a victory over Glendale which, along with their victories over Yuma, Nevada, and Northridge, earned them the Pacific Southwest regional title and a shot at the world series title. The team capped their run with victories over Ashland, Brazoswood, Staten Island, and Jefferson City which earned them the championship title.

Pitcher Anthony Salvemini and second baseman Jay Jimenez were named to the All World Series team. In addition, Anthony was also named the series MVP and Isaac Preciado received the series Sportsmanship Award.

The team's postseason record is as follows:

District Tournament: Woodland 7, Elk Grove 4; Woodland 13, Rancho Cordova 1; and Woodland 4, Elk Grove 3.

NorCal Tournament: Woodland 7, Oakland 2; Woodland 10, Mountain View 6; Woodland 5, Hayward 2; and Woodland 7, Vallejo 1.

Pacific Southwest Regional: Woodland 19, Yuma, AZ 10; Woodland 10, Nevada 0; Woodland 5, Northridge 3; Glendale, AZ 5, Woodland 1; and Woodland 6, Glendale 0.

World Series: Woodland 6, Ashland, KY 5; Woodland 3, Brazoswood, TX 2; Woodland 9, Staten Island, NY 3; and Woodland 6, Jefferson City, MO 3.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring the Woodland 13-year-old Babe Ruth All Stars and I personally extend my sincere congratulations on their winning the Babe Ruth 13-year-old world series title.