HOUSE OF REPRESENTATIVES—*Wednesday, March 13, 1996*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. EVERETT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 13, 1996.

I hereby designate the Honorable TERRY EVERETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

For the beauty of life's gifts and for the splendor of Your grace, we offer our thanks, gracious God, for the new day. Though we must know the details of the particulars of each event, yet may we not only focus on what is in front of us, but lift our eyes to glimpse the vision of the opportunities You have prepared for each of us. O loving God, from whom has come our creation and the sustenance of the heavens and the earth, may Your strong arm support us along life's way and may Your spirit sustain us in all we ask or think or do. In Your name we pray. 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 gentleman from Pennsylvania [Mr. KLINK] come forward and lead the House in the Pledge of Allegiance.

Mr. KLINK 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will entertain fifteen 1-minutes on each side.

JUSTICE FOR THE VICTIMS OF PAN AM FLIGHT 103 AND THEIR FAMILIES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, on December 21, 1988, Pan Am flight 103 was blown out of the sky by a terrorist's bomb. That brutal, cowardly act killed all 259 aboard, including 189 Americans, 1 of whom, John Cummock, was a constituent of my congressional district.

Months of detective work finally uncovered the hand of Libyan dictator Mu'ammar Qadhafi behind this tragedy.

Since the identification of the Libyan agents who committed this crime, diplomatic pressure has been applied in an effort to force the extradition of these murderers. Qadhafi has refused to surrender them for trial, in either the United Kingdom or the United States.

Today, this House will have the opportunity to allow the families of these murder victims a chance to seek justice against Qadhafi, by passing a bill that will allow these families the chance to present the facts of this crime in American courts.

I urge my colleagues to remember the victims of Pan Am flight 103 and the need to seek justice for their families.

REPUDIATION OF EXTREMIST CUTS IN EDUCATION

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr Speaker, the other body yesterday by a vote of 86 to 14 handed out a repudiation of the extremist cuts in education that have been promoted by the Republicans in this House. Many schools are only a few weeks from notifying teachers that they will not be rehired next year. Local and State governments will have to eliminate needed education programs, or they are going to have to raise the property taxes on people who are already overtaxed, who are business owners or homeowners.

The 103d Congress was the education Congress. It passed Goals 2000, national service, school-to-work funding for students who are not going to college but need to be headed into a job. The 104th Congress now wants to cut those programs, along with title I, summer youth jobs, dislocated workers, Head Start, drug-free schools. It was the robber barons of the 1800's that did not want to fund education for the children of their workers, so the public funded education. Now the new robber barons of this generation want to take the public investment out of public schools. We should not let them.

THE ERA OF BIG GOVERNMENT IS ALIVE, WELL, AND LIVING IN THE WHITE HOUSE

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr Speaker, 50 days ago President Clinton stood before the American people right here behind me in this Chamber and said, "The era of big government is over." I am here to announce that, unfortunately, rumors of the demise of big government were premature. Big government is in fact alive and well, and living in the White House.

In case Members have not heard, Mr. Speaker, Bill Clinton has requested billions more in spending on many of his pet projects and liberals' constituencies. The President wants more money for corporate welfare, more money for ineffective job training programs, more money for the National Endowment for the Arts, and more money for Goals 2000, and on and on and on.

Mr. Speaker, let us not delude ourselves into believing that big government is over. The President's pork barrel package proves that liberal Washington special interests and the bureaucrats still want big government. Let us continue the fight against big Federal Government, reduce the tax burden on hard-working Americans, and let us balance the budget.

THE WHITEWATER INVESTIGATION HAS REACHED THE FINAL FRONTIER OF JURISPRUDENCE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, some people say that politics in America is getting real strange. Take Whitewater. Please, somebody take Whitewater. Whitewater has now gone where no man or woman has ever gone before, as evidenced by juror Barbara Adams, who shows up in a sleek red and black

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Star Trek uniform, complete with phaser and communicator. Adams said she is constantly prepared to be beamed up by Captain Kirk.

Surprised? Not me. I would not be surprised to see some of those witnesses show up wearing a beanie with a propeller on top. Mr. Speaker, this has taken American jurisprudence to a whole new dimension. Trial by a jury of your peers is getting a whole new definition, and I pronounce here today and acclaim that Whitewater has now entered the final frontier. Beam me up, Mr. Speaker.

THE PRESIDENT IS STILL TRYING TO INCREASE GOVERNMENT

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, just this past January President Clinton stood on this very House floor and proclaimed that the era of big government is over.

Well, once again President Clinton's actions speak louder than his words. He's now threatening to shut down the Government again in an attempt to bully Congress into giving him $8 billion more in the appropriations bill to spend on his liberal agenda. Instead of working to balance the Federal budget, the President wants to increase spending in order to appease his liberal base of support in this election year.

Mr. Speaker, this is not what the American people want. They want a smaller, less costly, more efficient Government. They want their elected officials to represent their priorities and their values, not Washington, DC, values. And, once again, the President has let the American people down by trying to increase, not decrease Government spending.

BIG GOVERNMENT, NO; BUT EDUCATION, YES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would simply say that big government is over, but I think my Republican colleagues think that opportunity for children is over as well. This Republican Congress is the bashing education Congress. They refuse to include in this continuing resolution resources for education. In fact, in my home State of Texas, we will lose $97.8 million in title I funds, $8.5 million in funds for the safe and drug-free schools program, and Harris County alone will lose $7.9 million in title I funds.

Do my colleagues know what school boards around this Nation are doing? They are presently wondering whether we are going to be able to hire teachers to teach our children. Big government is one thing. We all agree we must reinvent government. But what do Members believe about educating their children and having Goals 2000 that emphasizes quality education? Republicans apparently do not believe in it. The Congress will not even fund good education programs—promoting computer and reading literacy among disadvantaged children.

The irony of it is that the Senate has agreed that we need job training and education. They voted 84 to 16 to put in some $2.7 billion for education. We are not listening over here. What else do we not have? Summer job programs. We do not have summer jobs for our youngsters, the Senate agreed summer jobs for our youth should be funded. I wish they would listen. Education, yes; big government, no.

THE PRESIDENT SHOULD BALANCE THE BUDGET

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, you can lead a horse to water, but you can't make him drink. We have led the President to at least agree to the principle of balancing the budget, but he just won't take the next step and do it.

No matter how hard we try to make the President understand the importance of a balanced budget, for our future and for the future of our children and grandchildren, he fights us at every turn.

As a new Member of the House of Representatives, I came here to get a job done.

The American people sent us here to put a stop to the reckless spending practices that have saddled us all with a mountain of debt.

But the Clinton administration fights us at every turn. Somehow, President Clinton wants us to believe that in a budget of about a trillion and a half dollars, we're still not spending enough.

Mr. Speaker, the American people are listening; they have a Congress committed to a balanced budget and a President that isn't, despite his rhetoric to the contrary. If we cannot convince him to do what's right, perhaps the American people will.

REPUBLICAN EDUCATION CUTS ARE WRONG

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday, the extreme agenda of House Republicans was repudiated by their own Republican colleagues in the Senate. The Senate voted 84 to 16 to pass a Democratic amendment that restored vital funding for education.

They restored $2.7 billion in funding for education and job training programs cut by House Republicans. That means $814 million more in basic skills training in reading and math; $635 million restored for summer youth jobs; and $200 million added for safe and drug-free schools.

Education is a priority for the American people. They understand that we live in an age when a good wage is tied to a good education.

Let us not turn our backs on the schoolchildren of America by cutting education funding so vital for them to live a secure and prosperous life in the 21st century.

Mr. Speaker, I hope my Republican colleagues in the House will hear the wake-up call from Senate Republicans, rather than blindly charging ahead with education cuts that are both wrong headed and hard hearted, and that will hurt working middle-class families of this country.

LIBERALS ARE ADDICTED TO BIG SPENDING

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, liberals like to wrap themselves in conservative roles, partially at election times. This was the case 50 days ago when Bill Clinton said that the era of big government was over. Fat chance, Mr. Speaker.

Liberals are very good with disguises. But they can't hide their addiction to spending other people's money. Recently, the President submitted a request to spend an additional $8 billion for what is, essentially, a reelection pork package. The President wants to spend money on all kinds of Federal programs that will appease his liberal base. But the spending request totally contradicts the President's claim that the era of big government is over.

Mr. Speaker, our Government is now responsible for a $5 trillion debt. That debt will be shouldered by our children and grandchildren. It is outrageous that our President would masquerade as a fiscal conservative while asking Congress to add billions more to our debt.

DO NOT BALANCE THE BUDGET ON BACKS OF CHILDREN

(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, it is amazing. Never did I think I would be down here saying, "Listen to the Senate," but here I am saying, "Listen to the Senate," because they are speaking words we should hear here.

Yesterday they voted 84 to 16, and they said very clearly, "You do not balance the budget on the backs of America's children. You do not balance the budget on the backs of America's future." These are not the people that caused this deficit. B–2 bombers caused this deficit. All sorts of other pork projects caused this deficit.

Mr. Speaker, I think we have to get down to the specifics of how we do it. And to do this on children, children that do not have political action committees, children who do not have Gucci-shoed lawyers, they are the easy ones to shove out in the cold and say, "We have to balance the budget." We do that, and we have shortchanged the future of this Nation.

Listen to the Senate. They have understood how extreme the other side of this aisle is on those issues. Do not cut Head Start, do not cut drug-free schools, and do not demolish our future.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 45. Concurrent resolution authorizing the use of the Capitol Rotunda on May 2, 1996, for the presentation of the Congressional Gold Medal to Reverend and Mrs. Billy Graham.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1494) "An Act to provide an extension for fiscal year 1996 for certain programs administered by the Secretary of Housing and Urban Development and the Secretary of Agriculture, and for other purposes.".

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. BURNS, from the Committee on Appropriations, Mr. KEMPTHORNE, from the Committee on Armed Services, and Mr. EXON, at large, to the Board of Visitors of the United States Air Force Academy.

The message also announced that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. COCHRAN, from the Committee on Appropriations, Mr. REID, from the Committee on Appropriations, Mrs. HUTCHISON, from the Committee on Armed Services, and Mr. LEVIN, at large, to the Board of Visitors of the United States Military Academy.

The message also announced that pursuant to section 6968(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. HATFIELD, from the Committee on Appropriations, Ms. MIKULSKI, from the Committee on Appropriations, Mr. MCCAIN, from the Committee on Armed Services, and Mr. SARBANES, at large, to the Board of Visitors of the United States Naval Academy.

□ 1115

CUT FUNDING FOR NEA

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, the President has again issued an ultimatum that we, as Republicans, must allow an additional $8 billion to be spent on a host of Federal programs which many of these programs are nothing but pork barrel type projects. This spending is to satisfy the liberal groups that he needs for the upcoming election. Especially, the supporters of the National Endowment of the Arts.

I appreciate art as much as the next person. But, Mr. Speaker, it simply makes no sense to continue to tax working people's incomes to pay for works of art which insults and demean the values they hold dear.

It especially makes no sense to lay off Federal employees—with children to feed and bills to pay—so that the Government can continue to spend the taxpayer money on art which insults the religious values of the people who are being forced to pay for this so-called art.

We must stop this misuse of the taxpayers' money.

EDUCATION BUDGET CUTS

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

(Ms. VELÁZQUEZ. Mr. Speaker, I rise today to voice my deep concern over the massive budget cuts by my Republican colleagues to education programs. We can no longer tolerate this. These are cuts that will not heal.

Their slash and burn approach to educating our children has many casualties. One example under the current continuing resolution is the Safe and Drug-Free Schools and Communities Program. How can children learn in an environment where they must fear for their lives? We must give children every chance to live and learn—not take them away.

Anyone concerned with the health and safety of our children would find these cuts distressing. Who among you could look a child in the eyes and tell them that tax cuts to fat cats are more important than their education—or their life?

Mr. Speaker, it is time that we stop shortchanging our most vulernable citizens. Hasn't enough havoc been wreaked in children's lives? We stand on the brink of another shutdown and a CR with the largest education cuts ever. Let's stop this assault on our children and restore education funding now.

PASS H.R. 739, DECLARATION OF OFFICIAL LANGUAGE ACT

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, much has been said this morning about education and wasting of money. We spend some $12 billion a year in this country, $12 billion a year on bilingual education, which means we teach kids in other than the English language.

Let me tell Members about the Ninth Street Public School in Los Angeles. Many of the students in this school are children of new Americans, and they want to learn English. Their parents want them to learn English, too, but they were so frustrated recently by the bilingual education program being foisted on their children that they took their kids out of school, boycotted the school for a week.

What does it say about our educational system when the second largest city in America has 300,000 students in bilingual education programs, where they are not taught in English, where they are not learning anything, and we are wasting billions of dollars. The parents have no recourse but to yank their kids out of school to articulate their demand for English in the classroom.

I think it is a disgrace. The students of the Ninth Street School are lucky to have parents that will fight the system for their education. Let us teach English in our schools again.

SUPPORT EDUCATIONAL OPPORTUNITY

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, the real language problem in this country is not the one we just heard about, but it is the fact that our Republican colleagues cannot understand in any language the call of the American people to deal with the real problems that affect their lives. Instead, we have a House Republican majority that has produced one failure after another in the last 14 months.

As if that were not enough, they are proposing to chalk up yet again another failure this weekend as they head home in the face of a third Government shutdown. It is as if no matter what language you speak, they cannot hear the voice of the American people, because instead of solving these problems, they continue to bicker among themselves.

The House Republicans cannot agree with the Senate Republicans concerning how many American young people they should deny an educational opportunity to. The Senate yesterday rejected the extreme House Republican

cuts in education. They have got a great battle going on between the far right, the extremists who want to cut out any Federal commitment to education, and the not-so-right that say, "Well, let's just cut a few children."

The American people, whatever the language is, want to support educational commitment and opportunity for our young people, and we ought to get about that job.

STOP THE CENSUS BUREAU BEFORE IT DESTROYS FAMILY FARMS

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute.)

Mr. FUNDERBURK. Mr. Speaker, the Bureau of the Census, in its infinite wisdom, has recently proposed to change the definition of a farm. This is a bad idea for America. America's most basic industry is agriculture and the family farm. In North Carolina, under the current definition of a farm, we have over 50,000 farms, but under one of the new proposed definitions, we would magically be reduced to only 25,000 farms. Mr. Speaker, changing the farm definition will affect the allocation of Federal funding since it also changes the distribution of the farm population among States. The Cooperative Extension and many other agriculture agencies use farm population to allocate funds. Small farms in my State represent a significant share of total production of commodities such as tobacco. Over 65 percent of minority farms would no longer be defined as farms. Mr. Speaker, now is the time for Congress to take action to stop this proposal before it economically destroys the small family farms in the Second District of North Carolina and throughout the Southeast.

GIVE THE MIDDLE CLASS A RAISE AND A DECENT EDUCATION

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Mr. Speaker, in their infinite wisdom, House Republican leaders are once again pushing the Government of the United States to the brink of another Government shutdown.

The reason this time is their insistence on cuts to education and the environment. These cuts are so egregious, however, that even the Republican Senate voted 84 to 16 in favor of a Democratic amendment restoring education and job training funds.

Mr. Speaker, in this changing economy, the last thing we should be doing is cutting funds for programs that will help our children compete against highly educated workers in Germany and Japan.

This Congress, Mr. Speaker, should be concentrating on how to give the American middle class a raise and a decent education, not a Republican-sponsored wedgy.

WHEN WILL WASHINGTON LEARN?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, President Clinton, in his recent State of the Union Address proposed another Federal education program to provide merit based scholarships to the top 5 percent of high school graduates. This despite the fact that there are already 47 scholarship and fellowship programs operated by the Federal Government. In fact, President Bush's Presidential Access Scholarship Program—a merit based program—is still on the books.

This highlights an important point. The Education Committee has discovered over 760 Federal education programs spanning 39 separate agencies, departments, and commissions. Many of these programs were designed to meet the exact same goals—yet each has its own application process and regulations.

So why does President Clinton propose one more education program—program 761? Is it to improve the education of our children or merely to make us feel like we are educating our children by spending money and creating programs? This is a critical question we must answer—the education of our children is at stake.

REPUBLICANS DECLARE WAR ON EDUCATION FUNDING

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I would like to draw attention to the war that has been declared on education funding at the elementary, secondary, and postsecondary levels by the Republican majority.

If the Republican majority's continuing resolution is extended at its current level, it would mean a $3.3 billion cut in education programs from the fiscal year 1995 level, and this would be a devastating blow to many of the educational services our children depend on. For my State of New Jersey, this would mean a cut of $23.5 million to title I, $2.6 million to Safe and Drug-Free Schools, $2.2 million to goals 2000, $3.7 million to vocational education, $3.7 million to the professional development grant programs, $36 million in New Jersey alone cut in our children's educational future.

The majority's war on education is coming at a time when New Jersey's unemployment rate is above the national average of 7.3 percent. It comes at a time when we ought to be preparing our children for a more globally integrated, more technologically advanced and more competitive workplace.

Shortchanging our students today means shortchanging the Nation tomorrow. We should not be shutting down the Government, and we should not be shutting down our children's educational future.

HOW DO WE JUSTIFY THE DEPARTMENT OF EDUCATION?

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, when you think you have heard it all from this administration, they never cease to amaze me. In today's Washington Times, the U.S. Education Secretary Richard Riley responded to an editorial that questioned the role of the Department of Education.

To justify the Federal Department of Education, let me read what Secretary Riley said: "Most recently, the President asked me to distribute the manual on school uniforms," and I have got a copy of it here, the manual on school uniforms.

I have not read this invaluable tool that helps justify the existence of the U.S. Department of Education. Maybe Secretary Riley suggests color coordination on uniforms. Maybe Secretary Riley suggests now mixing plaids and stripes. Or maybe, in fact, this manual justifies the employment of 4,876 Department of Education employees, of whom 3,322 are in Washington, DC, working on this manual on school uniforms.

REPUBLICANS HURT LOCAL EDUCATION

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, the Republicans have our citizens facing the largest education tax cuts in history. The Republican right wing extremists in Congress seem to enjoy the prospect of bringing public education in this country to its knees.

The Republicans have slashed funds for reading and math programs, they have slashed funds for safe and drug-free schools, for vocational education and adult education programs. There seems to be no end to this madness.

Mr. Speaker, public education is the foundation of our democracy. Public education must be maintained to preserve and protect our democracy. The Republican madness must not be tolerated, but, Mr. Speaker, it must be stopped.

GENERATIONAL ACCOUNTING ASKS: WHO IS GOING TO PAY THE BILL?

(Mr. LARGENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGENT. Mr. Speaker, I came to the House with one speech in hand to give but I feel compelled to give another.

I just came from a committee meeting of the House Budget Committee where we talked about generational accounting. I just want to say that we have heard many passionate pleas from the other side of the aisle about how we cannot reduce spending, we cannot cut funds in education, in the environment, so on and so forth.

The bottom line is, who is going to pay that bill? It is going to be many of the young people sitting in the House Chamber at this very moment that are going to have to pay that bill.

Generational accounting does this. It says if we continue the current policies that we have in place today, what will the tax rate be on the future generations, my children and my grandchildren? Those experts that testified before that committee said this: that children that are born today will face an effective tax rate of 84 percent over their lifetime if we continue current policies.

Yes, we have tough decisions that we have to make, but it truly is about the future of our country and the future of our children. Just imagine yourself keeping 16 cents of every dollar you earn in the future if we do not make these tough decisions.

HOW CAN WE IMPROVE THE LIVES OF OUR CHILDREN?

(Mr. FRAZER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRAZER. Mr. Speaker, we are about to lose two generations of young people due to our failure to act. Corporations are downsizing and factories are closing. Parents are working two jobs, spending less time doing homework with their children. Summer jobs are being cut along with summer school.

So I ask my colleagues, what will we do to make a difference? How can we improve the lives of our children?

I suggest that we work to pass legislation which promotes and sustains a healthy nation. That means passing legislation which funds Head Start, public education, and student loans programs.

We must all work together to insure that the Government decisionmaking processes are deliberative and open. We must also insure that Government institutions are accountable and responsive to the public.

I urge my colleagues, let's do the work of the people. We are elected to serve.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1591

Mr. FROST. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 1591.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1130

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee on the Whole House under the 5-minute rule: Committee on Banking and Financial Services; Committee on Commerce; Committee on Government Reform and Oversight; Committee on International Relations; Committee on National Security; Committee on Resources; and Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. EVERETT). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

COMPREHENSIVE ANTITERRORISM ACT OF 1995

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 380 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 380

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2703) to combat terrorism. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 2 of this resolution. Each amendment printed in the report may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. It shall be in order at any time for the chairman of the Committee on the Judiciary or a designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution that were not earlier disposed of or germane modifications of any such amendments. Amendments en bloc offered pursuant to this section shall be considered as read (except the modifications shall be reported), shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. All points of order against such amendment en bloc are waived. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

SEC. 3. After passage of H.R. 2703, it shall be in order to take from the Speaker's table the bill (S. 735) to prevent and punish acts of terrorism, and for other purposes, and to consider the Senate bill in the House. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2703 as passed by the House. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 735 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I be permitted to insert extraneous material on House Resolution 380, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE. Mr. Speaker, House Resolution 380 allows for the orderly, but fair, consideration of H.R. 2703, the Effective Death Penalty and Public Safety Act of 1996. The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on the Judiciary, followed by the consideration of 17 amendments which are specified in the report accompanying this rule.

While we could not make in order every amendment submitted to the Rules Committee, the committee has tried to be as fair as possible in crafting this resolution. Amendments are made in order which encompass major areas of controversy surrounding this legislation, including those related to material support for terrorist acts, international counterfeiting, immigration, and death penalty reform, to name just a few. I would also note that several amendments included in this rule have bipartisan sponsorship. So I would just emphasize that the more significant areas of concern to members will have an opportunity to be fully debated.

Mr. Speaker, the rule waives all points of order to allow consideration of the amendments listed in the Rules Committee report. The amendments will be considered in the order printed in the report, and will not be subject to further amendment. Debate time for each amendment is also prescribed in the report, with input from the sponsors, so that the House can work its will in a timely manner.

In order to expedite consideration of amendments where there is bipartisan agreement, the rule also allows the chairman of the Committee on the Judiciary to offer amendments en bloc. The rule permits the original proponent of an amendment included in the en bloc format to insert a statement in the CONGRESSIONAL RECORD immediately prior to the disposition of the en bloc amendments. Members should also take note that the rule allows the chairman of the Committee of the Whole to postpone and shorten votes during consideration of this bill.

While the rule provides for the consideration of an amendment in the nature of a substitute, the rule also includes the customary motion to recommit, with or without instructions. Finally, if the House passes this legislation, the rule provides for the necessary steps to consider the Senate bill. S. 735, and to request a conference.

Mr. Speaker, as many of our colleagues know, April 19 marks the 1-year anniversary of the devastating terrorist attack that claimed 168 innocent lives in Oklahoma City. Combined with the nearly 500 people who were injured in that blast, the wanton attack on the Alfred P. Murrah Federal Building ranks as the worst terrorist incident ever to take place on U.S. soil.

Unfortunately, it was not the first such terrorist act to take place here in the United States. The bombing of the World Trade Center in New York City in February 1993 catapulted the threat of domestic terrorism to the forefront of American consciousness, as our citizens slowly began to realize that terrorism is not confined to foreign countries.

Up until that time, most Americans saw terrorism in an international light, brought to life by such events as the bombing of the U.S. Embassy in Lebanon, the murder of American tourist on the *Achille Lauro*, the downing of Pan Am flight 103 over Lockerbie, Scotland, and more recently, the string of terrible bombings that has disrupted the flow of daily life in Israel.

These latest attacks on the Israeli people make it clear that terrorism remains a serious threat worldwide. But, in the wake of the bombings which shook New York and Oklahoma City, we are faced with the sobering prospect that terrorists are at work right here in the United States.

In the months which have followed these tragic events, this Congress, and this House in particular, have faced the challenge of defining the appropriate Federal response to the threat of domestic terrorism. As one member put it yesterday in the Rules Committee, in the fight against terrorism, government must balance the need for public safety and security with individual rights and liberties. Ideally, what keeps us safe from violent crimes, such as terrorism, should not negate those constitutional restraints which also keep us free.

It is vitally important that our citizens have complete confidence in law enforcement's ability to do its job without trampling on any constitutional restraints. To help address these concerns, the rule makers in order the Bartlett amendment, to evaluate the current state of Federal law enforcement and its impact on public confidence.

In my view, this bill represents a serious, bipartisan attempt to protect American citizens against terrorism, while also protecting their fundamental constitutional rights. I commend Chairman HYDE and Representative BARR for working together in recent weeks to address a number of concerns about the constitutional boundaries to giving law enforcement the enhanced capability to deter and punish terrorist acts.

H.R. 2703 contains a variety of tools designed to strengthen law enforcement's hand against terrorists, including, but not limited to: Expanded investigative methods for combatting terrorism; special procedures for removing aliens suspected of terrorist activity; and important reforms to curb the abuse of habeas corpus by convicted criminals.

In addition, H.R. 2703 contains a provision that supports the growing national concern for innocent victims of all forms of crime. Specifically, it includes the language of H.R. 665, the Victim Restitution Act, which the House passed last February as part of the Contract With America's anti-crime package.

Mr. Speaker, throughout my years as a judge and prosecutor. I worked closely with victims of crime whose courage and strength in the face of adversity and personal loss was both moving and uplifting. Like the families of those who lost their lives in Oklahoma City and elsewhere at the hands of terrorists, these individuals did not ask to be victims. But after experiencing crime firsthand they bravely began the process of recovering from their unwanted and undeserved trauma.

After years of elevating the rights of criminals, society has begun to recognize that crime victims have equally important rights. Increasingly, their voices are being given a more meaningful role in developing public policy, helping them turn their personal anguish into positive action, but additional reforms are needed to bring some balance, to a process that often seems especially to them, one-sided. Crime victims clearly should not have to suffer twice—first at the hands of the criminals, and then by an inadequate justice system.

One of those reforms, which is included in section 806 of the bill, is the right to adequate restitution from the perpetrator for losses incurred as a result of the crime itself. While restitution can never erase a victim's suffering, it can provide victims and their families with a small measure of satisfaction that our criminal justice system cares about their needs, too.

Mr. Speaker, this debate is not about who, or which political party, is more committed to fighting terrorism. I think we would all agree that keeping America safe and secure is not a partisan issue—it is one of the most fundamental responsibilities of government. Sadly, domestic terrorism has emerged as a new threat to the safety and security of our cities and communities. In response to that threat, we need a tough, no-nonsense policy that gives law enforcement reasonable and legitimate tools to prevent and punish terrorist acts, and a policy that puts

our sympathy with the victims of crime, not with the criminals.

Mr. Speaker, in closing I would say to my colleagues that this rule provides a fair way to consider a very complex piece of legislation. It will provide the House ample opportunity to debate a number of important issues related to the basic question of what constitutes the appropriate Federal response to combatting terrorism. The Rules Committee voted unanimously last night to approve this rule, and I urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have been waiting a very long time for this bill. It has now been almost 1 year since that tragic day last April when the United States was forever changed by the madmen who blew up the Murrah Federal Building in Oklahoma City. We continue to witness senseless slaughter of innocent men, women, and children around the world because terrorists and extremists choose not to use legitimate political channels to register their dissent.

Oklahoma City taught us we are not immune from internal threats to our safety and security. The December 1993 World Trade Center bombing made it very clear that external threats are a clear and present danger to us all.

It was clear, however, that the original legislative response to these threats had substantial opposition from both conservative and liberal Members of the House. And, while the Judiciary Committee chairman, Mr. HYDE, has fashioned a substitute which addresses the concerns of a number of conservative Members, there are still other civil liberties concerns that have been raised by both liberals and conservatives. While the Committee on Rules has reported a rule which will allow many of these issues to be brought to the floor for the consideration of all Members, the committee majority did not provide for some amendments which might have significantly improved this vitally important legislative proposal.

Mr. Speaker, I am not going to oppose this rule. But, I do believe that the Rules Committee Republicans, in their effort to craft what they call a delicate balance, have missed an opportunity to truly open the debate on these issues. The Committee on Rules majority has, in spite of its assurances at the beginning of this Congress, seen fit to limit debate in the House.

This is one legislative proposal that deserves full and truly open debate. We are about to undertake consideration of legislation that seeks to afford us some measure of protection from nameless and faceless terrorists, but in so doing, the bill necessarily grants new powers to law enforcement authorities. These are matters which affect each and every one of us and we have a responsibility—a duty, really—to make sure that what we do will protect both our safety and our civil liberties.

Mr. Speaker, I reserve the balance of my time.

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Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I know that we all agree on the urgent need to combat foreign and domestic terrorism. I wish the Committee on Rules had adopted an open rule, which is the only way that we can fully debate such an important and controversial issue. Several of our colleagues were denied the opportunity to offer important amendments, including one which would ban armor-piercing bullets, something we badly need.

I was denied a chance to offer an amendment which would have closed loopholes in the current explosives law and mandate a background check for individuals purchasing explosives. Although the FBI has documented that criminal bombings have doubled in the past 6 years, this unprecedented increase will continue to go unchecked and the legal loopholes in current law will persist because I was not allowed to bring the amendment to the floor.

Despite the restrictive rule, I want to commend the chairman and members of the Committee on the Judiciary for including measures to protect innocent people from bombs made of plastic explosives. As my colleagues may know, a plastic explosive was used in a devastating terrorist bombing of Pan Am flight 103 in 1988 which killed all 270 passengers on board, including 2 young women from my district.

After that disaster, the United States worked closely with other nations to negotiate the Montreal Convention on Plastic Explosives. One of the most important provisions within this bill requires that plastic explosives include a special chemical that would make the material detectable at security checkpoints. If such a system had been in place in 1988, the explosives would never have reached the plane.

Although the Senate ratified the convention, Congress has yet to pass the implementing legislation that will formally bring our laws into compliance. The bill I introduced earlier this year, the Bombing Prevention Act, would make these necessary changes, and I am pleased to see that the Committee on the Judiciary included the bill's language to implement the Montreal Convention in the bill before us.

Mr. Speaker, the antiterrorism bill does have some positive provisions, but we can do better than the rule and the bill before us. I cannot understand why the Committee on Rules will not allow the House to consider measures which would have traced explosives purchases. It would have mandated better recordkeeping by the sellers of explosives and would better have protected all of our constituents.

For this reason, I urge my colleagues to reject yet another closed rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the member of the Committee on Rules for his good work on the Committee on Rules. But I rise this morning in opposition to a closed rule that blocks some 74 percent of the amendments that were offered to the Anti-terrorism Act of 1996.

Let me indicate my commitment to obliterating terrorism in this Nation. I, too, experienced the trauma of the Pan Am 103 where 270 people lost their lives. A young woman by the name of Myra Royal in my community, a bright and energetic young person with an enormous future, lost here life in that tragedy. But whenever we begin to tamper with the Constitution, I think it is also important that we view it as a traumatic event. The Constitutional Convention might be historically considered a serious undertaking to provide a document to provide for the liberty of Americans.

I was denied the opportunity in presenting two amendments that I think would have brought about both vigorous debate, but were warranted in this legislation: The first one was a sunseting provision on subtitle F, that had to do with the designating of terrorist groups. We recognize that it is important for our State Department and President to list those groups that might engage in terrorist activities. At the same time, we believe in civil liberties and the right to due process.

This particular title would in fact eliminate the opportunity for anyone who might have previously been involved in a group that had some terrorist association to justify their position in this country and to defend themselves if they were not involved in any terrorist activities or in fact they were really advocates for peace in such group. Sunset provisions allow this Congress to come back after a 6-year period and fully review this legislation to determine, has it been effective or has it not been effective?

Likewise, I offered an amendment, a sunset amendment for the entire legislation. Why? Not because I do not believe in eliminating terrorism from these shores but because I believe in the civil liberties of this Nation and the Constitution. This would have allowed us, Mr. Speaker, to have a full hearing to address the pros and cons of this legislation and determine whether it should continue or not in 6 years.

This is a bad rule. It eliminates the opportunity for debate. I ask the Speaker and the House to reject it.

Ms. PRYCE. Mr. Speaker, I yield 4 minutes to my friend, the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, when Pan Am Flight 103 was destroyed by a terrorist bomb, 270 lives, including 189 Americans, were cruelly snuffed out. These numbers included men, women, infants, students, tourists, and business people, and, most importantly, wives, husbands, and children. That tally included 35 Syracuse University students going home to celebrate the holidays with their families and, it also included John Cummock, a vice president of Barcardi Food Co. and a constituent of my congressional district, who left behind a wife and three young children. While these individuals are beyond our power to help, we have today the opportunity to help the surviving families to secure a measure of justice.

I would like to share with my colleagues today a letter I just received from Victoria Diaz Cummock, the widow of John Benning Cummock, and president of Families of Pan Am 103 at Lockerbie. I would like to share Ms. Cummock's letter with all of my colleagues this morning.

Ms. Cummock says:

DEAR CONGRESSWOMAN ROS-LEHTINEN: On December 21, 1988 terrorists killed my husband, John (age 38), along with 269 people aboard Pan Am 103. The bombing of Pan Am 103 was the single largest act of terrorism against Americans in this country's history. More Americans died aboard Pan Am 103 than in Desert Storm or in the Oklahoma City bombing. I was left widowed with three small children, Ashley 3, Matthew 4, and Christopher 6. For over seven years we have waited for our country's help and support. As with all American families victimized by terrorism . . . we continue to wait . . . still without our country's help.

Today, Congress has the opportunity to help us, so we can help ourselves. The anti-terrorism legislation H.R. 2703, contains a limited provision to waive sovereign immunity in cases of state-sponsored terrorism. This gives all Americans the right to pursue justice and have their day in civil court against these countries. Congress can not continue to allow countries that kidnap, torture, and murder Americans the right to hide behind sovereign immunity. The resounding message sent to countries sponsoring terrorism is that it is safe to target and kill Americans because there is no accountability.

There are over 30 million Americans that travel abroad each year who are not aware of how easily their lives can become unraveled by terrorism. These terrorist acts are tragic and devastating enough for victims' families to live with. To provide no avenues for help or justice to our families or the hostage survivors, like Joseph Ciccipio and David Jacobson, leaves thousands of Americans with both the physical and mental scars, thus allowing terrorists to win over our lives, (the survivors families), as well.

In contrast, for commercial reasons, U.S. corporations have the right to their day in civil court, to seek accountability and restitution for their damages under these same circumstances. In other words, our nation's present law allows restitution for a terrorist bombing of an airplane full of children—but not people. This is an outrage.

Today our legislators can set the record straight and send a message of hope and support to all the orphans, widows and American families victimized by terrorism. H.R. 2703, containing "the right to sue" provision allowing us to help ourselves. Please, as our legislators, don't continue to turn your backs on the families of Americans who have paid the ultimate price and sacrificed so much for this great nation. Let me be able to tell my children, who daily pledge allegiance to the American flag, that America stands with us in our pursuit of justice and accountability. Our hopes and prayers are with Congress today.

Sincerely,

VICTORIA DIAZ CUMMOCK,
Widow of John Binning Cummock,
President, Families of Pan Am 103/Lockerbie.

Mr. Speaker, the past several decades have taught us a great deal about international terrorism. We know that, to function in the international arena, these criminals require state sponsorship. As our colleague, Representative TOM LANTOS, has stated:

Terrorists do not operate in a vacuum, but rather rely on certain nations where they know they will find safe haven after carrying out their murderous acts. They must have at least tacit governmental approval of planned operations and millions with which to continue to buy the tools of death and destruction.

The physical evidence recovered from the wreckage demonstrated the truth of that observation. The explosive was identified: it turned out to be an exotic plastic explosive, an explosive formulated to evade detection by conventional airport security. The electronics were similarly specialized and while helping to solve the crime, did not bring justice.

When this forensic evidence identified the regime of Libyan dictator Mûammar Qadhafi as responsible for this crime, diplomatic pressure has been applied in an effort to force the extradition of these murders. Qadhafi has refused to surrender them for trial in either the United Kingdom or the United States.

To avoid civil action, the regime has hidden behind the Foreign Sovereign Immunities Act of 1976. This is the classic situation of a criminal regime invoking the protection of the law while acting in contempt of it. This bill contains a provision that will, under the narrow circumstances of terror and genocide, allow victims to reach beyond the Foreign Sovereign Immunities Act to seek redress for these crimes from the governments that sponsor these atrocities.

I urge my colleagues to remember the victims of Pan Am Flight 103 and the need to seek justice for their families.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the 60th restrictive rule reported out of the Rules Committee this Congress. In fact, 89 percent of the rules this session have been restrictive.

Mr. Speaker, for the RECORD I include a compilation of floor procedure in the 104th Congress as compiled by the Committee on Rules Democrats.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park and Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2. cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment; waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority. ***RULE AMENDED***.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted, it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr. of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H. Con. Res. 109				
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min).	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dorman), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each..	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
		PROCEDURE IN THE 104TH CONGRESS 2D SESSION		
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131.	N/A.
H. R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speakers table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speakers table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee.	N/A
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee.	2D/2R
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of orer against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on enblocs; provides a Senate hook-up with S. 735.	6D; 7R; 4 Bipartisan

*Contract Bills, 67% restrictive; 33% open. **All legislation 1st Session, 53% restrictive; 47% open. ***Legislation 2d Session. 89% restrictive; 11% open. ****All legislation 104th Congress 60% restrictive; 40% open. *****Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

Ms. PRYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just assert that this is a very fair way to consider a very complex piece of legislation. It will provide the House ample opportunity to debate a number of very important issues to the basic question of what constitutes our appropriate Federal response to combating terrorism.

Mr. Speaker, I include for the RECORD a report of the amendment process under special rules reported by the Committee on Rules, 103d Congress versus 104th Congress.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of March 12, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	59	62
Modified Closed[3]	49	47	23	24
Closed[4]	9	9	13	14
Total	104	100	95	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of March 12, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of March 12, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 376 (3/7/96)	Debate	H.R. 2703	Effective Death Penalty	
H. Res. 380 (3/12/96)	MC			

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. GOSS. Mr. Speaker, I urge my colleagues to support this very fair rule allowing us to consider a host of important issue relating to crime, terrorism, punishment, the proper role of the Federal Government, and the rights of all Americans. The Rules Committee had a tough assignment in wading through some 70 amendments to this bill—and I believe we have done a fair job of selecting amendments to ensure a broad and inclusive debate.

Mr. Speaker, in a nation that is accustomed to extraordinary personal liberties, we have had to consider the terrible reality of terrorism hitting home. The World Trade Center bombing made us painfully aware of the risks associated with living in a free society in a dangerous and unsettled world.

We agree that all Americans deserve to be safe in their homes, at their schools, on their jobs, and in their neighborhoods. And we are attempting with this bill to improve our ability to meet that challenge. There is a delicate balance, however, between the necessity of empowering Government entities to protect the peace and the necessity of preserving the constitutional rights of free people in our society. I have heard in recent days from many southwest Floridians who are concerned that this bill as now written upsets that balance, overextending the power of the Government at the expense of individuals' rights. They have urged us to be sure that we do not fall into the trap of responding to the risk of terrorism at home simply by passing new legislation that does not effectively attack the problem. As have many of my colleagues, I have been reminded by my constituents that Federal law enforcement already has significant tools with which to combat terrorism—and all the new

powers in this bill may not be necessary. Given this serious concern, I am pleased that this rule allows for ample time to debate the merit of the antiterrorism provisions of this bill—and to consider alternative proposals.

Mr. Speaker, that being said, I believe that this bill has many positive aspects, most notably the important judicial reforms that were part of our Contract With America, passed by this house but have not yet become law. For example, we are going to offer victims of crime the opportunity to gain fair restitution. Long-overdue reform will make the death penalty a real punishment, ending in timely execution instead of the never-ending court proceedings that keep justice from being carried out. And marking dangerous plastic explosives will help the FBI solve crimes faster and more effectively.

Mr. Speaker, I am pleased that we have the opportunity to debate these issues—since they matter very directly to every family in this country. Public safety and the security of our neighborhoods is of prime concern to all of us and this bill offers a solid foundation upon which this body can build. I look forward to the debate.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. EVERETT). The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 251, nays 157, not voting 23, as follows:

[Roll No. 60]

YEAS—251

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—157

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bellenson
Bentsen
Berman
Bishop
Bonior
Borski
Brewster
Browder
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Dingell
Dixon
Dooley
Durbin
Edwards
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hefley
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
LaHood
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Mollohan
Moran
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Rahall
Rangel
Reed
Rivers
Roemer
Roybal-Allard
Sabo
Salmon
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Tiahrt
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Woolsey
Wynn
Yates

NOT VOTING—23

Brown (CA)
Bryant (TX)
Chapman
Chenoweth
Collins (IL)
Collins (MI)
de la Garza
Hoke
Laughlin
Livingston
McDermott
Moakley
Nadler
Neumann
Ortiz
Porter
Riggs
Rush
Sisisky
Stokes
Waxman
Whitfield
Wilson

□ 1220

Messrs. KENNEDY of Massachusetts, RAHALL, and BARCIA changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 60, I was unavoidably detained on personal business and unable to vote. However, had I been present, I would have voted "yes."

□ 1515

PERSONAL EXPLANATION

Miss COLLINS of Michigan. Mr. Speaker, this morning I was unavoidably detained and missed rollcall vote No. 60 by about 1 minute. Had I been present, I would have voted "no."

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that House Resolution 376, providing for consideration of H.R. 2703, which was a general debate rule only, be laid on the table. This has been cleared with the minority.

The SPEAKER pro tempore (Mr. EVERETT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 380 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2703.

□ 1217

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2703) to combat terrorism, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill comes to us against the background of domestic and foreign terrorism that has caused countless murders of innocent men, women, children, and the elderly. So bloody, and so cowardly, a series of crimes that to ignore them and to ignore the frightening potential for future atrocities amounts, in my humble opinion, to a dereliction of duty. The World Trade Center bombing in New York prompted this legislation. That cost 6 lives, and it was a miracle that it did not cost 600. Had the bomb been placed differently, it might have knocked the entire building down.

Mr. Chairman, this bill is spurred by the Pan-American 103 tragedy, which cost 270 lives. It was spurred by Leon Klinghoffer's murder on the *Achille Lauro*; by the American hostages in Lebanon; by the use of chemical warfare in mass transportation in Japan; by the Oklahoma City bombing that cost 168 lives; by the bombings in Tel Aviv and in Jerusalem, and by the IRA in London.

Mr. Chairman, as the tragedies mount, as the efforts at international intimidation mount, what is our response? We are told by some that we do not need any new laws. After all, we caught McVeigh, did we not? Yes, we did, we caught him speeding. Talk about lucking out.

There is an old saying, "God takes care of drunks, children, and the United States of America." I hate to rely on that for our future national security. I do view our sworn duty, and upholding our Constitution, not to prefer the criminals and criminal aliens, but to provide for the common defense within the four corners of our Constitution. All I ask, Mr. Chairman, is that the Members do not consign their common sense to certain groups who belittle what we are trying to do. In the end, we have to live with ourselves and how we vote on this life and death issue.

What is in this bill, I would ask, Mr. Chairman? There are three things that ought to be of interest to all of us: the effective death penalty provisions, H.R. 729 recapitulated, and which has been passed by the Senate; that is habeas corpus reform. There is the Criminal Alien Deportation Improvements Act. That is, after a criminal alien has served his time, an expedited deportation of that person. There is mandatory victim restitution. That brings the criminals to justice and brings justice to the victims.

Mr. Chairman, we have taken out, after months, and I mean 3 months at least and more of negotiation with people out of sympathy with every aspect of this bill, we have taken out emergency wiretap provisions, although I wish they were in. We have taken out the roving wiretap authority, because criminals go from one phone to another. God forbid that we should be able to tap into the person's conversations, rather than specifically to the phone, but we took that out.

We took out military involvement in civil law enforcement provisions. That is where they use chemical warfare in mass transportation. We take that out, even though the military is probably the only organization available that has the technology and know-how to cope with that. We have taken out a definition of terrorism that they complained was overly expansive.

We have taken out the funding for a domestic counterterrorism center that the FBI and the CIA wanted, and the Justice Department wanted. We have taken out funding for additional FBI personnel, as though we have enough FBI agents. We have taken out provisions to pay for digital telephony that will permit our law enforcement people to tap into fiber-optic wires. We will not have that capacity. We took out machine-readable visa provisions.

What is left in the bill? As I said, there is habeas corpus reform, criminal alien deportation, and mandatory victim restitution. Those are largely crime, rather than antiterrorist, but we do require the marking of plastic explosives with chemicals to aid in detecting their presence before they explode. If we had had that capability, we could have prevented PanAmerican 103 and the loss of life.

We prohibit unlawful nuclear material transactions. There is a serious threat of nuclear terrorism from diverted stockpiles from the former Soviet Union. This is deterrence by legislation.

We do not repeal the sixth amendment's protection of our right to confront our accusers in criminal cases. But, in deportation cases, under certain circumstances, when to confront the accused by the source of the information would reveal the source and compromise our security, there is a very useful and, I think, justifiable process in the bill to protect justice and at the same time protect America from alien terrorists. That is taken out by an amendment to be offered by the gentleman from Georgia [Mr. BARR].

Mr. Chairman, this bill bars representatives and members of designated foreign terrorist organizations from entering the United States. That is taken out by the Barr amendment, which we will debate later.

This does include a provision that was part of the Contract With America that provides a good-faith exception to the statutory exclusionary rule. If the court finds a law enforcement officer's violation of the wiretap statute was a good-faith error, the evidence will not be suppressed. That was taken out by the Barr amendment, which we will debate latter.

□ 1230

This bill incorporates the Criminal Alien Deportation Improvements Act, which already passed the House and we are going to try and pass it again. It has not passed the Senate.

This bill changes asylum laws to avoid manipulation by terrorists.

This bill prohibits fund-raising in the United States by designated foreign terrorist groups. That is stripped out of the bill by the Barr amendment, which we will discuss later, by way of stripping the designation process of who is a terrorist or a terrorist organization.

Parenthetically, this morning's Washington Post has an interesting story on page A–18: "Freeh," meaning Louis Freeh, the director of the FBI, "Says Hamas Raising Money Here." That seems to me to be outrageous, but we will come to grips with that later in the debate over the amendments.

But the people of the United States should not bankroll terrorist activity.

The effective death penalty provisions are habeas corpus reform, a major plank in Republican anticrime policy. I can only say when a John Wayne Gacy murders 27 young boys and it takes 14 years from the time of his sentencing to the time he is executed, something is seriously wrong with justice. We try to correct that.

The widow of the Secret Service agent who died in Oklahoma City, Diane Leonard, told us the other day, that for victims there are no indictments, no pretrial hearings, no trials, no appeals, no chances for remorse and no doubt of their innocence. Yet for those who commit these crimes, where there is no doubt of guilt, there is only appeal after appeal after appeal.

We have the Victims' Restitution Act in here, another Contract With America anticrime item that previously passed 431 to 0.

Mr. Chairman, we have a good bill here, a bill that I think is helpful in a situation where danger lurks internationally and domestically. As Israel's best friend in the world, it would be naive in the extreme to assume that we will not be targeted by those forces that are cowardly and promiscuously bombing in Jerusalem and Tel Aviv, where buses and public places get bombed.

To me it is, I hate to use the word insanity, but it is, not to be prepared for this. There are things we can do and we ought to do. I respectfully urge Members to listen to this debate. It will not be pleasant, it will not be easy, but it involves our national security. I commend it to Members' preferred attention.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the distinguished chairman of the Committee on Judiciary for opening up the discussion around a very sensitive and important matter. He has worked very hard on this matter and he feels very strongly about it. I hope we will all stay down on the planet, right down here on terra firma as we discuss a very emotional, very difficult, very sensitive, very terrible circumstance that this House of Representatives is called upon to try to resolve.

I begin our part of this debate by referring all of my colleagues, including my chairman, to a Monday, March 11 New York Times op-ed piece by Anthony Lewis. It describes succinctly how terrorism wins.

It wins by undermining the Constitution unwittingly as we rush out with an omnibus bag of about every anticrime piece of legislation that has been laying there, and we throw it all together and we throw it at those awful terrorists. It might help, and it will do some good, and there are some good parts of the bill that was authored by the chairman of the Committee on Judiciary.

Another piece that I refer to the gentleman is the New York Times editorial dated today: "The Wrong Answer To Terrorism." We are going to discuss this, because there are several proposals on the floor today. One is the Hyde-Barr bill passed in the Committee on Judiciary. One is the Barr bill, which is not antithetical to the Hyde-Barr bill, but they go along together in some parts and they fly apart in some places. I will leave them to explain where there are similarities and differences.

But I would like to bring to Members' attention that the bill that many of us are supporting has some very important, good features of the Hyde provision in it, identical. I would like to recite them at the very outset of the debate, because our chairman has made a number of comments that I will be commenting again on with more particularity.

He has talked about the Victims' Restitution Act. It is good. We support it. He has it, we have it, "we" being the Conyers-Nadler substitute that will come up at the end of this debate.

We check off one. We both agree on that.

We have significant other agreements in antiterrorism. We both agree that we should have prohibitions on providing material support for terrorists and on fund-raising efforts on their behalf.

He cited Hamas. I cite Hamas. I agree that we should not allow terrorist to raise funds and we should not provide material support for their fund-raising efforts where there could be confusion of whether they are charitable or not charitable. We think that there should be very careful, precise distinctions made about that. I think we may do a better job in the substitute than the chairman's bill, but that is what we are here to figure out this afternoon.

There are new criminal provisions in both bills protecting Federal employees and their families, prohibiting the sale of nuclear materials and the threatened use of weapons of mass destruction, and new criminal provisions for combating terrorism overseas. It is in the Hyde-Barr bill, it is in the Conyers-Nadler bill. Identical provisions. We agree. There is no dispute about that. We think these are effective remedies.

Another area of agreement: Increased criminal penalties for burning or bombing Federal property. Agreement. Conspiring to take hostages and commit air piracy, increase the criminal penalties. Agreement. Transferring explosive material knowing it will be used to commit a crime of violence, increase the penalties. We agree.

We also, on our last point of agreement, have both determined that there should be enhanced investigative authority given to parts of our Government. In the area of requiring the marking of plastic explosives, more investigative authority. In the area of requiring telephone companies to preserve their records for at least 3 months, more investigative authority. And in authorizing monetary awards to assist in the prosecution of felony cases, more enhanced authority. It is in the Hyde-Barr bill, it is in the Conyers-Nadler bill. Agreement, point after point after point after point after point after point.

But I would like to submit, Mr. Chairman, that the substitute bill is tougher on terrorists than the Hyde-Barr bill in two key respects:

First, in our bill we make it a crime to target children when engaging in an act of terrorism, thereby specifically responding to the shocking crime in Oklahoma City. We make it an additional crime to target children when engaging in the act of terrorism. Then we include even stronger protections for American citizens who are the victims of violence in terrorist States like Libya. How? By allowing suits against terrorist nations to be brought directly in an American court.

Mr. Chairman, I would like to invite all of our colleagues to inquire, which bill is more effective? Which one has more expanded authority? Which one has more increased criminal penalties? And which one has more new criminal provisions, as we wind our way through this debate?

Mr. Chairman, I concede that the Hyde-Barr bill came out first, so it was easier for us to improve on their bill than for them to improve on our bill. We might say we are the new, final, refined, updated version on the subject. We are the latest product of a lot of hard work that went into these bills and these provisions by the members of the Committee on the Judiciary.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, it is no secret that 80 percent of the people of the country in one way or another have registered their support of the imposition of the death penalty for those vicious types of cases that too often find their way into the headlines of our newspapers and on the evening television news. We have tried mightily from the very beginning to make sure that the Federal establishment has a workable death penalty on the statute books.

When I first came to the Congress, I was appalled by the then Committee on the Judiciary, of which the gentleman from Michigan was a potent part, where the Democrat-controlled committee smacked down every conceivable attempt we made at trying to install a Federal death penalty to cover, of all things, assassination of the President, God forbid, and felony murders, multiple murders, all these heinous crimes that occur on a daily basis. Anyway, it took us until 1988 with a parliamentary maneuver to make an entry into this field by having the House approve, at long last, a death penalty for at least those drug dealers who kill in the furtherance of their enterprise.

We were joyous in the fact that we made this breakthrough and that we had this deterrent effect on the books, after long last. But then we are faced with another phenomenon.

□ 1245

It appears that the inmates on death row who have been convicted of these horrible killings are able to escape the final justice, to escape the noose, as it were, by filing appeal after appeal after appeal, sometimes lasting on inmates row, on death row for as long as 15 years.

Those same statistics that show that 80 percent of the American people want the death penalty properly applied, that same statistic, also yields an outrage on the part of the American people at the inability of the final word to be placed on the killer on death row.

What the provisions in this bill do is to limit the number of appeals that can be filed by the inmate so that justice can be served. That inmate will then meet his justice at the hands of the Federal Government even though he will have tried to avoid justice.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK], who has been

on the committee since he arrived in the Congress, has worked on these matters with great diligence.

Mr. FRANK of Massachusetts. I thank the senior minority member of the Committee on the Judiciary, who made such a good statement. I appreciate his reminding me that I have been on the committee, because I could have sworn I was on the committee. I went to a lot of meetings of something that I was told was the Committee on the Judiciary, and I was voting on something called the terrorism bill, but then I see the bill that is on the floor today, and it is not the bill that we worked on in committee.

I very much regret the way the leadership of the House, and I do not believe this is a decision of the committee leadership, I am talking about the House leadership, the House leadership and the Committee on Rules. I regret the way they are systematically denigrating the work of the committee. That is not simply a matter of jurisdiction of turf, it is a matter of legislative procedure that goes to substance.

We are dealing here with about as important a set of issues as we can. How does a democratic society committee to democracy, committed to individual rights, committed to openness, deal with the murderous threat of a small handful of people, internationally based, who are trying to wreak harm in that society? There can be no more important or more difficult task than to arm the law enforcement people, the decent and hard-working and well-intentioned law enforcement people of this country, with the tools that allow them to counter the terrorists who are increasingly a worldwide group, although obviously our domestic people contributed sadly a great deal to this, how do you arm them while at the same time preserving democracy and individual rights? That is a process that takes some balance.

I did not agree with everything in the bill that came out of the Committee on the Judiciary, but the chairman presided over a very fair markup, gave consideration to legislation on the merits offered to amendments, and that bill came out that I voted for because I thought it achieved that balance, and then once it was no longer in the hands of the committee and the committee leadership, the Republican leadership made the decision that they had to conciliate their own right wing, and we therefore have a bill today which is so different than the bill that came out of committee.

Let me give you an example. One of the provisions that was in the committee bill, and it was narrowed in committee. I did not agree with the narrowing. That is the way the committee process worked out. It allowed the Attorney General of the United States to call on the U.S. military if she could certify that she had no civilian expertise and needed military expertise to deal with certain weapons of mass destruction, biological and chemical weapons.

That was included in the committee bill. It was narrowed in committee, but no one in committee even moved to knock it out. Lo and behold, words I do not often get to use, lo and behold, the bill comes on the floor of the House, and that language is missing.

I went to the Committee on Rules yesterday and said I have an amendment. I would like to restore to the bill language that was in committee, and the chairman of the Committee on Rules said, well, it is not germane. Language that the committee adopted modified, giving the Attorney General of the United States the ability to call on the military of the United States for expertise if she can find that expertise nowhere else, specifically, said the military cannot arrest, the military cannot do detention, the military expertise, special expertise in weapons of mass destruction can be made available.

It was in the committee bill. The right wing, sadly, tragically, increasingly, regards the U.S. armed services to some extent as a bad guy. It is a very interesting factor here. Why did language empowering the Attorney General to ask the U.S. military for assistance that was in the committee bill not only disappear but it is not germane, it is not allowable to be offered? Because the right wing had to be palliated. The right wing, maybe they thought these military people were going to come in black helicopters. I do not know what paranoia on the American right that is involved here. I know it is tragic the Committee on the Judiciary was compelled by its leadership to give in. We are going to see this with the immigration bill, by the way. We had a very good process on the immigration bill once again. Once it left the Committee on the Judiciary, where the chairman presided over a fair and deliberative markup and we came up with a bill, balanced, although some liked it, some did not, it leaves the committee, and right wing pressures are applied through the Republican leadership to change, and presto chango, how things happen, things disappear, things appear, and this terrorism bill, things affirmed in committee have been knocked out. Things not in are put back in. Things in the committee with amendment, amended, and it is critical for this reason: We need to draw a balance.

I am in favor of enhanced law enforcement powers to deal with terrorism, but I want those powers to be accompanied by safeguards tailored to make sure the powers are exercised well. I want judicial review in a reasonable way. I want people who may have had their rights interfered with able to sue in reasonable fora.

I voted for the bill in committee. I am going to have to wait and see how we vote on this. We no longer have the careful product from the committee. We have something that has been jerked out of shape by the leadership of this House giving in to right wing pressure.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 2703, and since this is general debate, I want to say, meaning no pun whatsoever, that I am generally in favor of this bill. I think some further modifications are still indicated, and I intend to vote for some of the amendments that are being offered here today.

However, I believe that we should pass H.R. 2703 and move on this front. I think international terrorism is a reality. It has happened in the United States. It is happening all over the world. It is something that we are going to have to do ever stronger efforts in order to confront.

I want to say that the Federal Government has the chief responsibility in countering threats against this country that originate from outside of this country. Other than modifications, which, as I have indicated, some of which I support, I have heard two general objections to this bill. One is why do we need to give the Federal Government any more responsibility, since a terrorist act by definition, when it occurs, would violate State law? In other words, if a bomb is set, a bomb goes off, that would violate the law in any State of the United States. Of course, it would. But I can tell you from a career in State and local law enforcement that State and local law enforcement simply is not geared to do the intelligence and investigation of processes that would be necessary to try to counter foreign-based terrorism.

Second of all, the argument has been raised that there have been certain events where law enforcement procedures may have been abused by Federal law enforcement agencies, and portions of incidents at Waco and Ruby Ridge are argued, and indeed law enforcement, I think, in both of those incidents fell short. But that does not mean that we do not give law enforcement responsibility to act because there are problems, because there are problems in every law enforcement agency. We clear up those problems, and we move forward when we have to, and I believe this bill does so.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. WATT], an able member of this subcommittee, a practicing attorney for decades.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for

yielding me this time on this important subject, and I want to congratulate the members of the Committee on the Judiciary who have dealt with this very difficult issue over a period of time and tried to craft a bill that has a sense of balance to the in the face of a lot of emotionalism that exists on these issues.

I think the chairman of our committee, Chairman HYDE, has framed the issue in this debate a little bit differently than I would frame it. He has said the issue is do we need a bill or some additional laws in the area of international terrorism? I think if you polled every Member of this body, you would get no dispute on that issue. All of us would agree that additional laws are needed to address this dynamic and changing area that we historically have not had to deal with in this country.

So the issue is not do we need additional laws. The way I would frame the issue is not do we need additional laws, the question is do we need these laws that are being proposed in this particular bill. And I will submit to you that there are some very, very troubling aspects to this bill. What we are called upon to do really is to draw a balance between the need for additional laws to address terrorism and, on the other hand, the individual rights that individual citizens in the United States are guaranteed under the Constitution of the United States of America.

When we are stepping across the bounds to make new laws that substantially cut back on our individual rights and freedoms in this country, then we must begin to ask the question, what price are we willing to pay in terms of our individual rights and freedoms? What price are we willing to pay as citizens of this country to make ourselves more secure?

Now, let me illustrate this to you. We can build walls around everybody in this country. We can take away all of our individual rights that are guaranteed to us in the Constitution and lock everybody up whether they have committed any crime or not, and none of those people inside those walls or in those jails who have been deprived of their rights can commit any crimes.

But are we willing to pay that price? Are we willing to pay that price for security? Because the more we take away our rights and lock people up without giving them due process and take away the right of habeas corpus that protects the individual citizen when the Government is engaged in some illegal act, the more we have moved toward a totalitarian society and away from the democratic society which is so important to each and every one of us.

So as we listen to this debate, I encourage all of my colleagues to constantly think about what this balance ought to be. What price am I willing to pay as an individual citizen in terms of my own individual rights and freedoms and liberties and protections? What price am I willing to pay to address this issue? And if we can arrive at some appropriate balance, then that is where we ought to be going in this bill.

□ 1300

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS. Mr. Chairman, I stand before you today in a position that I never would have envisioned for myself when I was elected to Congress. I am here today as a champion of habeas corpus reform. This is not because I have had a change of heart, but because of the heartbreak of the people of my State.

April 19, 1995, the day of the ruthless bombing of the Alfred P. Murrah Federal building in Oklahoma City, will be etched in the minds of all Americans for years to come. To the people of Oklahoma, and especially to the families of the 168 people that died in the bombing, this year has been especially long and difficult as we have tried to begin the process of healing and putting our lives back together.

An important part of the healing process for the survivors will be to see that those who committed this heinous crime are punished. The habeas corpus reform that is included in this bill will ensure that those who committed this crime will not be able to delay punishment through endless appeals.

Last week, many of you had the opportunity to meet with the Oklahomans who have suffered the most in the past months. They are real people with real stories. For example, there is Clint Seidl, an 8-year-old boy who will never see his mother again or Nicole and Kylie Williams. Nicole's husband Scott was making a delivery to the Federal building that fateful day. Nicole was 6 months pregnant at that time and now Kylie will never know her father.

The message of these victims and survivors is that they will never see their loved ones again, while those who committed this heinous crime, if convicted, will. And even if they are sentenced to death, they could languish on death row for as long as 17 years. I believe a fellow Oklahoman, Diane Leonard, who lost her husband in the bombing, said it best. She said, "The victims had no judge, no jury, no pretrial hearing, no trial, no defense, no appeals, no convictions except that found in a sick mind. My husband and others were executed with no dignity, no time to prepare, no chance to repent, no opportunity for their family to know of their love or to be reassured of their families' love for them. They had no guarantee of a painless and swift death. These innocent were left to linger and die in the rubble."

Mr. Chairman, this bill is about these victims and preventing what happened to them from ever happening again in this country. I stand here today and say enough is enough. Support fundamental habeas corpus reform. Support mandatory victim restitution. Support closed-circuit broadcasting of the Oklahoma City bombing trial for its victims. Support H.R. 2703.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is known as the accuracy in debate portion of our activities on the floor today.

The chairman says that somebody is telling him we need no new laws. Now, maybe somebody is, but nobody on the Committee on the Judiciary that I know of has been telling anybody that, Republican or Democrat. I think everybody knows we need new laws.

The question, sir, is, what new laws, which new laws?

Now, I know we have to refer to the Oklahoma City tragedy, the Klinghoffer, *Achille Lauro*, and other terrorist activities. Hamas will be mentioned 999 times today, and maybe it should be. But what do these have to do with habeas corpus?

Here, Chairman HYDE, is where you went wrong, because you made this a grab bag crime bill and lost sight of the fact that this is an antiterrorist piece of legislation of the first moment. So you gathered up every old sack of legislation that has been laying around. And since you thought you were on a fast track, you stuck it on.

Here is the first train coming out of the station. Well, we have been debating habeas corpus for 10 years. Stick it on. Let us go get the death penalty. Stick it on. Let us get alien deportation. We have immigration coming up. But stick it on.

Now you are paying for it, because you have got a junk bag crime bill, and not what we came here for today, namely, a bill to fight terrorism. Because I have got the best antiterrorist bill that will hit this floor today, the strongest, the most effective, the one with the most additional penalties. And you have got a great crime bill that ought to be debated some other place, some other time. And that is the problem.

Mr. Chairman, the gentleman says somebody took wiretaps out. Well, read the bill. We did not take wiretaps out. That is an inaccurate statement.

We have got plenty of good things in here, and I just want to close with one: Prohibiting material support to terrorist organizations. That is in my bill: Prohibiting the providing of material support or resources to organizations designated as terrorist by the Secretary of State. But it provides expedited judicial review of that designation in a hearing in which the organization will have the opportunity to call witnesses and present evidence in rebuttal of that designation.

You do not mind that, do you? We are in America. Since when can one Cabinet official come up with a list? Do you not remember the McCarthy era, sir? That is what the Attorney General did. Now here we are within the same generation coughing up the same nonsense. And we say, "Well, let's give people a chance to rebut the designation."

What for? I would not want the Secretary of State Buchanan designating who is a terrorist organization in this country, America, anytime soon. I do not really think most of the Members do either.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I yield myself this time simply to express my profound appreciation for being instructed by the distinguished gentleman from Michigan. I always learn when he talks.

However, I beg to disagree. I think terrorists who kill ought to die, and they ought not to linger for 16 or 17 years. That is why habeas corpus is in there.

I commend the text of the bill to my friend. He said one cabinet officer can come up with a list of terrorist organizations. No, it is the Secretary of State in conjunction with the Attorney General. That is two, the last time I looked. They come up with the evidence, they submit it to Congress, the facts behind it, and a judicial review is available to the organization or the person. So I commend the text to my friend.

Mr. Chairman, I yield 1½ minutes to the learned gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I rise in support of the foreign sovereign immunity amendments contained in this legislation. We must make foreign state sponsors of terrorism responsible for their actions. Recent events make clear now more than ever the grave threat posed by international terrorism to the interests of the United States at home and abroad. Outlaw states continue to serve as sponsors and promoters of this reprehensible activity, providing safe haven, training, weapons, and other support to terrorists.

Terrorists are responsible for the deaths of our citizens and other innocent civilians in senseless acts of violence and the destruction of property throughout the world. You will recall, with horror and profound grief, the murders aboard the *Achille Lauro* cruise liner, the bombing of Pan AM Flight 103, the World Trade Center bombing and the four recent bombings in the State of Israel. The list of other such shameful and cowardly acts is endless.

In addition to the horrible human and economic costs of terrorism, it is also a serious attack on United States foreign policy across the globe. Terrorist acts create instability, detract from our efforts to secure peace, and directly assault the United States and our closest allies.

We cannot tolerate support for terrorism from foreign governments. No member of the community of nations should condone or assist such reprehensible violence. And no foreign state should be able to hide behind its immunity as a sovereign government to avoid having to pay the consequences of supporting terrorism. Accordingly, I introduced H.R. 1877, the State-Sponsored Terrorism Responsibility Act to allow American victims to have a means of redress in the courts. I am pleased to see that under Chairman HYDE's leadership, this measure has been included in the legislation before us today.

We must make a clear statement that support for terrorism is unacceptable in the international community. Allowing lawsuits against nations which aid terrorists will allow us to increase the pressure against these outlaw states which would deprive our citizens, our Nation, and our allies of their freedom and safety.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I listened to my colleague on the other side of the aisle say we have debated habeas corpus reform for 10 years. I think that is plenty of time. If we debate it another 4 years, that will be about the average time that a convicted murderer sits on death row before his sentence is executed, if that occurs in that amount of time, 14 years.

Mr. Chairman, I came to Washington to shape legislation to reflect a reliable sense of right and wrong. But when murderers who rape or kidnap their victims are convicted and sentenced to death, it is wrong to delay their sentence year in and year out with appeals challenging the constitutionality of their conviction. It is not uncommon, as I mentioned before, for criminals to be clothed, fed, and housed for 14 years while their habeas appeals are considered.

Put yourself in the place of a parent of a murdered child. That parent must deal with the pain and the loss, and know full well that their child's killer is escaping the sentence decided by a fair jury. This is cruel and unusual punishment.

Habeas corpus reform contained in this bill limits the number and purposes of habeas petitions, and it is the right thing to do.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 5 minutes to my friend, the gentleman from New York [Mr. SCHUMER] who has served as the chairman of the Subcommittee on Crime for many years and is still its ranking member, and a distinguished member of the Committee on the Judiciary.

Mr. SCHUMER. Mr. Chairman, I thank my good friend, the ranking member, for his generous yielding of time.

Mr. Chairman, I rise in strong support of this legislation. I wanted to congratulate the distinguished chairman of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], for the fair and balanced bill he has brought to the House today.

Mr. Chairman, I would like to see even a tougher law. Certain provisions that belong in this bill were knocked out, but I still strongly support the bill. It presents us with a clear choice between two courses of action: We can reject extremism and its spawn of terrorist violence, or we can give in to overblown fantasies of Government oppression that have been advanced against this bill by the fringes on both our right and our left.

The great moderate mainstream of this House can stand up, unite across party lines, and pass this bill. We can reject the creeping paranoia that encourages any nut with a gun and a grudge to take up arms and terrorize the rest of us. Or we can pretend we are powerless to stop the bombing of children and the murder of innocent men and women in future terrorist violence. These are our choices, and they are crystal clear.

Now, I understand and sympathize with the legitimate concerns of those who say we should be careful to protect our liberties as we consider this bill. I share their concerns. I supported and sponsored amendments that are built into this bill to help meet our shared concerns, and I am absolutely convinced that as this bill stands before us today, it has been well crafted to protect those liberties.

But what I do not understand and what I do not share are the extreme hypotheticals that extreme advocates who have lobbied this House from both the right and the left have invented to oppose this bill. Anyone can dream up these tortured fantasies. Anyone can invent an extreme hypothetical under which someone, somewhere, somehow will be treated unfairly by Federal laws we pass. These may be interesting academic exercises for law professors, but we cannot allow these tortured fantasies to paralyze Congress and the Nation. We have to balance.

If there were no bombings at all, no terrorism at all, we would not need this bill at all. If there were bombings everyday, we would need even much stronger action. I do not want us to be too late with too little. Everything is a balance. You cannot, cannot, do nothing without some hypothetical coming up there and rearing its head.

□ 1315

I originally introduced the terrorism legislation similar to this last year before the Oklahoma City bombing. People then said we are overreacting. Oklahoma City proved them wrong.

What will we say if America suffers another such catastrophe? The point is that we already had a process that built safeguard after safeguard into the bill. We have had enough deliberation, enough debate. It is time to act. This bill does not trample our rights. Terrorism, terrorist violence, tramples our rights. Terrorist violence is not a clever hypothetical; it is a harsh fact.

Go be briefed by the FBI counter-terrorism unit and find out what is going on in America. Ask the survivors of the bombings of Pan Am flight 103 and the World Trade Center, and Oklahoma City. These terrorists are raising money in this country today; they are using that money to blow up children and innocent people. They hate America and all it stands for, and they will hurt us again and again and again unless we give law enforcement reasonable tools to stop them.

Make no mistake; terrorism from overseas is real, terrorism from these shores is real. They are real, not hypothetical.

So, my colleagues, we must act. We must act.

I would ask my colleagues, all of them, which is the greater threat? A fanciful hypothetical under which the Attorney General of the United States turns into a power-mad rogue using this law to go after the Girl Scouts, or some sick, twisted terrorist willing to be able to blow up children sleeping in their nursery? Both are horrible scenarios. Which one is the more real? That is what I would ask my colleagues to weigh.

And so in conclusion, Mr. Chairman, we need a hard, cold, strong, balanced, and effective response to the fact of terrorism. This bill provides it. I ask my colleagues from both sides of the aisle, because we will not pass this bill without help from both sides of the aisle, to answer the plea of the overwhelming majority of Americans and vote for this bill.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds because our distinguished colleague from New York was not on the floor. I want to commend to him Anthony Lewis' op-ed of March 11, 1996, which pointed out how terrorism wins when we undermine the Constitution, and today's New York Times editorial, which is entitled "The Wrong Answer to Terrorism," and I think they were referring to the bill that he champions.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, the New York Times is a great newspaper, but even they sometimes are wrong.

Mr. CONYERS. But not when it comes to you, sir.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the New York Times editorial was wrong, and I will be happy to show my colleague where they are not quite up to speed.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indian [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I thank the gentleman from Illinois [Mr. HYDE] for yielding this time to me. Let me compliment the gentleman on a lot of great work on this bill. It has taken a lot to get through the committee, and we still have a lot of ground yet to cover. The Senate passed theirs last week. I compliment the chairman on permitting a cooling-off process after the Oklahoma City bombing so we could move legislation with good intellect, and thought and reflection.

I believe that the threat to Americans from international acts of terror is very real. From 1990 to 1994, Mr. Chairman, 40 percent of reported international terrorist acts worldwide were directed against United States' interests. Although many Americans do not realize the risk, U.S. citizens and their property are the targets of choice, often called soft targets. They are either business sites or tourist sites. Because of our status as a world superpower, our economic success and our military prowess, we have, in fact, acquired adversaries throughout the world. Whether we like it or not, we must face the dark truth, that there are those who wish us ill on not only our system of liberty, freedom and justice, but that of the American people. These groups or individuals can be highly structured or have more loose networks, but their aim is the same, to disrupt our systems, thwart our democratic policies. Unfortunately these groups do not hold life in the same light as we do and are willing to use innocents to further their aims.

In this bill also is the effective death penalty, and I think that is extremely important. We have individuals who serve on death row for life. What an oxymoron. I think that it is extremely important that we also send a message that those that participate in acts of terror, indiscriminate acts of cowardly terror, should experience the death penalty.

I know that there will be a great debate here on the floor of what to take from the bill and what to leave in the bill. Recognize that there is a process left here. I think that to my colleagues on both sides of the aisle it is important to move this bill, and let us get it to conference. But the most extremely important is let us have a good, effective bill. If we absolutely live in fear, then we have no freedom. So if we have the World Trade Center bombing, and we have it repeated, or the Oklahoma City bombing, and it is repeated, we are living in fear and, therefore, we really cannot enjoy freedom or liberty.

So when we as a people hold the power and we then extend the Government to ensure that we protect ourselves, it is called national security. We think of national security so often internationally, but it is also domestic.

I compliment the chairman for this bill.

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. I thank the gentleman from Illinois [Mr. HYDE] for yielding this time to me.

Mr. Chairman, Islamic fundamentalists are good people, by and large, but there is a radical group of them that control a country called Iran and control a country called Sudan who have a vision of the world that is quite different from ours. They have a vision of controlling with their movement a Messianic totalitarian movement, a southern Europe, the Middle East, northern Africa, the Near East, all the way through India, and over to much of where the Philippines is today, through Southeast Asia, because they believe it is their destiny to do that. They do not think the same way that we do about matters, and they see the United States, in particular, as standing in their way to do this, and they use terrorism as the means of trying to accomplish their end and to drive us out of a region where we have an obligation to be, where we have national security interests that require our being there in those regions of the world where they want to be dominant and where we have national security interests that dictate preventing a Messianic totalitarian organizational scheme of things from controlling the matters at hand. They are, therefore, going to continue to try to bring terrorism into the United States.

And that is why this legislation is so darned important. It is absolutely incredibly important that we pass this bill today.

I hope people understand what is really in here. The guts of this bill have to do with cutting off their ability to raise money in the United States, not just to raise it as in organizations, but to get material support for terrorists individually who may be in this country by giving them lodging, by giving them free rides to the airport, by providing them with explosives, or whatever else. We have created new crimes in here and new punishments in order to aid us in trying to stop this kind of terrorist act coming from abroad into the United States. This is a terribly important bill.

In addition to what it does in that regard, this bill also contains three provisions from the Contract With America that are also critical: the death penalty provision, the provision that says finally, after all these years, we are going to pass a law that ends the seemingly endless appeals that death row inmates have so that we can begin to carry out their sentences much sooner than we have been, not by ending all right to appeal at all, but by

making the appeals responsible so that when they finish their ordinary appeals from their conviction they can only go into Federal court one time under routine circumstances and say, hey, I did not get a lawyer who fairly represented me, or I did not get a proper jury being picked, or there was something irregular. They can go in under what is known as habeas corpus one time and one time only, and that will be it, and we will not have 15- and 20-year delays of carrying out of the death penalty again, and we can put some determinate sentencing back into place and send a message to criminals again that when they do the crime, if it is bad enough, they are going to get the death penalty. And we have victim restitution from that Contract With America to mandate at the Federal level paying money back from the criminals to the victims, and we have in here a criminal alien deportation provision that we passed earlier that we are attaching to this bill that is very fundamental to both the terrorist threat and to getting the aliens out of this country more quickly who may come here, and many times the threats to our national security from abroad come in the form of those who are here in some fashion who should be deported and should not be allowed to hang around.

I cannot overemphasize the importance of this.

I also want to make one point; that I am disappointed to compromise with some who saw things of mischief in this bill that was not there that we had taken out, and I did not get the opportunity under the rule to offer an amendment which would have handled the problem with wiretapping that really should not have the emotion it has today in this bill. The truth of the matter is that today we have an ability for our Federal Bureau of Investigation to go to a judge to get a wiretapping order to tap a phone. We should be giving him the power and the FBI the power to go to the court and ask the judge permission to follow the bad guy, whoever he is, because we have portable phones, we have cellular phones, et cetera, and that is all that that provision that was taken out of this bill would have done. But it is out of the bill, so those who are worried about somehow undermining civil liberties can rest assured that this bill does not do it.

But what is in this bill is very, very important to fighting terrorism, and we need to pass the bill.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. NADLER], a cosponsor of the bill.

The CHAIRMAN. The gentleman from New York is recognized for 1¼ minutes.

Mr. NADLER. Mr. Chairman, I am not going to go into how desperate the situation is and how important it is that we pass a strong and tough antiterrorism bill. I think everybody here agrees on that. The question is what is an effective antiterrorism bill that will effectively fight terrorism without doing violence to the liberties of the American people.

That is the question before us, and we do not have to make speeches about how important a bill is. We know that; we all know that. Let me simply suggest, and I will have to speak later in greater detail, that to have tough-sounding provisions in a bill that are unconstitutional and, therefore, unenforceable gives us the illusion of being tough, but not the reality of doing anything about the problem, and that is one of the problems of the bill that we solve in the Conyers-Nadler-Berman substitute.

Second, we will talk later about some of the real civil liberties problems. We cannot have a procedure for deporting aliens who are allegedly terrorists where they have no opportunity to cross-examine their accusers, no opportunity to see the evidence against them, no opportunity even to know the specific charges, and that is possible under this bill, and that provision is rewritten to provide basic due process in the substitute that we will be talking about later.

Mr. GILMAN. Mr. Chairman, I rise to offer my support to Chairman HYDE for his work in the area of antiterrorism. It has been 1 year since the bombing attack in Oklahoma and over 2 years since the bombing of the World Trade Center in New York. In an effort to help protect against such events from happening again, we have before us today a measure that will ensure the protection of both our Nation's citizens and its borders.

Included in H.R. 2703 are many important provisions aimed at combating terrorism here at home and around the world. First is a provision establishing criminal asset forfeiture authority for visa and passport offenses. This initiative comes about after the revelation that 9 of 35 Federal indictment counts in the World Trade Center bombing were for visa and passport fraud, with the criminal penalties no more than a mere slap on the wrist. Initially we changed this in the 103d Congress. This is the next logical step.

Second is waiver authority of written notice based upon denial of certain visa applications, allowing the FBI, DEA, and other law enforcement and intelligence agencies to share data with the State Department for visa denial purposes, without disclosure to alien applicants who have no right to enter the United States. It will also encourage greater information sharing.

Third is an expansion of nuclear material prohibitions to cover nuclear material no one had ever envisioned would be in commerce before the fall of the Soviet Union, which is very similar to provisions in a bill I introduced at the beginning of the 103d Congress. Finally, the bill will allow the FBI to conduct police training in the former Soviet Union and abroad.

It is imperative that Congress do all it can to combat terrorist attacks, both overseas and here at home. Some may argue that we can approve a better bill than H.R. 2703. However, as a member who represents families that lost relatives with the tragic Pan Am 103 bombing, and as chairman of the International Relations Committee, I am confident that the bill we consider today will provide adequate tools to assist our law enforcement community in combating terrorism and will not infringe upon our constitutional rights.

Accordingly, I urge my colleagues to support this measure.

□ 1330

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of H.R. 2703 is as follows:

H.R. 2703

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 "Comprehensive Antiterrorism Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CRIMINAL ACTS

Sec. 101. Protection of Federal employees.
Sec. 102. Prohibiting material support to terrorist organizations.
Sec. 103. Modification of material support provision.
Sec. 104. Acts of terrorism transcending national boundaries.
Sec. 105. Conspiracy to harm people and property overseas.
Sec. 106. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.
Sec. 107. Expansion and modification of weapons of mass destruction statute.
Sec. 108. Addition of offenses to the money laundering statute.
Sec. 109. Expansion of Federal jurisdiction over bomb threats.
Sec. 110. Clarification of maritime violence jurisdiction.
Sec. 111. Possession of stolen explosives prohibited.
Sec. 112. Study to determine standards for determining what ammunition is capable of penetrating police body armor.

TITLE II—INCREASED PENALTIES

Sec. 201. Mandatory minimum for certain explosives offenses.
Sec. 202. Increased penalty for explosive conspiracies.
Sec. 203. Increased and alternate conspiracy penalties for terrorism offenses.
Sec. 204. Mandatory penalty for transferring a firearm knowing that it will be used to commit a crime of violence.
Sec. 205. Mandatory penalty for transferring an explosive material knowing that it will be used to commit a crime of violence.
Sec. 206. Directions to Sentencing Commission.

TITLE III—INVESTIGATIVE TOOLS

Sec. 301. Pen registers and trap and trace devices in foreign counterintelligence investigations.

Sec. 302. Disclosure of certain consumer reports to the Federal Bureau of Investigation.
Sec. 303. Disclosure of business records held by third parties in foreign counterintelligence cases.
Sec. 304. Study of tagging explosive materials, detection of explosives and explosive materials, rendering explosive components inert, and imposing controls of precursors of explosives.
Sec. 305. Application of statutory exclusionary rule concerning intercepted wire or oral communications.
Sec. 306. Exclusion of certain types of information from wiretap-related definitions.
Sec. 307. Access to telephone billing records.
Sec. 308. Requirement to preserve record evidence.
Sec. 309. Detention hearing.
Sec. 310. Reward authority of the Attorney General.
Sec. 311. Protection of Federal Government buildings in the District of Columbia.
Sec. 312. Study of thefts from armories; report to the Congress.

TITLE IV—NUCLEAR MATERIALS

Sec. 401. Expansion of nuclear materials prohibitions.

TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES

Sec. 501. Definitions.
Sec. 502. Requirement of detection agents for plastic explosives.
Sec. 503. Criminal sanctions.
Sec. 504. Exceptions.
Sec. 505. Effective date.

TITLE VI—IMMIGRATION-RELATED PROVISIONS

Subtitle A—Removal of Alien Terrorists

PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

Sec. 601. Removal procedures for alien terrorists.
Sec. 602. Funding for detention and removal of alien terrorists.

PART 2—EXCLUSION AND DENIAL OF ASYLUM FOR ALIEN TERRORISTS

Sec. 611. Membership in terrorist organization as ground for exclusion.
Sec. 612. Denial of asylum to alien terrorists.
Sec. 613. Denial of other relief for alien terrorists.

Subtitle B—Expedited Exclusion

Sec. 621. Inspection and exclusion by immigration officers.
Sec. 622. Judicial review.
Sec. 623. Exclusion of aliens who have not been inspected and admitted.

Subtitle C—Improved Information and Processing

PART 1—IMMIGRATION PROCEDURES

Sec. 631. Access to certain confidential INS files through court order.
Sec. 632. Waiver authority concerning notice of denial of application for visas.

PART 2—ASSET FORFEITURE FOR PASSPORT AND VISA OFFENSES

Sec. 641. Criminal forfeiture for passport and visa related offenses.
Sec. 642. Subpoenas for bank records.
Sec. 643. Effective date.

Subtitle D—Employee Verification by Security Services Companies

Sec. 651. Permitting security services companies to request additional documentation.

Subtitle E—Criminal Alien Deportation Improvements

Sec. 661. Short title.
Sec. 662. Additional expansion of definition of aggravated felony.
Sec. 663. Deportation procedures for certain criminal aliens who are not permanent residents.
Sec. 664. Restricting the defense to exclusion based on 7 years permanent residence for certain criminal aliens.
Sec. 665. Limitation on collateral attacks on underlying deportation order.
Sec. 666. Criminal alien identification system.
Sec. 667. Establishing certain alien smuggling-related crimes as RICO-predicate offenses.
Sec. 668. Authority for alien smuggling investigations.
Sec. 669. Expansion of criteria for deportation for crimes of moral turpitude.
Sec. 670. Payments to political subdivisions for costs of incarcerating illegal aliens.
Sec. 671. Miscellaneous provisions.
Sec. 672. Construction of expedited deportation requirements.
Sec. 673. Study of prisoner transfer treaty with Mexico.
Sec. 674. Justice Department assistance in bringing to justice aliens who flee prosecution for crimes in the United States.
Sec. 675. Prisoner transfer treaties.
Sec. 676. Interior repatriation program.
Sec. 677. Deportation of nonviolent offenders prior to completion of sentence of imprisonment.

TITLE VII—AUTHORIZATION AND FUNDING

Sec. 701. Firefighter and emergency services training.
Sec. 702. Assistance to foreign countries to procure explosive detection devices and other counter-terrorism technology.
Sec. 703. Research and development to support counter-terrorism technologies.

TITLE VIII—MISCELLANEOUS

Sec. 801. Study of State licensing requirements for the purchase and use of high explosives.
Sec. 802. Compensation of victims of terrorism.
Sec. 803. Jurisdiction for lawsuits against terrorist States.
Sec. 804. Study of publicly available instructional material on the making of bombs, destructive devices, and weapons of mass destruction.
Sec. 805. Compilation of statistics relating to intimidation of Government employees.
Sec. 806. Victim Restitution Act of 1995.

TITLE IX—HABEAS CORPUS REFORM

Sec. 901. Filing deadlines.
Sec. 902. Appeal.
Sec. 903. Amendment of Federal rules of appellate procedure.
Sec. 904. Section 2254 amendments.
Sec. 905. Section 2255 amendments.
Sec. 906. Limits on second or successive applications.
Sec. 907. Death penalty litigation procedures.
Sec. 908. Technical amendment.
Sec. 909. Severability.

TITLE I—CRIMINAL ACTS

SEC. 101. PROTECTION OF FEDERAL EMPLOYEES.

(a) HOMICIDE.—Section 1114 of title 18, United States Code, is amended to read as follows:

"§ 1114. Protection of officers and employees of the United States

"Whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance, shall be punished, in the case of murder, as provided under section 1111, or in the case of manslaughter, as provided under section 1112, or, in the case of attempted murder or manslaughter, as provided in section 1113.".

(b) THREATS AGAINST FORMER OFFICERS AND EMPLOYEES.—Section 115(a)(2) of title 18, United States Code, is amended by inserting ", or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or" after "assaults, kidnaps, or murders, or attempts to kidnap or murder".

SEC. 102. PROHIBITING MATERIAL SUPPORT TO TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—That chapter 113B of title 18, United States Code, that relates to terrorism is amended by adding at the end the following:

"§ 2339B. Providing material support to terrorist organizations

"(a) OFFENSE.—Whoever, within the United States, knowingly provides material support or resources in or affecting interstate or foreign commerce, to any organization which the person knows or should have known is a terrorist organization that has been designated under section 212(a)(3)(B)(iv) of the Immigration and Nationality Act as a terrorist organization shall be fined under this title or imprisoned not more than 10 years, or both.

"(b) DEFINITION.—As used in this section, the term 'material support or resources' has the meaning given that term in section 2339A of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end the following new item:

"2339B. Providing material support to terrorist organizations.".

SEC. 103. MODIFICATION OF MATERIAL SUPPORT PROVISION.

Section 2339A of title 18, United States Code, is amended read as follows:

"§ 2339A. Providing material support to terrorists

"(a) OFFENSE.—Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for or in carrying out, a violation of section 32, 37, 351, 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, 2332a, or 2332b of this title or section 46502 of title 49, or in preparation for or in carrying out the concealment or an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than ten years, or both.

"(b) DEFINITION.—In this section, the term 'material support or resources' means currency or other financial securities, financial

services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.".

SEC. 104. ACTS OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.

(a) OFFENSE.—Title 18, United States Code, is amended by inserting after section 2332a the following:

"§ 2332b. Acts of terrorism transcending national boundaries

"(a) PROHIBITED ACTS.—

"(1) Whoever, involving any conduct transcending national boundaries and in a circumstance described in subsection (b)—

"(A) kills, kidnaps, maims, commits an assault resulting in serious bodily injury, or assaults with a dangerous weapon any individual within the United States; or

"(B) creates a substantial risk of serious bodily injury to any other person by destroying or damaging any structure, conveyance, or other real or personal property within the United States or by attempting or conspiring to destroy or damage any structure, conveyance, or other real or personal property within the United States;

in violation of the laws of any State or the United States shall be punished as prescribed in subsection (c).

"(2) Whoever threatens to commit an offense under paragraph (1), or attempts or conspires to do so, shall be punished as prescribed in subsection (c).

"(b) JURISDICTIONAL BASES.—The circumstances referred to in subsection (a) are—

"(1) any of the offenders travels in, or uses the mail or any facility of, interstate or foreign commerce in furtherance of the offense or to escape apprehension after the commission of the offense;

"(2) the offense obstructs, delays, or affects interstate or foreign commerce, or would have so obstructed, delayed, or affected interstate or foreign commerce if the offense had been consummated;

"(3) the victim, or intended victim, is the United States Government, a member of the uniformed services, or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or of any department or agency, of the United States;

"(4) the structure, conveyance, or other real or personal property is, in whole or in part, owned, possessed, used by, or leased to the United States, or any department or agency thereof;

"(5) the offense is committed in the territorial sea (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) of the United States; or

"(6) the offense is committed in those places within the United States that are in the special maritime and territorial jurisdiction of the United States.

Jurisdiction shall exist over all principals and co-conspirators of an offense under this section, and accessories after the fact to any offense under this section, if at least one of such circumstances is applicable to at least one offender.

"(c) PENALTIES.—

"(1) Whoever violates this section shall be punished—

"(A) for a killing or if death results to any person from any other conduct prohibited by this section by death, or by imprisonment for any term of years or for life;

"(B) for kidnapping, by imprisonment for any term of years or for life;

"(C) for maiming, by imprisonment for not more than 35 years;

"(D) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years;

"(E) for destroying or damaging any structure, conveyance, or other real or personal property, by imprisonment for not more than 25 years;

"(F) for attempting or conspiring to commit an offense, for any term of years up to the maximum punishment that would have applied had the offense been completed; and

"(G) for threatening to commit an offense under this section, by imprisonment for not more than 10 years.

"(2) Notwithstanding any other provision of law, the court shall not place on probation any person convicted of a violation of this section; nor shall the term of imprisonment imposed under this section run concurrently with any other term of imprisonment.

"(d) LIMITATION ON PROSECUTION.—No indictment shall be sought nor any information filed for any offense described in this section until the Attorney General, or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions, makes a written certification that, in the judgment of the certifying official, such offense, or any activity preparatory to or meant to conceal its commission, is a Federal crime of terrorism.

"(e) PROOF REQUIREMENTS.—

"(1) The prosecution is not required to prove knowledge by any defendant of a jurisdictional base alleged in the indictment.

"(2) In a prosecution under this section that is based upon the adoption of State law, only the elements of the offense under State law, and not any provisions pertaining to criminal procedure or evidence, are adopted.

"(f) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction—

"(1) over any offense under subsection (a), including any threat, attempt, or conspiracy to commit such offense; and

"(2) over conduct which, under section 3 of this title, renders any person an accessory after the fact to an offense under subsection (a).

"(g) DEFINITIONS.—As used in this section—

"(1) the term 'conduct transcending national boundaries' means conduct occurring outside the United States in addition to the conduct occurring in the United States;

"(2) the term 'facility of interstate or foreign commerce' has the meaning given that term in section 1958(b)(2) of this title;

"(3) the term 'serious bodily injury' has the meaning prescribed in section 1365(g)(3) of this title;

"(4) the term 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) the term 'Federal crime of terrorism' means an offense that—

"(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

"(B) is a violation of—

"(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 (relating to biological weapons), 351 (relating to congressional, cabinet, and Supreme Court assassination, kidnapping, and assault), 831 (relating to nuclear weapons), 842(m) or (n) (relating to plastic explosives), 844(e) (relating to certain bombings), 844(f) or (i) (relating to arson and bombing of certain property), 956 (relating to conspiracy to commit violent acts in foreign countries), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property), 1362 (relating to destruction of communication lines), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of energy facility), 1751 (relating to Presidential and Presidential staff assassination, kidnapping, and assault), 2152 (relating to injury of harbor defenses), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and violence outside the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

"(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954; or

"(iii) section 46502 (relating to aircraft piracy), or 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.

"(h) INVESTIGATIVE AUTHORITY.—In addition to any other investigatory authority with respect to violations of this title, the Attorney General shall have primary investigative responsibility for all Federal crimes of terrorism, and the Secretary of the Treasury shall assist the Attorney General at the request of the Attorney General.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter 113B of title 18, United States Code, that relates to terrorism is amended by inserting after the item relating to section 2332a the following new item:

"2332b. Acts of terrorism transcending national boundaries.".

(c) STATUTE OF LIMITATIONS AMENDMENT.—Section 3286 of title 18, United States Code, is amended by—

(1) striking "any offense" and inserting "any non-capital offense";

(2) striking "36" and inserting "37";

(3) striking "2331" and inserting "2332";

(4) striking "2339" and inserting "2332a"; and

(5) inserting "2332b (acts of terrorism transcending national boundaries)," after "(use of weapons of mass destruction),".

(d) PRESUMPTIVE DETENTION.—Section 3142(e) of title 18, United States Code, is amended by inserting ", 956(a), or 2332b" after "section 924(c)".

(e) CONFORMING AMENDMENT.—Section 846 of title 18, United States Code, is amended by striking "In addition to any other" and all that follows through the end of the section.

SEC. 105. CONSPIRACY TO HARM PEOPLE AND PROPERTY OVERSEAS.

(a) IN GENERAL.—Section 956 of chapter 45 of title 18, United States Code, is amended to read as follows:

"§ 956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country

"(a)(1) Whoever, within the jurisdiction of the United States, conspires with one or more other persons, regardless of where such other person or persons are located, to commit at any place outside the United States an act that would constitute the offense of murder, kidnapping, or maiming if committed in the special maritime and territorial jurisdiction of the United States shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be punished as provided in subsection (a)(2).

"(2) The punishment for an offense under subsection (a)(1) of this section is—

"(A) imprisonment for any term of years or for life if the offense is conspiracy to murder or kidnap; and

"(B) imprisonment for not more than 35 years if the offense is conspiracy to maim.

"(b) Whoever, within the jurisdiction of the United States, conspires with one or more persons, regardless of where such other person or persons are located, to damage or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, airport, airfield, or other public utility, public conveyance, or public structure, or any religious, educational, or cultural property so situated, shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be imprisoned not more than 25 years.".

(b) CLERICAL AMENDMENT.—The item relating to section 956 in the table of sections at the beginning of chapter 45 of title 18, United States Code, is amended to read as follows:

"956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country.".

SEC. 106. CLARIFICATION AND EXTENSION OF CRIMINAL JURISDICTION OVER CERTAIN TERRORISM OFFENSES OVERSEAS.

(a) AIRCRAFT PIRACY.—Section 46502(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "and later found in the United States";

(2) so that paragraph (2) reads as follows:

"(2) There is jurisdiction over the offense in paragraph (1) if—

"(A) a national of the United States was aboard the aircraft;

"(B) an offender is a national of the United States; or

"(C) an offender is afterwards found in the United States."; and

(3) by inserting after paragraph (2) the following:

"(3) For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.—Section 32(b) of title 18, United States Code, is amended—

(1) by striking ", if the offender is later found in the United States,"; and

(2) by inserting at the end the following: "There is jurisdiction over an offense under this subsection if a national of the United States was on board, or would have been on board, the aircraft; an offender is a national of the United States; or an offender is afterwards found in the United States. For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act.".

(c) MURDER OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 1116 of title 18, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

"(7) 'National of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).."; and

(2) in subsection (c), by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(d) PROTECTION OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 112 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting "'national of the United States'," before "and"; and

(2) in subsection (e), by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(e) THREATS AND EXTORTION AGAINST FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 878 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting "'national of the United States'," before "and"; and

(2) in subsection (d), by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(f) KIDNAPPING OF INTERNATIONALLY PROTECTED PERSONS.—Section 1201(e) of title 18, United States Code, is amended—

(1) by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States."; and

(2) by adding at the end the following: "For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(g) VIOLENCE AT INTERNATIONAL AIRPORTS.—Section 37(b)(2) of title 18, United States Code, is amended—

(1) by inserting "(A)" before "the offender is later found in the United States"; and

(2) by inserting "; or (B) an offender or a victim is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))" after "the offender is later found in the United States".

(h) BIOLOGICAL WEAPONS.—Section 178 of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding the following at the end:

"(5) the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

SEC. 107. EXPANSION AND MODIFICATION OF WEAPONS OF MASS DESTRUCTION STATUTE.

Section 2332a of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "AGAINST A NATIONAL OR WITHIN THE UNITED STATES" after "OFFENSE";

(B) by inserting ", without lawful authority" after "A person who";

(C) by inserting "threatens," before "attempts or conspires to use, a weapon of mass destruction"; and

(D) by inserting "and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce" before the semicolon at the end of paragraph (2);

(2) in subsection (b)(2)(A), by striking "section 921" and inserting "section 921(a)(4) (other than subparagraphs (B) and (C))";

(3) in subsection (b), so that subparagraph (B) of paragraph (2) reads as follows:

"(B) any weapon that is designed to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;";

(4) by redesignating subsection (b) as subsection (c); and

(5) by inserting after subsection (a) the following new subsection:

"(b) OFFENSE BY NATIONAL OUTSIDE THE UNITED STATES.—Any national of the United States who, without lawful authority and outside the United States, uses, or threatens, attempts, or conspires to use, a weapon of mass destruction shall be imprisoned for any term of years or for life, and if death results, shall be punished by death, or by imprisonment for any term of years or for life.".

SEC. 108. ADDITION OF OFFENSES TO THE MONEY LAUNDERING STATUTE.

(a) MURDER AND DESTRUCTION OF PROPERTY.—Section 1956(c)(7)(B)(ii) of title 18, United States Code, is amended by striking "or extortion;" and inserting "extortion, murder, or destruction of property by means of explosive or fire;".

(b) SPECIFIC OFFENSES.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting after "an offense under" the following: "section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member),";

(2) by inserting after "section 215 (relating to commissions or gifts for procuring loans)," the following: "section 351 (relating to Congressional or Cabinet officer assassination),";

(3) by inserting after "section 793, 794, or 798 (relating to espionage)," the following: "section 831 (relating to prohibited transactions involving nuclear materials), section

844 (f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce),";

(4) by inserting after "section 875 (relating to interstate communications)," the following: "section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country),";

(5) by inserting after "1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution)," the following: "section 1111 (relating to murder), section 1114 (relating to protection of officers and employees of the United States), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons),";

(6) by inserting after "section 1203 (relating to hostage taking)," the following: "section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),";

(7) by inserting after "section 1708 (theft from the mail)," the following: "section 1751 (relating to Presidential assassination),";

(8) by inserting after "2114 (relating to bank and postal robbery and theft)," the following: "section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms),"; and

(9) by striking "of this title" and inserting the following: "section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code".

SEC. 109. EXPANSION OF FEDERAL JURISDICTION OVER BOMB THREATS.

Section 844(e) of title 18, United States Code, is amended by striking "commerce," and inserting "interstate or foreign commerce, or in or affecting interstate or foreign commerce,".

SEC. 110. CLARIFICATION OF MARITIME VIOLENCE JURISDICTION.

Section 2280(b)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking "and the activity is not prohibited as a crime by the State in which the activity takes place"; and

(2) in clause (iii), by striking "the activity takes place on a ship flying the flag of a foreign country or outside the United States,".

SEC. 111. POSSESSION OF STOLEN EXPLOSIVES PROHIBITED.

Section 842(h) of title 18, United States Code, is amended to read as follows:

"(h) It shall be unlawful for any person to receive, possess, transport, ship, conceal, store, barter, sell, dispose of, or pledge or accept as security for a loan, any stolen explosive materials which are moving as, which are part of, which constitute, or which have been shipped or transported in, interstate or foreign commerce, either before or after such materials were stolen, knowing or having reasonable cause to believe that the explosive materials were stolen.".

SEC. 112. STUDY TO DETERMINE STANDARDS FOR DETERMINING WHAT AMMUNITION IS CAPABLE OF PENETRATING POLICE BODY ARMOR.

The National Institute of Justice is directed to perform a study of, and to recommend to Congress, a methodology for determining what ammunition, designed for handguns, is capable of penetrating police body armor. Not later than 6 months after the date of the enactment of this Act, the National Institute of Justice shall report to Congress the results of such study and such recommendations.

TITLE II—INCREASED PENALTIES

SEC. 201. MANDATORY MINIMUM FOR CERTAIN EXPLOSIVES OFFENSES.

(a) INCREASED PENALTIES FOR DAMAGING CERTAIN PROPERTY.—Section 844(f) of title 18, United States Code, is amended to read as follows:

"(f) Whoever damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any personal or real property in whole or in part owned, possessed, or used by, or leased to, the United States, or any department or agency thereof, or any institution or organization receiving Federal financial assistance shall be fined under this title or imprisoned for not more than 25 years, or both, but—

"(1) if personal injury results to any person other than the offender, the term of imprisonment shall be not more than 40 years;

"(2) if fire or an explosive is used and its use creates a substantial risk of serious bodily injury to any person other than the offender, the term of imprisonment shall not be less than 20 years; and

"(3) if death results to any person other than the offender, the offender shall be subject to the death penalty or imprisonment for any term of years not less than 30, or for life.".

(b) CONFORMING AMENDMENT.—Section 81 of title 18, United States Code, is amended by striking "fined under this title or imprisoned not more than five years, or both" and inserting "imprisoned not more than 25 years or fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both".

(c) STATUTE OF LIMITATION FOR ARSON OFFENSES.—

(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"§ 3295. Arson offenses

"No person shall be prosecuted, tried, or punished for any non-capital offense under section 81 or subsection (f), (h), or (i) of section 844 of this title unless the indictment is found or the information is instituted within 7 years after the date on which the offense was committed.".

(2) The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

"3295. Arson offenses.".

(3) Section 844(i) of title 18, United States Code, is amended by striking the last sentence.

SEC. 202. INCREASED PENALTY FOR EXPLOSIVE CONSPIRACIES.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

"(n) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 203. INCREASED AND ALTERNATE CONSPIRACY PENALTIES FOR TERRORISM OFFENSES.

(a) TITLE 18 OFFENSES.—

(1) Sections 32(a)(7), 32(b)(4), 37(a), 115(a)(1)(A), 115(a)(2), 1203(a), 2280(a)(1)(H), and 2281(a)(1)(F) of title 18, United States Code, are each amended by inserting "or conspires" after "attempts".

(2) Section 115(b)(2) of title 18, United States Code, is amended by striking "or attempted kidnapping" both places it appears and inserting ", attempted kidnapping, or conspiracy to kidnap".

(3)(A) Section 115(b)(3) of title 18, United States Code, is amended by striking "or attempted murder" and inserting ", attempted murder, or conspiracy to murder".

(B) Section 115(b)(3) of title 18, United States Code, is amended by striking "and 1113" and inserting ", 1113, and 1117".

(4) Section 175(a) of title 18, United States Code, is amended by inserting "or conspires to do so," after "any organization to do so,".

(b) AIRCRAFT PIRACY.—

(1) Section 46502(a)(2) of title 49, United States Code, is amended by inserting "or conspiring" after "attempting".

(2) Section 46502(b)(1) of title 49, United States Code, is amended by inserting "or conspiring to commit" after "committing".

SEC. 204. MANDATORY PENALTY FOR TRANSFERRING A FIREARM KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.

Section 924(h) of title 18, United States Code, is amended—

(1) by inserting "or having reasonable cause to believe" after "knowing"; and

(2) by striking "imprisoned not more than 10 years, fined in accordance with this title, or both." and inserting "subject to the same penalties as may be imposed under subsection (c) for a first conviction for the use or carrying of the firearm.".

SEC. 205. MANDATORY PENALTY FOR TRANSFERRING AN EXPLOSIVE MATERIAL KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

"(o) Whoever knowingly transfers any explosive materials, knowing or having reasonable cause to believe that such explosive materials will be used to commit a crime of violence (as defined in section 924(c)(3) of this title) or drug trafficking crime (as defined in section 924(c)(2) of this title) shall be subject to the same penalties as may be imposed under subsection (h) for a first conviction for the use or carrying of the explosive materials.".

SEC. 206. DIRECTIONS TO SENTENCING COMMISSION.

The United States Sentencing Commission shall forthwith, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that section had not expired, amend the sentencing guidelines so that the chapter 3 adjustment relating to international terrorism only applies to Federal crimes of terrorism, as defined in section 2332b(g) of title 18, United States Code.

TITLE III—INVESTIGATIVE TOOLS

SEC. 301. PEN REGISTERS AND TRAP AND TRACE DEVICES IN FOREIGN COUNTERINTELLIGENCE INVESTIGATIONS.

(a) APPLICATION.—Section 3122(b)(2) of title 18, United States Code, is amended by inserting "or foreign counterintelligence" after "criminal".

(b) ORDER.—

(1) Section 3123(a) of title 18, United States Code, is amended by inserting "or foreign counterintelligence" after "criminal".

(2) Section 3123(b)(1) of title 18, United States Code, is amended in subparagraph (B), by striking "criminal".

SEC. 302. DISCLOSURE OF CERTAIN CONSUMER REPORTS TO THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 623 the following:

"SEC. 624. DISCLOSURES TO THE FEDERAL BUREAU OF INVESTIGATION FOR FOREIGN COUNTERINTELLIGENCE PURPOSES.

"(a) IDENTITY OF FINANCIAL INSTITUTIONS.—(1) Notwithstanding section 604 or any other provision of this title, a court or magistrate judge may issue an order ex parte, upon application by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be no lower than Assistant Special Agent in Charge), directing a consumer reporting agency to furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency. The court or magistrate judge shall issue the order if the court or magistrate judge finds, that—

"(A) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the consumer—

"(i) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

"(ii) is an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

"(b) IDENTIFYING INFORMATION.—(1) Notwithstanding section 604 or any other provision of this title, a court or magistrate judge shall issue an order ex parte, upon application by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be no lower than Assistant Special Agent in Charge), directing a consumer reporting agency to furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation. The court or magistrate judge shall issue the order if the court or magistrate judge finds, that—

"(A) such information is necessary to the conduct of an authorized foreign counterintelligence investigation; and

"(B) there is information giving reason to believe that the consumer has been, or is, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).

"(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

"(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—(1) Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be no lower than Assistant Special Agent in Charge), a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, after the court or magistrate finds, in a proceeding in camera, that—

"(A) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

"(i) is an agent of a foreign power; and

"(ii) is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

"(d) CONFIDENTIALITY.—(1) No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person, other than officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c).

"(2) No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

"(e) PAYMENT OF FEES.—The Federal Bureau of Investigation is authorized, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing reports or information in accordance with procedures established under this section, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.

"(f) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except—

"(1) to the Department of Justice or any other law enforcement agency, as may be necessary for the approval or conduct of a foreign counterintelligence investigation; or

"(2) where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

"(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding of information from the Congress.

"(h) REPORTS TO CONGRESS.—On an annual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking and Financial Services of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).

"(i) DAMAGES.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to any person harmed by the violation in an amount equal to the sum of—

"(1) $100, without regard to the volume of consumer reports, records, or information involved;

"(2) any actual damages sustained by the person harmed as a result of the disclosure;

"(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

"(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

"(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State notwithstanding.

"(l) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by adding after the item relating to section 623 the following new item:

"624. Disclosures to the Federal Bureau of Investigation for foreign counterintelligence purposes.".

SEC. 303. DISCLOSURE OF BUSINESS RECORDS HELD BY THIRD PARTIES IN FOREIGN COUNTERINTELLIGENCE CASES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 121 the following:

"CHAPTER 122—ACCESS TO CERTAIN RECORDS

"Sec.

"2720. Disclosure of business records held by third parties in foreign counterintelligence cases.

"§ 2720. Disclosure of business records held by third parties in foreign counterintelligence cases

"(a)(1) A court or magistrate judge may issue an order ex parte, upon application by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be no lower than Assistant Special Agent in Charge), directing any common carrier, public accommodation facility, physical storage facility, or vehicle rental facility to furnish any records in its possession to the Federal Bureau of Investigation. The court or magistrate judge shall issue the order if the court or magistrate judge finds that—

"(A) such records are necessary for counter-terrorism or foreign counterintelligence purposes; and

"(B) there are specific and articulable facts giving reason to believe that the person to whom the records pertain is—

"(i) a foreign power; or

"(ii) an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

"(b) No common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, or any officer, employee, or agent of such common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, shall disclose to any person, other than those officers, agents, or employees of the common carrier, public accommodation facility, physical storage facility, or vehicle rental facility necessary to fulfill the requirement to disclose the information to the Federal Bureau of Investigation under this section.

"(c)(1) The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside the Federal Bureau of Investigation, except—

"(A) to the Department of Justice or any other law enforcement agency, as may be necessary for the approval or conduct of a foreign counterintelligence investigation; or

"(B) where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

"(2) Any agency or department of the United States obtaining or disclosing any information in violation of this paragraph shall be liable to any person harmed by the violation in an amount equal to the sum of—

"(A) $100 without regard to the volume of information involved;

"(B) any actual damages sustained by the person harmed as a result of the violation;

"(C) if the violation is willful or intentional, such punitive damages as a court may allow; and

"(D) in the case of any successful action to enforce liability under this paragraph, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(d) If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

"(e) As used in this section—

"(1) the term 'common carrier' means a locomotive, rail carrier, bus carrying passengers, water common carrier, air common carrier, or private commercial interstate carrier for the delivery of packages and other objects;

"(2) the term 'public accommodation facility' means any inn, hotel, motel, or other establishment that provides lodging to transient guests;

"(3) the term 'physical storage facility' means any business or entity that provides space for the storage of goods or materials, or services related to the storage of goods or materials, to the public or any segment thereof; and

"(4) the term 'vehicle rental facility' means any person or entity that provides vehicles for rent, lease, loan, or other similar use, to the public or any segment thereof.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 121 the following new item:

"122. Access to certain records ..... 2720".

SEC. 304. STUDY OF TAGGING EXPLOSIVE MATERIALS, DETECTION OF EXPLOSIVES AND EXPLOSIVE MATERIALS, RENDERING EXPLOSIVE COMPONENTS INERT, AND IMPOSING CONTROLS OF PRECURSORS OF EXPLOSIVES.

(a) STUDY.—The Attorney General, in consultation with other Federal, State and local officials with expertise in this area and such other individuals as the Attorney General deems appropriate, shall conduct a study concerning—

(1) the tagging of explosive materials for purposes of detection and identification;

(2) technology for devices to improve the detection of explosives materials;

(3) whether common chemicals used to manufacture explosive materials can be rendered inert and whether it is feasible to require it; and

(4) whether controls can be imposed on certain precursor chemicals used to manufacture explosive materials and whether it is feasible to require it.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report that contains the results of the study required by this section. The Attorney General shall make the report available to the public.

SEC. 305. APPLICATION OF STATUTORY EXCLUSIONARY RULE CONCERNING INTERCEPTED WIRE OR ORAL COMMUNICATIONS.

Section 2515 of title 18, United States Code, is amended by adding at the end the following: "This section shall not apply to the disclosure by the United States in a criminal trial or hearing or before a grand jury of the contents of a wire or oral communication, or evidence derived therefrom, if any law enforcement officers who intercepted the communication or gathered the evidence derived therefrom acted with the reasonably objective belief that their actions were in compliance with this chapter.".

SEC. 306. EXCLUSION OF CERTAIN TYPES OF INFORMATION FROM WIRETAP-RELATED DEFINITIONS.

(a) DEFINITION OF "ELECTRONIC COMMUNICATION".—Section 2510(12) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by inserting "or" at the end of subparagraph (C); and

(3) by adding a new subparagraph (D), as follows:

"(D) information stored in a communications system used for the electronic storage and transfer of funds;"

(b) DEFINITION OF "READILY ACCESSIBLE TO THE GENERAL PUBLIC".—Section 2510(16) of title 18, United States Code, is amended—

(1) by inserting "or" at the end of subparagraph (D);

(2) by striking "or" at the end of subparagraph (E); and

(3) by striking subparagraph (F).

SEC. 307. ACCESS TO TELEPHONE BILLING RECORDS.

(a) SECTION 2709.—Section 2709(b) of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by inserting "local and long distance" before "toll billing records";

(2) by striking "and" at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting "; and"; and

(4) by adding at the end a new paragraph (3), as follows:

"(3) request the name, address, length of service, and local and long distance toll billing records of a person or entity if the Director or the Director's designee (in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that the information sought is relevant to an authorized international terrorism investigation (as defined in section 2331 of this title).".

(b) SECTION 2703.—Section 2703(c)(1)(C) of title 18, United States Code, is amended by inserting "local and long distance" before "telephone toll billing records".

(c) CIVIL REMEDY.—Section 2707 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "customer" and inserting "any other person";

(2) in subsection (c), inserting before the period at the end the following: ", and if the violation is willful or intentional, such punitive damages as the court may allow, and, in the case of any successful action to enforce liability under this section, the costs of the action, together with reasonable attorney fees, as determined by the court"; and

(3) by adding at the end the following:

"(f) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated this chapter and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.".

SEC. 308. REQUIREMENT TO PRESERVE RECORD EVIDENCE.

Section 2703 of title 18, United States Code, is amended by adding at the end the following:

"(f) REQUIREMENT TO PRESERVE EVIDENCE.—A provider of wire or electronic

communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records, and other evidence in its possession pending the issuance of a court order or other process. Such records shall be retained for a period of 90 days, which period shall be extended for an additional 90-day period upon a renewed request by the governmental entity.".

SEC. 309. DETENTION HEARING.

Section 3142(f) of title 18, United States Code, is amended by inserting "(not including any intermediate Saturday, Sunday, or legal holiday)" after "five days" and after "three days".

SEC. 310. REWARD AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Title 18, United States Code, is amended by striking sections 3059 through 3059A and inserting the following:

"§ 3059. Reward authority of the Attorney General

"(a) The Attorney General may pay rewards and receive from any department or agency, funds for the payment of rewards under this section, to any individual who provides any information unknown to the Government leading to the arrest or prosecution of any individual for Federal felony offenses.

"(b) If the reward exceeds $100,000, the Attorney General shall give notice of that fact to the Senate and the House of Representatives not later than 30 days before authorizing the payment of the reward.

"(c) A determination made by the Attorney General as to whether to authorize an award under this section and as to the amount of any reward authorized shall not be subject to judicial review.

"(d) If the Attorney General determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Attorney General may take such measures in connection with the payment of the reward as the Attorney General deems necessary to effect such protection.

"(e) No officer or employee of any governmental entity may receive a reward under this section for conduct in performance of his or her official duties.

"(f) Any individual (and the immediate family of such individual) who furnishes information which would justify a reward under this section or a reward by the Secretary of State under section 36 of the State Department Basic Authorities Act of 1956 may, in the discretion of the Attorney General, participate in the Attorney General's witness security program under chapter 224 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by striking the items relating to section 3059 and 3059A and inserting the following new item:

"3059. Reward authority of the Attorney General.".

(c) CONFORMING AMENDMENT.—Section 1751 of title 18, United States Code, is amended by striking subsection (g).

SEC. 311. PROTECTION OF FEDERAL GOVERNMENT BUILDINGS IN THE DISTRICT OF COLUMBIA.

The Attorney General is authorized—

(1) to prohibit vehicles from parking or standing on any street or roadway adjacent to any building in the District of Columbia which is in whole or in part owned, possessed, used by, or leased to the Federal Government and used by Federal law enforcement authorities; and

(2) to prohibit any person or entity from conducting business on any property immediately adjacent to any such building.

SEC. 312. STUDY OF THEFTS FROM ARMORIES; REPORT TO THE CONGRESS.

(a) STUDY.—The Attorney General of the United States shall conduct a study of the extent of thefts from military arsenals (including National Guard armories) of firearms, explosives, and other materials that are potentially useful to terrorists.

(b) REPORT TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report on the study required by subsection (a).

TITLE IV—NUCLEAR MATERIALS

SEC. 401. EXPANSION OF NUCLEAR MATERIALS PROHIBITIONS.

Section 831 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "nuclear material" each place it appears and inserting "nuclear material or nuclear byproduct material";

(2) in subsection (a)(1)(A), by inserting "or the environment" after "property";

(3) so that subsection (a)(1)(B) reads as follows:

"(B)(i) circumstances exist which are likely to cause the death of or serious bodily injury to any person or substantial damage to property or the environment; or (ii) such circumstances are represented to the defendant to exist;";

(4) in subsection (a)(6), by inserting "or the environment" after "property";

(5) so that subsection (c)(2) reads as follows:

"(2) an offender or a victim is a national of the United States or a United States corporation or other legal entity;";

(6) in subsection (c)(3), by striking "at the time of the offense the nuclear material is in use, storage, or transport, for peaceful purposes, and";

(7) by striking "or" at the end of subsection (c)(3);

(8) in subsection (c)(4), by striking "nuclear material for peaceful purposes" and inserting "nuclear material or nuclear byproduct material";

(9) by striking the period at the end of subsection (c)(4) and inserting "; or";

(10) by adding at the end of subsection (c) the following:

"(5) the governmental entity under subsection (a)(5) is the United States or the threat under subsection (a)(6) is directed at the United States.";

(11) in subsection (f)(1)(A), by striking "with an isotopic concentration not in excess of 80 percent plutonium 238";

(12) in subsection (f)(1)(C) by inserting "enriched uranium, defined as" before "uranium";

(13) in subsection (f), by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(14) by inserting after subsection (f)(1) the following:

"(2) the term 'nuclear byproduct material' means any material containing any radioactive isotope created through an irradiation process in the operation of a nuclear reactor or accelerator;";

(15) by striking "and" at the end of subsection (f)(4), as redesignated;

(16) by striking the period at the end of subsection (f)(5), as redesignated, and inserting a semicolon; and

(17) by adding at the end of subsection (f) the following:

"(6) the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(7) the term 'United States corporation or other legal entity' means any corporation or other entity organized under the laws of the United States or any State, district, commonwealth, territory or possession of the United States.".

TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES

SEC. 501. DEFINITIONS.

Section 841 of title 18, United States Code, is amended by adding at the end the following:

"(o) 'Convention on the Marking of Plastic Explosives' means the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

"(p) 'Detection agent' means any one of the substances specified in this subsection when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including—

"(1) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

"(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

"(3) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

"(4) Ortho-Mononitrotoluene (o-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

"(5) any other substance in the concentration specified by the Secretary, after consultation with the Secretary of State and the Secretary of Defense, which has been added to the table in part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives.

"(q) 'Plastic explosive' means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form have a vapor pressure less than 10^{-4} Pa at a temperature of 25°C., is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature.".

SEC. 502. REQUIREMENT OF DETECTION AGENTS FOR PLASTIC EXPLOSIVES.

Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(l) It shall be unlawful for any person to manufacture any plastic explosive which does not contain a detection agent.

"(m)(1) it shall be unlawful for any person to import or bring into the United States, or export from the United States, any plastic explosive which does not contain a detection agent.

"(2) Until the 15-year period that begins with the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States has expired, paragraph (1) shall not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive which was imported, brought into, or manufactured in the United States before the effective date of this subsection by or on behalf of any agency of the United States performing military or

police functions (including any military Reserve component) or by or on behalf of the National Guard of any State.

"(n)(1) It shall be unlawful for any person to ship, transport, transfer, receive, or possess any plastic explosive which does not contain a detection agent.

"(2)(A) During the 3-year period that begins on the effective date of this subsection, paragraph (1) shall not apply to the shipment, transportation, transfer, receipt, or possession of any plastic explosive, which was imported, brought into, or manufactured in the United States before such effective date by any person.

"(B) Until the 15-year period that begins on the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States has expired, paragraph (1) shall not apply to the shipment, transportation, transfer, receipt, or possession of any plastic explosive, which was imported, brought into, or manufactured in the United States before the effective date of this subsection by or on behalf of any agency of the United States performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State.

"(o) It shall be unlawful for any person, other than an agency of the United States (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the effective date of this subsection, to fail to report to the Secretary within 120 days after the effective date of this subsection the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may by regulations prescribe.".

SEC. 503. CRIMINAL SANCTIONS.

Section 844(a) of title 18, United States Code, is amended to read as follows:

"(a) Any person who violates subsections (a) through (i) or (l) through (o) of section 842 of this title shall be fined under this title, imprisoned not more than 10 years, or both.".

SEC. 504. EXCEPTIONS.

Section 845 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "(l), (m), (n), or (o) of section 842 and subsections" after "subsections";

(2) in subsection (a)(1), by inserting "and which pertains to safety" before the semicolon; and

(3) by adding at the end the following:

"(c) It is an affirmative defense against any proceeding involving subsection (l), (m), (n), or (o) of section 842 of this title if the proponent proves by a preponderance of the evidence that the plastic explosive—

"(1) consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

"(A) research, development, or testing of new or modified explosive materials;

"(B) training in explosives detection or development or testing of explosives detection equipment; or

"(C) forensic science purposes; or

"(2) was plastic explosive which, within 3 years after the effective date of this paragraph, will be or is incorporated in a military device within the territory of the United States and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the United States performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located. For purposes of this subsection, the term 'military device' includes shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.".

SEC. 505. EFFECTIVE DATE.

The amendments made by this title shall take effect 1 year after the date of the enactment of this Act.

TITLE VI—IMMIGRATION-RELATED PROVISIONS

Subtitle A—Removal of Alien Terrorists

PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

SEC. 601. REMOVAL PROCEDURES FOR ALIEN TERRORISTS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended—

(1) by adding at the end of the table of contents the following:

"TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

"Sec. 501. Definitions.
"Sec. 502. Establishment of special removal court; panel of attorneys to assist with classified information.
"Sec. 503. Application for initiation of special removal proceeding.
"Sec. 504. Consideration of application.
"Sec. 505. Special removal hearings.
"Sec. 506. Consideration of classified information.
"Sec. 507. Appeals.
"Sec. 508. Detention and custody.";

and

(2) by adding at the end the following new title:

"TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

"DEFINITIONS

"SEC. 501. In this title:

"(1) The term 'alien terrorist' means an alien described in section 241(a)(4)(B).

"(2) The term 'classified information' has the meaning given such term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).

"(3) The term 'national security' has the meaning given such term in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App.).

"(4) The term 'special attorney' means an attorney who is on the panel established under section 502(e).

"(5) The term 'special removal court' means the court established under section 502(a).

"(6) The term 'special removal hearing' means a hearing under section 505.

"(7) The term 'special removal proceeding' means a proceeding under this title.

"ESTABLISHMENT OF SPECIAL REMOVAL COURT; PANEL OF ATTORNEYS TO ASSIST WITH CLASSIFIED INFORMATION

"SEC. 502. (a) IN GENERAL.—The Chief Justice of the United States shall publicly designate 5 district court judges from 5 of the United States judicial circuits who shall constitute a court which shall have jurisdiction to conduct all special removal proceedings.

"(b) TERMS.—Each judge designated under subsection (a) shall serve for a term of 5 years and shall be eligible for redesignation, except that the four associate judges first so designated shall be designated for terms of one, two, three, and four years so that the term of one judge shall expire each year.

"(c) CHIEF JUDGE.—The Chief Justice shall publicly designate one of the judges of the special removal court to be the chief judge of the court. The chief judge shall promulgate rules to facilitate the functioning of the court and shall be responsible for assigning the consideration of cases to the various judges.

"(d) EXPEDITIOUS AND CONFIDENTIAL NATURE OF PROCEEDINGS.—The provisions of section 103(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(c)) shall apply to proceedings under this title in the same manner as they apply to proceedings under such Act.

"(e) ESTABLISHMENT OF PANEL OF SPECIAL ATTORNEYS.—The special removal court shall provide for the designation of a panel of attorneys each of whom—

"(1) has a security clearance which affords the attorney access to classified information, and

"(2) has agreed to represent permanent resident aliens with respect to classified information under sections 506 and 507(c)(2)(B) in accordance with (and subject to the penalties under) this title.

"APPLICATION FOR INITIATION OF SPECIAL REMOVAL PROCEEDING

"SEC. 503. (a) IN GENERAL.—Whenever the Attorney General has classified information that an alien is an alien terrorist, the Attorney General, in the Attorney General's discretion, may seek removal of the alien under this title through the filing with the special removal court of a written application described in subsection (b) that seeks an order authorizing a special removal proceeding under this title. The application shall be submitted in camera and ex parte and shall be filed under seal with the court.

"(b) CONTENTS OF APPLICATION.—Each application for a special removal proceeding shall include all of the following:

"(1) The identity of the Department of Justice attorney making the application.

"(2) The approval of the Attorney General or the Deputy Attorney General for the filing of the application based upon a finding by that individual that the application satisfies the criteria and requirements of this title.

"(3) The identity of the alien for whom authorization for the special removal proceeding is sought.

"(4) A statement of the facts and circumstances relied on by the Department of Justice to establish that—

"(A) the alien is an alien terrorist and is physically present in the United States, and

"(B) with respect to such alien, adherence to the provisions of title II regarding the deportation of aliens would pose a risk to the national security of the United States.

"(5) An oath or affirmation respecting each of the facts and statements described in the previous paragraphs.

"(c) RIGHT TO DISMISS.—The Department of Justice retains the right to dismiss a removal action under this title at any stage of the proceeding.

"CONSIDERATION OF APPLICATION

"SEC. 504. (a) IN GENERAL.—In the case of an application under section 503 to the special removal court, a single judge of the court shall be assigned to consider the application. The judge, in accordance with the rules of the court, shall consider the application and may consider other information, including classified information, presented under oath or affirmation. The judge shall consider the application (and any hearing thereof) in camera and ex parte. A verbatim

record shall be maintained of any such hearing.

"(b) APPROVAL OF ORDER.—The judge shall enter ex parte the order requested in the application if the judge finds, on the basis of such application and such other information (if any), that there is probable cause to believe that—

"(1) the alien who is the subject of the application has been correctly identified and is an alien terrorist, and

"(2) adherence to the provisions of title II regarding the deportation of the identified alien would pose a risk to the national security of the United States.

"(c) DENIAL OF ORDER.—If the judge denies the order requested in the application, the judge shall prepare a written statement of the judge's reasons for the denial.

"(d) EXCLUSIVE PROVISIONS.—Whenever an order is issued under this section with respect to an alien—

"(1) the alien's rights regarding removal and expulsion shall be governed solely by the provisions of this title, and

"(2) except as they are specifically referenced, no other provisions of this Act shall be applicable.

"SPECIAL REMOVAL HEARINGS

"SEC. 505. (a) IN GENERAL.—In any case in which the application for the order is approved under section 504, a special removal hearing shall be conducted under this section for the purpose of determining whether the alien to whom the order pertains should be removed from the United States on the grounds that the alien is an alien terrorist. Consistent with section 506, the alien shall be given reasonable notice of the nature of the charges against the alien and a general account of the basis for the charges. The alien shall be given notice, reasonable under all the circumstances, of the time and place at which the hearing will be held. The hearing shall be held as expeditiously as possible.

"(b) USE OF SAME JUDGE.—The special removal hearing shall be held before the same judge who granted the order pursuant to section 504 unless that judge is deemed unavailable due to illness or disability by the chief judge of the special removal court, or has died, in which case the chief judge shall assign another judge to conduct the special removal hearing. A decision by the chief judge pursuant to the preceding sentence shall not be subject to review by either the alien or the Department of Justice.

"(c) RIGHTS IN HEARING.—

"(1) PUBLIC HEARING.—The special removal hearing shall be open to the public.

"(2) RIGHT OF COUNSEL.—The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent the alien. Such counsel shall be appointed by the judge pursuant to the plan for furnishing representation for any person financially unable to obtain adequate representation for the district in which the hearing is conducted, as provided for in section 3006A of title 18, United States Code. All provisions of that section shall apply and, for purposes of determining the maximum amount of compensation, the matter shall be treated as if a felony was charged.

"(3) INTRODUCTION OF EVIDENCE.—The alien shall have a right to introduce evidence on the alien's own behalf.

"(4) EXAMINATION OF WITNESSES.—Except as provided in section 506, the alien shall have a reasonable opportunity to examine the evidence against the alien and to cross-examine any witness.

"(5) RECORD.—A verbatim record of the proceedings and of all testimony and evidence offered or produced at such a hearing shall be kept.

"(6) DECISION BASED ON EVIDENCE AT HEARING.—The decision of the judge in the hearing shall be based only on the evidence introduced at the hearing, including evidence introduced under subsection (e).

"(7) NO RIGHT TO ANCILLARY RELIEF.—In the hearing, the judge is not authorized to consider or provide for relief from removal based on any of the following:

"(A) Asylum under section 208.

"(B) Withholding of deportation under section 243(h).

"(C) Suspension of deportation under section 244(a) or 244(e).

"(D) Adjustment of status under section 245.

"(E) Registry under section 249.

"(d) SUBPOENAS.—

"(1) REQUEST.—At any time prior to the conclusion of the special removal hearing, either the alien or the Department of Justice may request the judge to issue a subpoena for the presence of a named witness (which subpoena may also command the person to whom it is directed to produce books, papers, documents, or other objects designated therein) upon a satisfactory showing that the presence of the witness is necessary for the determination of any material matter. Such a request may be made ex parte except that the judge shall inform the Department of Justice of any request for a subpoena by the alien for a witness or material if compliance with such a subpoena would reveal evidence or the source of evidence which has been introduced, or which the Department of Justice has received permission to introduce, in camera and ex parte pursuant to subsection (e) and section 506, and the Department of Justice shall be given a reasonable opportunity to oppose the issuance of such a subpoena.

"(2) PAYMENT FOR ATTENDANCE.—If an application for a subpoena by the alien also makes a showing that the alien is financially unable to pay for the attendance of a witness so requested, the court may order the costs incurred by the process and the fees of the witness so subpoenaed to be paid from funds appropriated for the enforcement of title II.

"(3) NATIONWIDE SERVICE.—A subpoena under this subsection may be served anywhere in the United States.

"(4) WITNESS FEES.—A witness subpoenaed under this subsection shall receive the same fees and expenses as a witness subpoenaed in connection with a civil proceeding in a court of the United States.

"(5) NO ACCESS TO CLASSIFIED INFORMATION.—Nothing in this subsection is intended to allow an alien to have access to classified information.

"(e) INTRODUCTION OF CLASSIFIED INFORMATION.—

"(1) IN GENERAL.—Classified information that has been summarized pursuant to section 506(b) and classified information for which findings described in section 506(b)(4)(B) have been made and for which no summary is provided shall be introduced (either in writing or through testimony) in camera and ex parte and neither the alien nor the public shall be informed of such evidence or its sources other than through reference to the summary (if any) provided pursuant to such section. Notwithstanding the previous sentence, the Department of Justice may, in its discretion and after coordination with the originating agency, elect to introduce such evidence in open session.

"(2) TREATMENT OF ELECTRONIC SURVEILLANCE INFORMATION.—

"(A) USE OF ELECTRONIC SURVEILLANCE.—The Government is authorized to use in a special removal proceeding the fruits of electronic surveillance and unconsented physical searches authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) without regard to subsections (c), (e), (f), (g), and (h) of section 106 of that Act.

"(B) NO DISCOVERY OF ELECTRONIC SURVEILLANCE INFORMATION.—An alien subject to removal under this title shall have no right of discovery of information derived from electronic surveillance authorized under the Foreign Intelligence Surveillance Act of 1978 or otherwise for national security purposes. Nor shall such alien have the right to seek suppression of evidence.

"(C) CERTAIN PROCEDURES NOT APPLICABLE.—The provisions and requirements of section 3504 of title 18, United States Code, shall not apply to procedures under this title.

"(3) RIGHTS OF UNITED STATES.—Nothing in this section shall prevent the United States from seeking protective orders and from asserting privileges ordinarily available to the United States to protect against the disclosure of classified information, including the invocation of the military and state secrets privileges.

"(f) INCLUSION OF CERTAIN EVIDENCE.—The Federal Rules of Evidence shall not apply to hearings under this section. Evidence introduced at the special removal hearing, either in open session or in camera and ex parte, may, in the discretion of the Department of Justice, include all or part of the information presented under section 504 used to obtain the order for the hearing under this section.

"(g) ARGUMENTS.—Following the receipt of evidence, the attorneys for the Department of Justice and for the alien shall be given fair opportunity to present argument as to whether the evidence is sufficient to justify the removal of the alien. The attorney for the Department of Justice shall open the argument. The attorney for the alien shall be permitted to reply. The attorney for the Department of Justice shall then be permitted to reply in rebuttal. The judge may allow any part of the argument that refers to evidence received in camera and ex parte to be heard in camera and ex parte.

"(h) BURDEN OF PROOF.—In the hearing the Department of Justice has the burden of showing by clear and convincing evidence that the alien is subject to removal because the alien is an alien terrorist. If the judge finds that the Department of Justice has met this burden, the judge shall order the alien removed and detained pending removal from the United States. If the alien was released pending the special removal hearing, the judge shall order the Attorney General to take the alien into custody.

"(i) WRITTEN ORDER.—At the time of rendering a decision as to whether the alien shall be removed, the judge shall prepare a written order containing a statement of facts found and conclusions of law. Any portion of the order that would reveal the substance or source of information received in camera and ex parte pursuant to subsection (e) shall not be made available to the alien or the public.

"CONSIDERATION OF CLASSIFIED INFORMATION

"SEC. 506. (a) CONSIDERATION IN CAMERA AND EX PARTE.—In any case in which the application for the order authorizing the special procedures of this title is approved, the

judge who granted the order shall consider each item of classified information the Department of Justice proposes to introduce in camera and ex parte at the special removal hearing and shall order the introduction of such information pursuant to section 505(e) if the judge determines the information to be relevant.

"(b) PREPARATION AND PROVISION OF WRITTEN SUMMARY.—

"(1) PREPARATION.—The Department of Justice shall prepare a written summary of such classified information which does not pose a risk to national security.

"(2) CONDITIONS FOR APPROVAL BY JUDGE AND PROVISION TO ALIEN.—The judge shall approve the summary so long as the judge finds that the summary is sufficient—

"(A) to inform the alien of the general nature of the evidence that the alien is an alien terrorist, and

"(B) to permit the alien to prepare a defense against deportation.

The Department of Justice shall cause to be delivered to the alien a copy of the summary.

"(3) OPPORTUNITY FOR CORRECTION AND RESUBMITTAL.—If the judge does not approve the summary, the judge shall provide the Department a reasonable opportunity to correct the deficiencies identified by the court and to submit a revised summary.

"(4) CONDITIONS FOR TERMINATION OF PROCEEDINGS IF SUMMARY NOT APPROVED.—

"(A) IN GENERAL.—If, subsequent to the opportunity described in paragraph (3), the judge does not approve the summary, the judge shall terminate the special removal hearing unless the judge makes the findings described in subparagraph (B).

"(B) FINDINGS.—The findings described in this subparagraph are, with respect to an alien, that—

"(i) the continued presence of the alien in the United States, and

"(ii) the provision of the required summary,

would likely cause serious and irreparable harm to the national security or death or serious bodily injury to any person.

"(5) CONTINUATION OF HEARING WITHOUT SUMMARY.—If a judge makes the findings described in paragraph (4)(B)—

"(A) if the alien involved is an alien lawfully admitted for permanent residence, the procedures described in subsection (c) shall apply; and

"(B) in all cases the special removal hearing shall continue, the Department of Justice shall cause to be delivered to the alien a statement that no summary is possible, and the classified information submitted in camera and ex parte may be used pursuant to section 505(e).

"(c) SPECIAL PROCEDURES FOR ACCESS AND CHALLENGES TO CLASSIFIED INFORMATION BY SPECIAL ATTORNEYS IN CASE OF LAWFUL PERMANENT ALIENS.—

"(1) IN GENERAL.—The procedures described in this subsection are that the judge (under rules of the special removal court) shall designate a special attorney (as defined in section 501(4)), (and the alien facing deportation under these procedures, may choose which special attorney shall be so designated, if the alien makes that choice not later than 45 days after the date on which the alien receives notice that the Government intends to use such procedures) to assist the alien and the court—

"(A) by reviewing in camera the classified information on behalf of the alien, and

"(B) by challenging through an in camera proceeding the veracity of the evidence contained in the classified information.

"(2) RESTRICTIONS ON DISCLOSURE.—A special attorney receiving classified information under paragraph (1)—

"(A) shall not disclosure the information to the alien or to any other attorney representing the alien, and

"(B) who discloses such information in violation of subparagraph (A) shall be subject to a fine under title 18, United States Code, and imprisoned for not less than 10 years nor more than 25 years.

"APPEALS

"SEC. 507. (a) APPEALS OF DENIALS OF APPLICATIONS FOR ORDERS.—The Department of Justice may seek a review of the denial of an order sought in an application by the United States Court of Appeals for the District of Columbia Circuit by notice of appeal which must be filed within 20 days after the date of such denial. In such a case the entire record of the proceeding shall be transmitted to the Court of Appeals under seal and the Court of Appeals shall hear the matter ex parte. In such a case the Court of Appeals shall review questions of law de novo, but a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

"(b) APPEALS OF DETERMINATIONS ABOUT SUMMARIES OF CLASSIFIED INFORMATION.—Either party may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

"(1) any determination by the judge pursuant to section 506(a)—

"(A) concerning whether an item of evidence may be introduced in camera and ex parte, or

"(B) concerning the contents of any summary of evidence to be introduced in camera and ex parte prepared pursuant to section 506(b); or

"(2) the refusal of the court to make the findings permitted by section 506(b)(4)(B).

In any interlocutory appeal taken pursuant to this subsection, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal and the matter shall be heard ex parte.

"(c) APPEALS OF DECISION IN HEARING.—

"(1) IN GENERAL.—Subject to paragraph (2), the decision of the judge after a special removal hearing may be appealed by either the alien or the Department of Justice to the United States Court of Appeals for the District of Columbia Circuit by notice of appeal.

"(2) AUTOMATIC APPEALS IN CASES OF PERMANENT RESIDENT ALIENS IN WHICH NO SUMMARY PROVIDED.—

"(A) IN GENERAL.—Unless the alien waives the right to a review under this paragraph, in any case involving an alien lawfully admitted for permanent residence who is denied a written summary of classified information under section 506(b)(4) and with respect to which the procedures described in section 506(c) apply, any order issued by the judge shall be reviewed by the Court of Appeals for the District of Columbia Circuit.

"(B) USE OF SPECIAL ATTORNEY.—With respect to any issue relating to classified information that arises in such review, the alien shall be represented only by the special attorney designated under section 506(c)(1) on behalf of the alien.

"(d) GENERAL PROVISIONS RELATING TO APPEALS.—

"(1) NOTICE.—A notice of appeal pursuant to subsection (b) or (c) (other than under subsection (c)(2)) must be filed within 20 days after the date of the order with respect to which the appeal is sought, during which time the order shall not be executed.

"(2) TRANSMITTAL OF RECORD.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c)—

"(A) the entire record shall be transmitted to the Court of Appeals, and

"(B) information received pursuant to section 505(e), and any portion of the judge's order that would reveal the substance or source of such information, shall be transmitted under seal.

"(3) EXPEDITED APPELLATE PROCEEDING.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c):

"(A) REVIEW.—The appeal or review shall be heard as expeditiously as practicable and the Court may dispense with full briefing and hear the matter solely on the record of the judge of the special removal court and on such briefs or motions as the Court may require to be filed by the parties.

"(B) DISPOSITION.—The Court shall uphold or reverse the judge's order within 60 days after the date of the issuance of the judge's final order.

"(4) STANDARD FOR REVIEW.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c):

"(A) QUESTIONS OF LAW.—The Court of Appeals shall review all questions of law de novo.

"(B) QUESTIONS OF FACT.—(i) Subject to clause (ii), a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

"(ii) In the case of a review under subsection (c)(2) in which an alien lawfully admitted for permanent residence was denied a written summary of classified information under section 506(b)(4), the Court of Appeals shall review questions of fact de novo.

"(e) CERTIORARI.—Following a decision by the Court of Appeals pursuant to subsection (b) or (c), either the alien or the Department of Justice may petition the Supreme Court for a writ of certiorari. In any such case, any information transmitted to the Court of Appeals under seal shall, if such information is also submitted to the Supreme Court, be transmitted under seal. Any order of removal shall not be stayed pending disposition of a writ of certiorari except as provided by the Court of Appeals or a Justice of the Supreme Court.

"(f) APPEALS OF DETENTION ORDERS.—

"(1) IN GENERAL.— The provisions of sections 3145 through 3148 of title 18, United States Code, pertaining to review and appeal of a release or detention order, penalties for failure to appear, penalties for an offense committed while on release, and sanctions for violation of a release condition shall apply to an alien to whom section 508(b)(1) applies. In applying the previous sentence—

"(A) for purposes of section 3145 of such title an appeal shall be taken to the United States Court of Appeals for the District of Columbia Circuit, and

"(B) for purposes of section 3146 of such title the alien shall be considered released in connection with a charge of an offense punishable by life imprisonment.

"(2) NO REVIEW OF CONTINUED DETENTION.—The determinations and actions of the Attorney General pursuant to section 508(c)(2)(C) shall not be subject to judicial review, including application for a writ of habeas corpus, except for a claim by the alien that continued detention violates the alien's rights under the Constitution. Jurisdiction over any such challenge shall lie exclusively in the United States Court of Appeals for the District of Columbia Circuit.

"DETENTION AND CUSTODY

"SEC. 508. (a) INITIAL CUSTODY.—

"(1) UPON FILING APPLICATION.—Subject to paragraphs (2) and (3), the Attorney General may take into custody any alien with respect to whom an application under section 503 has been filed and, notwithstanding any other provision of law, may retain such an alien in custody in accordance with the procedures authorized by this title.

"(2) SPECIAL RULES FOR PERMANENT RESIDENT ALIENS.—An alien lawfully admitted for permanent residence shall be entitled to a release hearing before the judge assigned to hear the special removal hearing. Such an alien shall be detained pending the special removal hearing, unless the alien demonstrates to the court that—

"(A) the alien, if released upon such terms and conditions as the court may prescribe (including the posting of any monetary amount), is not likely to flee, and

"(B) the alien's release will not endanger national security or the safety of any person or the community.

The judge may consider classified information submitted in camera and ex parte in making a determination under this paragraph.

"(3) RELEASE IF ORDER DENIED AND NO REVIEW SOUGHT.—

"(A) IN GENERAL.—Subject to subparagraph (B), if a judge of the special removal court denies the order sought in an application with respect to an alien and the Department of Justice does not seek review of such denial, the alien shall be released from custody.

"(B) APPLICATION OF REGULAR PROCEDURES.—Subparagraph (A) shall not prevent the arrest and detention of the alien pursuant to title II.

"(b) CONDITIONAL RELEASE IF ORDER DENIED AND REVIEW SOUGHT.—

"(1) IN GENERAL.—If a judge of the special removal court denies the order sought in an application with respect to an alien and the Department of Justice seeks review of such denial, the judge shall release the alien from custody subject to the least restrictive condition or combination of conditions of release described in section 3142(b) and clauses (i) through (xiv) of section 3142(c)(1)(B) of title 18, United States Code, that will reasonably assure the appearance of the alien at any future proceeding pursuant to this title and will not endanger the safety of any other person or the community.

"(2) NO RELEASE FOR CERTAIN ALIENS.—If the judge finds no such condition or combination of conditions, the alien shall remain in custody until the completion of any appeal authorized by this title.

"(c) CUSTODY AND RELEASE AFTER HEARING.—

"(1) RELEASE.—

"(A) IN GENERAL.—Subject to subparagraph (B), if the judge decides pursuant to section 505(i) that an alien should not be removed, the alien shall be released from custody.

"(B) CUSTODY PENDING APPEAL.—If the Attorney General takes an appeal from such decision, the alien shall remain in custody, subject to the provisions of section 3142 of title 18, United States Code.

"(2) CUSTODY AND REMOVAL.—

"(A) CUSTODY.—If the judge decides pursuant to section 505(i) that an alien shall be removed, the alien shall be detained pending the outcome of any appeal. After the conclusion of any judicial review thereof which affirms the removal order, the Attorney General shall retain the alien in custody and remove the alien to a country specified under subparagraph (B).

"(B) REMOVAL.—

"(i) IN GENERAL.—The removal of an alien shall be to any country which the alien shall designate if such designation does not, in the judgment of the Attorney General, in consultation with the Secretary of State, impair the obligation of the United States under any treaty (including a treaty pertaining to extradition) or otherwise adversely affect the foreign policy of the United States.

"(ii) ALTERNATE COUNTRIES.—If the alien refuses to designate a country to which the alien wishes to be removed or if the Attorney General, in consultation with the Secretary of State, determines that removal of the alien to the country so designated would impair a treaty obligation or adversely affect United States foreign policy, the Attorney General shall cause the alien to be removed to any country willing to receive such alien.

"(C) CONTINUED DETENTION.—If no country is willing to receive such an alien, the Attorney General may, notwithstanding any other provision of law, retain the alien in custody. The Attorney General, in coordination with the Secretary of State, shall make periodic efforts to reach agreement with other countries to accept such an alien and at least every 6 months shall provide to the attorney representing the alien at the special removal hearing a written report on the Attorney General's efforts. Any alien in custody pursuant to this subparagraph shall be released from custody solely at the discretion of the Attorney General and subject to such conditions as the Attorney General shall deem appropriate.

"(D) FINGERPRINTING.—Before an alien is transported out of the United States pursuant to this subsection, or pursuant to an order of exclusion because such alien is excludable under section 212(a)(3)(B), the alien shall be photographed and fingerprinted, and shall be advised of the provisions of section 276(b).

"(d) CONTINUED DETENTION PENDING TRIAL.—

"(1) DELAY IN REMOVAL.—Notwithstanding the provisions of subsection (c)(2), the Attorney General may hold in abeyance the removal of an alien who has been ordered removed pursuant to this title to allow the trial of such alien on any Federal or State criminal charge and the service of any sentence of confinement resulting from such a trial.

"(2) MAINTENANCE OF CUSTODY.—Pending the commencement of any service of a sentence of confinement by an alien described in paragraph (1), such an alien shall remain in the custody of the Attorney General, unless the Attorney General determines that temporary release of the alien to the custody of State authorities for confinement in a State facility is appropriate and would not endanger national security or public safety.

"(3) SUBSEQUENT REMOVAL.—Following the completion of a sentence of confinement by an alien described in paragraph (1) or following the completion of State criminal proceedings which do not result in a sentence of confinement of an alien released to the custody of State authorities pursuant to paragraph (2), such an alien shall be returned to the custody of the Attorney General who shall proceed to carry out the provisions of subsection (c)(2) concerning removal of the alien.

"(e) APPLICATION OF CERTAIN PROVISIONS RELATING TO ESCAPE OF PRISONERS.—For purposes of sections 751 and 752 of title 18, United States Code, an alien in the custody of the Attorney General pursuant to this title shall be subject to the penalties provided by those sections in relation to a person committed to the custody of the Attorney General by virtue of an arrest on a charge of a felony.

"(f) RIGHTS OF ALIENS IN CUSTODY.—

"(1) FAMILY AND ATTORNEY VISITS.—An alien in the custody of the Attorney General pursuant to this title shall be given reasonable opportunity to communicate with and receive visits from members of the alien's family, and to contact, retain, and communicate with an attorney.

"(2) DIPLOMATIC CONTACT.—An alien in the custody of the Attorney General pursuant to this title shall have the right to contact an appropriate diplomatic or consular official of the alien's country of citizenship or nationality or of any country providing representation services therefore. The Attorney General shall notify the appropriate embassy, mission, or consular office of the alien's detention.".

(b) JURISDICTION OVER EXCLUSION ORDERS FOR ALIEN TERRORISTS.—Section 106(b) of the Immigration and Nationality Act (8 U.S.C. 1105a(b)) is amended by adding at the end the following sentence: "Jurisdiction to review an order entered pursuant to the provisions of section 235(c) concerning an alien excludable under section 212(a)(3)(B) shall rest exclusively in the United States Court of Appeals for the District of Columbia Circuit.".

(c) CRIMINAL PENALTY FOR REENTRY OF ALIEN TERRORISTS.—Section 276(b) of such Act (8 U.S.C. 1326(b)) is amended—

(1) by striking "or" at the end of paragraph (1),

(2) by striking the period at the end of paragraph (2) and inserting "; or", and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Attorney General, enters the United States or attempts to do so shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence.".

(d) ELIMINATION OF CUSTODY REVIEW BY HABEAS CORPUS.—Section 106(a) of such Act (8 U.S.C. 1105a(a)) is amended—

(1) by adding "and" at the end of paragraph (8),

(2) by striking "; and" at the end of paragraph (9) and inserting a period, and

(3) by striking paragraph (10).

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens without regard to the date of entry or attempted entry into the United States.

SEC. 602. FUNDING FOR DETENTION AND REMOVAL OF ALIEN TERRORISTS.

In addition to amounts otherwise appropriated, there are authorized to be appropriated for each fiscal year (beginning with fiscal year 1996) $5,000,000 to the Immigration and Naturalization Service for the purpose of detaining and removing alien terrorists.

PART 2—EXCLUSION AND DENIAL OF ASYLUM FOR ALIEN TERRORISTS

SEC. 611. MEMBERSHIP IN TERRORIST ORGANIZATION AS GROUND FOR EXCLUSION.

(a) IN GENERAL.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) by striking "or" at the end of subclause (I),

(B) in subclause (II), by inserting "engaged in or" after "believe,", and

(C) by inserting after subclause (II) the following:

"(III) is a representative of a terrorist organization, or

"(IV) is a member of a terrorist organization which the alien knows or should have known is a terrorist organization,"; and

(2) by adding at the end the following:

"(iv) TERRORIST ORGANIZATION DEFINED.—

"(I) DESIGNATION.—For purposes of this Act, the term 'terrorist organization' means a foreign organization designated in the Federal Register as a terrorist organization by the Secretary of State, in consultation with the Attorney General, based upon a finding that the organization engages in, or has engaged in, terrorist activity that threatens the national security of the United States.

"(II) PROCESS.—At least 3 days before designating an organization as a terrorist organization through publication in the Federal Register, the Secretary of State, in consultation with the Attorney General, shall notify the Committees on the Judiciary of the House of Representatives and the Senate of the intent to make such designation and the findings and basis for designation. The Secretary of State, in consultation with the Attorney General, shall create an administrative record and may use classified information in making such a designation. Such information is not subject to disclosure so long as it remains classified, except that it may be disclosed to a court ex parte and in camera under subclause (III) for purposes of judicial review of such a designation. The Secretary of State, in consultation with the Attorney General, shall provide notice and an opportunity for public comment prior to the creation of the administrative record under this subclause.

"(III) JUDICIAL REVIEW.—Any organization designated as a terrorist organization under the preceding provisions of this clause may, not later than 30 days after the date of the designation, seek judicial review thereof in the United States Court of Appeals for the District of Columbia Circuit. Such review shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information considered in making the designation. The court shall hold unlawful and set aside the designation if the court finds the designation to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under the previous sentence, contrary to constitutional right, power, privilege, or immunity, or not in accord with the procedures required by law.

"(IV) CONGRESSIONAL AUTHORITY TO REMOVE DESIGNATION.—The Congress reserves the authority to remove, by law, the designation of an organization as a terrorist organization for purposes of this Act.

"(V) SUNSET.—Subject to subclause (IV), the designation under this clause of an organization as a terrorist organization shall be effective for a period of 2 years from the date of the initial publication of the terrorist organization designation by the Secretary of State. At the end of such period (but no sooner than 60 days prior to the termination of the 2-year-designation period), the Secretary of State, in consultation with the Attorney General, may redesignate the organization in conformity with the requirements of this clause for designation of the organization.

"(VI) OTHER AUTHORITY TO REMOVE DESIGNATION.—The Secretary of State, in consultation with the Attorney General, may remove the terrorist organization designation from any organization previously designated as such an organization, at any time, so long as the Secretary publishes notice of the removal in the Federal Register. The Secretary is not required to report to Congress prior to so removing such designation.

"(v) REPRESENTATIVE DEFINED.—In this subparagraph, the term 'representative' includes an officer, official, or spokesman of the organization and any person who directs, counsels, commands or induces the organization or its members to engage in terrorist activity. The determination by the Secretary of State or the Attorney General that an alien is a representative of a terrorist organization shall be subject to judicial review.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 612. DENIAL OF ASYLUM TO ALIEN TERRORISTS.

(a) IN GENERAL.—Section 208(a) of the Immigration and Nationality Act (8 U.S.C. 1158(a)) is amended by adding at the end the following: "The Attorney General may not grant an alien asylum if the Attorney General determines that the alien is excludable under subclause (I), (II), or (III) of section 212(a)(3)(B)(i) or deportable under section 241(a)(4)(B).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply to asylum determinations made on or after such date.

SEC. 613. DENIAL OF OTHER RELIEF FOR ALIEN TERRORISTS.

(a) WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended by adding at the end the following new sentence: "For purposes of subparagraph (D), an alien who is described in section 241(a)(4)(B) shall be considered to be an alien for whom there are reasonable grounds for regarding as a danger to the security of the United States.".

(b) SUSPENSION OF DEPORTATION.—Section 244(a) of such Act (8 U.S.C. 1254(a)) is amended by striking "section 241(a)(4)(D)" and inserting "subparagraph (B) or (D) of section 241(a)(4)".

(c) VOLUNTARY DEPARTURE.—Section 244(e)(2) of such Act (8 U.S.C. 1254(e)(2)) is amended by inserting "under section 241(a)(4)(B) or" after "who is deportable".

(d) ADJUSTMENT OF STATUS.—Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended—

(1) by striking "or" before "(5)", and

(2) by inserting before the period at the end the following: ", or (6) an alien who is deportable under section 241(a)(4)(B)".

(e) REGISTRY.—Section 249(d) of such Act (8 U.S.C. 1259(d)) is amended by inserting "and is not deportable under section 241(a)(4)(B)" after "ineligible to citizenship".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date if final action has not been taken on them before such date.

Subtitle B—Expedited Exclusion

SEC. 621. INSPECTION AND EXCLUSION BY IMMIGRATION OFFICERS.

(a) IN GENERAL.—Subsection (b) of section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended to read as follows:

"(b)(1)(A) If the examining immigration officer determines that an alien seeking entry—

"(i) is excludable under section 212(a)(6)(C) or 212(a)(7), and

"(ii) does not indicate either an intention to apply for asylum under section 208 or a fear of persecution,

the officer shall order the alien excluded from the United States without further hearing or review.

"(B) The examining immigration officer shall refer for an interview by an asylum officer under subparagraph (C) any alien who is excludable under section 212(a)(6)(C) or 212(a)(7) and has indicated an intention to apply for asylum under section 208 or a fear of persecution.

"(C)(i) An asylum officer shall promptly conduct interviews of aliens referred under subparagraph (B).

"(ii) If the officer determines at the time of the interview that an alien has a credible fear of persecution (as defined in clause (v)), the alien shall be detained for an asylum hearing before an asylum officer under section 208.

"(iii)(I) Subject to subclause (II), if the officer determines that the alien does not have a credible fear of persecution, the officer shall order the alien excluded from the United States without further hearing or review.

"(II) The Attorney General shall promulgate regulations to provide for the immediate review by a supervisory asylum office at the port of entry of a determination under subclause (I).

"(iv) The Attorney General shall provide information concerning the asylum interview described in this subparagraph to aliens who may be eligible. An alien who is eligible for such interview may consult with a person or persons of the alien's choosing prior to the interview or any review thereof, according to regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

"(v) For purposes of this subparagraph, the term 'credible fear of persecution' means (I) that it is more probable than not that the statements made by the alien in support of the alien's claim are true, and (II) that there is a significant possibility, in light of such statements and of such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208.

"(D) As used in this paragraph, the term 'asylum officer' means an immigration officer who—

"(i) has had professional training in country conditions, asylum law, and interview techniques; and

"(ii) is supervised by an officer who meets the condition in clause (i).

"(E)(i) An exclusion order entered in accordance with subparagraph (A) is not subject to administrative appeal, except that the Attorney General shall provide by regulation for prompt review of such an order against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been lawfully admitted for permanent residence.

"(ii) In any action brought against an alien under section 275(a) or section 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of exclusion entered under subparagraph (A).

"(2)(A) Except as provided in subparagraph (B), if the examining immigration officer determines that an alien seeking entry is not

clearly and beyond a doubt entitled to enter, the alien shall be detained for a hearing before a special inquiry officer.

"(B) The provisions of subparagraph (A) shall not apply—

"(i) to an alien crewman,

"(ii) to an alien described in paragraph (1)(A) or (1)(C)(iii)(I), or

"(iii) if the conditions described in section 273(d) exist.

"(3) The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien whose privilege to enter is so challenged, before a special inquiry officer for a hearing on exclusion of the alien.".

(b) CONFORMING AMENDMENT.—Section 237(a) of such Act (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking "Deportation" and inserting "Subject to section 235(b)(1), deportation", and

(2) in the first sentence of paragraph (2), by striking "If" and inserting "Subject to section 235(b)(1), if".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

SEC. 622. JUDICIAL REVIEW.

(a) PRECLUSION OF JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) by amending the section heading to read as follows:

"JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION, AND SPECIAL EXCLUSION"; and

(2) by adding at the end the following new subsection:

"(e)(1) Notwithstanding any other provision of law, and except as provided in this subsection, no court shall have jurisdiction to review any individual determination, or to entertain any other cause or claim, arising from or relating to the implementation or operation of section 235(b)(1). Regardless of the nature of the action or claim, or the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection nor to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

"(2) Judicial review of any cause, claim, or individual determination covered under paragraph (1) shall only be available in habeas corpus proceedings, and shall be limited to determinations of—

"(A) whether the petitioner is an alien, if the petitioner makes a showing that the petitioner's claim of United States nationality is not frivolous;

"(B) whether the petitioner was ordered specially excluded under section 235(b)(1)(A); and

"(C) whether the petitioner can prove by a preponderance of the evidence that the petitioner is an alien lawfully admitted for permanent residence and is entitled to such review as is provided by the Attorney General pursuant to section 235(b)(1)(E)(i).

"(3) In any case where the court determines that an alien was not ordered specially excluded, or was not properly subject to special exclusion under the regulations adopted by the Attorney General, the court may order no relief beyond requiring that the alien receive a hearing in accordance with section 236, or a determination in accordance with section 235(c) or 273(d).

"(4) In determining whether an alien has been ordered specially excluded, the court's inquiry shall be limited to whether such an order was in fact issued and whether it relates to the petitioner.".

(b) PRECLUSION OF COLLATERAL ATTACKS.—Section 235 of such Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

"(d) In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or section 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under this section or sections 236 and 242.".

(c) CLERICAL AMENDMENT.—The item relating to section 106 in the table of contents of such Act is amended to read as follows:

"Sec. 106. Judicial review of orders of deportation and exclusion, and special exclusion.".

SEC. 623. EXCLUSION OF ALIENS WHO HAVE NOT BEEN INSPECTED AND ADMITTED.

(a) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1251) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of this title, an alien found in the United States who has not been admitted to the United States after inspection in accordance with section 235 is deemed for purposes of this Act to be seeking entry and admission to the United States and shall be subject to examination and exclusion by the Attorney General under chapter 4. In the case of such an alien the Attorney General shall provide by regulation an opportunity for the alien to establish that the alien was so admitted.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

Subtitle C—Improved Information and Processing

PART 1—IMMIGRATION PROCEDURES

SEC. 631. ACCESS TO CERTAIN CONFIDENTIAL INS FILES THROUGH COURT ORDER.

(a) LEGALIZATION PROGRAM.—Section 245A(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)) is amended—

(1) by inserting "(i)" after "except that the Attorney General", and

(2) by inserting after "title 13, United States Code" the following: "and (ii) may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien to be used—

"(I) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated; or

"(II) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the legalization application was filed and such activity involves terrorist activity or poses either an immediate risk to life or to national security, or would be prosecutable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant".

(b) SPECIAL AGRICULTURAL WORKER PROGRAM.—Section 210(b) of such Act (8 U.S.C. 1160(b)) is amended—

(1) in paragraph (5), by inserting ", except as allowed by a court order issued pursuant to paragraph (6)" after "consent of the alien", and

(2) in paragraph (6), by inserting after subparagraph (C) the following:

"Notwithstanding the previous sentence, the Attorney General may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien to be used (i) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated, or (ii) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the special agricultural worker application was filed and such activity involves terrorist activity or poses either an immediate risk to life or to national security, or would be prosecutable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant.".

SEC. 632. WAIVER AUTHORITY CONCERNING NOTICE OF DENIAL OF APPLICATION FOR VISAS.

Section 212(b) of the Immigration and Nationality Act (8 U.S.C. 1182(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by striking "If" and inserting "(1) Subject to paragraph (2), if"; and

(3) by adding at the end the following new paragraph:

"(2) With respect to applications for visas, the Secretary of State may waive the application of paragraph (1) in the case of a particular alien or any class or classes of aliens excludable under subsection (a)(2) or (a)(3).".

PART 2—ASSET FORFEITURE FOR PASSPORT AND VISA OFFENSES

SEC. 641. CRIMINAL FORFEITURE FOR PASSPORT AND VISA RELATED OFFENSES.

Section 982 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after paragraph (5) the following new paragraph:

"(6) The court, in imposing sentence on a person convicted of a violation of, or conspiracy to violate, section 1541, 1542, 1543, 1544, or 1546 of this title, or a violation of, or conspiracy to violate, section 1028 of this title if committed in connection with passport or visa issuance or use, shall order that the person forfeit to the United States any property, real or personal, which the person used, or intended to be used, in committing, or facilitating the commission of, the violation, and any property constituting, or derived from, or traceable to, any proceeds the person obtained, directly or indirectly, as a result of such violation."; and

(2) in subsection (b)(1)(B), by inserting "or (a)(6)" after "(a)(2)".

SEC. 642. SUBPOENAS FOR BANK RECORDS.

Section 986(a) of title 18, United States Code, is amended by inserting "1028, 1541, 1542, 1543, 1544, 1546," before "1956".

SEC. 643. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

Subtitle D—Employee Verification by Security Services Companies

SEC. 651. PERMITTING SECURITY SERVICES COMPANIES TO REQUEST ADDITIONAL DOCUMENTATION.

(a) IN GENERAL.—Section 274B(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking "For purposes" and inserting "(A) Except as provided in subparagraph (B), for purposes", and

(2) by adding at the end the following new subparagraph:

"(B) Subparagraph (A) shall not apply to a request made in connection with an individual seeking employment in a company (or division of a company) engaged in the business of providing security services to protect persons, institutions, buildings, or other possible targets of international terrorism (as defined in section 2331(1) of title 18, United States Code).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to requests for documents made on or after the date of the enactment of this Act with respect to individuals who are or were hired before, on, or after the date of the enactment of this Act.

Subtitle E—Criminal Alien Deportation Improvements

SEC. 661. SHORT TITLE.

This subtitle may be cited as the "Criminal Alien Deportation Improvements Act of 1995".

SEC. 662. ADDITIONAL EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 222 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416), is amended—

(1) in subparagraph (J), by inserting ", or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses)," after "corrupt organizations)";

(2) in subparagraph (K)—

(A) by striking "or" at the end of clause (i),

(B) by redesignating clause (ii) as clause (iii), and

(C) by inserting after clause (i) the following new clause:

"(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage; or";

(3) by amending subparagraph (N) to read as follows:

"(N) an offense described in paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;";

(4) by amending subparagraph (O) to read as follows:

"(O) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 18 months;"

(5) in subparagraph (P), by striking "15 years" and inserting "5 years", and by striking "and" at the end;

(6) by redesignating subparagraphs (O), (P), and (Q) as subparagraphs (P), (Q), and (U), respectively;

(7) by inserting after subparagraph (N) the following new subparagraph:

"(O) an offense described in section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;"; and

(8) by inserting after subparagraph (Q), as so redesignated, the following new subparagraphs:

"(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which a sentence of 5 years' imprisonment or more may be imposed;

"(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which a sentence of 5 years' imprisonment or more may be imposed;

"(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed; and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to convictions entered on or after the date of the enactment of this Act, except that the amendment made by subsection (a)(3) shall take effect as if included in the enactment of section 222 of the Immigration and Nationality Technical Corrections Act of 1994.

SEC. 663. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) ADMINISTRATIVE HEARINGS.—Section 242A(b) of the Immigration and Nationality Act (8 U.S.C. 1252a(b)), as added by section 130004(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (A) and inserting "or", and

(B) by amending subparagraph (B) to read as follows:

"(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.";

(2) in paragraph (3), by striking "30 calendar days" and inserting "14 calendar days";

(3) in paragraph (4)(B), by striking "proceedings" and inserting "proceedings";

(4) in paragraph (4)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively; and

(B) by adding after subparagraph (C) the following new subparagraphs:

"(D) such proceedings are conducted in, or translated for the alien into, a language the alien understands;

"(E) a determination is made for the record at such proceedings that the individual who appears to respond in such a proceeding is an alien subject to such an expedited proceeding under this section and is, in fact, the alien named in the notice for such proceeding;".

(5) by adding at the end the following new paragraph:

"(5) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General's discretion.".

(b) LIMIT ON JUDICIAL REVIEW.—Subsection (d) of section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a), as added by section 130004(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended to read as follows:

"(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) PRESUMPTION OF DEPORTABILITY.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting after subsection (b) the following new subsection:

"(c) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

SEC. 664. RESTRICTING THE DEFENSE TO EXCLUSION BASED ON 7 YEARS PERMANENT RESIDENCE FOR CERTAIN CRIMINAL ALIENS.

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.".

SEC. 665. LIMITATION ON COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.

(a) IN GENERAL.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end 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.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to criminal proceedings initiated after the date of the enactment of this Act.

SEC. 666. CRIMINAL ALIEN IDENTIFICATION SYSTEM.

Section 130002(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) is amended to read as follows:

"(a) OPERATION AND PURPOSE.—The Commissioner of Immigration and Naturalization 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 identification system. The criminal alien identification system 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.".

SEC. 667. ESTABLISHING CERTAIN ALIEN SMUGGLING-RELATED CRIMES AS RICO-PREDICATE OFFENSES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting "section 1028 (relating to fraud and related activity in connection with identification documents) if the act indictable under section 1028 was committed for the purpose of financial gain," before "section 1029";

(2) by inserting "section 1542 (relating to false statement in application and use of passport) if the act indictable under section 1542 was committed for the purpose of financial gain, section 1543 (relating to forgery or

false use of passport) if the act indictable under section 1543 was committed for the purpose of financial gain, section 1544 (relating to misuse of passport) if the act indictable under section 1544 was committed for the purpose of financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) if the act indictable under section 1546 was committed for the purpose of financial gain, sections 1581–1588 (relating to peonage and slavery)," after "section 1513 (relating to retaliating against a witness, victim, or an informant),";

(3) by striking "or" before "(E)"; and

(4) by inserting before the period at the end the following: ", or (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain".

SEC. 668. AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (n),

(2) by redesignating paragraph (o) as paragraph (p), and

(3) by inserting after paragraph (n) the following new paragraph:

"(o) a felony violation of section 1028 (relating to production of false identification documents), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or".

SEC. 669. EXPANSION OF CRITERIA FOR DEPORTATION FOR CRIMES OF MORAL TURPITUDE.

(a) IN GENERAL.—Section 241(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(II)) is amended to read as follows:

"(II) is convicted of a crime for which a sentence of one year or longer may be imposed,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

SEC. 670. PAYMENTS TO POLITICAL SUBDIVISIONS FOR COSTS OF INCARCERATING ILLEGAL ALIENS.

Amounts appropriated to carry out section 501 of the Immigration Reform and Control Act of 1986 for fiscal year 1995 shall be available to carry out section 242(j) of the Immigration and Nationality Act in that fiscal year with respect to undocumented criminal aliens incarcerated under the authority of political subdivisions of a State.

SEC. 671. MISCELLANEOUS PROVISIONS.

(a) USE OF ELECTRONIC AND TELEPHONIC MEDIA IN 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 (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien".

(b) CODIFICATION.—

(1) Section 242(i) of such Act (8 U.S.C. 1252(i)) is amended by adding at the end the following: "Nothing in this subsection 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.".

(2) Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended by striking "and nothing in" and all that follows through "1252(i))".

(3) The amendments made by this subsection shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

SEC. 672. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this Act 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. 673. STUDY OF PRISONER TRANSFER TREATY WITH MEXICO.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the Prisoner Transfer Treaty with Mexico (in this section referred to as the "Treaty") to remove from the United States aliens who have been convicted of crimes in the United States.

(b) USE OF TREATY.—The report under subsection (a) shall include the following information:

(1) The number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the Treaty.

(2) The number of aliens described in paragraph (1) who have been transferred pursuant to the Treaty.

(3) The number of aliens described in paragraph (2) who have been incarcerated in full compliance with the Treaty.

(4) The number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the Treaty.

(5) The number of aliens described in paragraph (4) who are incarcerated in State and local penal institutions.

(c) EFFECTIVENESS OF TREATY.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the Treaty. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address the following areas:

(1) Changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(2) Changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(3) Changes in the Treaty that may be necessary to increase the number of aliens convicted of crimes who may be transferred pursuant to the Treaty.

(4) Methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the Treaty.

(5) Any recommendations of appropriate officials of the Mexican Government on programs to achieve the goals of, and ensure full compliance with, the Treaty.

(6) An assessment of whether the recommendations under this subsection require the renegotiation of the Treaty.

(7) The additional funds required to implement each recommendation under this subsection.

SEC. 674. JUSTICE DEPARTMENT ASSISTANCE IN BRINGING TO JUSTICE ALIENS WHO FLEE PROSECUTION FOR CRIMES IN THE UNITED STATES.

(a) ASSISTANCE TO STATES.—The Attorney General, in cooperation with the Commissioner of Immigration and Naturalization and the Secretary of State, shall designate an office within the Department of Justice to provide technical and prosecutorial assistance to States and political subdivisions of States in efforts to bring to justice aliens who flee prosecution for crimes in the United States.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Attorney General shall compile and submit to the Congress a report which assesses the nature and extent of the problem of bringing to justice aliens who flee prosecution for crimes in the United States.

SEC. 675. PRISONER TRANSFER TREATIES.

(a) NEGOTIATION.—Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of the enactment of this Act, bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

(b) CERTIFICATION.—The President shall submit to the Congress, annually, a certification as to whether each prisoner transfer treaty in force is effective in returning aliens unlawfully in the United States who have committed offenses for which they are incarcerated in the United States to their country of nationality for further incarceration.

SEC. 676. INTERIOR REPATRIATION PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country's border with the United States.

SEC. 677. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.

(a) IN GENERAL.—Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended to read as follows:

"(h)(1) Except as provided in paragraph (2), an alien sentenced to imprisonment may not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, supervised release, probation, or possibility of rearrest or further confinement in respect of the same

offense shall not be a ground for deferral of deportation.

"(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

"(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

"(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

"(3) Any alien deported pursuant to this subsection shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens deported under paragraph (2).".

(b) REENTRY OF ALIEN DEPORTED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) amended by adding at the end the following new subsection:

"(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law.".

TITLE VII—AUTHORIZATION AND FUNDING

SEC. 701. FIREFIGHTER AND EMERGENCY SERVICES TRAINING.

The Attorney General may award grants in consultation with the Federal Emergency Management Agency for the purposes of providing specialized training or equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks. To carry out the purposes of this section, there is authorized to be appropriated $5,000,000 for fiscal year 1996.

SEC. 702. ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVE DETECTION DEVICES AND OTHER COUNTER-TERRORISM TECHNOLOGY.

There is authorized to be appropriated not to exceed $10,000,000 for fiscal years 1996 and 1997 to the President to provide assistance to foreign countries facing an imminent danger of terrorist attack that threatens the national interest of the United States or puts United States nationals at risk—

(1) in obtaining explosive detection devices and other counter-terrorism technology; and

(2) in conducting research and development projects on such technology.

SEC. 703. RESEARCH AND DEVELOPMENT TO SUPPORT COUNTER-TERRORISM TECHNOLOGIES.

There are authorized to be appropriated not to exceed $10,000,000 to the National Institute of Justice Science and Technology Office—

(1) to develop technologies that can be used to combat terrorism, including technologies in the areas of—

(A) detection of weapons, explosives, chemicals, and persons;

(B) tracking;

(C) surveillance;

(D) vulnerability assessment; and

(E) information technologies;

(2) to develop standards to ensure the adequacy of products produced and compatibility with relevant national systems; and

(3) to identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism.

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF STATE LICENSING REQUIREMENTS FOR THE PURCHASE AND USE OF HIGH EXPLOSIVES.

The Secretary of the Treasury, in consultation with the Federal Bureau of Investigation, shall conduct a study of State licensing requirements for the purchase and use of commercial high explosives, including detonators, detonating cords, dynamite, water gel, emulsion, blasting agents, and boosters. Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to Congress the results of this study, together with any recommendations the Secretary determines are appropriate.

SEC. 802. COMPENSATION OF VICTIMS OF TERRORISM.

(a) REQUIRING COMPENSATION FOR TERRORIST CRIMES.—Section 1403(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(d)(3)) is amended—

(1) by inserting "crimes involving terrorism," before "driving while intoxicated"; and

(2) by inserting a comma after "driving while intoxicated".

(b) FOREIGN TERRORISM.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(6)(B)) is amended by inserting "are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18, United States Code), or" before "are States not having".

SEC. 803. JURISDICTION FOR LAWSUITS AGAINST TERRORIST STATES.

(a) EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES.—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(7) not otherwise covered by paragraph (2), in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency, except that—

"(A) an action under this paragraph shall not be instituted unless the claimant first affords the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration;

"(B) an action under this paragraph shall not be maintained unless the act upon which the claim is based occurred while the individual bringing the claim was a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act); and

"(C) the court shall decline to hear a claim under this paragraph if the foreign state against whom the claim has been brought establishes that procedures and remedies are available in such state which comport with fundamental fairness and due process."; and

(2) by adding at the end the following new subsection:

"(e) For purposes of paragraph (7) of subsection (a)—

"(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991;

"(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

"(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.".

(b) EXCEPTION TO IMMUNITY FROM ATTACHMENT.—

(1) FOREIGN STATE.—Section 1610(a) of title 28, United States Code, is amended—

(A) by striking the period at the end of paragraph (6) and inserting ", or"; and

(B) by adding at the end the following new paragraph:

"(7) the judgment relates to a claim for which the foreign state is not immune under section 1605(a)(7), regardless of whether the property is or was involved with the act upon which the claim is based.".

(2) AGENCY OR INSTRUMENTALITY.—Section 1610(b)(2) of such title is amended—

(A) by striking "or (5)" and inserting "(5), or (7)"; and

(B) by striking "used for the activity" and inserting "involved in the act".

(c) APPLICABILITY.—The amendments made by this title shall apply to any cause of action arising before, on, or after the date of the enactment of this Act.

SEC. 804. STUDY OF PUBLICLY AVAILABLE INSTRUCTIONAL MATERIAL ON THE MAKING OF BOMBS, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) STUDY.—The Attorney General, in consultation with such other officials and individuals as the Attorney General deems appropriate, shall conduct a study concerning—

(1) the extent to which there are available to the public material in any medium (including print, electronic, or film) that instructs how to make bombs, other destructive devices, and weapons of mass destruction;

(2) the extent to which information gained from such material has been used in incidents of domestic and international terrorism;

(3) the likelihood that such information may be used in future incidents of terrorism; and

(4) the application of existing Federal laws to such material, the need and utility, if any, for additional laws, and an assessment of the extent to which the First Amendment protects such material and its private and commercial distribution.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report that contains the results of

the study required by this section. The Attorney General shall make the report available to the public.

SEC. 805. COMPILATION OF STATISTICS RELATING TO INTIMIDATION OF GOVERNMENT EMPLOYEES.

(a) FINDINGS.—Congress finds that—

(1) threats of violence and acts of violence are mounting against Federal, State, and local government employees and their families in attempts to stop public servants from performing their lawful duties;

(2) these acts are a danger to our constitutional form of government; and

(3) more information is needed as to the extent of the danger and its nature so that steps can be taken to protect public servants at all levels of government in the performance of their duties.

(b) STATISTICS.—The Attorney General shall acquire data, for the calendar year 1990 and each succeeding calendar year about crimes and incidents of threats of violence and acts of violence against Federal, State, and local government employees in performance of their lawful duties. Such data shall include—

(1) in the case of crimes against such employees, the nature of the crime; and

(2) in the case of incidents of threats of violence and acts of violence, including verbal and implicit threats against such employees, whether or not criminally punishable, which deter the employees from the performance of their jobs.

(c) GUIDELINES.—The Attorney General shall establish guidelines for the collection of such data, including what constitutes sufficient evidence of noncriminal incidents required to be reported.

(d) ANNUAL PUBLISHING.—The Attorney General shall publish an annual summary of the data acquired under this section. Otherwise such data shall be used only for research and statistical purposes.

(e) EXEMPTION.—The United States Secret Service is not required to participate in any statistical reporting activity under this section with respect to any direct or indirect threats made against any individual for whom the United States Secret Service is authorized to provide protection.

SEC. 806. VICTIM RESTITUTION ACT OF 1995.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "may order, in addition to or, in the case of a misdemeanor, in lieu of any other penalty authorized by law" and inserting "shall order"; and

(ii) by adding at the end the following: "The requirement of this paragraph does not affect the power of the court to impose any other penalty authorized by law. In the case of a misdemeanor, the court may impose restitution in lieu of any other penalty authorized by law.";

(B) by adding at the end the following:

"(4) In addition to ordering restitution to the victim of the offense of which a defendant is convicted, a court may order restitution to any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(B) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (b)—

(A) by striking "and" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and";

(5) in subsection (c) by striking "If the court decides to order restitution under this section, the" and inserting "The";

(6) by striking subsections (d), (e), (f), (g), and (h);

(7) by redesignating subsection (i) as subsection (m); and

(8) by inserting after subsection (c) the following:

"(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restitution order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender. A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution, and where the identity of such victims and other persons can be reasonably determined.

"(4) An in-kind payment described in paragraph (3) may be in the form of—

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution to each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution to victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

"(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(h) A restitution order shall provide that—

"(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

"(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

"(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful; and

"(B) notify the court and the interested parties when an offender is 30 days in arrears in meeting those obligations; and

"(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

"(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

"(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

"(k) An order of restitution may be enforced—

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229 of this title; or

"(B) in the same manner as a judgment in a civil action; and

"(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

"(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.".

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

"(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs."; and

(4) by adding at the end thereof the following new subsection:

"(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.".

TITLE IX—HABEAS CORPUS REFORM

SEC. 901. FILING DEADLINES.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) A 1-year period of limitation shall apply to an application for a write of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

"(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

"(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

"(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

"(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

"(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim shall not be counted toward any period of limitation under this subsection.".

SEC. 902. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"(a) In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

"(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

"(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

"(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

"(B) the final order in a proceeding under section 2255.

"(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

"(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).".

SEC. 903. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

"Rule 22. Habeas corpus and section 2255 proceedings

"(a) APPLICATION FOR THE ORIGINAL WRIT.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The applicant may, pursuant to section 2253 of title 28, United States Code, appeal to the appropriate court of appeals from the order of the district court denying the writ.

"(b) CERTIFICATE OF APPEALABILITY.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of appealability pursuant to section 2253(c) of title 28, United States Code. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or its representative, a certificate of appealability is not required.".

SEC. 904. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

"(A) the applicant has exhausted the remedies available in the courts of the State; or

"(B)(i) there is an absence of available State corrective process; or

"(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

"(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

"(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

"(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

"(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

"(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.";

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

"(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

"(A) the claim relies on—

"(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

"(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

"(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense."; and

(5) by adding at the end the following new subsections:

"(h) Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a

ground for relief in a proceeding arising under section 2254.".

SEC. 905. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

"A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the date on which the judgment of conviction becomes final;

"(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

"(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

"(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

"Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

"(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

"(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.".

SEC. 906. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking "and the petition" and all that follows through "by such inquiry." and inserting ", except as provided in section 2255.".

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

"(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

"(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

"(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

"(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

"(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

"(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

"(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

"(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

"(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.".

SEC. 907. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.
"2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
"2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
"2263. Filing of habeas corpus application; time requirements; tolling rules.
"2264. Scope of Federal review; district court adjudications.
"2265. Application to State unitary review procedure.
"2266. Limitation periods for determining applications and motions.

"§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

"(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

"(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

"§ 2263. Filing of habeas corpus application; time requirements; tolling rules

"(a) Any application under this chapter for habeas corpus relief under section 2254 must

be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

"(b) The time requirements established by subsection (a) shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

"(3) during an additional period not to exceed 30 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

"§ 2264. Scope of Federal review; district court adjudications

"(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

"(1) the result of State action in violation of the Constitution or laws of the United States;

"(2) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

"(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

"(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

"§ 2265. Application to State unitary review procedure

"(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

"§ 2266. Limitation periods for determining applications and motions

"(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

"(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

"(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

"(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

"(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

"(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

"(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

"(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

"(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

"(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

"(5)(A) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

"(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

"(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

"(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

"(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals

en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

"(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.".

(b) TECHNICAL AMENDMENT.—The table of chapters at the beginning of part VI of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases ..... 2261".

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

SEC. 908. TECHNICAL AMENDMENT.

Section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) is amended by amending paragraph (9) to read as follows:

"(9) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant's attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under paragraph (10). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.".

SEC. 909. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstances shall not be affected thereby.

The CHAIRMAN. No amendments are in order except the amendments printed in House Report 104–480 and amendments en bloc described in section 2 of House Resolution 380. Amendments printed in the report shall be considered in the order printed, may be offered only by a Member designated in the report, shall be considered as having been read, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question. Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

It shall be in order at any time for the chairman of the Committee on the Judiciary or a designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of such amendments.

The amendments en bloc shall be considered read—except that modifications shall be reported—shall not be subject to amendment or to a demand for a division of the question, and shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary or their designees.

The original proponents of the amendments en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

It is now in order to consider amendment No. 1 printed in House Report 104–480.

AMENDMENT NO. 1 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HYDE: On the first page, beginning in line 4, strike "Comprehensive" and all that follows through "1995" in line 5 and insert "Effective Death Penalty and Public Safety Act of 1996".

Page 6, line 1, strike "should have known" and insert "has reasonable cause to believe".

Page 34, strike line 19 and all that follows through the matter appearing before line 3 on page 47, and redesignate succeeding sections and any cross references (including the table of contents) accordingly.

Page 137, line 15, insert "the court shall decline to hear a claim under this paragraph" after "except that".

Page 137, beginning in line 16, strike "an action under" and all that follows through "affords" ending in line 18, and insert "if the act occurred in the foreign state against which the claim has been brought and the claimant has not afforded".

Page 137, beginning in line 21, strike "an action under" and all that follows through "national" and insert "if the claimant or victim was not a national".

Page 138, line 2, insert "when the act upon which the claim is based occurred" after "Act)".

Page 138, line 2, strike "and" and insert "or".

Page 138, line 3, strike "the court shall" and all that follows through "has been brought" in line 5, and insert "if the act occurred in the foreign state against which the claim has been brought and that state".

Page 138, beginning in line 9, strike "new subsection".

Page 138, line 22, strike the close quotation mark and the period that follows it.

Page 138, after line 22, insert the following:

"(f) No action shall be maintained under subsection (a)(7) unless the action is commenced not later than 10 years after the date on which the cause of action arose. All principles of equitable tolling, including the period during which the foreign state was immune from suit, shall apply in calculating this limitation period.".

Page 151, after line 5, insert the following:

SEC. 807. OVERSEAS LAW ENFORCEMENT TRAINING ACTIVITIES.

The Director of the Federal Bureau of Investigation is authorized to support law enforcement training activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses.

SEC. 808. CLOSED CIRCUIT TELEVISED COURT PROCEEDINGS FOR VICTIMS OF CRIME.

(a) IN GENERAL.—Notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary, in order to permit victims of crime to watch criminal trial proceedings in cases where the venue of the trial is changed—

(1) out of the State in which the case was initially brought; and

(2) more than 350 miles from the location in which those proceedings originally would have taken place;

the courts involved shall, if donations under subsection (b) will defray the entire cost of doing so, order closed circuit televising of the proceedings to that location, for viewing by such persons the courts determine have a compelling interest in doing so and are otherwise unable to do so by reason of the inconvenience and expense caused by the change of venue.

(b) NO REBROADCAST.—No rebroadcast of the proceedings shall be made.

(c) LIMITED ACCESS.—

(1) GENERALLY.—No other person, other than official court and security personnel, or other persons specifically designated by the courts, shall be permitted to view the closed televising of the proceedings.

(2) EXCEPTION.—The courts shall not designate a person under paragraph (1) if the presiding judge at the trial determines that testimony by that person would be materially affected if that person heard other testimony at the trial.

(d) DONATIONS.—The Administrative Office of the United States Courts may accept donations to enable the courts to carry out subsection (a). No appropriated money shall be used to carry out such subsection

(e) DEFINITION.—As used in this section, the term "State" includes the District of Columbia and any other possession or territory of the United States.

Modify the table of contents accordingly.

Page 52, strike line 1 and all that follows through line 17 on page 53.

Redesignate succeeding sections accordingly, and modify cross references and the table of contents accordingly.

Page 125, strike line 13 and all that follows through line 20.

Redesignate succeeding sections accordingly, and modify cross references and the table of contents accordingly.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the manager's amendment that we are discussing now changes the short title of the bill to the "Effective Death Penalty and Public Safety Act of 1996."

It conforms the language in section 102, "prohibiting material support to terrorists," to the language already used in section 204. In other words, it says, "has reasonable cause to believe," instead of "should have known." This amendment would codify current case law on actual and constructive knowledge of criminal activity.

This amendment strikes both section 302 and section 303. Section 302 has to do with disclosure of certain consumer reports to the FBI, and section 303 has to do with disclosure of business records held by third parties in foreign counterintelligence cases. Both of those sections are stricken in their entirety.

Next, the amendment amends section 803, having to do with jurisdiction for lawsuits against terrorist states, which in turn amends the existing Foreign Sovereign Immunities Act, 28 U.S.C. section 1602–1611. This section would allow lawsuits by U.S. citizens against terrorist states who are responsible for state-sponsored torture, extrajudicial killing, aircraft sabotage, hostage-taking, or the provision of material support or resources for such acts which result in death or personal injury.

The manager's amendment would change the language in the committee-reported bill requiring that plaintiffs filing suit under this section must first give the foreign state an opportunity to arbitrate the claim. The manager's amendment would only require pretrial arbitration if the terrorist act upon which the lawsuit is based occurred within the boundaries of the country being sued.

The manager's amendment also contains a statute of limitations provision for such suits. The manager's amendment makes it clear that these lawsuits must be filed within 10 years after the terrorist act, but allows cases to be filed after the enactment of this provision, so long as the suit was previously blocked in Federal court based upon sovereign immunity grounds.

This amendment provides for closed circuit televised court proceedings to allow victims to watch a criminal trial where the trial is moved out of the State and a significant distance from where it originally would have taken place; that is, Oklahoma City to Denver. The provision authorizes the acceptance of donations to pay the cost. No new spending is authorized.

The amendment adds section 807, giving the FBI authority to conduct law enforcement training and instruction to foreign law enforcement officers in order to improve the effectiveness of the United States in investigating and prosecuting transnational criminal offenses. With so many countries emerging from Soviet dominance, it is imperative that the United States establish ties and help create professional law enforcement organizations so that our efforts to investigate and prosecute international criminal offenses is enhanced.

The amendment also strikes section 310 of the bill, relating to the Attorney General's reward authority. This provision violates rule XXI, clause 5(a), of the House rules in that it would provide different uses for appropriated funds than those which were originally intended. In addition, reward authority for the Attorney General has been enacted into law elsewhere. The Justice Department supports this change.

Lastly, the amendment strikes section 670 of the bill because it also violates rule XXI, clause 5(a), of the rules of the House. It proposed to allocate fiscal year 1995 funds for the Department of Justice for purposes other than those originally intended in that appropriations bill. Moreover, the provision is moot because all fiscal 1995 appropriations have already been expended.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CONYERS] seek the time in opposition?

Mr. CONYERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan will be recognized for 10 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the manager's amendment is not all bad. There are parts of it with which I think those of us on our side would agree.

It does, however, raise issues which were not debated or even discussed during the committee markup. Why do we stay for weeks and months in the committee and then come on the floor to get the latest version? I agree that obligation to require pretrial arbitration and lawsuits against terrorist states where terrorism occurs outside our Nation's borders is a good idea. But why not go all the way and eliminate this procedural obstacle completely, as does Conyers-Nadler?

That is the difference. We are not talking about whether these are good points or bad points. We are talking about which one is better, which one is more complete, how one deals more effectively with antiterrorism. Here is a very compelling example. In Conyers-Nadler-Berman, we have the stronger protections for United States citizens who are the victims of violence in terrorist states like Libya by allowing the suits against the terrorist nations to be brought directly in the United States court.

Notice that, please. Mr. Chairman, this is not fine print. This is a huge, enormous difference in dealing with the people that everybody keeps decrying that we have to deal with. This is not rhetoric. We are talking about whose bill is going to be more effective.

Currently, Mr. Chairman, the Foreign Sovereign Immunities Act prevents suits against foreign governments, even if they sponsor terrorism. This manager's amendment by my friend, the chairman, will allow such suits against foreign terrorists in some instances. We allow it in the U.S. courts in all instances. Please, this is a very important distinction. I therefore, reluctantly, oppose the manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3½ minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise in support of the amendment, as well as the legislation to which it is offered.

Mr. Chairman, in Oklahoma City last April 19 when we had the horrific bombing that occurred, several things happened that have still not come to rest that affect the 168 families of the 168 people that were killed in that explosion.

I appreciate the fact that the gentleman from Illinois, Mr. HYDE, the chairman, has incorporated in this amendment language that was suggested to him by my colleague, the gentleman from Oklahoma, Mr. LUCAS; language that was suggested to him by myself, and language that I know Senator NICKLES has expressed great interest in.

Mr. Chairman, the trial has been moved from Oklahoma City to Denver, a distance of some 600 miles. When we have 168 stricken families with spouses, husbands, fathers, children, grandparents, grandchildren, and other relatives, all of whom have a great interest in the trial proceedings, we need to understand that we have a law on the books that says a victim of a violent crime has a statutory right to attend the trial. But unfortunately, when this many people desire to attend the trial to exercise their right as victims, they cannot do so if the trial has been moved 600 miles away. It is a great understaking and a great difficulty.

Fortunately, Mr. Chairman, this portion of the amendment specifies that shall be a closed circuit rebroadcast back to the original location, to Oklahoma City, for the benefit of those who are victims and have the right to attend that trial, who have a great desire and interest and a need to attend that trial.

Mr. Chairman, the language has safeguards. The proceedings are not to be

rebroadcast elsewhere. They are not available for Court TV or CNN or anyone else that might wish to do so, because we want to minimize the disruptive effect that some might fear would otherwise occur. Certainly the judge retains his ability to say, if someone is a witness who might be affected by hearing the proceedings, then they can be excluded, as the law already requires.

But to the people who otherwise would have to relocate 600 miles for who knows how long, for an extended period of time, because of this trial, this takes into account their need. This allows them to exercise their rights as victims, for what little comfort and help it might be to them; but whatever we can provide to them, we certainly want to do. Mr. Chairman, this makes that possible.

I was pleased to hear this morning, Mr. Chairman, that the Judicial Conference of the United States has endorsed this approach. It is a very narrowly crafted exception to the normal rule against televising criminal proceedings in Federal court; but it will be of great benefit, we hope, for those who had family members who suffered either by loss of life of injury in that terrible explosion.

Finally, Mr. Chairman, the death penalty reform provisions in this measure are very important to those same family members. As one person who lost a family member said to me, she does not want her newborn child to grow to adulthood before she can experience the resolution of knowing that the person or persons responsible have been brought to justice, and that justice, including the death penalty, can be carried out on that person. We do not want these persons to have those multiple years of uncertainty which this bill will remove by reforming the death penalty procedure so, again it can be swift as well as sure.

Mr. CONYERS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I want to begin by complimenting the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary, for putting in a bill that strikes a delicate compromise between those who would cry out for personal freedom and those who understand and recognize the tremendous threat to national security that terrorism poses to Americans, both here and abroad.

I rise today in support of the amendment and to the underlying bill, H.R. 2703. This is a bill that goes a long way toward enabling us as a Nation to protect ourselves from terrorism. Providing physical security is, and it should be, the first order of business of any government.

The preamble to the United States Constitution states that the foundational reason the Federal Government is formed is to establish justice and to ensure domestic tranquility. Undoubtedly, as the Oklahoma bombing and the bombing of the World Trade Center have reminded us, the presence of terrorists is both homegrown and abroad. They are here in our communities and they are there overseas. Recent events in Tel Aviv and Jerusalem and Israel and Japan have also demonstrated how tragically simple it is to commit terrorist acts in a crowded place.

What terrorism does is to create a paralyzing fear in a targeted populace. It is murder for political gain. Taking precautions against terrorist acts does not allow the terrorists to win, as some have suggested, but rather it renders terrorists impotent by eliminating access and the means to perpetrate the terrorism.

What we seek to do here today is to strike a balance between preserving freedoms we hold so dear and still protecting ourselves from terrorist acts. Our society places an extremely high value on liberty and privacy, but this bill does not compromise it. How free are we if we live in constant fear of organized murder on a massive scale in the places we work, travel, and live? This bill achieves a balance by combating this threat while maintaining the values that make America the freest Nation in the world.

□ 1345

This bill is a good compromise and collectively reflects society's outrage and commitment to defeating terrorism here and abroad. It ends the spectacle of organizations like Hamas raising millions of dollars here in America to finance terrorism and murder abroad, including murder of Americans.

I urge my colleagues to vote a resounding "yes" on this bill.

Mr. LUCAS. Mr. Chairman, I rise today in support of Mr. HYDE's amendment to H.R. 2703. I support this amendment because among other things, it provides for closed-circuit broadcating of court proceedings in cases where a trial has been moved out of State, and more than 350 miles from the location where the proceedings would have taken place. I appreciate the chairman and his staff's efforts on this provision.

As the Member of Congress who represents downtown Oklahoma City, I believe this provision is crucial, especially in light of the upcoming trial of the suspects in the bombing of the Alfred P. Murrah building. Recently, this trial was moved from Oklahoma City to Denver, and the judge ruled cameras impermissible in the courtroom.

For the victims and survivors of this, the worst terrorist attack to occur on U.S. soil, the trial and any subsequent punishment of those who committed this heinous crime are part of the healing process. For most, this is a time to rebuild their lives, therefore the upheaval of going to Denver to watch the trial seems cruel and unfair.

I believe victims deserve the opportunity to view the trial of those accused of committing a crime. Although it is uncommon for a trial to be moved out of state, this manager's amendment would provide relief for those victims. This is the least we can do for those that experience such a great loss.

Support the manager's amendment and show your support for victims of crime.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 104–480.

AMENDMENT NO. 2. OFFERED BY MR. BARR

Mr. BARR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 28, strike lines 10 through 20, and insert the following:

SEC. 112. STUDY AND RECOMMENDATIONS FOR ASSESSING AND REDUCING THE THREAT TO LAW ENFORCEMENT OFFICERS FROM THE CRIMINAL USE OF FIREARMS AND AMMUNITION.

(a) The Secretary of the Treasury, in conjunction with the Attorney General, shall conduct a study and make recommendations concerning—

(1) the extent and nature of the deaths and serious injuries, in the line of duty during the last decade, for law enforcement officers, including—

(A) those officers who were feloniously killed or seriously injured and those that died or were seriously injured as a result of accidents or other non-felonious causes; and

(B) those officers feloniously killed or seriously injured with firearms, those killed or seriously injured with, separately, handguns firing handgun caliber ammunition, handguns firing rifle caliber ammunition, rifles firing rifle caliber ammunition, rifles firing handgun caliber ammunition and shotguns; and

(C) those officers feloniously killed or seriously injured with firearms, and killings or serious injuries committed with firearms taken by officers' assailants from officers, and those committed with other officers' firearms; and

(D) those killed or seriously injured because shots attributable to projectiles defined as "armor piercing ammunition" under 18, §921(a)(17)(B) (i) and (ii) pierced the protective material of bullet resistant vests or bullet resistant headgear; and

(2) whether current passive defensive strategies, such as body armor, are adequate to counter the criminal use of firearms against law officers; and

(3) the calibers of ammunition that are—

(A) sold in the greatest quantities; and

(B) their common uses, according to consultations with industry, sporting organizations and law enforcement; and

(C) the calibers commonly used for civilian defensive or sporting uses that would be affected by any prohibition on non-law enforcement sales of such ammunition, if such ammunition is capable of penetrating minimum level bullet resistant vests; and

(D) recommendations for increase in body armor capabilities to further protect law enforcement from threat.

(b) In conducting the study, the Secretary shall consult with other Federal, State and local officials, non-governmental organizations, including all national police organizations, national sporting organizations and national industry associations with expertise in this area and such other individuals as shall be deemed necessary. Such study shall be presented to Congress twelve months after the enactment of this Act and made available to the public, including any data tapes or data used to form such recommendations.

(c) There are authorized to be appropriated for the study and recommendations such sums as may be necessary.

Page 34, strike line 6, and all that follows through the matter following line 2 but before line 3 on page 47.

Redesignate succeeding sections accordingly.

Page 48, strike lines 3 through 14.

Redesignate succeeding sections accordingly.

Page 63, strike line 14 and all that follows through line 23 on page 94.

Redesignate succeeding sections accordingly.

Page 95, strike line 10 and all that follows through line 17 on page 100.

Redesignate succeeding sections accordingly.

Page 6, line 1, strike "or should have known".

Page 32, line 22, strike the one-m dash and all that follows through "(2)" on page 33, run in the material before and after the matter so stricken, and realign the margins of lines 1 through 5 on page 33 so as to be flush to the margin.

Page 47, after line 22, insert the following:

(b) EXCLUSION.—No study undertaken under this section shall include black or smokeless powder among the explosive materials considered.

Page 47, line 23, strike "(b)" and insert "(c)".

Page 49, strike line 12 and all that follows through line 7 on page 51.

Redesignate succeeding sections accordingly.

The CHAIRMAN. Pursuant to the rule, the gentleman from Georgia [Mr. BARR] and a Member opposed each will control 30 minutes.

Mr. HYDE. Mr. Chairman, I rise in opposition to the amendment, and I claim the 30 minutes in opposition.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] will be recognized for 30 minutes.

Mr. HYDE. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. CONYERS], and I ask unanimous consent that he be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are debating here today fundamentally important legislation. It is fundamentally important legislation because there is no more basic, more critical, more fundamental and more important duty of our Government than to protect its citizens, their homes, their businesses, our public institutions from acts of terrorism, from acts perpetrated by criminals in whatever capacity whatsoever.

Mr. Chairman, I think it is also important as we debate this important bill, the effective Death Penalty and Public Safety Act of 1996, to be careful and mindful of how best to frame the debate over these issues.

I do not think it would be appropriate, Mr. Chairman, to think of our framing this debate in terms of preventing every act of terrorism. If we framed the debate thusly, then we would be forever frustrated in our analysis, in our efforts, because we will never stop criminal activities, no matter how many laws we pass, no matter how effectively or how broadly all of those criminal laws are enforced.

Rather, Mr. Chairman, we need to keep this debate focused on two things. First, Mr. Chairman, how can we most effectively and most comprehensively minimize the chances for acts of terror being committed against our citizens, our institutions, and our homes? The second point that we must keep in mind, Mr. Chairman, throughout this and other debates that we will have in this great body, is how would we do so, how do we pass laws that minimize the chance for terrorist acts and other criminal acts being committed, balanced against the very important, fundamentally important civil liberties that all of us here in this country enjoy enshrined in that great document, our Constitution.

Indeed, Mr. Chairman, the balancing of these concerns is fundamental to the very makeup, the very structure of our Government; the balance between individual freedom and government power, and another balance that is important to keep in mind, Mr. Chairman, the balance between government accountability and absolute government power.

Mr. Chairman, this bill that we are considering here today, crafted in large part by my esteemed colleague from Illinois, the great chairman of the Judiciary Committee, in almost every respect properly balances those concerns, and indeed should be a hallmark for the American people to look to in terms of how to craft legislation that does protect our citizens while being mindful of the important civil liberties guaranteed to all of us.

But, Mr. Chairman, I have before this House today at this time an amendment that includes several provisions that I believe strengthen that balance on the side of protecting individual liberties, while at the same time giving to the Government those tools that it needs to effectively investigate and prosecute acts of terror.

With regard to the various provisions in H.R. 2703 that my amendment seeks to delete, Mr. Chairman, I think it is also important to note that in many of these instances I have proposed their deletion knowing that there are existing, current Federal laws which will remain on the books and fully available to our law enforcement agencies and our Federal prosecutors, laws and adequate safeguards to protect us against acts of terrorism.

I would draw attention, for example, Mr. Chairman, to section 212(a)(3)(b) of our Immigration Act, which clearly defines and gives the Government full and plenary power to exclude and deport not only terrorists but terrorist organizations. I would also draw attention, Mr. Chairman, to the provision in my amendment which would seek to delete section 601 of this bill that relates to special, read that secret proceedings to exclude or deport aliens with provable terrorist connections.

If the Barr amendment is adopted, Mr. Chairman, on this particular point, as one example of the balance in my amendment, we will be doing nothing, absolutely nothing to weaken the very strong tools that our Government currently has under the Immigration Act, for one example, to exclude and deport terrorists or terrorist organizations.

My amendment, with regard specifically to section 601, would simply say we must do so openly, in the light of day, without having the entire proceedings not only secret but so secret that the defendant himself or herself is not even made aware of the evidence against them other than in at best a summary form, with that summary provided by the Government.

I would also want to ensure that my colleagues know that again, for example, with regard to my proposed deletion of section 601, that the provisions of the Classified Information Protection Act or CIPA remain fully available to the Government. If my amendment is adopted, it does not weaken the ability of our Government to protect against disclosure of classified, important national security information in whatever proceeding, including exclusion or deportation proceedings.

I would also like, Mr. Chairman, to focus on many of the limitations that the chairman and others who support this legislation have very properly crafted into the bill, that provide a very real and very substantial limit on expansion and abuse of Federal authority, and we all know that from time to time that does in fact occur.

For example, Mr. Chairman, with regard to title I of this bill, there is protection afforded to all Federal employees and former Federal employees against somebody seeking to kill them because of their Federal employment. This corrects, I think, Mr. Chairman, an imbalance in the current laws of our country that would afford that protection only to certain covered, explicitly

listed in our statute, categories of Federal employees.

I do not think, Mr. Chairman, that if a person who works for our Social Security Administration goes to work, that he or she should do so knowing that they are any less valuable to our country and should receive any less protection than somebody that works across the hall from them, that may work for the U.S. attorney's office instead of for the Social Security Administration.

This bill properly protects against abuses of Federal authority in these areas. It is not a vast expansion of Federal authority. For example, further, Mr. Chairman, with regard to title I, the bill does prohibit material support to terrorist organizations. It is clearly limited to those who provide material, demonstrable, substantive support to terrorist organizations, not any organization but terrorist organizations.

Further with regard to title I, it is important to recognize the very strict limitations included in H.R. 2703. For example, with regard to acts of terrorism transcending national boundaries, there are several explicit limiting provisions in this legislation. The underlying predicate with provides for the basic Federal jurisdiction, in the first place, it must cross national boundaries. There must be one of several additional jurisdictional bases before the Federal Government can become involved.

Third, the Attorney General must certify explicitly in writing that the proposed case which it seeks to prosecute is also a Federal crime of terrorism that explicitly, and I repeat explicitly, requires that the crime be designed to influence or to affect U.S. Government policies or conduct. It must relate, then, to a series of explicitly laid out provisions in our current criminal code.

For those Members, Mr. Chairman, who are very properly fearful of abuse of Government power, which does occur from time to time, and are hesitant to grant ever-increasing powers to the Government without a firm constitutional and practical basis for doing so, I say to them that those provisions in title I are replete with provisions that explicitly limit the reach of the Federal Government only to those instances of criminal behavior directly affecting our Federal public institutions and personnel.

Returning, Mr. Chairman, to my proposed amendment and its constituent parts, I believe it does correct some remaining imbalances in H.R. 2703 on which the chairman and his staff and I and my staff and dozens of other individuals have worked mightily for the better half of a year on this. For example, Mr. Chairman, there are provisions in this bill currently which I would seek to delete, which do not affect the underlying important substance of the bill but which would avoid potential problems in the future.

If the Government, for example, Mr. Chairman, is going to prosecute someone who sells a firearm to somebody who then later uses it in the commission of a crime, I do not believe it is unreasonable to require the Government to prove beyond a reasonable doubt that the person that sold that firearm knew that it was going to be subsequently used in the commission of a crime.

Changing and lowering that burden substantially, Mr. Chairman, as the current provisions of H.R. 2703 would do, to the person having reasonable cause to believe, for example, that the firearm might be used in a future crime, is too vague. It is unnecessary. The Government can currently reach the person that sells a firearm with reasonable knowledge that it will be used in the commission of a crime.

A further provision explicitly dealt with, Mr. Chairman, in my omnibus amendment addresses section 305, the so-called Mack truck provision. I call this a Mack truck provision, Mr. Chairman, because it is so broad, in looking back over it, that one could drive a Mack truck through it.

□ 1400

This is the so-called good-faith exception to the exclusionary rule for wiretap evidence. In layman's terms, Mr. Chairman, this provision would allow the Government to use whatever it overhears in any electronic surveillance activity, whether related to a crime of terrorism or any other crime or other behavior which the Government seeks to stop, even if that evidence was acquired illegally, as long as the Government can go into court and show that it believed or its agents believed that they were operating in good faith.

Mr. Chairman, in title 18, there are very extensive steps which the Government must take in each and every instance in which it seeks to surveil one of our citizens or anybody else electronically in this country. As a former United States attorney, Mr. Chairman, I had to be involved in that process on numerous occasions. It is a very powerful law enforcement tool. But by the same token, Mr. Chairman, those safeguards built into the current title 18 of our code which restrict the ability of our Government to engage in electronic surveillance are very proper because of the very invasive nature, inherent nature of electronic surveillance.

I do not believe, Mr. Chairman, that we should in any way at this time be granting such very broad exception authority to the Government as the current section 305 would do. H.R. 2703 also, Mr. Chairman, would require a study of so-called armor-piercing ammunition. My proposed amendment improves on that requirement. It improves on that requirement, Mr. Chairman, by requiring that the Secretary of the Treasury, in carrying out this important study to protect the lives of our police officers, is conducted in a comprehensive way and in a comprehensive context, studying not only the effects, the availability of armor-piercing ammunition, which, I would hasten to add, is currently illegal under U.S. law. My proposed amendment, which changes and expands the nature of that study, does nothing as does H.R. 2703 currently does nothing to amend or weaken or delete the provisions currently in Federal law in title 18, section 922, that make the importation or sale of armor-piercing ammunition illegal in this country.

This provision, though simple, Mr. Chairman, in my proposed amendment will strengthen that study that is required currently by H.R. 2703. With regard, Mr. Chairman, to what I consider the linchpin of this legislation, and that is habeas corpus reform, it is important to recognize that the proposed amendments in H.R. 2703 to our Federal habeas corpus laws strike a very appropriate balance between Federal and States' rights that is not currently in place. The reforms contemplated by H.R. 2703 will stop the endless, pointless, and abusive delays currently available to those in our State court system to avoid the carrying out of a death sentence.

I was dismayed, though not surprised, to read, Mr. Chairman, that recently in my home State of Georgia a new trial had just been granted to an inmate in a State institution in Georgia who had committed murder and who had been sentenced to death. Not 2 years before, not 5, not 20, but 23 years before, and had just been granted a new trial.

The reforms of our habeas corpus laws in this bill strengthen us and get us back to what our habeas corpus laws were intended to be, and that is a true safety valve for serious abuse by either a Federal or a State court judge. They bring a better balance, because under this bill no longer would a Federal judge be able to arbitrarily take in any habeas corpus case that he or she wants for whatever reason they want. Rather, they would have to, under H.R. 2703, they would have to show that there is an articulable and reasonable basis for bringing that case into the Federal system. It is a true safety valve. Yet it would not be one that could continue to be abused as the current provisions allow.

Moreover, Mr. Chairman, the provisions in H.R. 2703 that relate to reform of our Federal habeas corpus laws would place reasonable time limits on the use of the Federal habeas corpus provision. There have to be reasonable limits. There has to be a reasonable balance, else it will be an unreasonable

system and wreak havoc on the American people, as we have seen in decade after decade.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very interesting and important debate. Frankly, as the distinguished gentleman from Georgia said, we negotiated for 3 months trying to get a bill in proper shape that would be acceptable to people of different points of view in this matter. We took out emergency wiretap provisions, to my regret. We took out roving wiretap provisions, to my regret. We took out use of the military to protect against the use of chemical warfare, say, in mass transportation, to my regret. We took out funding provisions for that domestic counterterrorism center, which the intelligence agencies and the FBI wanted, to my regret.

We have no way to pay for digital telephony, which will permit our law enforcement to wiretap fiber optics, which is the wave of the future, to my regret. But, we bent over backwards to accommodate the distinguished gentleman because we wanted his support. Evidently, we did not bend over far enough, because now we have several other objections to our bill that he seeks to strike.

First of all, let me make clear I resist with whatever strength I can muster the gentleman's amendment without in any way diminishing my profound respect for his sincerity and for his scholarship.

But, for example, he strikes section 301 of the bill relating to pen registers and trap and trace devices for foreign counterintelligence investigations. We are talking about counterespionage cases where one is suspected of being a spy for a foreign government. Pen registers record the telephone numbers called from a telephone; trap and trace devices record the telephone numbers calling into a telephone. The law requires that a court order must be obtained before these devices can be installed, and it does not seem to me too big a stretch for our law enforcement to learn who is calling whom in an appropriate criminal investigation after a court order.

This is especially vital in espionage cases because of the necessarily secretive nature of the contacts between a spy and a foreign government agent. There is no fourth amendment protection for one's telephone number. But, in striking this from the bill, we seem to imply one.

Strike section 305, this is serious. This provides in the bill a good-faith exception to the statutory exclusionary rule for wiretap evidence. In other words, if you get a court order, a warrant to wiretap, and there is a defect, a technical defect, but it was made in good faith as determined by a judge, you still have a suppression of that evidence, because it did not comply with the fourth amendment.

Well, I hate to remind our people, but this Contract With America, which was signed by myself and the gentleman from Georgia and others, specifically provides, on page 62, for a good-faith exception to the exclusionary rule. The contract says too many guilty go free because of simple technical errors committed by officers who believed they were conducting proper investigations.

May I say, the gentleman from Georgia was a leading defender of the good-faith exception to the exclusionary rule on February 7, 1995. I have his remarks here, and they do make stirring reading, and I commend them to my colleagues. But that is out, under the gentleman's amendment, somewhat to my surprise.

Another part of the bill that the gentleman from Georgia strikes is section 601, the alien terrorist removal provisions. I vehemently oppose effort to strip these provisions from the bill. These were thoroughly discussed, debated in committee, and the bill will be incomplete without these alien terrorist removal provisions. They do not deny due process rights to aliens. An alien will not find himself in these proceedings unless a Federal district court judge finds that there is probable cause to believe that the alien is a terrorist and that the use of normal deportation proceedings would pose a risk to the national security of the United States.

The alien in entitled to court-appointed counsel at these special hearings, which will be open to the public. The alien gets extensive rights to confront and cross-examination witnesses and examine any nonclassified information.

Now, when you get to classified information, it may be used as evidence in the deportation proceedings, but only if the alien is given an adequate summary of the classified information that will enable him to defend the allegations.

Legal permanent resident aliens will be given an attorney at Government expense who can challenge the classified information if no summary can be provided. The only circumstance in which classified information can be used without providing a summary to the alien is if the judge finds that providing the summary would cause serious and irreparable harm to the national security of the United States or serious bodily injury to any person, and the continued presence of the alien in the United States would pose the same risks.

The Government's burden of proof, as in regular deportation proceedings, is to establish by clear and convincing evidence that the alien is a terrorist.

Now, please hear me, the Supreme Court and lower Federal courts have upheld the authority of the Immigration Service to use classified information in the cases of aliens who seek discretionary relief from deportation without disclosing such information to the applicant.

I have got all the citations here. The sixth-amendment protection of our confrontation rights has no application in deportation proceedings, because they are purely civil matters. They are not criminal. Striking these provisions, as the gentleman does, would lead to alien terrorists being allowed to remain in the United States, to harm our citizens and lawful residents.

Now, the next thing I object to is his striking of section 611. Section 611 bars entry of representatives and members of designated terrorist organizations and the process by which those foreign groups are designated as terrorists. By passing the Barr amendment, you remove from the bill the process by which groups are designated terrorists. These are not done arbitrarily with the Attorney General, who provides the factual evidence to Congress, and judicial review is provided to the group or the individual.

I do not know how much more protection you can have to protect us from alien terrorists, who really have no right to come in this country, anyway. In any event, that is barred, and the process by which these groups are designated as terrorists. And, so, with Hamas, Hezbollah, Islamic Jihad, there is no way to designate them as terrorist organizations.

We can designate a terrorist country under another law, thank God. They have not found that yet or they would take that away.

But here they are not going to let you designate terrorist organizations. Your Washington Post today, on page A18, says Hamas is raising money in the United States today. Are you comfortable with that? I am not.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I will yield to the gentleman.

□ 1415

Mr. SCHUMER. Is the gentleman saying that under the Barr amendment, Hamas would continue to be perfectly allowed to raise money here in America, members of Hamas would be allowed to come to America? Is that correct?

Mr. HYDE. That is correct.

Mr. SCHUMER. Mr. Chairman, that is amazing. I thank the gentleman.

Mr. HYDE. Last, Mr. Chairman, the gentleman strikes the reasonable-cause-to-believe language in section 102 relating to knowingly providing material support to terrorist organizations, and section 204 relating to knowingly transferring a firearm to another, knowing or having reasonable cause to believe it will be used in a crime of violence or drug trafficking offense.

The key here is knowingly or having reasonable cause to believe. Now, what the gentleman from Georgia [Mr. BARR] objects to is reasonable cause to believe, thinking that is too amorphous a standard. I just submit that it is the law in all other places in the code. I suggest 18 U.S.C. section 922 (f)1 and (i), for instance. So this is nothing new or strange.

I just submit it will be unfortunate if the Barr amendment passes, because we eviscerate the bill. It still has some good in it, but it is a frail representation of what started out as a robust answer to the terrorist menace.

Mr. Chairman, I reserve the balance of my time.

Mr. BARR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, with regard to the comments made by my distinguished colleague, the chairman of the Committee on the Judiciary, I would want our Members to understand that in deleting section 301 of this bill as my amendment would do, we are not in any way preventing, prohibiting, or weakening the Government of our country from seeking information by court order against any person, whether they are foreign or domestic, terrorist or somebody that simply violates one of the other provisions of our criminal laws. We are not weakening that capability which our Government now has.

With regard to my distinguished chairman's reference to the good-faith exception, oh, how I wish it were as limiting as he would have us believe. It does not simply say, if wiretap evidence is sought to be introduced into evidence and yet is excludable because of a technical defect in the wiretap documentation, that it can be admitted.

It is not so limiting. It applies to any evidence whatsoever, in whatever type of case whatsoever, that is obtained by our Government pursuant to electronic surveillance, gathered in violation of those provisions of our law that set limits on the admission and the gathering of electronic surveillance, so long as the Government agents can come into court with a straight face and say we did it in good faith.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BARR. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, this is one of our major concerns among the groups called the conservative action team in the House. I just want to make absolutely clear to all of our colleagues what the gentleman is saying right now, and I want them to understand it. This is going to expand the ability for people to be wiretapped way beyond where it is right now.

Mr. BARR. Mr. Chairman, the gentleman is correct.

Mr. BURTON of Indiana. So any citizen of the United States might be subject to this good-faith exception which would allow the Government to find something out about them inadvertently through a wiretap that could cause them unbelievable problems.

Mr. BARR. The gentleman is correct.

Mr. BURTON of Indiana. I think my colleagues ought to think long and hard about that. One of the things we are concerned about is expanding the Government's ability to spy on or to find out everything about any individual in this country. Expanding this wiretap provision, I think, is something that is very, very disconcerting to me and many of my colleagues.

Mr. BARR. I thank the gentleman for his insightful comments.

Mr. Chairman, I would also direct my learned colleagues who oppose this very limiting and responsible and reasonable amendment that I am proposing to our Immigration and Nationality Act laws. There could be no broader definition of terrorist activity or terrorist organization or of the activities in this country in which those people would want to engage, such as raising money for a terrorist organization, than is currently found in our Federal laws. We have the protection currently. We have the capability currently to deal with these problems.

What I have a great concern with are those provisions in H.R. 2703 that would give this President or any President and his or her Secretary of State unilateral plenary authority to declared some group they do not like a terrorist organization.

Our current laws, which we are not seeking to amend, provide the necessary safeguards and capability for our Government.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New York [Mr. NADLER], the cosponsor of the Conyers-Nadler substitute.

Mr. NADLER. Mr. Chairman, let me begin by commending the gentleman from Georgia [Mr. BARR] for his diligence and some of the provisions in his amendment, many of which I would point out are not copied, but included in identical form in the Conyers-Nadler-Berman amendment.

We agree, I certainly agree, and I commend the gentleman for his provision, that would remove section 301, granting the FBI new authority on pen registers and trap and trace devices. We agree with and I commend the gentleman on his section disallowing the provision in the bill to allow wiretapping evidence obtained in good faith against defendants, as the gentleman points out, the Mack truck provision, without any court order. It is a terrible violation of civil liberties and a very dangerous expansion of Government power. Again, we do this in the substitute that will be considered later.

There are a number of others. We agree with the gentleman and include in our bill the deletion of section 112 and modification of section 304.

Unfortunately, I cannot support the amendment, though I agree with a lot of what it does. As I said, much of what it does is included in the substitute we will be offering later, because, to quote the Congressional Quarterly's Washington Alert of yesterday, it says that this amendment would dump most of the provisions aimed specifically at terrorist activities and would turn the package into a simple anticrime bill.

There is nothing wrong with an anticrime bill, but we are supposed to be dealing here with an antiterrorism bill.

Now, I understand the concern and why the gentleman wants to delete the provision allowing the Secretary of State to brand any organization as a terrorist organization and put it out of business. We agree with the gentleman's concern. But we cannot go so far as to delete it. What we have done in our substitute we will consider later is to subject that to a meaningful judicial review, to rein in that power. But without that, we have no prohibition that can be enforced against the funding from the United States of terrorist organizations.

Likewise, the gentleman's deletion of the provision in I think section 601 permitting use of secret evidence against criminal aliens, whom we want to deport, I call that the Star Chamber court provision, to reinstate the court of Star Chamber that our ancestors rebelled against in this country. I agree that this provision is unconstitutional and is overbroad and is very destructive of civil liberties, but we in our amendment modify it. We provide basic due process protections. Again, without that we could not deport criminal aliens, not aliens, but alien terrorists in many situations.

So I commend the gentleman from Georgia [Mr. BARR] and commend many of the provisions of his amendment, which, as I said, we duplicated in our amendment, but, unfortunately, I cannot support this amendment, because it removes the anti-terrorist provisions which should be modified but not removed.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, reasonable men differ on issues reasonably, and I agree with the gentleman from Georgia that we need balance in this area. But I do not think he is striking the balance, and I must oppose strenuously this amendment, because I frankly think it guts this terrorism bill. If we enact the provisions that he is asking us to enact to strike from this bill those things he wants to strike in toto, the sum of that would be highly irresponsible.

I particularly am concerned with a provision just mentioned, the exclusion of the denial of asylum for alien terrorists. The ability of the Secretary of State to name foreign organizations in the Federal registry as terrorist organizations is absolutely essential. Somebody has got to do that.

We very strictly confine in this legislation who does it. But, by golly, we have to identify who they are and what the foreign terrorist organizations are, and then kick those people out and do not let them come in.

We are talking now about asylum seekers. We do not want people to come into our airports in New York and Miami and San Francisco and have the opportunity when they set foot in this country to claim political asylum, "hey, I will be persecuted if I am sent home," and use that as a cover to stay here, as we have had terrorists already do involving the World Trade Center and other activities in this country. We cannot afford to allow that to happen. If you take away the naming of the terrorist organizations, as he does, and do not allow them to be identified and then have the power in this law to exclude them when they come into those airports and deny them asylum, you have taken away an incredibly important tool we are going to all rue to fight terrorism.

The next time we have some major foreign organization, a state from Libya, Iran, Iraq, or Hamas or whoever come over, bomb a building, kill a lot of people, we are going to be the ones to blame for it, not somebody else.

Some of the things in the Barr amendment we can differ on, we can say we agree with or fudge around the corners. But the gentleman does not allow us to break it apart. It is a total package. you either take it or leave it, and we must leave it. In the strongest possible terms I urge the defeat of the Barr amendment. It is irresponsible.

Mr. BARR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Mr. Chairman, if we knew that government was perfect and it was all goodness and light, we might not need this amendment. We know from the Travelgate revelations that justice is not always blind. In fact, it is not even always just when administered by individuals. We know that the government will mess up a one car funeral, and, when dealing with our civil rights, that is a mistake we do not want to make.

I support the Barr amendment because it would protect innocent firearm vendors who could be held liable for failure to know they are lending support to those who may commit crimes.

The amendment corrects privacy concerns by eliminating the right of law enforcement officers to access certain consumer, hotel, telephone, and employer records in order to conduct a criminal investigation. Most importantly, the Barr amendment corrects the overreaching language in title III which would allow for good faith exceptions to the exclusionary rule for permitting evidence obtained by wiretaps. I have serious concerns about giving law enforcement officers even more power to use wiretapped evidence, and therefore I support the Barr amendment.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. HEINEMAN], a distinguished member of the Committee on the Judiciary.

Mr. HEINEMAN. Mr. Chairman, I stand in opposition to the Barr amendment. There are great sections of this terrorism bill, effective death penalty reform, victims restitution, criminal alien deportation, that are great. That is fighting crime. But what does it do substantively for the cops?

This is not a cops bill. What the gentleman's amendment does is it guts the bill. As stated in section 112 of the overall bill, 112 states that the National Institute of Justice shall test every single commercial bullet in this country against every single piece of protective armor that the policemen carry, that they can buy commercially.

Have you ever ridden downtown at midnight? Were you ever scared? Cops handle 911 calls. They cannot turn them down. They have to go to a 911 call. When people are running out of banks, the cops have to run into banks, and they have to feel secure that their protective armor is good and contains integrity.

I say that we need to deal with the cops. This is not a cops bill. We need to retain section 112, which is a cops bill. I say let us leave politics out of this.

□ 1430

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER], former chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. SCHUMER. I thank very much the gentleman for yielding this time to me.

Mr. Chairman, like the gentleman from North Carolina [Mr. HEINEMAN], I consider myself a strong friend of law enforcement. I consider this amendment, the Barr amendment, to be the most anti-law enforcement amendment that we will see in this entire bill.

Mr. Chairman, if we ask police officers, if we ask FBI agents, about the Barr bill, they will be amazed that anyone who considers themselves pro-law enforcement would vote for this, and let me make one thing perfectly clear:

Under the Barr amendment, Hamas will be allowed to continue to raise funds here, and an individual can write on their passport that they are part of Hamas, and the State Department cannot prevent them from coming here.

I would ask my good friend from Georgia, does he remember the sheik, a man who came in, who was part of a terrorist organization, and blew up the World Trade Center and killed innocent people? Under the Barr amendment the sheik could say I am part of a terrorist organization and walk right into America, and then he could raise money and send it back home to be used for blowing up innocent people.

This amendment is a travesty. If this amendment passes, and I have put my guts into this bill, I have taken a good amount of flack from people on my side. But I cannot vote for this bill with the Barr amendment because it will become a total sham. It will not be an antiterrorism bill, it will not be a pro-law enforcement bill. It will just be a shred of something that is left.

And do my colleagues know what? If we in this body dare vote for this amendment and then vote for the bill, we will understand why the American people think we are hypocrites. Because we cannot say we are passing an antiterrorism bill, and then put nothing in it, and take out every provision because of some hypothetical. What are we thinking of here? People's lives are at risk. We have had people die of terrorism. It was not even thought about that on these sacred shores terrorists could kill our citizens, and now we have seen several events where people are dead.

The bill that the gentleman from Illinois has put together is a carefully crafted measure. There are those on both the far right and the far left who oppose it; I know that. But this amendment, this amendment, just eviscerates that bill.

I will not support an amendment that panders to either side. I will not support an amendment that says it is fighting terrorism and does nothing to stop a Hamas or any other terrorist organization from raising money here in America. I will not support an amendment that makes fighting terrorism, something we should all care about, a sham. I strongly urge my colleagues on both sides of the aisle to oppose this amendment.

Mr. BARR. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding this time to me. Let me just say that I want to vote for this bill, but I cannot vote for it without the Barr amendment in it, and I want to tell my colleagues why.

If the Government of the United States can through, quote-unquote, good faith tap our phones and intrude into our lives, they violate our constitutional liberties, and that is something that we should not tolerate, and that is in section 305 and section 307. The FBI can gain access to individual

phone billing records without a subpoena or a court order. Once again I believe that infringes upon our constitutional rights and liberties, and while we are trying to deal with terrorism, and we should, we should not violate our constitutional rights and liberties, and I believe this bill in its present form does. And that is why I think the Barr amendment is absolutely essential if we are going to pass something that will really deal with terrorism crime, but protect the liberties that we fought so hard for in the Revolutionary War.

Mr. CONYERS. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, I am not quite sure where the gentleman whose amendment this is is coming from because of his very strong prosecutorial and law enforcement background, and it leaves me confused that his amendment does not stop the FBI from intercepting stored e-mail and electric funds transferred information, although he does prevent the FBI from obtaining information from 10 registers which record the numbers dialed on a telephone. Was there some law enforcement reason that the gentleman drafted his amendment in that way?

Mr. Chairman, I would yield to the gentleman if he chooses to make a response about it.

Mr. BARR. I will address those and other issues on my time. I have learned early on that it is not best to do it on somebody else's.

Mr. CONYERS. The gentleman does not have much time left. My colleague, I am being super-generous this afternoon.

Mr. BARR. I appreciate the gentleman's generosity.

Mr. CONYERS. Does the gentleman know what I think? I think I can come to my own conclusion, then, with the gentleman declining to explain this.

Mr. Chairman, I have two conclusions. One, he intended to do it this way; and, two, it was sloppy draftsmanship. Who knows? But we have got a problem, I would say to the gentleman, and it has been delineated very carefully in the discussion so far. Five minutes from now the gentleman will never have a chance to explain anything about this before 435 people vote on it. It is a very important subject matter. Some people are saying that whether this amendment succeeds or fails will determine the fate of the antiterrorist bill in the House of Representatives.

We have a lot of things floating around here, and I just think that the gentleman might want to make us at least understand what he is doing. He is a respected person, a former leader in the Department of Justice. What in the world is going on here? Does the gentleman know that he would allow the Islamic Jihad to come into the United States and not be denominated a terrorist organization in his bill?

May I get the gentleman's attention? If the gentleman does not want to talk to me, he does not have to, but does the gentleman know that? That is a fact.

Mr. BARR. Do I know what?

Mr. CONYERS. Well, if the gentleman would listen to me, I will repeat it again so the gentleman can respond to me.

Does he know that the Islamic Jihad would be not denominated a terrorist organization under his provision? Does he understand that?

Mr. BARR. If the gentleman would yield, I know that current law would so designate it; yes, I know that. Current law would designate Hamas.

Mr. CONYERS. And is that why the gentleman left it out of the bill, of his amendment?

Mr. BARR. It is under current law.

Mr. CONYERS. Is the gentleman suggesting that the chairman of the Committee on the Judiciary does not understand that, that the chairman of the Subcommittee on Crimes does not understand, that all the members on the Committee on the Judiciary do not understand what the gentleman alone understands? Of course we have got to denominate that. We have got to denominate them as terrorists. That is why we are having—I am not yielding anymore, I am not yielding anymore.

That is why we are here today, I would say to the gentleman, legislating an antiterrorist bill, not a criminal law bill, but an antiterrorist bill. And for the gentleman to hold up an orange book and tell me that it is already in the law, I think I understand what I am going to do with the gentleman's amendment.

Mr. BARR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I rise today in support of this amendment. I, too, want to support this bill, but I think that there is a balance that has been drafted very carefully by the gentleman from Georgia [Mr. BARR] to balance what we need to do and, at the same time, protect individual rights and liberties.

Terrorism in this country obviously poses a serious threat to us as a free society. It generates fear. But there is a far greater fear that is present in this country, and that is fear of our own Government. We should not further that fear. We should not do anything to promote further lack of confidence in our own Government. Public officials must recognize that our citizens fear not only terrorism, but our Government as well.

A recent Gallup Poll found that an astounding 52 percent of the people believe the Federal Government has become so large and powerful that it poses a threat to the rights and freedoms of ordinary citizens. Four out of ten thought that this danger was imminent. We can ill afford to pass legislation in the name of antiterrorism that is seen by many law-abiding citizens of this country as a threat to their freedoms.

The Barr amendment deletes provisions of the bill that I feel are essential to protect individual rights. I believe this bill violates constitutional rights without the Barr amendment, and it takes away personal liberties which are so precious, and we should not sacrifice them for any cause.

For that reason I urge my colleagues to join me in support of the amendment. The Barr amendment protects our precious individual liberty.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], a distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member very much; I thank him for his leadership. I thank the chairman of the Committee on the Judiciary for his leadership as well.

Mr. Chairman, this is an important issue. It is against a backdrop of an incident that none of us in our lifetime would have imagined, the tragedy in Oklahoma City. So we are facing this issue, trying to emerge into unison around ensuring the safety of Americans on our shores without having experienced a long history of dealing with the terrorism of Oklahoma City. We have, of course, seen the tragedy of Pan Am 103 and the Korean Air Flight 007. With that in mind, then, we must strike a very fine balance.

And the gentleman from North Carolina [Mr. HEINEMAN], Chief of Police, please let me agree with him. I stand in opposition to the Barr amendment because we have got to be focused and strong on terrorism, and terrorism includes our law enforcement officers who day after day after day are confronted by surprises in the community. We have in this bill an appropriate response to cop killer bullets. That is to ensure that we look at the ammunition to determine whether they kill and whether, in fact, they provide a terrorist atmosphere for our law enforcement.

What does the Barr amendment do? It simply provides a study to see if we have killed any cops. Would not my colleagues say that we did not want Oklahoma City to happen? If we have an opportunity today on the House floor to prevent terrorist activities against our law enforcement officers in communities like St. Louis, MO, or Houston, TX, Detroit, MI, Atlanta, GA, is not it our responsibility to, in fact, go in front of it and avoid cop killer bullets from getting on the street?

What about terrorist fund-raising activities? We have just seen the United Way stopped from fundraising if they do a little lobbying to increase more

dollars to help kids in our neighborhoods and our communities. But yet we are going to allow, through the Barr amendment, the opportunity for individuals to fundraise and to encourage terrorist activities in this community, in this Nation, with taxpayer dollars. Our constituents' dollars, fundraising for terrorist activities; this is not a good approach to terrorism. Let us vote this amendment down.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, I rise in opposition to the Barr amendment.

In the wake of the World Trade Center bombing and Oklahoma City, it is unbelievable to me that we could be standing here today debating an amendment that would weaken the ability of law enforcement officials throughout the United States to protect us from this ever-growing menace in our country.

□ 1445

Mr. Chairman, I had a recent conversation with the FBI Director. The FBI is recognized worldwide as the most effective law enforcement agency in the world. Their efforts in the World Trade Center bombing and the Oklahoma City bombing can stand as an example of effective law enforcement, but they need the tools to do that. My concern is that the Barr amendment limits those tools that they use.

Mr. Chairman, let us have some faith in our judicial system and our law enforcement capabilities in this Chamber. If we pass the Barr amendment, the antiterrorism bill, as it is labeled, will not be worthy of the name. Let us reject this amendment and pass a good bill.

Mr. BARR. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT], my distinguished colleague on the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me say at the outset that I am disappointed that the gentleman from Georgia [Mr. BARR] did not include in his amendment a provision to take the habeas corpus provisions out of this bill. But he did not do that. I have to evaluate his amendment on its merits.

Mr. Chairman, I want to say this to my colleagues. There is politics all over this place, on the right, on the left. But I want to tell my colleagues that the Constitution of the United States protects conservatives, protects liberals, protects moderates. The Constitution of the United States protects black people and white people and Mexican-Americans, and the whole range and array of people.

To the extent that we undercut the provisions of the Constitution of the United States, we do our whole Nation a disservice. The gentleman from Georgia [Mr. BARR] is putting back in some sanity and some constitutional provisions. I think we ought to support his amendment.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me ask my friend, the gentleman from North Carolina, who told us that we ought to remember how color-blind the Constitution is and that the provision of the gentleman from Georgia [Mr. BARR] does something good, tell me, why is the gentleman supporting the Barr amendment, just for the record?

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I would tell the gentleman, I am supporting the Barr amendment because he restores the good faith exception under the fourth amendment.

Mr. CONYERS. Mr. Chairman, I take my time back. That is all the gentleman is getting.

Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. HYDE], chairman of the committee.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE], the former Governor.

Mr. CASTLE. Mr. Chairman, I thank the gentleman, not only for yielding time to me, but for his tremendous work as the chairman of the committee in drafting the antiterrorist bill, which I think is a very strong and needed piece of legislation.

Mr. Chairman, I rise in opposition to the Barr amendment. I do not know if it weakens the bill or if it eviscerates it or guts it, as some of the other speakers have said, but there is no question it deletes it in some way or another.

Mr. Chairman, we must try in this country to prevent every act of terrorism we can. We must do all that is legal to apprehend and convict perpetrators of such acts, to protect the American people. We must give law enforcement every tool possible. That is what this bill does. The amendment, for reasons stated by many speakers, and I do not have the time to enumerate them here, takes away some of the ability of law enforcement to enforce acts dealing with terrorism in this country.

Mr. Chairman, I look at the problems that have happened in Ireland and England, I look at Tel Aviv and Jerusalem. I know that the individuals who have committed these acts, terrorists, are international terrorists. We know they take airplanes, they have contacts in various places. We do not want them to come to our shores. We want them to know that we have the strongest possible law. So for that reason, Mr. Chairman, I support the legislation, the antiterrorist legislation, and hope we will all oppose the Barr amendment.

Mr. BARR of Georgia. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of the Barr amendment.

Mr. Chairman, I have to tell the Members that our original antiterrorism bill was terrorizing the good constituents of our district. I have had numerous calls from them. They were genuinely concerned, and I think rightfully so, about the possibility of infringing on their constitutional rights.

Mr. Chairman, I hold here the primary reason I am supporting this amendment. That is because I believe that without this amendment, the original bill seriously threatens some very important constitutional rights. We have to have a proper balance here. If I am going to err, I am going to err on the side of supporting the Constitution. I took an oath to do that when I came here.

I am going to vote for this amendment, and if it passes, and if my amendment which I will offer passes, I will vote for the bill. I did not think we could make a silk purse out of a sow's ear. Our Congressman did that. I thank him very much for his diligent efforts.

Mr. BARR of Georgia. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Georgia [Mr. BARR] is recognized for 1½ minutes.

Mr. BARR of Georgia. Mr. Chairman, this, obviously, has been a very vigorous debate, as it should be, and hopefully will continue year after year after year, because these concerns that we are debating today are not going to be concluded in one piece of legislation.

However, Mr. Chairman, I do think it is important to realize that our Government already has at its beck and call vast powers with which to stop, investigate, prosecute, and sentence to lengthy prison times people who commit terrorist acts in this county.

As the gentleman from Michigan [Mr. CONYERS] said previously, I am a former prosecutor, a U.S. attorney. I know from having prosecuted cases involving international figures that they do not come into this country frequently because they are afraid of our criminal justice system because of its strength, because of its expanse, because of its ability to stop them, to put them away.

Mr. Chairman, we do not need to grant our Government now vast new powers. They already have them. What we need to do, Mr. Chairman, is to fine-tune what we already have to make it better. My amendment strikes that very delicate but absolutely essential

balance with regard to accountability in Government, individual rights, and Government need to protect us.

Mr. Chairman, I urge all of my colleagues on the left, on the right, in that vast middle, to recognize the balance that is struck through the Barr amendment. Vote for it, so we can tremendously strengthen this habeas-death penalty-crime prevention package so it protects all of our citizens without infringing on the rights of law-abiding citizens.

Mr. HYDE. Mr. Chairman, I would ask how much time I have remaining.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has 1½ minutes remaining.

Mr. HYDE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, it is kind of a sad day for me, and I will tell the Members why. Earlier in the day, standing back there I heard a dear friend of mine, a great Republican, say "I trust Hamas more than I trust my own government." Those words hurt. That is a very tragic situation, because our Government is made up of a lot of people, including me and you, a lot of good judges, honest judges with families.

Yes, there are corrupt judges. There are corrupt clergy. So what? Our Government is run by people in a democracy, and "I trust Hamas more than I trust my own Government"? I heard the distinguished gentleman from Oklahoma say almost the same thing, about how paralyzed with fear we are of our own Government. We should get rid of the bad apples.

Mr. Chairman, my friend, the gentleman from Indiana, asked my friend, the gentleman from Georgia, does this expand wiretapping; how intrusive. Well, it does not expand wiretapping. It provides for a good faith exception to the exclusionary rule, which the gentleman supported on February 7, 1995; which the gentleman supported when he signed the contract. What happened? Why has it suddenly become a terrible thing to have a good faith exclusion?

Mr. Chairman, I will tell the Members what happened. The ACLU and the National Rifle Association, in a strange, bizarre marriage, the Jack Klugman and Tony Randall of national security policy, decided it was a bad idea, and people who supported it then, including the gentleman from Georgia, enthusiastically did 180 degrees.

Mr. Chairman, I do not care. It is bad policy. We have a real threat. We either do something about it, or take a pass and pretend we are. With the Barr amendment, this is not an antiterrorism bill.

Mr. HEINEMAN. Mr. Chairman, earlier today, I stood in opposition to the Barr amendment as I would on any amendment that compromises the health and safety of police officers. The Barr amendment strips this crime bill of necessary procedures to safeguard the lives of police officers.

Effective and enforceable death penalty reform, victim restitution, expedited criminal alien deportation—these are great law enforcement tools. That is why I support H.R. 2703.

But what about supporting our Nation's cops?

The Barr amendment removes protection for our law enforcement officers and flies in the face of effective law enforcement.

Have any of you ever run into a bank when everyone else is running out of it? I have.

You need to remember a 911 call means you must respond. You have no choice. Are we satisfied that we are protecting the men and women who protect us?

Cops protect all of us, gun enthusiasts as well as gun control advocates. This should not be a political issue.

Let's stop the demagoguery and analyze the facts.

Currently, there are no cop-killer bullets available on the market. In 1986 Congress banned specific types of cop-killer ammunition based on weight and composition. After the M39B bullet was manufactured in Sweden and imported into the United States, Congress expanded the definition of a cop-killer bullet to encompass all alloy coated ammunition which would pierce body armor. This was done in the 1994 crime bill. Thus, Congress not only has the authority and responsibility to ban cop-killer bullets, it has shown a decisive willingness to do so in the past.

The original section 112—the so-called cop killer bullet study does not grant the Attorney General unfettered discretion to ban broad types of ammunition—including some ammunition used solely for hunting. Rather, the National Institutes of Justice [NIJ] will develop a standard to be used to identify any future cop-killer bullets. I have utilized the NIJ's expertise during the 24 years I was the Raleigh chief of police. Under the provisions of H.R. 2703 NIJ can only develop the standard to identify cop-killer bullets, it does not have the power to arbitrarily ban ammunition.

The Barr substitute does nothing for cops. At best the Barr substitute is smoke and mirrors. All of the issues supposedly to be studied in the Barr amendment have in fact already been studied. The FBI already has published the results in the "Law Enforcement Officers Killed and Assaulted 1994."

Over the last 10 years, 708 officers were killed in the line of duty with firearms. During 1994, 76 officers were killed in the line of duty. Of those, 31 officers lost their lives during arrest situations. Firearms were used in 74 of the 75 slayings. Handguns were used in 63 of those killings. Of 223 officers wearing body armor when slain during the past 10 years, 130 suffered gunshot wounds to the head, 61 suffered gunshot wounds to the upper torso, and 18 suffered gunshot wounds below the waist.

The original section 112 study of H.R. 2703 was a win-win for cops. It directed NIJ to formulate standards for Congress to use to determine whether ammunition can pierce body armor and thus be designated cop-killer. These standards do not currently exist. Using these standards, Congress would have been able to scientifically ban any future cop-killer bullets. Development of these standards will prevent arbitrary exclusion of ammunition and allow Congress to intelligently address this life and death issue.

I hope NIJ will formulate these standards unilaterally.

UNIFORM CRIME REPORTS—LAW ENFORCEMENT OFFICERS KILLED AND ASSAULTED, 1994

SECTION I: LAW ENFORCEMENT OFFICERS KILLED

During 1994, 76 law enforcement officers were killed in the line of duty. Officers' deaths were recorded by law enforcement agencies in 29 states, the District of Columbia, and Puerto Rico. Of the victims, 45 were employed by city police departments, 14 by county police and sheriffs' offices, and 8 by state agencies. Three deaths were reported by two federal agencies, and Puerto Rico reported 6 killings.

The total was higher in 1994 than in 1993 when 70 officers were slain. Comparisons for 5- and 10-year periods showed the number of officers slain in 1994 was 15 percent higher than in 1990, but 3 percent below the 1985 total.

Victims

Of the 76 officers killed in 1994, 73 were males and 3 were females. The average age of officers slain was 36, Six of the victims were under the age of 25; 20 were between the ages of 25 and 30; 29 were aged 31 through 40; and 21 were over 40 years of age. Sixty-four of the slain officers were white, 11 were black, and one was Asian/Pacific Islander.

The law enforcement officers killed in 1994 averaged 10 years of experience. Twenty-seven officers had over 10 years of law enforcement service; 26 had 5 to 10 years of service; and 15 had 1 to 4 years. Eight officers had less than 1 year of law enforcement experience.

Circumstances surrounding deaths

During 1994, 31 officers lost their lives during arrest situations. A further breakdown of these situations showed 16 officers were killed by robbery suspects, 3 by suspects during drug-related situations, 3 by burglary suspects, and 9 by assailants suspected of other crimes.

Fifteen officers were slain investigating suspicious persons or circumstances; 11 were killed while enforcing traffic laws; 8 were killed while responding to disturbance calls; 6 were ambushed; 4 were killed while dealing with mentally deranged individuals; and 1 was killed while handling or transporting a prisoner.

Types of assignment

Patrol officers accounted for 50 of the 76 victims in 1994. Of those officers killed while on patrol, 43 were assigned to 1-officer vehicles, 6 to 2-officer vehicles, and 1 was on foot patrol. Fourteen victims were on detective or special assignment, and 12 were off duty but acting in an official capacity when slain.

Figures for 1985 through 1994 also show that the largest percentage of victim officers were assigned to vehicle patrol when they were slain. Fifty-four percent of the vehicle patrol officers were alone and unassisted at the time of their deaths, while 31 percent of the victim officers on other types of assignments were alone and unassisted.

Alleged assailants

Seventy-one of 76 slayings of law enforcement officers in 1994 have been cleared. Of the 106 suspects identified in connection with the murders, 102 were male, and 4 were female. Fifty-six of the suspects were white, and 45 were black. Sixty-eight of the 106 alleged assailants were under the age of 30.

Sixty-one of the suspects identified had previous arrests, and 41 had a prior conviction. The records showed that 46 suspects

had previous arrests for crimes of violence, 26 for drug-related offenses, and 41 for weapons violations.

Of the 106 persons identified, 75 have been arrested by law enforcement agencies. Sixteen were justifiably killed (5 by victim officers), 11 committed suicide subsequent to slaying the officers, and 4 are fugitives. No suspects have been identified in connection with six slayings.

Dispositions of 973 persons identified in connection with officers' murders during the decade, 1983–1992, were reviewed. By moving the period back 2 years, the number of pending cases was only 15. Of the 973 identified, 787 were arrested and charged; 129 were justifiably killed; 1 was murdered in an unrelated incident; 51 committed suicide; and 5 remain at large.

Among those persons charged for whom final disposition is known, 73 percent were found guilty of murder; 8 percent were found guilty of a lesser offense related to murder; and 4 percent were found guilty of some crime other than murder. Nine percent of the suspects were acquitted or had charges against them dismissed, and 2 percent were committed to psychiatric institutions. One percent of the persons charged with the officers' murder died in custody before final disposition was determined.

Available data revealed that 112 of the 580 offenders found guilty of murder were sentenced to death, 274 received life imprisonment, and 190 were given prison terms ranging from 5 to 450 years. Two were placed on probation, and 2 were given indeterminate sentences.

Weapons

Firearms claimed the lives of 92 percent of the 708 officers killed in the line of duty from 1985 through 1994. Seventy-three percent of the murders were committed by the use of handguns, 13 percent by rifles, 6 percent by shotguns, and 8 percent by other weapons.

Eight-nine officers were slain with their own weapons during the 10-year period. In the same time frame, 169 officers fired their service weapons, and the weapons of 122 officers were stolen.

More than half of the officers killed by gunshot wounds during this 10-year period were within 5 feet of their assailants at the time of the attack. Forty-seven percent of the firearm fatalities were caused by wounds to the head, 47 percent by upper torso wounds, and 6 percent by wounds below the waist.

During 1994, firearms were used in 75 of the 76 slayings. Handguns were the murder weapons in 63 of the killings, rifles in 8, and shotguns in 4. Six officers were shot with their own service weapons.

As in previous years, the most common handgun cartridge types used against officers in 1994 were the .38 caliber, .380 caliber, and 9 millimeter. These three weapons jointly accounted for more than half of the handgun deaths.

One officer in 1994 was intentionally struck with a vehicle.

Body armor

Of 223 officers wearing body armor when slain during the past 10 years, 130 suffered gunshot wounds to the head, 61 suffered gunshot wounds to the upper torso, and 18 suffered gunshot wounds below the waist. Of 61 officers killed by upper torso wounds, 31 officers were killed when bullets entered between the panels of the vests or through the arm openings. Seventeen were killed by wounds above the vest area, and 11 officers were slain when the bullets penetrated their protective vests. Two officers were killed by the wounds in the back area and/or lower abdominal area not protected by their vest.

Also wearing vests, 8 officers were intentionally struck by vehicles, 3 officers were stabbed, 1 was beaten, 1 was struck on the head with a bucket of spackling compound, and 1 pushed to his death.

See the following special report on body armor.

Places

The most populous region, the Southern States, reported 24 of the 76 officers' fatalities in 1994. The Western States reported 18, and the Midwestern States reported 16 officers slain. The Northeastern States reported 12, and Puerto Rico reported 6.

A comparison of regional totals for the two periods, 1985–1989 and 1990–1994, showed that the number of officers killed during the latter 5-year span declined in all regions except the Midwest.

Times

In the past 10 years, 63 percent of the incidents resulting in officers' deaths occurred from 6:01 p.m. to 6 a.m. The figures show the periods from 4:01–6 a.m. and 6:01–8 a.m. to be the hours when the fewest officers are slain and the 2-hour period, 8:01–10 p.m., to be when the greatest number are killed.

Daily figures for the decade, 1985–1994, showed more officers were slain on Fridays than on any other day of the week; the least number of fatalities was recorded on Sundays. A review of the monthly totals for the same years showed January with the highest figure, 74.

Accidental killings

Sixty-two officers lost their lives due to accidents occurring while performing their official duties in 1994. Fifty officers were killed in automobile, motorcycle, and aircraft accidents; 7 were accidentally struck by vehicles; 2 were accidentally shot; and 3 were killed in other types of accidents such as falls, drowning, etc.

Regionally, the Southern States recorded 26 accidental deaths; the Midwestern States, 13; the Western States, 12; and the Northeastern States, 6. Five officers were accidentally killed in Peru.

Mr. BUNNING of Kentucky. Mr. Chairman, I come to the floor today to lend my support to the Barr amendment. Without this important amendment, the bill, despite the good intentions behind it, is fatally flawed and should not be supported.

We do not need another so-called antiterrorism provision to add to the ones that are already on the books. We do need the kind of death penalty reform that the Barr amendment would provide without the trampling of our civil liberties.

The Barr amendment will give us the ability to enforce the death penalty and end the frivolous appeals that keep legitimate cases from being heard in a timely manner. But, the Barr amendment strips away the threat of big brother snooping into the private affairs of American citizens.

In my view, it is important that we adopt the Barr provision so that private records about consumer credit, public accommodation, and common carrier information do not become tools of the Federal Government without a search warrant.

The amendment will also block Federal authorities from digging around in citizens' telephone billing records without a court order.

Equally important, the Barr amendment will prevent the wrongful use of wiretaps by Government agents simply claiming a good faith exception to the exclusionary rule.

Mr. Chairman, fear of terrorism is no excuse for infringing on the civil liberties of the American people.

I think that the author of the base bill, while completely well-intentioned in this effort, would be the first to admit that there is nothing in this bill that would have prevented the tragedy in Oklahoma.

Terrorists act outside of the law. The Congressional Research Service has compiled a list of the current antiterrorism laws on the books that spans 17 pages. We do not need to add to that list.

To the extent that a committed terrorist can be deterred by the law, I believe the knowledge that we have a swift and sure justice system would be a far better deterrent.

That is why the death penalty reform portion of the bill is so important. Criminals need to know that if they are given the death penalty it will be enforced and the people need to know that their government will protect them from the predators of society.

Stripped of the intrusive provisions, the underlying bill will provide us with much needed change in the criminal justice system.

The bill will provide the mandatory victim restitution that so many of us have wanted for so long. It will make it easier to deport criminal aliens and of course it enhances the ability of the justice system to carry out the execution of violent criminals.

These are all laudable provisions and I congratulate my dear friend from Illinois, HENRY HYDE, for including these measures. We just need to make sure that we attach the Barr amendment so that we can keep the bill focused on punishing criminals rather than expending the power of big government.

We should not indulge ourselves in legislation simply because it makes us feel good to pass something—so that we can go home and say that we passed a bill.

If we are going to pass something, lets make sure that it is consistent with the constitutional freedoms that we Americans enjoy and guard so jealously.

Without the Barr amendment, the bill before us may make us feel better; but, it will be just one more expansion of Federal power and one more restriction on the civil liberties of the people.

As the late Justice Felix Frankfurter said, "Personal freedom is best maintained * * * when it is ingrained in people's habits and not enforced against popular policy by the coercion of adjudicated law."

I urge my colleagues to support the Barr amendment and the bill as amended.

Mr. WATTS of Oklahoma. Mr. Chairman, for the last few months, I have been in contact with hundreds of my constituents in Oklahoma City and throughout my district regarding this legislation that we are considering today.

There is a consensus among Oklahomans that we critically need the habeus corpus provisions that are included in this bill to assure that criminals, including those who perpetrated the Oklahoma City bombing—cannot abuse America's judicial system.

However, there is great—and I believe ligitimate—concern and fear that other provisions in this bill attack fundamental constitutional liberties.

The Barr amendment addresses these problems in a thorough and comprehensive way.

The Barr amendment will delete the fatally flawed provision that would hold innocent firearms vendors criminally liable for failing to know that their customer was planning a felony.

The Barr amendment will eliminate the wiretapping provision that would expand the use of wire communications as evidence in federal criminal prosecutions.

The Barr amendment will delete the provision that authorizes the government to brand organizations as terrorist.

The Barr amendment strips out those sections of the bill that undermine our civil liberties, and I know that many of my colleagues agree that without these deletions, we cannot support this legislation.

I commend the gentleman from Georgia for his leadership on this issue, and I urge my colleagues to support the Barr amendment that underscores and protects the constitutional rights of our constituents. If the Barr amendment passes, we have clean legislation that will stop criminal abuses of our American justice system and merit our strong support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. BARR].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 171, not voting 14, as follows:

[Roll No. 61]

AYES—246

Abercrombie
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Chabot
Chambliss
Christensen
Chrysler
Clement
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fields (TX)
Foley
Forbes
Fowler
Frisa
Frost
Funderburk
Gekas
Geren
Gillmor
Goodlatte
Gordon
Goss
Graham
Green
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hutchinson
Inglis
Istook
Jacobs
Jefferson
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Mascara
McCrery
McDade
McHugh
McInnis
McIntosh
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Montgomery
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Oberstar
Obey
Ortiz
Orton
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Ramstad
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Roth
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wise
Young (AK)
Young (FL)
Zeliff

NOES—171

Ackerman
Andrews
Baesler
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Blute
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Canady
Cardin
Castle
Clay
Clayton
Clinger
Clyburn
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Dunn
Durbin
Engel
Eshoo
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hastings (FL)
Heineman
Hilliard
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Martini
Matsui
McCarthy
McCollum
McDermott
McHale
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Miller (CA)
Mink
Molinari
Moorhead
Moran
Morella
Nadler
Neal
Nussle
Olver
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Porter
Quinn
Rangel
Reed
Regula
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Sabo
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Slaughter
Stark
Stearns
Studds
Stupak
Thompson
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Walker
Ward
Weldon (PA)
Wolf
Woolsey
Wynn
Yates
Zimmer

NOT VOTING—14

Bryant (TX)
Chapman
Chenoweth
Collins (IL)
de la Garza
Duncan
Laughlin
Martinez
Moakley
Rush
Sisisky
Stokes
Waxman
Wilson

□ 1513

The Clerk announced the following pair:

On this vote:

Mr. Duncan for, with Mr. Waxman against.

Mr. PACKARD and Mr. WELDON of Pennsylvania changed their vote from "aye" to "no."

Messrs. MCHUGH, SAXTON, BATEMAN, FROST, BENTSEN, and COX of California changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1515

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in support of section 101 of the bill before us dealing with the protection of Federal employees allowing for the Federal prosecution for murder, attempted murder of all officers and employees of the government while engaged in official duties, and I commend the chairman for taking up this measure and making it part of our bill.

Mr. Chairman, our colleague, and an outstanding member of your committee and the House International Relations Committee, Mr. CHABOT of Ohio, joined me earlier this year in introducing H.R. 2737. That particular bill was introduced after we learned of a death of a U.S. Customs inspector along the Mexican border at a drug hearing held last year.

Along the Southwest border not long ago, a Customs Service inspector was run down and killed by a drug trafficking port runner. We were appalled to learn at the hearing that the prosecution was handled not by the U.S. Attorney's Office, but by the local prosecutor.

This should not be the case. Those courageous and dedicated Federal officers such as Customs Service Inspectors, Agents, Canine Enforcement Officers, and other employees engaged in official duties protecting us from drug trafficking and other criminal elements, should be protected under Federal law, and we should not have to rely on local law and local prosecutors in such cases.

Our Department of Justice must be fully empowered and be prepared to prosecute those who would murder or attempt to take the lives of all of the Customs Service personnel engaged in official duties. H.R. 2737 was introduced to ensure that would be the case.

I am informed that section 101 of the bill before us will fully cover and help provide full protection for all those Customs Service employees, and all other Federal employees in the future, under appropriate circumstances.

I applaud the chairman's efforts to bring about that worthy goal, and I appreciate this opportunity to work together to solve a serious problem. I thank him for his time and leadership.

AMENDMENTS EN BLOC OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, pursuant to the authority granted in the rule, I offer the following amendments en bloc. No. 3, Mr. HASTINGS of Florida; No, 8, Mr. TRAFICANT, No. 11, Mr. BACHUS and Mr. SPRATT, and No. 14, Mr. KENNEDY of Massachusetts, and Mr. KASICH.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. HYDE:

Page 6, beginning in line 23, strike "32" and all that follows through "2332b" in line 25 and insert "32, 37, 81, 175, 351, 831, 842(m) or (n), 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1362, 1363, 1366, 1751, 2155, 2156, 2280, 2281, 2332, 2332a, 2332b, or 2340A".

Add at the end of title VII the following:

SEC. 704. SENSE OF CONGRESS.

It is the sense of Congress that, whenever practicable recipients of any sums authorized to be appropriated by this Act, should use the money to purchase American-made products.

TITLE — INTERNATIONAL COUNTERFEITING

SEC. 01. SHORT TITLE.

This title may be cited as the "International Counterfeiting Prevention Act of 1996".

SEC. 02. INTERAGENCY TASK FORCE ON INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Secretary of State shall establish, and appoint the members of, an interagency task force (hereafter in this title referred to as the "task force") to—

(A) monitor the use and holding of United States currency in foreign countries;

(B) produce a statistically valid estimate of the amount of counterfeit United States currency that is produced, passed, and possessed outside the United States each year; and

(C) coordinate the activities of the agencies represented on the task force in carrying out the duties described in subparagraphs (A) and (B).

(2) COMPOSITION OF TASK FORCE.—The task force shall consist of the following:

(A) The Under Secretary of the Treasury for Enforcement, or a designee of the Under Secretary.

(B) The Director of the United States Secret Service, or a designee of the Director.

(C) The Director of the Bureau of Engraving and Printing, or a designee of the Director.

(D) Such other officers of the Department of the Treasury, including any officer in any bureau, office, or service within the department, as the Secretary of the Treasury may determine to be appropriate, or any designee of any such officer.

(E) A member of the Board of Governors of the Federal Reserve System as designated by the Chairman of such Board, or a designee of such member.

(F) The general counsel of the Board of Governors of the Federal Reserve System, or a designee of the general counsel.

(G) Such other officers of the Board of Governors of the Federal Reserve System as the Chairman of such Board may determine to be appropriate, or a designee of any such officer.

(H) Such officers of the Department of State as the Secretary of State may determine to be appropriate, or a designee of any such officer.

(3) CHAIRPERSON.—The Secretary of the Treasury shall serve as the chairperson of the task force.

(b) EVALUATION AUDIT PLAN.—

(1) IN GENERAL.—The task force shall establish an effective international evaluation audit plan that is designed to enable the agencies represented on the task force to carry out the duties described in subparagraphs (A) and (B) of subsection (a)(1) on a regular and thorough basis.

(2) SUBMISSION OF DETAILED WRITTEN SUMMARY.—The task force shall submit a detailed written summary of the evaluation audit plan developed pursuant to paragraph (1) to the Congress before the end of the 6-month period beginning on the date of the enactment of this Act.

(3) 1ST EVALUATION AUDIT UNDER PLAN.—The task force shall begin the first evaluation audit pursuant to the evaluation audit plan no later than the end of the 1-year period beginning on the date of the enactment of this Act.

(4) SUBSEQUENT EVALUATION AUDITS.—At least 1 evaluation audit shall be performed pursuant to the evaluation audit plan during each 3-year period beginning after the date of the commencement of the evaluation audit referred to in paragraph (3).

(c) REPORTS.—

(1) IN GENERAL.—The task force shall submit a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the results of each evaluation audit conducted pursuant to subsection (b) within 90 days after the completion of the evaluation audit.

(2) CONTENTS.—In addition to such other information as the task force may determine to be appropriate, each report submitted to the Congress pursuant to paragraph (1) shall include the following information:

(A) A detailed description of the evaluation audit process and the methods used to detect counterfeit currency.

(B) The method used to determine the currency sample examined in connection with the evaluation audit and an analysis of the statistical significance of the sample examined.

(C) A list of the regions of the world, types of financial institutions, and other entities included.

(D) The total amount of United States currency and the total quantity of each denomination found in each region of the world.

(E) The total amount of counterfeit United States currency and the total quantity of each counterfeit denomination found in each region of the world.

(F) An analysis of the types of counterfeit currency discovered and any recurring patterns of counterfeiting, including currency that fits the family of counterfeit currency designated by the United States Secret Service as C—14342.

(3) CLASSIFICATION OF INFORMATION.—

(A) IN GENERAL.—To the greatest extent possible, each report submitted to the Congress under this subsection shall be submitted in an unclassified form.

(B) CLASSIFIED AND UNCLASSIFIED FORMS.—If, in the interest of submitting a complete report under this subsection, the task force determines that it is necessary to include classified information in the report, the report shall be submitted in a classified and an unclassified form.

(d) SUNSET PROVISION.—This section shall cease to be effective as of the end of the 10-year period beginning on the date of the enactment of this Act.

SEC. 03. LAW ENFORCEMENT AND SENTENCING PROVISIONS RELATING TO INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.

(a) FINDINGS.—The Congress hereby finds the following:

(1) United States currency is being counterfeited outside the United States.

(2) The 103d Congress enacted, with the approval of the President on September 13, 1994, section 470 of title 18, United States Code, making such activity a crime under the laws of the United States.

(3) The expeditious posting of agents of the United States Secret Service to overseas posts, which is necessary for the effective enforcement of section 470 and related criminal provisions, has been delayed.

(4) While section 470 of title 18, United States Code, provides for a maximum term of imprisonment of 20 years as opposed to a maximum term of 15 years for domestic counterfeiting, the United States Sentencing Commission has failed to provide, in its sentencing guidelines, for an appropriate enhancement of punishment for defendants convicted of counterfeiting United States currency outside the United States.

(b) TIMELY CONSIDERATION OF REQUESTS FOR CONCURRENCE IN CREATION OF OVERSEAS POSTS.—

(1) IN GENERAL.—The Secretary of State shall—

(A) consider in a timely manner the request by the Secretary of the Treasury for the placement of such number of agents of the United States Secret Service as the Secretary of the Treasury considers appropriate in posts in overseas embassies; and

(B) reach an agreement with the Secretary of the Treasury on such posts as soon as possible and, in any event, not later than December 31, 1996.

(2) COOPERATION OF TREASURY REQUIRED.—The Secretary of the Treasury shall promptly provide any information request by the Secretary of State in connection with such requests.

(3) REPORTS REQUIRED.—The Secretary of the Treasury and the Secretary of State shall each submit, by February 1, 1997, a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate explaining the reasons for the rejection, if any, of any proposed post and the reasons for the failure, if any, to fill any approved post by such date.

(c) ENHANCED PENALTIES FOR INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.—Pursuant to the authority of the United States Sentencing Commission under section 994 of title 28, United States Code, the Commission shall amend the sentencing guidelines prescribed by the Commission to provide an appropriate enhancement of the punishment for a defendant convicted under section 470 of title 18 of such Code.

Add at the end the following:

TITLE —BIOLOGICAL WEAPONS RESTRICTIONS

SEC. 001. SHORT TITLE.

This Act may be cited as the "Biological Weapons Enhanced Penalties Act of 1996".

SEC. 002. ATTEMPTS TO ACQUIRE UNDER FALSE PRETENSES.

Section 175(a) of title 18, United States Code, is amended by inserting "attempts to acquire under false pretenses," after "acquires,"

SEC. 003. INCLUSION OF RECOMBINANT MOLECULES.

Section 175 of title 18, United States Code, is amended by inserting "recombinant molecules," after "toxin," each place it appears.

SEC. 004. DEFINITIONS.

Section 178 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting "or naturally occurring or bioengineered component of any such mircroorganism, virus, or infectious substance," after "infectious substance";

(2) in paragraph (2)—

(A) by inserting "the toxic material of plants, animals, microorganisms, viruses, fungi or infectious substances" after "means"; and

(B) by inserting ", and includes" after "production";

(3) in paragraph (4), by inserting "or a molecule, including a recombinant molecule," after "organism".

SEC. 005. THREATENING USE OF CERTAIN WEAPONS.

Section 2332a of title 18, United States Code, is amended by inserting ", threatens," after "uses, or".

SEC. 006. INCLUSION OF RECOMBINANT MOLECULES AND BIOLOGICAL ORGANISMS IN DEFINITION.

Section 2332a(b)(2)(C) of title 18, United States Code, is amended by striking "disease organism" and inserting "biological agent or toxin, as those terms are defined in section 178".

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] will each control 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I would ask the gentleman from Michigan to proceed.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise to commend Congressmen CONYERS and NADLER on crafting a true antiterrorism substitute which balances the fundamental rights of the American people with a firm stance against domestic and international terrorism.

Unfortunately, the Hyde legislation before us today threatens personal liberties and constitutional rights. Once again, the Republicans have taken a great idea—combating terrorism—and turned it into a avalanche of extreme ideas. Why has this bill become bloated with controversial provisions? The answer is simple—leverage. It's time for this body to say enough is enough. The Republican leadership should have learned by now that the American people will not be blackmailed into accepting radical new laws from this Congress.

The Hyde bill dramatically weakens the fourth amendment by allowing illegal search and seizures if they are conducted in so-called good faith. It also allows for a sweeping definition of terrorism by politically appointed officials without judicial review. Lastly, the bill places too many limits on the right to appeal a conviction under habeas corpus. I urge Members to vote for the Conyers/Nadler substitute which corrects some of these problems, while retaining the good sections of the underlying bill.

Worthy of particular mention is the first section of the substitute—and the Hyde bill—which expands the protections for Federal employees. Under the substitute, "any officer or employee of the United States" and any person assisting that employee in the performance of his official duties is protected from violent, threatening, or harmful actions.

These simple protections are long overdue. Almost an entire year has passed since the Nation was jolted by the Oklahoma City bombing and the concept of domestic terrorism. Long before that tragic day, however, many of our Federal employees, especially in the western United States, have been putting their lives on the line in order to implement and enforce the laws of the land—the laws this Congress created. Although I have repeatedly requested that the chairman of the Resources Committee schedule hearings on this issue, my requests has been either ignored or deemed an inappropriate "use of the committee's resources."

The hostile climate toward our Federal employees, often the result of an extreme faction of the citizenry that opposes the enforcement of land use laws, has been translated into threats or acts of physical violence with increasing frequency.

Last January, a U.S. Forest Service office in Santa Fe, NM, was bombed. The blast resulted in structural damages to the building with repair costs estimated to rise as high as $25,000. No one was injured, this time.

And last August, a bomb was detonated outside of the Nevada home of a U.S. Forest Ranger. His wife and daughter were home at the time of the incident and only escaped serious injury because of sheer luck.

Unfortunately, these two incidents are neither as uncommon nor as isolated as the 5-month window between them may suggest. Throughout the past few years, other offices of the Forest Service and Bureau of Land Management have experienced bombings, Federal employees' and their families have received threats, employees have been physically prevented from performing their duties, ranger stations have been vandalized, unexploded pipe bombs have been discovered on public lands, and, as a result, many struggle with daily fear and social isolation.

It is about time for Congress to beef up the legal protection of Federal employees. Those who carry out the laws of the land every day deserve nothing less.

This substitute warns would-be violators in no uncertain terms that there will be serious consequences if you threaten or harm a Federal employee.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

We are now in the portion of the bill where we are now combining four amendments that have been agreed to by the chairman of the Committee on the Judiciary and myself. We support them, and I would like to allow at least one of the sponsors to be recognized, and I will shortly recognize the gentleman from Florida.

But before I do that, I would like to clarify where we are in the proceedings on the antiterrorist bill. Because with the last vote cast, we have just eviscerated the heart and soul of the antiterrorist bill. Here we are, the House of Representatives, with the last vote cast on this bill, we have now eviscerated the antiterrorist bill that was brought by the Committee on the Judiciary. There are no new penalties. Terrorist organizations can now raise funds on our shores, inside of the United States. There are no new tools for Federal law enforcement agencies. And with the National Rifle Association, we have just put to rest the parts that I supported in the bill brought by the committee.

We now have only the Conyers-Nadler-Berman substitute that will have any hope, if we really want to respond to the victims of Oklahoma, the other tragedies that have been recounted almost with Members with tears in their eyes, and now we have turned around and done this.

I continue to move forward to better provisions of the bill.

Mr. Chairman, in that regard, I yield 2 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I thank the ranking member for yielding me this time. Also I would like to thank the chairman of the Committee on the Judiciary for offering initially to extend to me a small amount of time.

Mr. Chairman, my amendment is simple. It makes it easier for our Government to prosecute those persons who provide material support knowing that the support will be used in acts commonly associated with terrorism. It is designed to buttress existing Federal law and to make those who knowingly support these crimes accountable.

The crimes are enumerated, and in the interests of everyone's time, particularly the chairperson and the ranking member and any other Member who may wish to speak, I merely wish to add in spite of the matters that have gone before us, and I do agree with the ranking member that this matter now has been eviscerated, we must somehow or another get at the roots of terrorism by giving our law enforcement authorities the ability to prosecute those persons who, while they may not actually carry out the activities themselves, enable the terrorists to operate here in the United States as well as elsewhere.

My amendment had hoped to be able to address that specific subject by expanding the enumerated crimes.

I ask support for this version and the en bloc amendments.

Mr. Chairman, it is time to get tough on terrorism. The amendment I am offering today will do just that. I am proposing a very simple, yet very important modification to title I of H.R. 2703.

Title I provides criminal jurisdiction to the United States to investigate and prosecute certain terrorist offenses carried out by or against American citizens as well as terrorist offenses that are planned within the United States but carried out overseas.

Section 103 of title I states that persons who provide material support "knowing or intending" that it be used for certain criminal acts will be subject to a fine or imprisonment. The section does not specify that a terrorist must be the one to knowingly provide material support; it states that anyone who knowingly provides material support for terrorist activity shall be punished.

My amendment adds specific criminal violations to the list of crimes currently found in this section. This modification does not tread on civil liberties; it simply expands the list of crimes in the material support provision to cover other acts commonly associated with terrorism. These acts, from title 18, section 2339A, United States Code, include: Arson with special maritime-territorial jurisdiction; development, production, or transfer of biological-nuclear weapons; transferal or possession of plastic explosives which do not contain a detection agent; destruction of communication lines, energy facilities, national defense materials; production of defective national defense materials; and conduct relating to torture.

This amendment is timely and necessary. Here is why:

One of the crimes my amendment will be adding relates to nuclear weapons, as in "Whoever knowingly provides material support, for the delivery, possession, use, transferal, receives, possess, alteration of, disposes of, or disperses, disposes of, any nuclear material and knowingly causes the death of or serious bodily injury to any person or substantial damage to property; or knows that circumstances exist which are likely to cause the death of or serious bodily injury to any person or substantial damage to property" shall be punishable by fine or imprisonment.

Therefore, if I, ALCEE HASTINGS, give money to Hamas, knowing that the funds would be used to transport nuclear material to Tel Aviv, where it would be used against civilians, I would now be punishable under section 103 by imprisonment or a fine. Without this addition, the person who knowingly provided material support for the crime would go unpunished.

By expanding the current list of crimes to include other acts associated with terrorism, we are making the bill more comprehensive. And in the shadow of recent terrorist bombings in Israel and England, as well as an increase of terrorist attacks within the United States, it is vital that we provide law enforcement with sufficient tools to fight these atrocities. Support the Hastings amendment.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Traficant amendment is a sense-of-Congress resolution to Buy American wherever practicable. We certainly support that.

Mr. Chairman, on the Bachus-Spratt-Leach amendment, I yield 3 minutes to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Chairman, the gentleman from South Carolina [Mr. SPRATT] and the gentleman from Iowa [Mr. LEACH] and I have been working with the Secret Service to address a problem that is critical to our Nation, and that is international counterfeiting.

Members of this body may not know that over half of the counterfeit U.S. currency circulates overseas, and in recent years over half of the U.S. counterfeit currency which circulates domestically was produced overseas.

We, in this legislation, have addressed it in three regards. We have increased the penalties for international counterfeiting. We have worked with the Secret Service on enhancing penalties. The Secret Service has less than 20 agents overseas working on this problem. They simply do not have the manpower. So this bill would require the orderly placement of additional agents overseas.

I am happy to report the Congress has already appropriated funds for those agents. They would be in place by the end of this year.

The third thing that the bill does is it calls for an evaluation of the extent and location of counterfeiting overseas. The gentleman from South Carolina [Mr. SPRATT], I think, is the expert on this area, and I am going to reserve to him discussion of that.

I will close simply by saying this, Mr. Chairman. International counterfeiting funds terrorism. Counterfeit currency is the currency of choice for terrorists. It makes their activities less traceable. It lowers their cost of doing mischief.

Mr. Chairman, at this time I yield to the gentleman from South Carolina for any additional remarks which he would like to make.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to rise in support of this amendment and say that it is the result of nearly 2 years of investigative effort by the General Accounting Office, a committee hearing by the gentleman's Subcommittee on Government Reform, and it is fully warranted.

Now I understand that it also meets with the approval of Treasury Department. We made changes to accommodate them. This deals with a potential problem which needs attention, and we give a mandatory charter to a task force that already exists, but we give them broader authority.

We also ask this task force to report periodically to the Congress, which is a time-honored way of getting the executive branch's attention. This warrants support. And I appreciate the gentleman yielding.

□ 1530

Mr. BACHUS. Mr. Chairman, reclaiming my time, I do want to acknowledge the work of the gentleman from New York [Mr. HINCHEY] on this bill, and I have also mentioned the gentleman from Iowa [Mr. LEACH] for his strong work on the bill, and to again commend the gentleman from South Carolina [Mr. SPRATT], who a year and a half ago realized that we needed more of a handle on the problem.

Mr. Chairman, I would simply close by saying every time we have witnessed a terrorist act throughout this world, we can know that they have probably used counterfeit currency to fund their operations. Not only that, but drug smuggling money laundering, gun running, and the corruption of public officials throughout the world.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Massachusetts [Mr. KENNEDY], an author of one of the en bloc amendments.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I want to thank the gentleman from Michigan [Mr. CONYERS] and the gentleman from Illinois [Mr. HYDE] for including an amendment which the gentleman from Ohio [Mr. KASICH] and myself and the gentleman from Massachusetts [Mr. MARKEY], have worked hard on, to try and deal with what is an astounding gap in Federal law, a gap which allows toxic chemicals, such as sarin, bubonic plague, and a range of other toxins to not only be made by labs which we support, but then to be readily made available to anyone that might write in and care to request from our labs thousands and thousands of samples of these very, very dangerous materials.

We have laws on our books which make it illegal to make a nuclear bomb, but we have no laws on our books which prevent the same kind of destruction to take place from these kinds of chemicals and biological toxins.

The legislation that is contained en bloc I think will go a long way toward making activities illegal, toward the licensing of individuals and universities and the like. We have worked closely with our universities, we have worked closely with the FBI, and we have worked closely with the CIA to deal with the incidents that have taken place, such as the potential sarin attack against Disneyland late last year, and the incidents that have taken place in both Ohio, Minnesota, and Mississippi by other fringe groups.

This is important legislation, and I appreciate and thank the committee for accepting it en bloc.

MODIFICATION TO AMENDMENTS EN BLOC OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I ask unanimous consent that a revised

amendment to H.R. 2703 which the gentleman from Alabama [Mr. BACHUS] has just handed me, which makes important corrections which are agreed upon, be substituted for the text that we have been discussing and that we will vote on with regard to Amendment No. 11.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment en bloc offered by Mr. HYDE:

Add at the end the following new title:

TITLE —INTERNATIONAL COUNTERFEITING

SEC. 01. SHORT TITLE.

This title may be cited as the "International Counterfeiting Prevention Act of 1996".

SEC. 02. AUDITS OF INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.

(a) IN GENERAL.—The Secretary of the Treasury (hereafter in this section referred to as the "Secretary"), in consultation with the advanced counterfeit deterrence steering committee, shall—

(1) study the use and holding of United States currency in foreign countries; and

(2) develop useful estimates of the amount of counterfeit United States currency that circulates outside the United States each year.

(b) EVALUATION AUDIT PLAN.—

(1) IN GENERAL.—The Secretary shall develop an effective international evaluation audit plan that is designed to enable the Secretary to carry out the duties described in subsection (a) on a regular and thorough basis.

(2) SUBMISSION OF DETAILED WRITTEN SUMMARY.—The Secretary shall submit a detailed written summary of the evaluation audit plan developed pursuant to paragraph (1) to the Congress before the end of the 6-month period beginning on the date of the enactment of this Act.

(3) 1ST EVALUATION AUDIT UNDER PLAN.—The Secretary shall begin the first evaluation audit pursuant to the evaluation audit plan no later than the end of the 1-year period beginning on the date of the enactment of this Act.

(4) SUBSEQUENT EVALUATION AUDITS.—At least 1 evaluation audit shall be performed pursuant to the evaluation audit plan during each 3-year period beginning after the date of the commencement of the evaluation audit referred to in paragraph (3).

(c) REPORTS.—

(1) IN GENERAL.—The Secretary shall submit a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the results of each evaluation audit conducted pursuant to subsection (b) within 90 days after the completion of the evaluation audit.

(2) CONTENTS.—In addition to such other information as the Secretary may determine to be appropriate, each report submitted to the Congress pursuant to paragraph (1) shall include the following information:

(A) A detailed description of the evaluation audit process and the methods used to develop estimates of the amount of counterfeit United States currency in circulation outside the United States.

(B) The method used to determine the currency sample examined in connection with the evaluation audit and a statistical analysis of the sample examined.

(C) A list of the regions of the world, types of financial institutions, and other entities included.

(D) An estimate of the total amount of United States currency found in each region of the world.

(E) The total amount of counterfeit United States currency and the total quantity of each counterfeit denomination found in each region of the world.

(3) CLASSIFICATION OF INFORMATION.—

(A) IN GENERAL.—To the greatest extent possible, each report submitted to the Congress under this subsection shall be submitted in an unclassified form.

(B) CLASSIFIED AND UNCLASSIFIED FORMS.—If, in the interest of submitting a complete report under this subsection, the Secretary determines that it is necessary to include classified information in the report, the report shall be submitted in a classified and an unclassified form.

(d) SUNSET PROVISION.—This section shall cease to be effective as of the end of the 10-year period beginning on the date of the enactment of this Act.

(e) RULE OF CONSTRUCTION.—No provision of this section shall be construed as authorizing any entity to conduct investigations of counterfeit United States currency.

SEC. 03. LAW ENFORCEMENT AND SENTENCING PROVISIONS RELATING TO INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.

(a) FINDINGS.—The Congress hereby finds the following:

(1) United States currency is being counterfeited outside the United States.

(2) The 103d Congress enacted, with the approval of the President on September 13, 1994, section 470 of title 18, United States Code, making such activity a crime under the laws of the United States.

(3) The expeditious posting of agents of the United States Secret Service to overseas posts, which is necessary for the effective enforcement of section 470 and related criminal provisions, has been delayed.

(4) While section 470 of title 18, United States Code, provides for a maximum term of imprisonment of 20 years as opposed to a maximum term of 15 years for domestic counterfeiting, the United States Sentencing Commission has failed to provide, in its sentencing guidelines, for an appropriate enhancement of punishment for defendants convicted of counterfeiting United States currency outside the United States.

(b) TIMELY CONSIDERATION OF REQUESTS FOR CONCURRENCE IN CREATION OF OVERSEAS POSTS.—

(1) IN GENERAL.—The Secretary of State shall—

(A) consider in a timely manner the request by the Secretary of the Treasury for the placement of such number of agents of the United States Secret Service as the Secretary of the Treasury considers appropriate in posts in overseas embassies; and

(B) reach an agreement with the Secretary of the Treasury on such posts as soon as possible and, in any event, not later than December 31, 1996.

(2) COOPERATION OF TREASURY REQUIRED.—The Secretary of the Treasury shall promptly provide any information requested by the Secretary of State in connection with such requests.

(3) REPORTS REQUIRED.—The Secretary of the Treasury and the Secretary of State shall each submit, by February 1, 1997, a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate explaining the reasons for the rejection, if any, of any proposed post and the reasons for the failure, if any, to fill any approved post by such date.

(c) ENHANCED PENALTIES FOR INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.—Pursuant to the authority of the United States Sentencing Commission under section 994 of title 28, United States Code, the Commission shall amend the sentencing guidelines prescribed by the Commission to provide an appropriate enhancement of the punishment for a defendant convicted under section 470 of title 18 of such Code.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Illinois?

Mr. BACHUS. Mr. Chairman, reserving the right to object, I would simply say this is a change that the Secret Service requested.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Illinois?

There was no objection.

Mr. CONYERS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from Illinois [Mr. HYDE].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 104–480.

AMENDMENT NO. 4 OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. DELAURO:

At the end of title II, add the following:

SEC. 206. AMENDMENT OF SENTENCING GUIDELINES TO PROVIDE FOR ENHANCED PENALTIES FOR A DEFENDANT WHO COMMITS A CRIME WHILE IN POSSESSION OF A FIREARM WITH A LASER SIGHTING DEVICE.

Not later than May 1, 1997, the United States Sentencing Commission shall, pursuant to its authority under section 994 of title 28, United States Code, amend the sentencing guidelines (and, if the Commission considers it appropriate, the policy statements of the Commission) to provide that a defendant convicted of a crime shall receive an appropriate sentence enhancement if, during the crime—

(1) the defendant possessed a firearm equipped with a laser sighting device; or

(2) the defendant possessed a firearm, and the defendant (or another person at the scene of the crime who was aiding in the commission of the crime) possessed a laser sighting device capable of being readily attached to the firearm.

Amend the table of contents accordingly.

The CHAIRMAN. Pursuant to the rule, the gentlewoman from Connecticut [Ms. DELAURO], and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our police officers and the public are facing a deadly new threat on the streets of my home State of Connecticut and across the Nation: Laser sighting devices aimed at our law enforcement and law abiding citizens. These laser sights mounted on the barrel of a gun emit a tiny red beam of light the shooter uses to line up a target, thereby, if you will, creating a supergun. In the hands of a criminal, these high-technology weapons turn ordinary street thugs into sharpshooters.

My amendment directs the U.S. Sentencing Commission to increase penalties for individuals convicted of crimes involving laser sighting devices. The amendment will deter the use of laser sight technology in street crime and require the Sentencing Commission to collect data on laser sighting devices and criminal activity throughout the Nation.

Let me stress, this bill does not ban laser sight technology nor does it ban guns equipped with laser sights. This is not about gun control.

I crafted this legislation with the help of local law enforcement in Connecticut, with their input. This legislation has one endorsement from the National Fraternal Order of Police, the International Brotherhood of Police and others. Let me read directly from the letter of support that I received from the National Fraternal Order of Police regarding the amendment:

> The police and citizens of this Nation already suffer far too much from tragedies precipitated by firearms crime. This problem is exacerbated by criminals using laser sights to make their criminal activity even more deadly.

I urge my colleagues to protect the public and our men and women in blue who put their lives on the line every day and vote in favor of this vital amendment.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. DeLAURO. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want the gentlewoman to know we have examined the amendment, we find it important, and we are very pleased to support it.

The CHAIRMAN. Does anyone seek the time in opposition?

Mr. VOLKMER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, members of the committee, this amendment seems innocuous if we look at it, but what it is is an attempt by those who are in favor of gun control legislation to try and isolate certain paraphernalia that is used by law-abiding citizens in an attempt to make its use illegal.

By going to the Sentencing Commission and saying that certain devices, if used in an act of crime, could be used to further make a person be further incarcerated.

Now, that may appear to be innocuous, but when you analyze it, it is a further attempt by those who have in the past few years been in favor of taking away all guns to also take away devices.

Mr. Chairman, I remind Members that those that are supporting this amendment also when we had the ban back in 1994 for semiautomatic weapons said that we need to ban bayonet mounts on rifles. Now, bayonet mounts on rifles do not kill anybody. They do not hurt anybody. Yet, they said they had to be banned. It is a similar thing here.

Ms. DELAURO. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I would like just to let my colleague know that this does not ban anything.

Mr. VOLKMER. It is a step to doing that.

Ms. DELAURO. No, it is an attempt to say that the criminal, the individual who commits the crime with this new technology, bears the burden of doing it and that the penalty would be increased on the individual. It is specifically what a lot of my colleagues have talked to me about, that it is the individual, the criminal, who ought to be penalized, and not the gun owner.

Mr. VOLKMER. Mr. Chairman, reclaiming my time, as a former prosecuting attorney back in Missouri and as one who has been in constant contact with my law enforcement officials back there, I have not from my local people had any great desire to ban laser sighting devices. In the first place, I do not know very many people that actually have them. So I just do not see the necessity to put this into a bill of this magnitude for antiterrorism.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I want to point out to my good friend from Missouri that they may not have invented laser sighting devices when he was a prosecutor.

Mr. VOLKMER. Mr. Chairman, if the gentleman will yield, I keep in contact. They have been around for some time.

Mr. CONYERS. Mr. Chairman, the gentleman is still prosecuting law on the side?

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if I just might to my colleagues say the following: It is my understanding that this is something that the NRA has always emphasized and said: Punish the criminal; do not punish the gun owner; do not punish the technology.

This incident occurred in the city of New Haven, and it has on several occasions, where we are turning thugs into marksmen and sharpshooters with this device. Again, over and over again, the emphasis has been, place the responsibility on the criminal. If you are going to commit the crime, then you are going to do the time, and more.

Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, that is the point I was going to make to my friend from Missouri. In all the debates we have had on gun control, the gentleman has always reminded and said: Do not ban the gun, just go after the criminal who uses the gun illegally.

That is just what the gentlewoman from Connecticut is doing here. She is not banning the device, she is not curbing its technology. She is simply saying, when you use it in a criminal act, you will get an enhanced penalty. That seems to me to be completely consistent with what the gentleman from Missouri has been advocating. I might say ban the device, but I am not on this case. But just going after the criminal with an enhanced penalty seems to me to be something that everybody in this Chamber might be able to accept. I hope we will support the gentlewoman's amendment.

Ms. DELAURO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would just like to close with a comment from the Connecticut Police Chiefs Association president:

> As you are well aware, the law enforcement community is faced with many challenges today, including the use of sophisticated weapons by individuals who are committing very serious crimes. Your legislation is a step in the right direction to reaffirm that society will not tolerate sophisticated weapons by criminals against the citizens or law enforcement personnel.

This bill punishes the criminal, not law-abiding gun users or gun owners, and I urge its immediate passage.

Mr. VOLKMER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to remind the Members of the House that when the Judicial Sentencing Commission was initiated, and since it has been, it was done for the purpose of taking the Congress and the political arena away from sentencing and letting the Commission itself set sentencing. They can make this if they so desire. They can

put anything that they determine to be legal and warrant additional punishment within it. But we have in the past always taken the attitude that we do not direct the Commission to do certain things. We let the Commission make their own decision as to what guidelines are to be set.

Now, there may be minimums or maximums we may wish to put on it, but I do not believe it is appropriate at this time to direct the Sentencing Commission to make the enhanced penalties for this type of technology. As a result, I still oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut [Ms. DELAURO].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentlewoman from Connecticut [Ms. DELAURO] will be postponed.

□ 1545

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 104–480.

It is now in order to consider amendment No. 6 printed in House Report 104–480.

It is now in order to consider amendment No. 7 printed in House Report 104–480.

It is now in order to consider amendment No. 9 printed in House Report 104–480.

AMENDMENT NO. 9 OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SCHUMER: At the end of title VIII (Miscellaneous) add the following:

SEC. 807. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for each of fiscal years 1996 through 2000 to the Federal Bureau of Investigation such sums as are necessary—

(1) to hire additional personnel, and to procure equipment, to support expanded investigations of domestic and international terrorism activities;

(2) to establish a Domestic Counterterrorism Center to coordinate and centralize Federal, State, and local law enforcement efforts in response to major terrorist incidents, and as a clearinghouse for all domestic and international terrorism information and intelligence; and

(3) to cover costs associated with providing law enforcement coverage of public events offering the potential of being targeted by domestic or international terrorists.

Conform the table of contents accordingly.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. SCHUMER] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment that was in the bill that left the House. It is one of the amendments that law enforcement considers of great importance. It would allow the various agencies to coordinate the fight against terrorism.

Let me stress that these days the fight against terrorism is something that involves not just one agency, and so what the amendment does is put back in the bill three important resources that the FBI asked for that were included in the bill as originally reported out of committee and was stripped out of the bill before it came to the floor.

They were, first, additional personnel to investigate both domestic and foreign terrorism; second, the establishment of domestic counter-terrorism to coordinate a domestic counter-terrorism center to coordinate the resources of Federal, State, and local law enforcement against domestic terrorism; and finally a fund for protecting against terrorism at major public events such as the upcoming Olympics.

It seems to me there should not be too much opposition to this. We need a great deal of coordination among the various agencies. We are now getting information from satellites and NSA and everything else, and I hope that the amendment will be adopted.

The CHAIRMAN. Does any Member seek time in opposition?

Mr. SCHUMER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 104–480.

AMENDMENT NO. 10 OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. WATT of North Carolina: Page 151, strike line 6 and all that follows through line 25 on page 176.

The CHAIRMAN. Pursuant to the rule, the gentleman from North Carolina [Mr. WATT] and a Member opposed will each control 15 minutes.

Mr. HYDE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] will control 15 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to advise the Members that the gentlewoman from Idaho [Mrs. CHENOWETH], who is a cosponsor of this amendment, is apparently en route from her district and may not make it in time for the debate.

Mr. Chairman, let me just point out to my colleagues that, as the prior vote on the amendment of the gentleman from Georgia [Mr. BARR] indicated, there is a substantial division in our ranks about the extent to which we must go to protect constitutional rights and freedoms and still feel that we are making a concerted and effective effort against terrorism. It is a very, very difficult issue, and there are some of us, myself included, who believe that we cannot afford to undermine our Constitution and the rights and protections our Constitution provides to individual citizens in this country because, when we do that, we undermine the very fabric of our Nation.

What has happened in this amendment is that we are trying to remove from the ambit of this bill a provision which was not in the bill which came out of the Committee on the Judiciary. The Committee on the Judiciary considered the antiterrorism bill, went through a long, drawn-out evaluation of that bill, and voted out a bill which had no provisions in it dealing with habeas corpus.

Apparently, after the bill was voted out of committee, the leadership, in an effort to expand the coverage of the bill and pick up votes from various places to try to pass the bill, saw fit to add habeas corpus provisions to this bill. Habeas corpus has nothing to do with terrorism in our country. If it does, it has such a small amount to do with it that it certainly was not something that was in the contemplation of the Committee on the Judiciary.

Let me explain to my colleagues that the habeas corpus provisions were put in the Constitution of the United States years and years and years ago for the purpose of protecting individual citizens and giving them the right to seek an independent review and have the court determine that their government, in some cases, was doing an injustice to them in that the government was holding them improperly.

The habeas corpus language in the Constitution has no color, it has no political ideology. It is not designed to protect one group of people against other groups of people. It is designed to protect individuals, individual citizens of our country, when the government makes a mistake and puts an individual in jail improperly. It gives that individual citizen the right to seek a review by the court and have the court make an independent determination of

whether the incarceration is proper or not proper.

This bill, as it is currently written, not the bill that came out of the Committee on the Judiciary, but the bill that is proposed on this floor, substantially cuts back on the rights of individual citizens under habeas corpus, and I want to encourage my colleagues to vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

First of all, the remark made by the distinguished gentleman from North Carolina [Mr. WATT] that habeas corpus has nothing to do with terrorism; I have heard that several times, and I am kind of at a loss as to the logic behind that because a terrorist who murders somebody, and that is what they do, that is their business, deserves the death penalty, and if they get the death penalty, they ought not hang around like John Wayne Gacey did for 14 years, or like William Bonner did for 16 years, or like Kermit Smith did for 14 years, or like Robert Alton Harris did for 13 years. Justice ought to be imposed surely and swiftly.

Now this amendment simply maintains the status quo on habeas corpus by striking the entire title. We are not ignoring due process for the convicted. We seek closure and finality for the judgment that has been rendered and some compassion for the families of the victims who wait years and years and years. And that is the name of the game: Stretch it out, and then maybe get a new trial 10 years later where there are no witnesses to be found. We understand that. These things ought to be adjudicated reasonably swiftly, reasonably with dispatch, fairly. But 14 years is an absurdity; it makes the law a joke.

Diane Leonard, the widow of a Secret Service agent who died in the Oklahoma City blast, said this:

> For victims there are no indictments, no pretrial hearings, no trials, no appeals, no chances for remorse, and no doubt of their innocence; yet for those who commit these crimes where there is no doubt of guilt there is only appeal after appeal after appeal.

The same provisions in the bill, our bill, passed the Senate in June 1995 as the vote was 91 to 8. This is a major plank in the Contract With America anticrime policy.

Now under our bill it simply requires that all claims be brought in the single petition. The time period for filing is 1 year after the U.S. Supreme Court rejects a direct appeal. Subsequent petitions will be allowed if the convicted defendant can show cause for not including the claim in his first petition. Government suppression of evidence, newly discovered evidence proving innocence, are also grounds for a new appeal. Deference is given to State courts' legal decisions if they are not contrary to established Supreme Court precedent. The prisoner can rebut any presumption by clear and convincing evidence. But now it takes more than a decade to carry out a death sentence, and that is an injustice.

□ 1600

Mr. Chairman, I ask that the amendment of the gentleman and the gentlewoman be defeated, and that we proceed with habeas corpus reform.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. CONYERS], the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, this is a bill that is supposed to be dealing with terrorists. It is an antiterrorism bill.

Mr. Chairman, habeas corpus got onto the antiterrorism bill in the following way. Everybody thought that this was a fast train that could take on anything that was hanging around the Committee on the Judiciary. As it turned out, antiterrorism is not a fast train to anywhere, because it is really a crime bill. Now it is a gutted antiterrorist bill. Now we have a gutted antiterrorist bill, and habeas corpus reform that we have been trying to get through, restricting constitutional rights, for years. It has never gotten anywhere.

Mr. Chairman, it would not do for the ranking member on the Committee on the Judiciary to explain that again for maybe the 25th time in my career, but what about a former Attorney General named Ben Civiletti? What about the comments of a former Attorney General named Nicholas Katzenbach? What about of the comments of a former Attorney General named Edward H. Levy? What about the comments of an Attorney General, former Attorney General, named Elliott L. Richardson? Two Republicans, two Democratic former Attorney Generals.

Here is what they say: "The habeas corpus provisions which the House will soon take up are unconstitutional." They did not say that maybe they will be found unconstitutional, or that they could be challenged for unconstitutionality. They said "They are unconstitutional," four Attorneys General. "Though intended in large part to expedite the death penalty review process, the litigation and constitutional rulings will in fact delay and frustrate the imposition of the death penalty."

Do Members understand that? Is this partisan? Are these liberals? Is this the left? Four Attorneys General are telling us this provision is going to be ruled unconstitutional.

Mr. Chairman, what that means, nonlawyers in the Congress, is that it will then take longer to execute people than it does now. Mr. Chairman, I get a little tired of hearing somebody telling me about one 14-year case. If we check the one 14-year case, it was not because the judges were sleeping, it was not because the prosecutors were not prosecuting. There might have been some reason that one case took 14 years. There are a lot of cases where people get executed, and if we had had more time, they would be alive today.

Mr. Chairman, let us get off of this unusual example of three people whose cases took years and years and years.

Mr. Chairman, the same person who is telling me not to believe in this process was the same person that just told me on the previous amendment that we ought to believe in the system.

Mr. HYDE. Mr. Chairman, I yield myself 30 seconds to respond to the very learned gentleman from Michigan.

Mr. Chairman, the gentleman has given us some distinguished names of Attorneys General. I would like to give him a few: Griffin Bell, Dick Thornburg, William Barr, and the late William French Smith. Also, all of the State attorneys general in the country have signed onto habeas corpus reform. Yes; we should not talk about that one horrible case, or those three horrible cases. Let us talk about the average. The average is 8 to 10 years, from sentencing until execution.

Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I want to add to what the gentleman from Illinois [Mr. HYDE] is, I think, saying. What the chairman is trying to explain to all of us today is that we have been waiting for years to get an effective death penalty, for years to get a death penalty that has the meaning of swiftness and certainty of punishment for those who might perpetrate murders and other heinous crimes that are subject to the death penalty.

We are not sending the message. That is, the primary reason why we have a death penalty is to send the message to people. Another reason, of course, is to execute people because that is their just desserts, and because we ought to be doing that, in certain heinous cases, to get them off the streets.

However, to me, the primary reason for the death penalty always has been to send a message to would-be perpetrators of murder and other violent crimes that get the death penalty, "If you do it, you are going to get the ultimate sentence, the sentence of death." People do not tend to believe that if they can delay and delay, and see other people delaying and delaying the carrying out of their sentences. Whether it is 8, 10, 14 years, whatever it is, it is far too long.

If anybody is truly innocent, if they have evidence that they did not commit the crime, there is nothing in the procedures we are putting in this bill

today or we passed on the floor of the House last year in this Congress that would keep them from raising it at any time, and stopping the execution. But if we look at what we are doing today, we are getting at the procedural problems that have caused these delays; the opportunities, after you have had your regular appeal all the way to the U.S. Supreme Court on the issue of guilt or innocence, and all the procedural matters, your opportunity to go into Federal court and seek a petition to give you freedom, based on the fact that maybe you did not have a proper attorney, or maybe you did not have the jury selected properly, or maybe there is some other technical deficiency in the way the trial was conducted and you ought to get relief from Federal court, after you have exhausted your normal appeals.

All we are saying is, instead of being able to carry them one after another, ad seriatim, with excessive petitions to the Supreme Court and delaying the carrying out of the sentence, you have to put them all into one at one time, or lose your opportunity. Mr. Chairman, I think that is very critical.

We are asking for a deference in those kinds of rulings to State court decisions; not that it cannot be overcome, but on the facts in the trial that has occurred underlying it. Why should the Federal courts go back and review all of these matters over and over again on a procedural basis, if they have a clear record in front of them?

It has just simply been the fact that in this country we have delayed the carrying out of these sentences it seems to me almost forever. It is long since past due that we put this into law. Yes; we have passed this out before. Yes; the President has said he will sign it if we can ever get it to him, but it looks to us as though it is a logical place to put it, to put it on this bill today. It is why the bill has been renamed, to try to emphasize the fact that now we think we have a vehicle, with a few other things, we can finally get to the other body, send to the President, and get this signed into law to end the seemingly endless appeals of death row inmates. It is about time we passed it.

Anybody that votes against this, votes for this amendment, has to know they are gutting this provision out, and they are going to delay the process even further.

Mr. WATT of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS], the distinguished ranking member.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the reason Attorney Generals Levy, Richardson, Katzenbach, and Civiletti have explained they tried hard to explain that what the Members are trying to do is unconstitutional. I know you want to fry them as soon as you can, I know that any time is too long. How dare a Member of Congress that serves on the committee that makes the law on this get up and say in broad daylight that it takes too long to execute a person in America, under the process we have? And instead of bringing this up on its own merits, we wait until we get an emotionally charged piece of legislation and bring up habeas corpus, which has no relationship to terrorism whatsoever. How long is too long?

Mr. Chairman, by the way, Attorney General Edwin Meese, did he join the gentleman on that, too?

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to the gentleman, no, that was Griffin Bell, Dick Thornburg, William Barr, William French Smith. I forget Dan Lundgren, the attorney general of California. But all, all of the State attorneys general and their association have signed on.

We do not try them and kill them as soon as possible. The average now is 8 to 10 years. If the gentleman would think of the victims' families waiting for justice to be done, the gentleman might have a more moderated tone toward this issue.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for describing what my tone ought to be for the victims' families. However, I know victims' families that oppose the death penalty. They do not want them executed in 10 years or 2 years or 2 days, because they happen to have another view from the distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. I understand that, and there are more people who support the death penalty overwhelmingly than oppose it.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield one more time, I will never ask him again.

Mr. HYDE. I would hate to think that the gentleman would never ask me again.

Mr. CONYERS. Then I will take it back.

Mr. Chairman, let me say this, sir, is there not something redeeming about us passing legislation on its own bottom, since more people want this, since the gentleman has as many Attorney Generals, and then throw in Dan Lundgren on top of it? Could we not just have a bill that studies the death penalty, and we come up on it? Why do we have to tack it onto a piece of antiterrorist legislation which, unfortunately for both you and I, has been gutted?

Mr. HYDE. I am going to have to reclaim my time. Again, I have been illuminated by the gentleman, although I totally disagree.

Mr. Chairman, I am pleased to yield 1½ minutes to the distinguished gentleman from San Diego, CA [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, first of all, I would like to say that regardless of what your position is on this issue, whether political or personal belief, it is a legitimate issue, the death penalty. For 40 years we have not been able, as the gentleman said, to have habeas corpus or death penalty reform. There is a new majority that represents the majority of people that feel that there should be some reform.

Let me explain, the gentleman mentioned the frivolous cases. We just had a gentleman in California to kill 14 kids, we just executed. That is one case. We have another one which the gentleman knows about, Alton Harris. This is a confessed killer in my district. He went out and killed two young boys, after eating their hamburgers and taunting the second one, and then killed him. Yet, even an admitted killer took 14 years to execute.

Mr. Chairman, the gentleman talks about we are building more prisons than we are facilities for education. Let us press on with it. let us take care of the people that are the criminals, and have justice be done. Think about the injustice to the families that have to suffer all the way through this, for the period of time.

Again, I would say to the gentleman, he speaks of a legitimate issue and what he believes in, but we need to press on with this. The American people support it. I ask Members to support the position of the gentleman from Illinois [Mr. HYDE].

Mr. WATT of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

WITHDRAWAL OF DEMAND FOR RECORDED VOTE ON DE LAURO AMENDMENT

Mr. VOLKMER. Mr. Chairman, I ask unanimous consent to withdraw my demand for a recorded vote on a previous amendment, the DeLauro amendment. Even though I do not agree with this amendment, I do not believe it is appropriate to take the time of the House for a recorded vote on it.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The DeLauro amendment was agreed to by a voice vote.

Mr. WATT of North Carolina. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to argue that we should not, in an illogical way, attribute to those who oppose the language of adding habeas corpus gutting to this terrorist bill as being against the death penalty. I think what we

should focus on, Mr. Chairman, and I rise in support of the amendment offered by the gentleman from North Carolina [Mr. WATT] is the fact that we are destroying an historic relationship between the Federal courts and the State courts. That is, to give another level of constitutional privilege to those who would be subjected to the death penalty.

It is a historic role. It is a confirmed role. The real direction that we should take, if we are serious about any habeas corpus reform, would be, frankly, to address it head on. That is, to have hearings, to address the situation, and not worry about whether it took 4 years or 3 years. It is important to do it right. This is the wrong way. We should support the Watt-Chenoweth amendment, and ensure that we have liberties for all Americans.

□ 1615

Mr. HYDE. Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, may I inquire who has the right to close?

The CHAIRMAN. As chairman of the committee the gentleman from Illinois [Mr. HYDE] has the right to close.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, many Members of this body have asked how we could have a coalition on this issue between myself and the gentlewoman from Idaho [Mrs. CHENOWETH], those people knowing of course that we are not always philosophically in tune with each other, the two of us. I want to spend the balance of my time talking about that, because I think it reflects something on this issue.

The writ of habeas corpus was inserted into the Constitution of the United States to provide protections for individual citizens vis-a-vis their Government. I am not an individual who believes that the Government is constantly out to be insidious with its citizens, but sometimes the Government makes mistakes. When that occurs, individual citizens ought to have the right and the ability to petition the judicial branch of Government to have that mistake redressed.

That is a proposition that is not unique to people on the left end of the political spectrum or the right end of the political spectrum or the middle of the political spectrum. It is not a proposition that is unique to black people in our country, white people in our country, or any shades between. It is a right that our U.S. Constitution provides to each and every citizen in this country.

What has happened is that people in the middle have now decided that, "Well, the government is never going to take any action that is contrary to my rights, so I do not need habeas corpus any more." That is what is happening in this bill. This bill essentially destroys the writ of habeas corpus in our country.

What I am entreating my colleagues to do is to stand up and understand the tremendous value that this great writ provides to the citizens of this country, regardless of their political persuasions, regardless of their political beliefs.

The gentlewoman from Idaho [Mrs. CHENOWETH] and I are far, far apart on many, many issues, but on this one we agree with former Attorneys General Benjamin Civiletti, Edward Levi, Nicholas Katzenbach, and Elliot Richardson, the American Bar Association, and we believe that we agree with every single citizen of the United States of America that this is a right and protection in our Constitution that is worth being preserved. Please help us preserve it.

Mr. Chairman, I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I respect the writ of habeas corpus. It is a great writ. I want to preserve it. I want it to be strong. I do not want it to be weakened.

So those of us who simply want justice not to be delayed for an average of 8 to 10 years, those of us who are concerned that the families of victims have a right to see that justice is done, those of us who look at the case of one Kermit Smith, it is not that it took 14 years from the sentencing to his execution, but 46 different judges considered his case and it went to the U.S. Supreme Court five different times.

Now, we have to have some answer not to the use of habeas corpus but to the abuse of habeas corpus. All we are asking, we are not bloodthirsty. We simply say look, if you have been convicted, if you have had your direct appeal, then you have had your habeas appeal through the State courts, through the Federal court, let us come to closure and let justice be done.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

Mr. HYDE. Mr. Chairman, I ask unanimous consent that the vote be held until tomorrow. The mother of the gentlewoman from Idaho [Mrs. CHENOWETH] is ill and the gentlewoman cannot be here.

Mr. CONYERS. Mr. Chairman, I join with the gentleman in that request.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The vote will be held tomorrow.

The Chair will still put the question to a voice vote before rolling the vote.

The question was taken; and the Chairman announced that the noes appeared to have it.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from North Carolina [Mr. WATT] will be postponed.

It is now in order to consider amendment No. 12 printed in House Report 104–480.

PREFERENTIAL MOTION OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer a preferential motion.

the CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. VOLKMER moves that the Committee do now rise and report the bill back to the House with a recommendation that the enacting clause by stricken.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes.

Mr. VOLKMER. Mr. Chairman, as I have reviewed this legislation, I have some serious misgivings about it. I am desirous that we continue to have the provision in the bill that is sponsored by the gentleman from Illinois on habeas corpus.

I am sorry I have to disagree with the gentleman from North Carolina in regard to that matter, and the gentleman from Michigan, but I believe that that matter should remain in the bill. The bill, other than that, I have some serious misgivings. I surely think that if this bill was reported back and we had to go back to committee, I think the committee could probably do a lot better job than what you have done so far.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the gentleman's parliamentary finesse has always stood the House of Representatives in good standing and credit. I only wish I could have thought of this motion and then had the courage to follow through on it, being the ranking member of the Committee on the Judiciary.

But am I not correct that we are at this situation? We have had the principal vehicle of the Committee on the Judiciary gutted. We now only have a substitute remaining. The measure is probably a lower grade crime bill, certainly not an antiterrorist bill. So I do not have a reason in the world why I should object to the gentleman's amendment.

Mr. VOLKMER. We cannot get all excited about what we have left, Is that that the gentleman is saying?

Mr. CONYERS. Not just not excited but disappointed.

Mr. VOLKMER. Mr. Chairman, I would be glad to yield to the gentleman from Illinois.

Mr. HYDE. No. I would like to get my own time in opposition. May that be done?

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] is recognized for 5 minutes.

Mr. HYDE. Mr. Chairman, the gentleman is moving to strike the enacting clause and to kill this legislation. I know that would please him and it certainly would not disappoint the gentleman from Michigan, but I think it would disappoint a lot of people, such as the families of the victims at Oklahoma City whom I have met, such as the families of the victims of pan Am 103 whom I have met, such as the hostages who returned from Lebanon who were here the other day, such as the daughter of Leon Klinghoffer, who was murdered by thugs on the *Achille Lauro*. These are people who would like to see us pass this legislation.

You may think there is nothing left, but there is substantial good left in the bill, despite the Barr amendment which I deplore. One of the things left is the ability of the victims' families to sue terrorist countries and perpetrators of terrorist acts in this country and get a judgment, because some of their assets are here have been frozen. So that alone makes this worthwhile.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, the gentleman makes a very strong argument for the bill, and I will have to continue to consider it as a result of his statement and elucidation about all the good things in the bill.

Mr. HYDE. Does the gentleman mean I am persuading him?

Mr. VOLKMER. I will not ask for a recorded vote on this motion. We will just let it pass and go on with the regular amendments.

Mr. HYDE. I certainly thank the gentleman for his vote of confidence in my persuasive ability.

The CHAIRMAN. The gentleman from Missouri is controlling the time.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I agree with the gentleman from Illinois [Mr. HYDE] every time I get a chance, but he has just witnessed what I have. Now, crying for the victims after this bill is gutted does not do a service to anybody connected with this measure.

This is not an antiterrorist bill any longer. It is a low-grade crime bill that we could have gotten out any day in the week. It has a very sad and shaky future, and I am very disappointed that the gentleman from Missouri may not ask for a record vote. Anybody on this floor can ask for a record vote.

Mr. VOLKMER. Reclaiming my time, I recognize that. I was hoping that we could be able to continue with the legislation.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Missouri [Mr. VOLKMER].

The preferential motion was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 104–480.

AMENDMENT NO. 12 OFFERED BY MR. BARTLETT OF MARYLAND

Mr. BARTLETT of Maryland. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. BARTLETT of Maryland: Add at the end the following new title:

TITLE —COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

SEC. 01. ESTABLISHMENT.

There is established a commission to be known as the "Commission on the Advancement of Federal Law Enforcement" (in this title referred to as the "Commission").

SEC. 02. DUTIES.

The Commission shall investigate, ascertain, evaluation, report, and recommend action to the Congress on the following matters:

(1) In general, the manner in which significant Federal criminal law enforcement operations are conceived, planned, coordinated, and executed.

(2) The standards and procedures used by Federal law enforcement to carry out significant Federal criminal law enforcement operations, and their uniformity and compatibility on an interagency basis, including standards related to the use of deadly force.

(3) The criminal investigation and handling by the United States Government, and the Federal law enforcement agencies therewith—

(A) on February 28, 1993, in Waco, Texas, with regard to the conception, planning, and execution of search and arrest warrants that resulted in the deaths of 4 Federal law enforcement officers and 6 civilians;

(B) regarding the efforts to resolve the subsequent standoff in Waco, Texas, which ended in the deaths of over 80 civilians on April 19, 1993; and

(C) concerning other Federal criminal law enforcement cases, at the Commission's discretion, which have been presented to the courts or to the executive branch of Government in the last 25 years that are actions or complaints based upon claims of abuse of authority, practice, procedure, or violations of constitutional guarantees, and which may indicate a pattern or problem of abuse within an enforcement agency or a sector of the enforcement community.

(4) The necessity for the present number of Federal law enforcement agencies and units.

(5) The location and efficacy of the office or entity directly responsible, aside from the President of the United States, for the coordination on an interagency basis of the operations, programs, and activities of all of the Federal law enforcement agencies.

(6) The degree of assistance, training, education, and other human resource management assets devoted to increasing professionalism for Federal law enforcement officers.

(7) The independent accountability mechanisms that exist, if any, and their efficacy to investigate, address, and correct systemic or gross individual Federal law enforcement abuses.

(8) The extent to which Federal law enforcement agencies have attempted to pursue community outreach efforts that provide meaningful input into the shaping and formation of agency policy, including seeking and working with State and local law enforcement agencies on Federal criminal enforcement operations or programs that directly impact a State or local law enforcement agency's geographic jurisdiction.

(9) Such other related matters as the Commission deems appropriate.

SEC. 03. MEMBERSHIP AND ADMINISTRATIVE PROVISIONS.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 5 members appointed as follows:

(1) 1 member appointed by the President pro tempore of the Senate.

(2) 1 member appointed by the minority leader of the Senate.

(3) 1 member appointed by the Speaker of the House of Representatives.

(4) 1 member appointed by the minority leader of the House of Representatives.

(5) 1 member (who shall chair the Commission) appointed by the Chief Justice of the Supreme Court.

(b) DISQUALIFICATION.—A person who is an officer or employee of the United States shall not be appointed a member of the Commission.

(c) TERMS.—Each member shall be appointed for the life of the Commission.

(d) QUORUM.—3 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(e) MEETINGS.—The Commission shall meet at the call of the Chair of the Commission.

(f) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including travel time, during which the member is engaged in the performance of the duties of the Commission.

SEC. 04. STAFFING AND SUPPORT FUNCTIONS.

(a) DIRECTOR.—The Commission shall have a director who shall be appointed by the Chair of the Commission.

(b) STAFF.—Subject to rules prescribed by the Commission, the Director may appoint additional personnel as the Commission considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed per day the daily equivalent of the maximum annual rate of basic pay payable for GS–15 of the General Schedule.

SEC. 05. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purposes of carrying out this Act, hold hearings, sit and act at times

and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it. The Commission may establish rules for its proceedings.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this title.

(e) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Commission. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) FAILURE TO OBEY SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to the United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

SEC. 06. REPORT.

The Commission shall transmit a report to the Congress and the public not later than 2 years after a quorum of the Commission has been appointed. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with the Commission's recommendations for such actions as the Commission considers appropriate.

SEC. 07. TERMINATION.

The Commission shall terminate 30 days after submitting the report required by this title.

The CHAIRMAN. Pursuant to the rule, the gentleman from Maryland [Mr. BARTLETT] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Maryland [Mr. BARTLETT].

□ 1630

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will be brief. This amendment is a very simple amendment. What it does is to set up a blue-ribbon commission that will function for 2 years. The commission will have responsibility to look over our Federal law enforcement agencies and to make recommendations relative to their charter as to how they operate and as to how they can better function so that we can again achieve the high level of public confidence in our Federal law enforcement agencies that is necessary for them to act efficiently and effectively.

As you know, there have been some incidents, like Waco and Ruby Ridge, that have caused a great number of our constituents to lose confidence in our Federal law enforcement agencies. We have many brave people in these law enforcement agencies that every day put their life on the line. It is unfair to ask them to function in an environment in which far too many of our people lack the kind of confidence that they should have in our Federal law enforcement agencies and in the individuals who work there.

It is the intent of this amendment that we will, as a result of their findings and their recommendations, reestablish, reestablish confidence in our Federal law enforcement agencies so that they can be more effective in their work.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Illinois.

Mr. HYDE. I would like to state, Mr. Chairman, that the majority accepts the amendment of the distinguished gentleman from Maryland. We find it is useful, and it makes a contribution to this generic problem. We are pleased to accept it.

Mr. BARTLETT of Maryland. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition?

Mr. CONYERS. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not surprised that a commission to evaluate public confidence on the current state of Federal law enforcement would be put into this sandwich that we have got on the floor now. We do not have anything in it. We have got to put something in it. So let us go back into, Mr. BARTLETT, Waco. We had three committees spend millions of dollars. We had every law enforcement office in the Federal Government before the House and Senate. But you did not get enough, did you? The gentleman from Maryland did not get enough, did he? The gentleman wants to go into it some more.

Let us look at Waco some more, please. The Attorney General, the Secretary of the Treasury, the head of three other agencies, the two top-ranking members other than the Director of the FBI, 50 other witnesses, lawyers from all over the planet, the witnesses, people that survived Waco, and we now come to it under this antiterrorist bill and want to set up a blue-ribbon commission.

May I ask one question? Who would be on this commission?

Mr. BARTLETT of Maryland. Mr. Chairman, if the gentleman will yield, law enforcement experts. Law enforcement experts.

Mr. CONYERS. Who?

Mr. BARTLETT of Maryland. Law enforcement, really, experts.

Mr. CONYERS. Law enforcement experts like who?

Mr. BARTLETT of Maryland. I cannot designate who would be appointed by those who have the responsibility of making the appointment under this.

Mr. CONYERS. Who would make the appointments?

Mr. BARTLETT of Maryland. Speaker, minority leader, there would be five, and they are all designated by individuals like that, bipartisan.

Mr. CONYERS. Would the gentleman be very greatly disappointed in the legislative product that is on the floor, which is antiterrorism, if his measure happened to not succeed?

Mr. BARTLETT of Maryland. Yes, I would. I think that we have a major——

Mr. CONYERS. Wait a minute. That is all I wanted to know.

Mr. Chairman, I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I want to back the gentleman's comment.

Ladies and gentlemen, we hear from the other side all the time another commission, another commission. We should not have commissions. All of a sudden, we know what this is all about. It is about Waco. The Waco hearings in the Committee on the Judiciary, and the Gov Ops Committee did not accomplish what those acolytes of the NRA wanted. It showed what David Koresh was. It showed our law enforcement people did an estimable job, it showed very simply that the conflagration that occurred was the fault of David Koresh himself. But now they are going back to it. I suppose they do not want it to be in Congress anymore. We would show them up again. Instead they are going to a commission. I think this is a total waste of money here. We strike out provisions that would fight Hamas and fight other terrorist organizations, and we put this commission in.

We know what this bill is becoming. This bill is becoming an NRA wish list.

That is all it is. And I do not think it should be here. This does not belong here. It makes no sense at all. And what we have learned here is that this body is less interested in fighting terrorism and more interested in showing their obeisance to the NRA. It is an absolute disgrace.

Mr. CONYERS. May I say, my colleague from New York is always temperate in his remarks and is thoughtful in analyzing the contributions or problems that other organizations raise that lobby us all the time.

I just think that this would strike a blow at the confidence in our judicial system and criminal justice system that Chairman HYDE reiterated his strong confidence in only a few hours earlier.

I have got confidence in this system. Doggone it, it has been wrong a lot of times, but do we really think a blue-ribbon commission of ladies and gentlemen appointed by the Speaker and the minority leader would get to the bottom of this?

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Illinois.

Mr. HYDE. I wanted to answer your question. Yes, I think so, because we may need that to get enough votes to pass this bill.

Mr. CONYERS. I know we are grabbing for votes, sir, but I do not know if the Bartlett amendment will help in this quest or not.

Well, one person has volunteered that the gentleman from Maryland [Mr. BARTLETT] is doing the work of the Lord on this bill. Well, if we need it, fellows, what the heck.

Mr. Chairman, I yield back the balance of my time.

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to say that my colleagues have made an overemphasis of the exploration of episodes like Ruby Ridge and Waco. The real intent of this is, as I stated, to reinstill public confidence in our Federal law enforcement agencies.

I would point out to the gentleman from Michigan [Mr. CONYERS] that this is apparently also the dream of the ACLU, because they have endorsed this amendment. LEAA and ACLU have both endorsed this amendment. So it has very broad support from the public community.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. BARTLETT].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 104–480.

AMENDMENT NO. 13 OFFERED BY MR. BRYANT OF TENNESSEE

Mr. BRYANT of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. BRYANT of Tennessee:

Add the following at the end:

TITLE —REPRESENTATION FEES

SEC. 01.—REPRESENTATION FEES IN CRIMINAL CASES.

(a) IN GENERAL.—Section 3006A title 18, United States Code, is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) DISCLOSURE OF FEES.—The amounts paid under this subsection, for representation in any case, shall be made available to the public."; and

(2) in subsection (e) by adding at the end the following:

"(4) DISCLOSURE OF FEES.—The amounts paid under this subsection for services in any case shall be made available to the public.".

(b) FEES AND EXPENSES IN CAPITAL CASES.—Section 408(q)(10) of the Controlled Substances Act (21 U.S.C. 848(q)(10)) is amended to read as follows:

"(10)(A) Compensation shall be paid to attorneys appointed under this subsection at a rate of not less than $75, and not more than $125, per hour for in-court and out-of-court time. Fees and expenses shall be paid for investigative, expert, and other reasonably necessary services authorized under paragraph (9) at the rates and in the amounts authorized under section 3006A of title 18, United States Code.

"(B) The amounts paid under this paragraph for services in any case shall be made available to the public.".

(c) EFFECTIVE DATE.—The amendments made by this section apply to cases commenced on or after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Tennessee [Mr. BRYANT] and a member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a narrow amendment, one that I think is very appropriate and necessary, given the apparent loss of credibility that our judiciary system is suffering in this country. It is narrow in the sense that it amends the law which allows a Federal judge in death penalty cases to award court-appointed lawyers for these death row inmates an unlimited amount per hour, completely in the court's own discretion, as to what that rate may be.

We think it would be appropriate that we set some constraints on this. We want to ensure that the judiciary does remain independent, and as part of that fee-setting this is necessary. On the other hand, we think also that the courts should be accountable to the taxpayers, in particular, for some potentially outrageous awards per hour that they award the court-appointed attorneys. We have heard instances in the past where the courts have awarded these lawyers up to $250 an hour for their work both in court and out of court, which is much higher an hour than the rate allowed for other cases.

We also think that in these awards of attorneys' fees and expenses, there ought to be a requirement to the American public, to the taxpayers, that these be made public. And this amendment also requires public disclosure of these fees.

We have also asked that, rather than leaving the discretion completely in the hands of the judge, that we allow that judge to award fees in the range of $75 to $125 per hour. This is consistent with the judge's own guide to judiciary policies and procedures. We think, again, that this is a fair, a commonsense balance that we can reach here.

I hope we will have the support of all Members of Congress as, again, we close, I think, a very signature loophole in the law which allows this, I believe, travesty to occur. Again, we maintain a fair balance between the independence of the judiciary as well as set some standards, set some accountability for the American people and the American taxpayer.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks time in opposition?

Mr. HYDE. Mr. Chairman, I do not rise in opposition, I really rise in support, if that is appropriate.

Mr. WATT of North Carolina. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from North Carolina [Mr. WATT] is recognized for 5 minutes in opposition.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time and I as I may consume.

Mr. Chairman, I think that we have already basically wiped out any rights if we passed the hebeas corpus provision that someone on death row has to defend themselves.

The appropriations process is in the process of wiping out the death penalty centers which provides any semblance of legal representation to people who have been sentenced to death in our country. And here we are now trying to do even more to speed up our Nation putting people to death. We should be ashamed.

There is not any other place in the judiciary or decisionmaking process where judges do not have discretion, when they have the statutory ability and right to award legal fees, to determine what a reasonable legal fees, to determine what a reasonable legal fee is or is not.

So this is not different in any respect from any other area of the law. It is already virtually impossible to find lawyers who have any background in providing the kind of representation that I

thought our legal system insisted that every defendant in this country ought to have. It is something that we have supported as a proposition for as long as this country has existed, the right to legal representation.

Yet here we are saying, give me a novice lawyer who has no experience to defend a person whose life is on the line. We ought to be ashamed of ourselves in this body if we have gotten to this point.

Let the judges continue to exercise the degree of discretion that they have had in this area. There has been no showing in the Committee on the Judiciary that that has been abused. Let us vote down this amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1645

Mr. BRYANT of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is not an argument on the validity of the death penalty. It is simply setting a cap on what is, I am embarrassed myself as an attorney to stand up and tell the American public we are paying people in Tennessee at least $250 an hour, which I do not know of a single lawyer in Tennessee that makes that much outside of this range. We are simply saying that these attorneys are entitled to fair compensation.

The figure that I choose, leaving discretion to the judge to award anywhere from $75 an hour to $125 an hour, which I think will hire a good, competent attorney anywhere in this United States, within that range, which is the range actually suggested by the courts' own guide to judiciary policy and procedures. So this is nothing unusual. This is a range they are comfortable with, and I think we need to cap that, again. To allow judges that unfettered discretion to come in and award in cases up to $250,000, when we multiply the rate times $250 an hour, is certainly an embarrassment to me as an attorney.

What we are doing is taking here reasonable, not draconian steps, but reasonable steps; $125 an hour is again very appropriate in certain areas of this country. We do not violate anyone's rights here. It is common sense, reasonable legislation. I would urge my colleagues to close this loophole and vote for this very good amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS], the ranking member of the committee.

Mr. CONYERS. Mr. Chairman, I would say to the gentleman from Tennessee [Mr. BRYANT], I do not know where the gentleman has been practicing law, but even in the gentleman's State, I can assure the gentleman, and I hope we can get some statistics for the gentleman for his benefit, but the lawyers who represent people in bankruptcy law, the corporation lawyers, the litigators, the trial lawyers, all of those who represent transnational, if the gentleman would talk to them about representing corporations, inanimate objects, at $175 an hour, they would laugh the gentleman off the floor of the House of Representatives. If the gentleman has been a lawyer, the gentleman knows it, just like I do.

Now, I know capping is the big thing in the 104th Congress; whatever it is, we want it cap it. But these are death penalty cases. This is a human being's life that hangs in the balance.

Mr. Chairman, do my colleagues know the one reason that the gentleman from Illinois [Mr. HYDE] can cite all these years that cases went before getting a final disposition in death penalty cases? The reason is there were young lawyers, new lawyers, untrained lawyers.

Mr. BRYANT of Tennessee. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let be begin my remarks by saying I will put a statement in the RECORD.

Mr. Chairman, I might also say for noncapital cases, for people who are appointed in Federal court to represent people who go to jail for life sentences, it might not be capital cases, but who go to jail for 20 or 30 years of their life, are appointed at a fee schedule of $40 per hour out of court, $60 per hour in court, and $75 per hour in high expense areas. The judges have the right to increase those amounts, and they have not done so for 10 years.

So those folks have the attorney to keep people out of jail for years. What we are talking about here is very appropriate for death penalty cases. Again, I urge adoption of this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is the height of micro-management, the Congress of the United States debating a provision that would set attorney's fees and take that discretion away from judges.

Mr. Chairman, it is the height of hypocrisy for people who believe in States rights to now say that all of a sudden we are going to set attorney's fees. This amendment is not even limited to Federal cases. It is the height of inhumanity to say that a person who has his life in the balance and has not even been found guilty or innocent, has his life in the balance, we ought to be passing an amendment like this.

Mr. Chairman, we ought to be ashamed if we pass this amendment.

My colleagues, come to your senses and defeat this amendment today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. BRYANT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Tennessee [Mr. BRYANT] will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 104–480.

AMENDMENT NO. 15 OFFERED BY MR. MARTINI

Mr. MARTINI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. MARTINI: Add at the end the following:

TITLE —DEATH PENALTY AGGRAVATING FACTOR

SEC. . DEATH PENALTY AGGRAVATING FACTOR.

Section 3592(c) of title 18, United States Code, is amended by adding after paragraph (15) the following:

"(16) MULTIPLE KILLINGS OR ATTEMPTED KILLINGS.—The defendant intentionally kills or attempts to kill more than one person in a single criminal episode.".

The CHAIRMAN. Pursuant to the rule, the gentleman from New Jersey [Mr. MARTINI] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. MARTINI].

Mr. MARTINI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer my amendment in response to a horrible tragedy that occurred in my congressional district almost 1 year ago. On March 21, 1995, in the early evening, a man walked into the Montclair, NJ postal substation and summarily killed two postal employees and two postal customers. Postal workers Stanley Walensky and Ernest Spruill were killed in that incident, along with Robert Leslie and George Lomaga, who also had their lives senselessly lost in that criminal act. Another victim by the name of David Grossman fortunately survived, despite two severe gunshot wounds.

Immediately thereafter, a manhunt began to find the individual who committed such a heinous crime. Within several days, law enforcement officials captured a Christopher Green, who shortly thereafter admitted that he murdered these four individuals.

As a former assistant U.S. attorney, I and others in the community naturally expected that the U.S. attorney would seek the death penalty under the Federal statute for such a heinous incident. Myself and others were frankly shocked when we learned that the U.S. attorney, in her review of the statute, concluded there was not a sufficient aggravating factor that would clearly apply though this type of an incident.

Mr. Chairman, the Martini amendment, formerly known as the Death Penalty Clarification Act of 1995, H.R. 1811, would simply expand the list of aggravating factors in the Federal death penalty statute to include situations in which a defendant "Intentionally kills or attempts to kill more than one person in a single criminal episode."

My amendment is simply and straightforward. It will simply provide Federal prosecutors with the option of pursuing the death penalty in cases like the Montclair postal shooting. I would like to restate, it would only apply to Federal crimes.

Mr. Chairman, this proposal sends a clear message to the criminal that execution-style multiple killings in Federal facilities will not go unpunished because of some oversight or loophole in Federal law. It is supported by the House Committee on the Judiciary, the leadership, and, most importantly, the American people.

Tragedies like the Montclair postal shooting carry an impact far beyond its immediate effect on the victims and their families. Every time we are exposed to such a heinous act like this, one more parent is reluctant to let their child play outdoors, one more senior citizen stays home at night, and one more guard bar goes on our windows and one more lock goes on the front door.

Mr. Chairman, let me conclude by saying if you believe that execution-style multiple murders should be punishable by the death penalty, then you should certainly support this very simple, direct, straightforward amendment. The people of Montclair and surrounding communities are still trying to heal from last year's tragedy. Let us give them part of that healing process.

Mr. Chairman, I urge my colleagues to support the Martini amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition?

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my colleague for bringing this amendment forward. It must have a useful purpose besides filling the gap in the anti-terrorist legislation. Is this directed at terrorists, sir?

Mr. MARTINI. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New Jersey.

Mr. MARTINI. Mr. Chairman, this is directed at anyone. It could be directed at terrorists, or also directed at anyone who in one incident were to execute more than one individual.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I would ask the gentleman, in other words, this is not germane particularly to the anti-terrorist legislation. This is a anti-crime measure, is it not?

Mr. MARTINI. This is certainly directed at that.

Mr. CONYERS. Now, let us figure out how many times in the Federal jurisdiction that the gentleman can remember there have been multiple killings or multiple attempted killings in which the gentleman's provision, if it became law, would have application? I would yield to the gentleman for an answer to that question.

Mr. MARTINI. If the gentleman will yield enough time for me to answer the question?

Mr. CONYERS. Mr. Chairman, I am yielding for an answer, not a lecture.

Mr. MARTINI. I do not have the number of incidents.

Mr. CONYERS. Mr. Chairman, that is all I wanted to know. The gentleman does not know, and neither do I, but it sounds great.

I am telling the gentleman one thing: If we ever get somebody that fits this description in this amendment, they are going to really get it, because the death penalty as an aggravating factor, multiple killings or attempted killings, has nothing to do with terrorism, but that is really not that important.

Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just want to point out as I read this amendment, it is not limited to any Federal issue. In the last crime bill that this body passed, we made carjacking, whether the car went interstate or not interstate, a Federal offense. We made drive-by shooting, whether the bullet was fired across State lines or not, a Federal offense. Now, apparently under this amendment, we would make any multiple killing, manslaughter, any kind of circumstances, a Federal offense.

Where are the people who for so long in this body have been advocating for States rights? Where have you gone? This is not an issue that ought to be a Federal issue. If we are going to do it for Federal offenses, at least limit it to Federal offenses and not State offenses.

Mr. MARTINI. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding time.

The World Trade Center bombing, which was a terrorist bombing of the first impression, killed dozens of people. New York State did not have a death penalty. The Federal establishment at that point did not have a Federal death penalty, so the gentleman's amendment, had it been in place, would have covered that situation to the letter.

This is an excellent way for the jury to have an extra dimension, extra guideline, extra standard against which to weigh the difference between a life sentence and the death penalty. Therefore, I would support the gentleman's amendment, because it is simply an additional tool that the jury of one's peers would have to determine whether or not the death penalty should apply.

Everyone in the world knows when there is a mass killing or multiple killing, that that is much worse than a single killing, as sad and horrible as that single killing could be. But to mount up the terror with three and five and seven killings gives the jury additional weight to determine whether or not the death penalty should apply.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just wanted to make it plain to the gentleman that what I am complaining about is not the Federal offenses, but there is no reason that we ought to say to the State of New York, which has their own legislative body and has, based on the gentleman's party's proposition, a right as a State to make its own laws, that every multiple killing in the State of New York ought to carry the death penalty, if the State of New York has made a decision of its own that they will have no death penalty in State offenses. That is the point that I am making.

This is way, way too broad, and it is totally inconsistent with the philosophies that I have heard espoused from the other side of this body consistently during this term of Congress.

□ 1700

Mr. MARTINI. Mr. Chairman, I yield myself such time as I may consume.

Just in response to my colleague, first of all this only applies to the Federal death penalty statute, and if he read and took the time to read the other 15 aggravating factors that would make someone eligible for a Federal death penalty as punishment, he would see that there are far less aggravating factors than this particular amendment would add to it.

Moreover, the gentleman mentioned where would this apply? This would simply apply to an incident that occurred in my district less than a year ago in which four people were basically shot down in one incident in a postal Federal facility, and under the review by the U.S. Attorney at that time in reviewing this statute she felt that that type of an incident would not be eligible for consideration of the death penalty adding aggravating factors.

In conclusion, let me just add this. This does not change State law. This only affects Federal prosecutions in which there is more than one person in the same criminal episode that is actually killed during that episode. If my

colleague would take the time to read some of the other 15 aggravating factors, my colleague would see how, in comparison, this is certainly a more aggravating factor than the other aggravating factors that exist already in the statute.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just wanted to make sure that everybody understood that this must have been a terrorist attack in the district of the gentleman from New Jersey [Mr. MARTINI] that this terrorist bill is designed to take care of.

Was it, in fact, a terrorist attack as the gentleman from Michigan [Mr. CONYERS] understands it?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, I doubt it very seriously.

But may I use the few seconds that I have to gain the attention of the gentleman from Pennsylvania [Mr. GEKAS] with whom I worked for many years on the Committee on the Judiciary?

See, New York, I would say to the gentleman, has a death penalty now. But the gentleman is living in the past. Sir, I am not going to yield, I regret.

Mr. GEKAS. I thought the gentleman from Michigan was a friend of mine. Not that friendly.

Mr. CONYERS. But the fact of the matter is, sir, that New York does now have a death penalty. So if the gentleman's excuse for supporting this was because of the past, it is no longer appropriate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. MARTINI].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from New Jersey [Mr. MARTINI] will be postponed.

The point of no quorum is considered withdrawn.

Mr. HYDE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GOSS) having assumed the chair Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2703) to combat terrorism, had come to no resolution thereon.

PERMISSION FOR MEMBER TO OFFER AMENDMENT OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 2703, COMPREHENSIVE ANTITERRORISM ACT OF 1995

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that during further consideration of the bill H.R. 2703, pursuant to House Resolution 380, I may be permitted to offer the amendment numbered 7 in House Report 104–480 out of the specified order and immediately following amendment No. 15.

I spoke with the ranking minority member about this, and he indicated that he would have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. COLEMAN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from California a question, if I might, and I would be happy to yield to him for that purpose. As I understood the amendment, it was gone over because the gentleman was not ready for presentation at the time it came up; is that correct?

Mr. DOOLITTLE. Mr Speaker, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Speaker, the estimates we were given—they did not—a couple of amendments were dropped before us, and they did not hold a vote on one of them, so, yes, I was not here and I could not get over in time. I was here, but I just missed it by the time we got here.

Mr. COLEMAN. Mr. Speaker, further reserving the right to object, let me only ask one question that I had an interest in.

I do not know; it may have just been the analysis of the amendment that was in error, but I did not understand, and I just wanted to ask this one question, if I might, and I would like to not object because I think what happened to the gentleman happens to a lot of Members, and I think it is right for all of us to try to accommodate them. But I certainly had a question with respect to the amendment with respect to a statement that I had read before. It said that before arresting individuals who had been reported as having been here illegally, State and local law enforcement agencies would have to confirm their status with the INS before arrest. Is that the gentleman's understanding of what the amendment reads?

Mr. DOOLITTLE. If the gentleman will yield further, they are authorized to arrest and detain, but only after they have obtained confirmation from the INS. So they would have to call into the INS and get their confirmation that indeed this person is a criminal alien.

Mr. COLEMAN. But, of course, that is before they are arrested. So a person could not even be detained while that is going on, is that the gentleman's understanding?

Mr. DOOLITTLE. If I may add, typically this situation arises when they have stopped an individual for a traffic offense, and in the course of running the check this pops up. So that is kind of the normal circumstance when it would occur.

Mr. COLEMAN. But of course that is not all circumstances.

Mr. Speaker, I just want to say to the gentleman, if the gentleman will help me answer that question during the time he has for the debate, I would not object because I think people ought to be entitled to offer their amendments that are made in order.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER ADDITIONAL TIME FOR DEBATE ON AMENDMENT NO. 10 TO H.R. 2703, COMPREHENSIVE ANTITERRORISM ACT OF 1995

Mr. WATT of North Carolina. Mr. Speaker, I ask unanimous consent that when the Committee of the Whole resumes proceedings on the request for a recorded vote on the amendment which is the Watt-Chenoweth amendment, amendment No. 10, it may be first in order to debate the amendment for an additional 10 minutes equally divided and controlled by an opponent and a proponent of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

APPOINTMENT OF CONFEREE IN LIEU OF CONFEREE H.R. 956, COMMON SENSE PRODUCT LIABILITY AND LEGAL REFORM ACT OF 1995

The SPEAKER pro tempore. Without objection, the Chair appoints the gentleman from Massachusetts [Mr. MARKEY] as conferee on the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, to replace the gentleman from Oregon [Mr. WYDEN].

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

COMPREHENSIVE ANTITERRORISM ACT OF 1995

The SPEAKER pro tempore. Pursuant to the House Resolution 380 and rule XXIII, the Chair declares the House in the Committee of the Whole

House on the State of the Union for the further consideration of the bill, H.R. 2703.

□ 1708

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2703) to combat terrorism, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a demand for a recorded vote on amendment No. 15 offered by the gentleman from New Jersey [Mr. MARTINI] and on which the "ayes" prevailed by voice vote had been postponed.

Pursuant to the order of the House of today, it is now in order to consider amendment No. 7 printed in House Report 104–480.

AMENDMENT NO. 7 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. DOOLITTLE:

Page 133, after line 17, insert the following new section (and conform the table of contents accordingly):

SEC. 678. AUTHORIZING STATE AND LOCAL LAW ENFORCEMENT OFFICIALS TO ARREST AND DETAIN CERTAIN ILLEGAL ALIENS.

(a) IN GENERAL.—Notwithstanding any other provision of law, to the extent permitted by relevant State and local law, State and local law enforcement officials are authorized to arrest and detain an individual who—

(1) is an alien illegally present in the United States, and

(2) has previously been convicted of a felony in the United States and deported or left the United States after such conviction,

but only after the State or local law enforcement officials obtain appropriate confirmation from the Immigration and Naturalization Service of the status of such individual and only for such period of time as may be required for the Service to take the individual into Federal custody for purposes of deporting or removing the alien from the United States.

(b) COOPERATION.—The Attorney General shall cooperate with the States to assure that information in the control of the Attorney General, including information in the National Crime Information Center, that would assist State and local law enforcement officials in carrying out duties under subsection (a) is made available to such officials.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I held a meeting recently with many of our key law enforcement people in my part of northern California to help identify reasonable and constitutional ways in which Congress can assist them in their fight against violent crime in our communities. Not surprisingly, many of them pointed to California's increasing problem with illegal immigration as an issue they felt deserved Congress' immediate attention.

I am pleased to see that H.R. 2703 has taken major steps in addressing the problem of illegal immigration by specifically focusing on the deportation of criminal aliens from our country. However, I feel that the bill fails to address a critical problem associated with criminal aliens, and that is the fact that almost all of those deported eventually find their way back to our country with a potential of committing crimes again.

In California alone, the INS deports thousands of illegal immigrants every year who have committed felonies in our State, and every year thousands of those same criminal aliens return back again. In fact, the California Department of Justice recently reported that 98 percent of all immigrants who are deported for committing felonies in California will eventually return to the State, and of those, 40 percent will commit crimes again.

Unfortunately, this epidemic is not unique to urban areas, but has started to infest rural America as well. Just a few years ago, in the small rural community of Lincoln, which is located in my district, an illegal alien was found guilty of a driveby shooting, which was the first driveby shooting ever in that area. After spending a short time in prison, the criminal alien was deported out of the country by the INS. Now, despite his deportation, he returned to the area after only 1 week and, without hesitation, committed another crime.

With such a threat to our public safety posed by criminal aliens, one would think that we would give law enforcement all the tools it needs to remove these criminals from our streets, but unfortunately just the opposite is true. In fact, the Federal Government has tied the hands of our State and local law enforcement officials by actually prohibiting them from doing their job of protecting public safety. I was dismayed to learn that the current Federal law prohibits State and local law enforcement officials from arresting and detaining criminal aliens whom they encountered through their routine duties. In fact, a low re-entry into the United States by deported aliens was considered a felony. Our State and local law enforcement officers are only permitted to release the felon and contact the INS with the details of the incident.

Mr. Chairman, current Federal law in this area places our communities at risk and has led me to offer this amendment to H.R. 2703, an amendment I feel will help put some sense back into our laws dealing with the reentry of criminal aliens into this country.

My amendment would also permit State and local law enforcement officials to assist the INS by granting them the authority in their normal course of duty to arrest and detain criminal aliens until the INS can properly take them into Federal custody.

With my amendment, law enforcement officials would no longer be required to release known dangerous felons back into our communities. Instead, this amendment would give those with the responsibility of protecting our public safety the ability to take a known criminal alien off our streets and put him behind bars.

Mr. Chairman, you will be interested to know that shortly before my district was victimized for the second time by this criminal alien I spoke of earlier, an area police officer actually stopped him for a traffic violation. With my amendment the police officer would have been able to put him in jail for being back in the country illegally until the INS could take him into Federal custody. Without it, the officer had to release him, and our area became the victim of yet another crime.

My amendment is supported by our local law enforcement because they know that fighting illegal immigration can no longer be left solely to Federal agencies. Let us untie the hands of those we ask to protect us and include my amendment in H.R. 2703 today.

Mr. Chairman, by way of summary, I would like to allay fears or concerns that Members may have about the scope of my amendment.

First, my amendment does not require anything of State and local law enforcement. There is no Federal mandate. The provision I seek to add would merely authorize local law enforcement agencies to hold the criminal alien until the INS has taken him back into Federal custody.

Second, my amendment is very narrow and only covers situations in which the State or local officer encounters criminal aliens within his routine duties. In addition, the subject can only be held if the State or local police have obtained appropriate confirmation from the INS of the illegal status of the individual. Only confirmed criminal aliens are at risk of being taken into custody.

In closing, Mr. Chairman, I think my amendment represents commonsense reform. It is narrow in scope but will help mightily people on the ground who have the primary responsibility of keeping our children and families safe from crime.

□ 1715

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I would tell the gentleman from California [Mr. DOOLITTLE] that a lot of us who represent border districts understand and appreciate the gentleman's effort. A lot of us believe that we need to have a process and a system that works in the way that the gentleman's amendment attempts to describe it.

Mr. Chairman, I have to say that I noted the gentleman pointed out that there are no unfunded Federal mandates. I will tell the gentleman that the transferring of any person taken by my local police department into custody over to the INS will require some amount of paperwork. It may be, I hope, de minimus. I truthfully hope that is the case. But I must tell the gentleman that in that process, in and of itself, there will be some expense; perhaps not even just to the local department, but certainly to the Federal agency called INS as well.

Mr. Chairman, I would hope that there is an understanding, and perhaps if this amendment does survive the House and makes it into the conference, we would have an opportunity to discuss how it is that we will ensure that there will be sufficient funds to pay for the process that the gentleman has attempted, I think, to outline and describe in his amendment. It is one which I think most Members would be supportive of, except for the fact that a lot of us are not quite sure exactly how it is going to work in terms of the dollars and cents.

It is easy for us to say, Here is what we want. Americans do it all the time. Yet, they do not say how we are going to pay for it. I am one of those who has an interest in the process and want to ensure, as I know the gentleman does, the rights of the arrested individual, the guarantee and assurance that that is a person who is in violation of an immigration law, in addition to the fact that that person may have committed an offense within the United States. As the gentleman and I know, we think NCIC works pretty well. We on the border think it does work fairly well. There are exceptions, but nonetheless we would like to see it work.

Mr. Chairman, as long as the gentleman has a procedure and process now being required, as I understand his amendment would require, that some action at least would be taken by State and local officials, as well as the INS, I have to say, I am convinced there will be some costs associated with it.

Mr. DOOLITTLE. Mr. Chairman, let me say to the gentleman that I would be delighted to work with him on this issue. Obviously, the primary responsibility for dealing with the control of our borders rests with the Federal Government. Representing California, we have had a number of problems getting, really, reimbursed for the costs that have been incurred.

On this amendment I bring today, the intent is to give the option to local law enforcement. It really came at the suggestion of one of our local police departments within the city of Roseville, which has had problems in this area, and the others who were there felt that this made perfect sense.

The gentleman is correct, of course, that if they detain an illegal, there will be some additional expense involved with the processing of that. They seemed willing, at least at this point, to incur that. But I would be more than happy to work with the gentleman to see if there is a way we can help the Government to live up to its primary responsibility of dealing with the control of our borders

Mr. COLEMAN. Mr. Chairman, if the gentleman will yield further, I would just point out that since, in fact, the ability to deal with some of the costs are directly related to the property values of a given district or a given area which is represented by a local police department, I must tell the gentleman that some communities will be unable to come up with those kinds of funds that are necessary, I think, for some of these additional costs, unless they are budgeted in some way; that there is some provision made at our level to say that we intend to hold harmless those departments who are working in that area, or at least provide some assistance to them, maybe through the INS.

That is the kind of thing I would like to work out, and maybe we can find a mechanism for funding it. I do not think that people would object, as I said earlier, to the thrust of the amendment. I am very concerned about its workability. As I say, I welcome the opportunity to work with the gentleman.

Mr. DOOLITTLE. As do I, Mr. Chairman. We will proceed ahead.

The CHAIRMAN. The time of the gentleman from California [Mr. DOOLITTLE] has expired.

Does any Member seek time in opposition? Hearing none, the question is on the amendment offered by the gentleman from California [Mr. DOOLITTLE].

The amendment was agreed to.

WITHDRAWAL OF DEMAND FOR RECORDED VOTES ON AMENDMENTS NOS. 13 AND 15

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent that the demand for recorded votes on amendments Nos. 13 and 15 be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. Amendment No. 13, offered by the gentleman from Tennessee [Mr. BRYANT], is agreed to by voice vote.

Amendment No. 15, offered by the gentleman from New Jersey [Mr. MARTINI], is agreed to by voice vote.

It is now in order to consider amendment No. 16 printed in House Report 104–480.

AMENDMENT NO. 16 OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. MCCOLLUM: Add at the end the following:

TITLE —FINANCIAL TRANSACTIONS WITH TERRORISTS

SEC. . FINANCIAL TRANSACTIONS WITH TERRORISTS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting before section 2333 the following:

§ 2332c. Financial transactions

"(a) Except as provided in regulations made by the Secretary of State, whoever, being a United States person, knowing or having reasonable cause to know that a country is a country that has been designated under section 6(j) of the Export Administration Act (50 U.S.C. App. 2405) as a country supporting international terrorism; engages in a financial transaction with that country, shall be fined under this title or imprisoned not more than 10 years, or both.

"(b) As used in this section—

"(1) the term 'financial transaction' has the meaning given that term in section 1956(c)(4); and

"(2) the term 'United States person' means any United States citizen or national, permanent resident alien, juridical person organized under the laws of the United States, or any person in the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter of title 18, United States Code, to which the amendment of subsection (a) was made is amended by inserting before the item relating to section 2333 the following new item:

"2332c. Financial transactions.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the centerpiece of the existing bill as far as terrorism is concerned is the provision which denies the right of a terrorist organization or state to come to the United States and raise money to then take back abroad and presumably use it to engage in terrorist activities, perhaps in a foreign country, wherever that might be, northern Africa, southern Europe, the Middle East, or wherever.

The converse or the complement to this is equally important. That is what my amendment addresses. It addresses the situation where a terrorist organization, in an effort to be able to be involved in the United States in some terrorist activity, actually has some American citizen, a recipient, to bring into this country from a terrorist state government a certain amount of money that might be used to further the cause of terrorist activities in the United States.

As opposed to the underlying bill's provisions, the amendment I am offering only applies when a terrorist country, one designated in law by existing law that we already have, which currently includes Iraq, Iran, Libya, Syria, Sudan, Cuba, North Korea, are the donee countries, rather than to the organizations, because that becomes a more complicated technical problem.

It seems to me, Mr. Chairman, that we should not permit American citizens or American permanent resident aliens to bring money into this country under any guise from a country that has been put on the terrorist state list. We do not know what that money might be used for, but more likely than not, when we think about it, for terrorist activities it would be used to buy explosives or to perhaps harbor some people who are going to actually commit the technical acts, or maybe to buy the taxicab fare or the plane fare, or who knows what. Certainly it could be used for those purposes. We have no business having financial transactions with terrorist states coming to American citizens.

There is some existing law, but it is very weak law in this regard. The definition in the amendment I am proposing with regard to a financial transaction that would be prohibited is the one currently used in our money laundering statutes. It is a fairly broad definition, defined as "any movement of funds, use of any monetary instruments or financial institution or the transfer of any real property or certain types of personal property."

The Secretary of State under this amendment could make certain exceptions in cases of an inconsequential nature, perhaps something connected with the United Nations activity by one of these countries, such as postal, telephone, travel services, for specific purposes and the like.

Mr. Chairman, why is this important? It is obviously important. We want to protect our citizens from terrorist acts just as much as we want other countries to be protected. The bill just is not adequate as it is now.

An example of what might be, and I do not know that it is, a situation of this nature came to my attention reading the newspapers recently, when Louis Farrakhan went abroad and visited a number of terrorist states. It has been reported that in Tripoli during his stop, Farrakhan received a pledge of $1 billion from the Libyan Government, from Mu'ammar Qadhafi. I do not know whether that is true or not, but that is what has been reported.

I do not believe that the Libyan Government ought to be giving Farrakhan or any other United States citizen $1 billion to come to the United States. Who knows what that might be used for? I am not trying to disparage Mr. Farrakhan's purposes, although he is reported as having said during his tour, "You can quote me, God will destroy America by the hands of Muslims."

I do not know his motives or his intent, and I do not wish to bring up his situation to disparage him, because I really do not know. But it does call to our attention the fact that there are states like Libya and the Sudan and Iran who could provide money to the wrong hands in the United States in large quantities, potentially under current law. We need to close that loophole. That is what my amendment does. That is why I offered it.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding time to me.

I support the amendment, Mr. Chairman, for a simple reason. I think it is wrong for anyone in the United States, I think it is wrong for anyone in the United States to knowingly deal with a country that sponsors terrorism. Why should we allow countries that sponsor such horrible acts as blowing up our barracks or blasting our airliners out of the sky to benefit from dealings with U.S. citizens?

As I understand the measure, it essentially ties together in one place existing prohibitions that depend on a series of executive acts. I want to salute the gentleman for doing it. I think it is not controversial, and hope we can move the amendment with alacrity.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment was agree to.

Mr. HYDE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. DOOLITTLE] having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2703) to combat terrorism had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 163, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 163) making further continuing appropriations for the fiscal year 1996, and for other purposes, when called up; and that it be in order at any time to consider the joint resolution in the House; that the joint resolution be debatable for not to exceed 1 hour, to be equally divided and controlled by myself and the gentleman from Wisconsin [Mr. OBEY]; that all points of order against the joint resolution and against its consideration be waived; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit, with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Reserving the right to object, Mr. Speaker, and I certainly would not object, I would like to inquire of the chairman if he has any idea what time tomorrow this would be brought up on the floor.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would advise the gentleman that we expect to bring this up sometime mid-afternoon tomorrow. I would tell the gentleman that, had we received a more speedy process on the current bill that passed the House last week, that this might not be necessary. But in view of the fact that we have not been able to go to conference, it does become necessary.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

□ 1730

AUTHORIZING USE OF CAPITOL ROTUNDA FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 45) authorizing the use of the Capitol rotunda on May 2, 1996, for the presentation of the Congressional Gold Medal to Reverend and Mrs. Billy Graham, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. DOOLITTLE). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 45

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the United States Capitol is hereby authorized to be used on May 2, 1996, at 2 o'clock post meridian for the presentation of the Congressional Gold Medal to Reverend and Mrs. Billy Graham. Physical preparations for

the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 359.

Mr. LONGLEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 359.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the Following Members are recognized for 5 minutes each.

WOMEN IN THE HISTORY OF THE NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for giving me this time. I guess we are not finishing the bill today. I must say I hope Members think about the bill that we had under debate when the committee rose, because at this moment we still have the President in Egypt talking about terrorism, and what I think has happened is we have gutted the terrorism provisions in this bill. So while the President is away trying to say we will not allow terrorists to terrorize us into not pursuing peace, we are here undoing the terrorism bill, and I do not think that is a happy conclusion for anybody. I feel like we should ring him up and say, hello, President, guess what we just did.

I do not think the President is going to be too happy about that. I think tomorrow we are going to have an opportunity to reinstate the terrorism provisions, and I hope Members think about that. This was a very strange day procedurally.

While I have the floor and while it is still March, I would like to also continue talking a bit about Women's History Week, because it has been a very interesting month in that every time I talk about it, it seems there are some people who absolutely cannot stand the fact that women have done anything in the great history of this Nation. I have been talking about women in the history of the military, the fact that there were women in the revolutionary war. In fact, one of them is buried at West Point. About Mrs. Washington going off there. Today let me talk about Mary Goddard. Let me talk about Dr. Walker, who was one of the surgeons during the civil war.

There are so many women in history that contributed to this country and so few of us know about it that that is why we have this month, to try and reinstate some of the history that we know about.

On July 4, we all celebrate the wonderful independence day, the Declaration of Independence, how exciting it is, but the thing that very few people really realize is that while these esteemed forefathers wrote this, writing it was not a crime. Printing it was a crime. Because obviously you didn't have radio, you did not have television. Printing it was how you could distribute it. If you had to sit down and hand write every copy of the Declaration of Independence, we would probably still be waiting for the revolutionary war. So as a consequence, printing such a document was treason by virtue of an act of the crown, and when they got done with this, they went around trying to find somebody who would print this document.

Everyone, many, anyway, would see it and say, well, thank you very much. We wish you well with the revolution, but we are not really into treason this year. You know, that is kind of a high price to pay, and it will be my neck that they will come after.

After searching diligently to try and find a way to get this printed so they could disseminate it to the 13 colonies, they found a woman named Mary Goddard who had a printing press, agreed to print this, and in fact wrote her name on the bottom because the register of the press had been in the name of one of the male members of the family, and she wanted the king to know that she had done this because she had not transferred the seal over to her name yet.

I think that was a very courageous thing to do. If this thing had not worked, she would have been the first one they would have gone after and she would have been the first one to lose her head by order of George III. Now, for that she became the highest paid Federal employee in the history of America and that was postmistress of Baltimore.

If you look at where we got freedom of religion, it is no secret that many of our forefathers who came here really were about freedom of religion. They were about freedom to practice their way but they did not want anybody practicing any other way, so they were very repressive once they got here to anyone who did not agree with them.

It was Anne Hutchinson, her husband and her followers who were chased out of Massachusetts, the Massachusetts Bay Colony, through a trial that took them two or three times to finally try and convict her because she was so popular in the area. They tried her for heresy, and she left and went down to what we now know as Rhode Island.

It used to be called Rogues Island because they thought only a bunch of rogues would live together and be for freedom of religion. It went from Rogues Island to Rhode Island. It is wonderful and many women are very proud that a woman founded the colony, and it was the first colony that had freedom of religion in its charter.

There were many, many women who were forgotten. We all remember Abigail Adams, wife of John Adams, who kept writing him during the time that the Constitution was being drafted. She kept saying, "Remember the ladies," and he wrote back sarcastic things like many of our radio hosts fire off over the radio every day. He would write back these sarcastic things, and of course they did not remember the ladies. They wrote the Constitution and left women out.

But Abigail raised her son very properly, and many years later he was writing in his memoirs and letters how tragic it was that with each year that passed, people knew less and less about the contributions many brave women had made during the colonization of America and during the Revolutionary War period. We all know about Paul Revere riding through Boston, but we do not know about Sarah Luddington saving Connecticut, riding through there.

These things are all important. These things we celebrate. I must say I get very, very tired of people trying to minimize this. It is not that we are saying we did it all and men did nothing. We are saying both men and women contributed to this great country.

That is our model of standing shoulder-to-shoulder, and this is a time where we should really go back and reinstate women in history rather than continuing to pretend like they did not do anything, they came here on cruise ships, they sat around and ate bonbons, sat around and got their hair done and nails done, waiting for everything to be done so they could celebrate.

CUTS IN APPROPRIATIONS FOR EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Speaker, as we have progressed in this House through the appropriation for the education program, especially for our title I program, we have found a continuation of the philosophy on the majority side that these funds for elementary and secondary education can be cut without causing any harm to the students in the school systems throughout the United States, that the majority of the

Republicans feel, under the leadership of NEWT GINGRICH that these funds can be cut and no harm will be done.

I would suggest, Mr. Speaker, that you and other Members of this House do as I have done, and that is to contact your local school districts and talk to them about what a 17- or 20-percent cut in title I funds for remedial reading and reading recovery or math, remedial math, and those programs will do to those local districts.

I have done so and I would like to read to you, without naming the names of the school districts, some of the comments that have come from those schools. One says a 17-percent cut in funding will be a cut of $15,000 to $16,000 real program dollars. They currently have two full-time teachers, elementary level, who teach remedial reading and math. Since the calculation for change this year, they actually get more money and will have a little carryover. They plan to use the carryover to fund a reading recovery program. They do not have a summer school program.

Another one currently has 35 or 36 full-time teachers, about 18 aides, who serve 400 to 500 students. They deal with remedial reading and math during the regular school year and summer school, which includes pre-kindergarten level, to start a reading recovery program for at-risk first graders which is working out wonderfully. A 20-percent cut, which is what is heard, will be a great impact on their schools. Off the top of his head, the superintendent said that they would do all they could to save the reading recovery, but cuts will be done to regular remedial programs.

□ 1745

Another one, currently one of every two teachers with two aides full-time; they deal with two remedial reading classes. Total program costs $75,000 to $80,000 to fund, no math program, no reading recovery program. They have had astounding success with remedial reading, do not want to lose this program, program serves grades 1 through 6. Majority emphasis is on 1, 2, and 3, although it continues to grade 6, and they have students in 4, 5, and 6 who still participate in the program. The majority of students graduate after grade 3. Cuts in the program would hurt this system.

Another one currently has 3½ teachers in grades 1 through 6 teaching remedial reading and math, are anticipating loss of 1 full-time teacher. Each teacher there serves 45 to 60 students. If you lose one teacher, 60 students will not be served in remedial reading. Feels that remedial reading is a good program, has had good results.

Here is one from another school district. They get a little over $200,000 in title I funding, have about 7 full-time teachers plus two aides. Figures they would be cut about $40,000. This means a loss of one teacher, probably one aide and one program. Currently have remedial reading and math in extended-day kindergarten and a transition program for first graders. Those who seem to be struggling are placed in classroom with two teachers. Figures the program that would be cut would be the extended-day kindergarten. They currently serve about 200 kids. Said they are not a high-impact district.

And there are other local school districts closer by that are high-impact and would have more adverse effects on those.

Here is another one. They are every dollar they receive from the title I to directly benefit a child. Currently have three full-time teachers who teach remedial reading and math. Besides regular program during the day, they have had an evening program which provides tutoring. The three teachers serve about 500 students, 25 percent of school population. Cuts in the program funds would directly cut one or more of the teachers. Could not absorb the cuts, and they thank our staff for calling. They say they are quite concerned with it.

I have many others here that have answered our questionnaire, and all of them are to the gist that with a couple of exceptions where the school districts are fairly well funded, that they would not be able to replace these programs with local funds, that they would have to do without, and many children would be hurt by these cuts that are being made in education for the title I programs.

Every one of them said that these moneys, our Federal dollars, are being used wisely to help educate, they are being used to make sure our children learn as they progress through the elementary grades. And I think it is poundwise, very foolish for their House to continue on the road to cutting education for our youngsters. They are the future of our country. To say we do not need to educate them, I think is a vast mistake.

Another thing I would like to comment on is some of these school districts are in very economically low-grade or poor areas, and they need this money. They are not going to be able to replace it with local tax dollars.

So I urge the House to restore the funding for our educational programs.

ENVIRONMENTAL CHANGES AND FUNDING OF THE EPA

The SPEAKER pro tempore (Mr. DOOLITTLE). Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I wanted to address the House this evening and talk about the Vice President's speech today. The Vice President was on a mission to distort what the Republicans are actually doing in Congress relating to environmental changes and funding the EPA. I think it is important that the Congress and the American people know what is happening.

Today Vice President GORE said we are putting our kids in danger. He said that today more than 10 million American children under 10 currently under 12 currently living within 4 miles of a toxic waste site are at risk. The Vice President also said, yes, the era of big Government is over.

My colleagues, unfortunately, I think, the Vice President is talking out of both sides of his mouth to us. I think we need to set the record straight, and let me share with you some of the facts relating to what is going on with this great current Superfund site.

First of all, the Superfund Program has been in existence for 15 years, and only 75 sites out of several thousand identified sites out of several thousand identified sites have been cleaned up, an average of 5 sites per year. The average cost of a cleanup of a site is $30.7 million. The total cost to date in the Superfund Program to the Government and private sectors is about $25 billion. The Superfund costs the Government and private sector $4 billion annually for nonfederally owned sites.

However, only 53 percent of the total Superfund dollars are spent on cleaning up the sites. The rest of the money, and this is the Paul Harvey part of the story, the rest of the money, $1.3 billion annually, is spent on attorneys and studies.

So we are, under this current system of Superfund that the Vice President is so concerned about protecting, the money does not go to clean up these sites. The money goes back for attorneys' fees and studies, and you see out of all of the sites identified, several thousand, only a handful have, in fact, been cleaned up.

What about those children the Vice President spoke about today when he addressed group here in Washington? Are we taking care of the risk to human health and safety and welfare? How did the GAO report? This GAO report is June 17, 1994. Let me read this GAO report about the sites we are cleaning up.

Although one of the EPA's key policy objectives is to address the worst sites first. Relative risk plays little role in the agency's determination of priorities. EPA headquarters leave the task of setting priorities to the regions. Yet the regions do not even rank the sites by risk. So we find that we are not cleaning up the sites that pose, in fact, the most risk to our children, public health, and safety, and that the system that President GORE is protecting is really out of whack.

Ladies and gentlemen, we have also heard comments that EPA is going to, in fact, make polluters pay. We have to

look at the record. The Vice President says this great system, in fact, currently makes polluters pay and we do not want to change that. In fact, look at these headlines, "EPA Lets Polluters Off the Hook." In fact, under the current system, you find that very few of the dollars are collected by EPA.

The Lincoln Star reported, June 21, 1993, that internal EPA figures obtained by Associated Press showed the Agency has recovered only $843 million, or less than one-fifth of the $4.3 billion, in cleanup costs that could be recovered from polluters under the current law. So they are not doing it now. And these are the kinds of changes we want to make here.

Finally, ladies and gentlemen, let me tell you what this is about. This is about command and control bureaucracy here in Washington, DC. This is about how many employees EPA has. EPA has 5,924 of its nearly 17,850 employees in the entire agency. There are 6,000 here in Washington, DC. This is about command and control and bureaucracy, not about the environment.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1972

Mr. BARCIA. Mr. Speaker, I lent my name to the Independent Contractors Simplification act without fully comprehending the implications of this bill. I ask unanimous consent to have my name removed as a cosponsor of H.R. 1972.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DEVASTATING EDUCATION CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 60 minutes as the designee of the minority leader.

Ms. DELAURO. Mr. Speaker, tomorrow we are likely to take up another temporary spending bill to keep the Government open. Unfortunately, that bill will very likely contain the same devastating education cuts that were put in place by the current continuing resolution.

These cuts in education are causing a crisis, truly a crisis in American education. I know in my school district and school districts all over this country, what they are trying to do at the moment is struggle and grapple with a plan for the upcoming school year.

How much money will they have available in order to carry out what their mission is, that is, to educate our children in this Nation? They have no idea today how much money they are going to have to carry out education functions.

The budget plan will have a tremendous, a tremendous impact on the lives of schoolchildren all over the country, and, in fact, they are going to have a tremendous impact on what happens for our future and the future of these young people.

My Republican colleagues offer no relief to these school districts. What we are likely to do tomorrow is extend the uncertainty for yet another week.

Let me pause a moment here to say that I often hear my colleagues on the other side of the aisle for the past year and 3 months talk about what they felt their mandate was in 1994. That is, they were going to come here, revolutionize the Congress, make it run like a business, a laudable goal. But what business do you know of that is open for 2 weeks, that closes for 2 weeks, that says to its vendors or the people who supply it with services, that maybe we will pay you, maybe we will not pay you, or maybe we will pay some and not others?

What business do you know that says we are only going to extend our services a week at a time? I do not know any business that does that that could stay in business.

So that this way of managing is truly incompetent, total mismanagement. And what is at stake here in the education area is the future and the lives of our young people and their ability to be able to compete in an international world, their ability to have an education, that they ultimately can work and work and get a living wage.

School districts, let me repeat, all over the country, are in the dark about the type of Federal assistance that they will be able to count on in order to continue what they are doing.

I went to a school in my district where I met with parents. I went to a kindergarten class, several of them, and I watched these little bits of kids at their computers with their earphones on and reading, identifying the alphabet, and looking at the letter C and saying yes, this is a cake, looking at the letter D and say this is a duck, this is a deer, and doing this with the computer, listening to stories with comprehension and then writing down what they hear there.

These are the kinds of initiatives that are in jeopardy because of the irresponsibility of this congressional majority.

The funding of these kinds of efforts is unknown, and therefore we do not know whether these programs will be able to continue, in addition to which one of the things we talk about in private education and private schools is that classroom sizes are very small so you have individual attention. Well, in our public school system, the classes are larger, and therefore we deal with aides who work with the teacher, who can get around to all the kids in the class. So that we are not only dependent on private education in this country which, but in fact that we have a good strong public education system.

□ 1800

Mr. Speaker, my kids went to public school. I believe in the public school system. Now, with a cutback, we will see those aides removed. So in public education, where you have an expanded and larger classroom, these children are not going to get the kind of attention that they need in order that they might learn and learn quickly and have opportunities available to them.

Worst of all, my Republican colleagues in the House are promising to continue the deep cuts in education that they have made so far this year, at a time when we know in this Nation that Americans are rightly anxious about their job security and at a time we all know that a good education is the key to a good job, congressional Republicans are launching an assault on American education.

Poll after poll shows that the American public overwhelmingly supports education and schools. As public servants, it is our duty to ensure that our schools are able to provide quality academic foundations for our kids to be able to meet the challenges of the 21st century.

Despite this obligation, and that is one of the reasons we are sent here, congressional Republicans are making tough times even tougher for kids trying to get a good education and for their parents who want to see their kids get ahead. They are making the largest cuts in the history of Federal aid to education.

In addition, money is being cut for a school-to-work program. We have young people in this country who go to high school and then go to work. The majority of our young people do that. It is a small percentage that go on to a 4-year liberal arts college. It may be that that is okay. We may have enough history majors and enough English majors to take care of ourselves forever. But the aspirations and the values of these young people who want to go from school to work, those aspirations are being crushed.

We began the school-to-work program and it works. Talk to the business community, talk to the academic community, talk to the youngsters involved, they need to bridge that time between high school and the job market in order to go in and to be good, solid, professional workers.

We are going to pull away that funding for school to work.

The new temporary measure that funds education, which is known as a continuing resolution, is expected to continue to cut basic skills training, reading, and mathematics, by 17 percent; funding to keep our schools safe and free of drugs is expected to be cut once again by 25 percent.

Talk to any of the DARE officers, any of our law enforcement community who work in the program, in a DARE program, they tell you that this program is working, let us give it a

chance. Let us work the bugs out. Let us start with our youngsters in the elementary grades and follow them along to see if this training has made a difference in what happens with drugs in our school and with our young people today. Let us give this program a chance. People who are working in it believe that it is working.

I also might add that our colleagues in the Senate, which I think is interesting to note, our colleagues in the Senate yesterday voted overwhelmingly, I think the vote was 84 to 16, to restore some of this funding in education for Head Start, for skills training, for school to work, for reading and mathematics readiness.

Yet, in today's Washington Times, the majority leader of the House of Representatives, the gentleman from Texas [Mr. ARMEY], commented, and this was only restoration of money for education because there is a recognition of how important education is in our lives, what kind of opportunity it provides to people in this country, Mr. ARMEY said: "Well, isn't that typical of the Senate? All they want to do is spend money."

Mr. Speaker, it was 84 to 16, a bipartisan vote on a Democratic amendment, I might add, but a bipartisan vote to restore some of the funding to education.

Before we can expect our kids to do all of the great things we wish for them, we indeed have to provide them with the essentials, training and basic skills, a safe place for them to learn.

It is in these areas where my Republican colleagues have made crippling cuts. Congress will soon face a choice: Will we allow my Republican colleagues to extend these cuts, or will they restore the funds that they have taken from America's classrooms and America's children? I can tell you in my State of Connecticut these cuts spell disaster. We cannot continue to do this; $8.6 million will be taken from the State of Connecticut for basic skills training; 9,200 needy students will go without. Schools in my district will lose $1.5 million. Under the safe-and-drug-free program, $729,000 will be cut for the State of Connecticut.

Mr. Speaker, what makes these cuts so wrong-headed is that our Nation now stands at this crossroads. We can either choose to give our people the skills they need to compete and win in a global marketplace, or we can allow our citizens to fall further and further behind as they compete with low-skill workers around the world for the lowest paying jobs in the world.

Getting a good education has always been a tremendous part of the American dream. It is what has enabled our people to succeed. Public education has been the great equalizer in this Nation. It is said to all children, let us emphasize your God-given talents. Let those talents take you to the highest pinnacles that you can reach.

These cuts will dash that dream for too many of our kids and for too many of the working families in this Nation.

As Congress considers a new spending message for the rest of the year, I urge my colleagues to remember the children in the classrooms all over America and the parents who have a bright hope for their kids' future. We need to restore the Federal funds that enable our children to make those dreams a reality.

I am delighted to be here this afternoon with several of my colleagues to talk about this issue of education, its importance in this country, and what the importance of these cuts are and what a devastating effect they will have on our kids future.

I yield to my colleague from West Virginia.

Mr. WISE. Mr. Speaker, I thank the gentlewoman for taking this time.

The title I program which you have talked about some, I decided it was time to put some faces in front of the statistics. You just look at programs as title I, what is wrong with cutting it 17 percent? I have been visiting title I programs across the State of West Virginia.

Of course, there is a problem too that you pointed out. All of our States have to prepare their budgets for the next school year now in the spring. In the State of West Virginia, on April 1 they have to post the list of transfers and layoffs by State law on April 1. So the fact that this Congress has not gotten around to getting them a 1996 budget, even though the Congress is working on a 1997 budget at this point, doubly compounds the problem. They are presently operating under the assumption there will be a 17-percent cut.

What that means to the State of West Virginia is on April 1 they will have to announce the layoffs of 226 title I teachers and 90 aides. Of the roughly 38,000 students that take advantage of the title I program across the State, title I being assistance in math and reading, but it has actually expanded far beyond that to be a total classroom approach in many of our schools, in addition to the 226 teachers and the 90 aides, 6,500 out of 38,000 students will not be able to get title I services.

Some would suggest maybe this perhaps needs to be cut. I would point out it has been cut and restricted significantly in past years. In one school district I was in yesterday, a few years ago there were seven schools that participated in it. Right now it is at three. If these cuts go into effect, it will probably be only two. Whether you are talking about Chesapeake Elementary School in Kanawka County, Rock Branch Elementary School in Putnam County, or Ransom Elementary School in Jefferson County, every one of them came out and parents took time off from work to come educate me about what title I meant.

If you listened to Melissa's mother at Rock Branch grade school begin crying as she pointed out how Melissa had been earning F's before the title I teacher intervened, Melissa is now earning B's and has a positive outlook on life.

If you listened to Mrs. Clark yesterday in Ransom Elementary School talk about how much her children had benefited from it and how concerned she was that this program would be cut back, or Patty Lavendar at Chesapeake Elementary School, who really saved the program when the Kanawha County Board of Education was having to look at where they would cut, that one was on the block. They were able to save the program because of the outpouring from the parents, the parental involvement. That is one of the things that title I focuses on, is parental involvement, not just teacher involvement.

So title I is a vital, vital program. It has always had strong bipartisan support. The interesting thing is we are now having to look to the Senate, which did restore basically the funding for title I yesterday, and hope that same spirit follows through over here.

This is a program that has blossomed. At one time it used to be a teacher pulling a few kids out of class and working on math and reading, and in some cases that is still the appropriate educational forum. But it is also a case where the title I teacher and aides are actually working in the classroom. They are working with the entire class in some situations, assisting that classroom teacher, as well as providing additional skills.

It is true that title I is a program that the formula is based upon free and reduced lunches in schools. But yet students benefit far beyond just those receiving free and reduced lunches.

In closing, my visits to title I programs have caused me to think anew what it is we are asking from Government. The fact of the matter is that for many parents, they do not have the resources of a Steve Forbes. They are not able to go out and hire resource rooms and teachers. They, by the same token, most parents do not have the resources to have a library of 1,000 or 2,000 volumes and CD-ROM disks and the computers that go with it. What we do as a people is pool our resources in something called education, and we pool it in title I.

One mother pointed out to me the other day her real concern that if title I was not there, what would be the outlook for her children in years to come? She says the very worst case would be possibly jail or prison, but at the least, a child has an increased frustration level, a child is not succeeding.

The one common element to every program I visited was self-esteem. The children were doing better because they felt better. There is nothing worse than a child, a young child who is having trouble reading and no one is

reaching out to them, or having trouble with a certain subject and no one is reaching out to them. This helps them to develop those skills and move on.

So, as I say, I consider the cuts that have been passed by this House, 17 percent in title I alone, shortsighted. My concern is that the boards of education across the country are having to implement those even before they are finally passed, because they have to make some assumptions, and that the title I program is already suffering some impact, adverse impact, by actions, even though there has not been finality or closure yet on what the budget situation is.

My advice to every Member of the House is go visit a title I program.

Ms. DELAURO. You just encapsulized it. I think it is so critical. When I told you I went, there were 20 youngsters around the table. They had their sheets of paper and they were counting. You had the teacher, and what they had to do was count each of the lines, whether it was 7 or 6 or 8 in a row, and then they put their number in. The teacher took one-half, the aide had the other, and individually going to each child. And when they saw the answer, if the answer was correct, they put a C on it, and if it was not, they would go back and count with the youngster so that they would get it right and understand where they had made the error.

What we talk about in this body all the time, there are folks here who want to provide vouchers to families to be able to go to private schools where they get individual attention and they have all of the resources that are there. For God's sakes, we have got a resource. We have public education. We have a program that is providing this kind of individualized attention to these children. What we want to do is end it. It is to have half of that classroom or a fourth of that class there not have individual attention, and someone there who can help them with their self-esteem if they get it right, show them where they may have had an error, and let them move on and allow them to learn and progress. And it is mindless what is being done here with regard to education.

I would like to yield time to my colleague from New York, MAJOR OWENS. No one has spent more time on this issue of education than the gentleman has. We are grateful to you for your commitment and vision.

Mr. OWENS. Mr. Speaker, I want to thank my colleague from Connecticut for the special order. We cannot come to this floor too often. We cannot say too much about education at this critical hour.

□ 1815

It is a critical hour, and I would like to use it to make one last appeal to our colleagues on the other side of the aisle. The majority, the Republican majority, has the power, and they can use that power to strengthen education and do a great deal for this Nation. They can use that power to wreck what has been accomplished to date in this country in terms of building some meager Federal support for the great educational apparatus that we have spread out across the country.

The Federal Government only has a small role, you know, of all the money spent for education. It is about 7 percent to 8 percent, and a large part of that goes into higher education.

So we only have a small role to begin with, but that role is critical. We are like the gyroscope on an airplane. That role is critical in terms of giving guidance and direction and inspiration and encouragement to the rest of the country.

When you do not have that support coming from the Federal Government, all kinds of things begin to happen at the local level. The commitment is lessened at the State level, the commitment is less than at the local level. We have had a retreat which has followed the drumbeat of the Republican majority here in Washington, a retreat across the country, in terms of Governors and legislatures and local mayors, in terms of commitment, their commitment to education.

What the Republicans have done, the majority of Republicans have launched a savage guerrilla warfare against education. I am baffled. I do not understand why the attack has been launched against the children of America, starting with the School Lunch Program, which baffled me greatly in terms of the amount of money. They squeezed some savings out, but the amount of money they saved is relatively small.

Yes, we want to eliminate inefficiencies; yes, we always want to eliminate waste. And that is a constant process. We must constantly strive to eliminate inefficiencies, to eliminate waste. We must constantly strive to get rid of incompetence and to replace it with competence and the best possible management. But more than that is being attempted here, and money seems not really to be the problem. We are not really talking about saving money. There seems to be a concerted effort to wreck, to recklessly destroy, the education improvement effort in America.

They call for the elimination of the Department of Education as key, and anyone observing the situation and understanding what is going on here, it is not about saving money only. It is about destroying the public education effort in America. Someone has made a determination that they can take care of a small elite group of children, students that they want to take care of, but they do not want the burden of educating all Americans, a commitment that is made from the very origins of the Nation. It is made not so much by the Federal Government, but certainly by the various State governments, and as the society has gotten to be more complex, that part of our Constitution which talks about promoting the general welfare is a joke if you do not focus your attention on improving education.

No modern society can prosper and grow without paying a great deal of attention to education, and all of our competing industrialized nations, they all clearly understand this. It might be that we may never want to go as far as Japan or Germany in terms of centralizing the direction of education through a Federal department; that is not necessary. But we are a long ways from that when you only have a 7-percent investment at the Federal Government level, a long ways from any centralization that is going to destroy local initiative.

Local control is there now. Local control will be there for a long time to go. If you increased education, the Federal share of education expenditures, by 25 percent, and we have a comparable amount of control, then you might have 25-percent Federal control, using that word, and 75-percent State and local control. Well, with 75-percent State and local control, it is still basically a State and local control operation. We have no danger of that happening with our 7-percent commitment.

We have to understand, however, that we cannot go forward and promote the general welfare, we cannot go forward and produce the kind of population, which is the greatest resource that any civilized nation can have right now, is an educated population. Our military might will do us no good if we do not have an educated population to win the economic competition. Our military might will not do us any good if we do not have an educated population, and we cannot maintain basic law and order, and we cannot have a society which is a viable society.

You know the kind of recklessness that we see first with the missiles aimed at the Department of Education and then the guerrilla warfare conducted against school lunches, and even the summer youth employment program is not a part of the school system, is not a part of the Department of Education; it is a basic part of the orientation of children as a basic part of a message that the Federal Government sends to children that it cares. And that, too, is under attack. Small amounts of money within the context of the overall Federal budget, but they have chosen to go after it anyhow. They have chosen to deal with the one area where there is some possible relief for local and State governments.

Local and State governments are under a lot of pressure, the expenses

for education expenditures are increasing to deal with some of the modern requirements of education, and some of the myriad of problems faced by our schools means they need more money. Where can the money come from? It should come from the Federal Government. Certainly research and development, certainly support for populations that need extraordinary attention; that is the whole philosophy behind Title I and the Elementary and Secondary Education Act. We need more help from the Federal Government.

All taxes originate locally. Tip O'Neill used to say all politics is local. All taxes originate locally. The taxes that run the Federal Government come out of the pockets of people who live in cities and towns and school districts, and some portion of their taxes they should be able to get back in order to deal with the crisis in education. We ought to be able to get back more than 7 percent. To cut it off completely, however, and to wage a guerrilla warfare on the commitment that has been made, and chip away at it, as we are presently, is a reckless and savage act.

Jonathan Cozel uses the term "savage inequalities" when he is describing the differences between the best in America and the schools that are usually serving our poor and minority populations. But what we have here is a savage attack on the whole public school system, a savage attack that will destroy the effort that has been made over the years, and we were making some progress, even through Republican administrations, the steady movement from President Reagan's recognition of the fact that something had to be done when he commissioned the report that led to, commissioned a group that produced support called a Nation at Risk. Following that, George Bush and his efforts with America 2000, and all of it has just been one seamless effort, not such a disjointed partisan effort.

And suddenly, after President Clinton follows through on George Bush's goals, and we are moving in the same direction that the Governors and a whole lot of very intelligent and powerful people have decided we should move, suddenly the Republican majority in this House decides they want to wreck it all, they want to destroy it all. They are barbarians, and this is a barbaric act.

Mr. MILLER of California. I thank the gentleman from New York, and I thank the gentlewoman from Connecticut, for taking this time.

I think the gentleman from New York [Mr. OWENS] makes an important point. It would be one thing if what we were considering was a well-thought-out proposal about the reform of one of these programs, if we were trying to better target the money, if we were trying to put it into a reducing the class size where we have students who are educationally handicapped or economically disadvantaged, some of the intensive title I. It would be different if we were asking people to refocus on a path that we thought would bring these young people a better education.

But this is simply the crass withdrawal of resources, and the gentleman from New York is so right. We have in the private sector, in the nonprofit sector, and in the public sector under the leadership of Presidents of both parties, we have tried to continue to develop the means by which we can improve the Nation's schools for all of our students, for those going to college and for those who are going to work and maybe to continuing education in connection with their employment.

But this is the first time where we just see the radical withdrawal of resources and say that is it, you take care of it, but with less resources.

You know, in the district that I represent in the San Francisco Bay area of California the school districts that are going to lose this money, the West Contra Costa School District, is going to lose $837,000. It has no ability to go out and to replace that money.

So, as I think the gentlewoman from Connecticut pointed out, this program is simply going to be withdrawn wholesale from schools as they start to retrench. That does not mean that children in that school are not deserving or needing of the additional resources that title I brings to that school, but they simply will be cut out of that because you are retrenching and trying to serve these. The same is true of the Mount Diablo School District. They have no ability to make up $324,000 of this, or—I see the gentlewoman from San Francisco here—$2 million. Here is a school district that just took an initiative on its own to try and reduce class size in the first 3 years of school because of the returns that they believe they will get with these children, and now they are going to withdraw $2 million from the school district.

This is not just about title I students, or title I classrooms, or title I schools. It is the entire drawdown on education resources that this kind of arbitrary and capricious decision—because this decision is simply a number picked out of a hat. It is not related to education reform, it is not related to educational preference. The gentleman from New York is exactly right. This is a dramatic and historic reversal of what has been a bipartisan trend to try and to improve and to upgrade the education and resources of this Nation so that the children can be gainfully employed, so they can go on to higher education, so they can take their place in the American economy.

And all of a sudden what we see is the wrecking crew comes in, and the wrecking crew says we are going to cut your resources by 17 percent. They do not ask you whether or not this is going to interrupt their reforms, they do not ask you whether or not this means our children are going to go without research. They just picked this number out of a hat.

Now fortunately, as you both mentioned, the Senate maybe sees it another way and maybe wants to continue the notion of the reforming of our schools. And I just want to say this. You know, if people had been visiting their schools and visiting with the parents, and we had the President in for Nut Day in the Mount Diablo School District in my district, and a number of parents showed up with their children in tow, excited about the expanded educational opportunities that being on the Internet would mean for their children.

People again, because of the economy, because of this problem of sliding wages and living standards, are revaluing, revaluing education, and they know that they need more out of it, that their children need more out of it, and at the exact same time of course the Republicans have been out of step with the public on most of their agenda, but at the exact same time where America is revaluing education and the teachers of education, the Republicans walk in with the wrecking ball and just knock it all down and remind you. This is a lesser of the cuts. The House Republicans, these cuts would have been much deeper. They were looking for deeper cuts than this.

And I think the gentleman from New York just makes an excellent point, that this is not a strategy to improve or reform our schools. This is just the wholesale withdrawal of resources, and we should reject it, if we get a second chance in the House. Hopefully maybe the Senate provision will hold, and we will stop this just arbitrary playing of politics with the future of our Nation's children.

I thank the gentlewoman for yielding and the gentleman from New York.

Ms. DELAURO. I just want to add one point. Your notion about when you are retrenching is that you pull out that money. If the school districts decide that it is important enough to do and they want to do it, where are they going to go for the funding? They are going to a property tax, and they are going to look at increased revenues, and most of that comes with increased taxes for people in your district and my district and districts everywhere.

And then the other piece is that they cannot do that, they do not want to risk raising the taxes; so, as you said, it is gone, and the ripple effect of that going is just enormous, and you cannot even calculate it.

Mr. OWENS. Why should they raise property taxes and other taxes when the Federal Government has a tremendous amount of waste that ought to be transferred into education? Just to give one example. Most Americans are

not aware of the fact that auditors at the CIA found $2 billion. Hear me carefully; I use the word B—billion—$2 billion was found in the petty cash funds that they had lost track of.

Ms. DELAURO. At the CIA.

Mr. OWENS. At the CIA.

□ 1830

Two billion dollars. There is an agency that the President does not know has $2 billion, the director does not know has $2 billion, it is just wandering around there. Think of what that could do for the education budget. One and one-tenths billion dollars of those $2 billion could go to end the cuts. That is the exact amount of the cuts, the $1.1 billion proposed for title I.

You could take another $300 million for Head Start. Those are the Head Start cuts proposed. You could take $600 million for the summer youth employment program. It is $2 billion. That adds up to quite a bit for education funding.

People of America should not rally to fill up the gaps when our Federal Government really has the resources, and the resources are still going in the wrong directions. They are being wasted, and not being directed at the priority of the moment. The priority of the moment is an educated population in America. We need more money in education from the Federal Government.

Ms. DELAURO. Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI] to join the conversation.

Ms. PELOSI. Mr. Speaker, let me thank the gentlewoman from Connecticut for her leadership in this body, and particularly this evening, for calling this special order on education.

I would like to follow up on what has been said earlier by my colleagues. As a member of the Permanent Select Committee on Intelligence, and also as a member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, I saw firsthand the budgeting for the intelligence budget, and I agree with the gentleman from New York [Mr. OWENS] on his observation about our spending priorities; and then also on the front line in our subcommittee, when we saw the $1 billion being slashed from title I, with the blink of an eye.

When we said to our Republican colleagues, "But what will happen to the 1 million children who will not be able to have access to Title I services," they said "We have to cut somewhere." As our colleague, the gentleman from California, said——

Ms. DELAURO. In reading and mathematics.

Ms. PELOSI. It would be one thing if they brought in a critique or criticism of title I, and they said, "This is where we think the same number of children or even more children could be served with the same money or less money by addressing some reforms," but they could not criticize title I. Title I is effective. It does the job. The money will mean that 1 million children will not be served.

In California, and I would like to put some observations on the record, in California, that will mean over $123,000,000 out of our one State, over 100,000 children will no longer have this special assistance for reading and math. That is why I rise also and join you to express my great concern about the future of our Nation's education programs at the hands of the Republican majority in the House.

So drastic was this cut that even the Republicans in the Senate abandoned it. So drastic was it that they agreed to add back billions of dollars for education, because they knew that they were slashing right at the heart of America.

Following up on something the gentleman from New York [Mr. OWENS], said earlier about our entire budget, we hear a great deal of talk around here about how we have to reduce the deficit, and therefore we have to cut the budget to do that, cut spending to do it. But the very idea of cutting education, and that is going to increase our deficit, unless we invest in our children, enrich their lives, make them productive members of society, increase our competitiveness internationally, we are going down a path of increasing the deficit and increasing the national debt, because we are not investing in our greatest resource, our children.

Our Federal commitment to education is truly a measure of our sincerity about economic recovery, social progress, and our children's future, again. In the House omnibus appropriations bill, as has been mentioned, $3.3 billion is cut from the Department of Education, $3.3 billion, or 13 percent; as has been mentioned, a 17-percent cut in compensatory education, title I.

Ironically, just this week, March 15, the Ides of March and the last day for this CR is also the day that California school districts are required to notify teachers whether or not they will have jobs in the fall. Unless funding for title I is restored, thousands of California teachers and teachers' aides will lose their jobs. Tell me how that is going to help the children of California.

In the House bill also, funding for safe and drug-free schools, an issue that I know that the gentleman from California [Mr. MILLER] has worked very hard on, will be cut by $12 million or 25 percent. The safe-and-drug-free-schools program is vital, especially to urban school districts like the one I represent in San Francisco.

The drastic cuts proposed by this funding would place in jeopardy the most vulnerable students. Basic needs that help young people survive cannot be addressed. At-risk children need the assistance that these programs offer.

Funding for bilingual education in California would be cut by $18 million, or 32 percent, one-third of the funding for bilingual education. We talk about wanting everyone to speak English and making English the official language, and yet we are cutting funding for bilingual education. Anyone who supports any initiatives for English-only has to be a staunch supporter for bilingual education. That funding should follow. I, myself, do not subscribe to that theory of English as the official language, but ironically, those who do are just the ones who want to cut the funding for bilingual education.

No funds for Goals 2000, the bill the President requested, $750 million. As the gentleman from California [Mr. MILLER] said earlier, these programs were developed under a Republican President, President Bush, with bipartisan cooperation of Republican and Democratic Governors across the country, passed in a bipartisan fashion in the House, signed by a Republican President, and yet zeroed out in the labor, health, and human services, and education bill.

I almost think we should strike education from the name of the committee, because we have taken such a blow at the education funding. I have more facts and figures, but I know my colleagues need time. I do not know how much time can be allocated. Perhaps I can resume later.

Mr. MILLER of California. Mr. Speaker, on the point of the Goals 2000, which unfortunately has become a political football, it has become a political football in Washington, DC, but not in the States. In the States where it was originally designed by the Governors and brought to the Congress with recommendations made, it is being embraced now as, again, parents hunger to know that their children are going to have to meet world class standards; that this education is the very best education; that we should not accept the dumbing down of education, we should not accept a second-class education; that our children not only deserve the very best education, but in fact the world's economy requires that they be given that.

Now we just see that swept aside in a fit of ideology, in just an absolute fit of some kind of extreme ideology that says that the Governors should not have a right to apply for this money, to upgrade the quality and the class.

These standards that are being developed are being developed with private sector associations. The American Electronics Association wants to be able to develop standards and have them incorporated so a young student can take that and go anywhere in the United States and work, and the employer will know that that certificate, that diploma, means that that person is qualified to do that job and to enter that industry, and to participate in that.

What do we have today? We have in many instances diplomas that do not mean anything. That is what Goals 2000 is about, it was about upgrading that. It is swept aside in this provision. It is just crazy that this kind of extreme ideology would drive these kinds of education decisions, because it is not even a matter of debate. It is just a matter of pulling these numbers out of the hat. As the gentlewoman said, in her committee, unfortunately, the attitude was "Well, we have to cut somewhere."

All things are not equal. Whether or not a child gets a first-class education, as the gentlewoman so correctly pointed out, the gentlewoman from San Francisco, that is the beginning and the end. That is either the beginning of a wonderful life in this country, or it can be the end of that. It is a question of whether that is the beginning of your productivity, that is the beginning of your being able to provide for yourself and have economic self-sufficiency, or if you choose to start a family. That is what that education is about.

Somehow the people who cheapen that education are now the Republicans, because they slash it again without blueprint, without detail. They simply pick a number and say "This is the number we are going to give the President to spend, because we are angry at him because we got caught shutting down the government," or something. The whole thing is just a tantrum and a fit of anger that really is an insult to parents of this Nation who are struggling to educate their children. I want to thank the gentlewoman again for taking this time.

Ms. DELAURO. I want to thank my colleague. I would like to mention a couple of things. One is that there is all this talk about how we cannot spend this money and we have to cut, and it is the Democrats who want to spend all of this money. But what they do not want to tell us about is where they do want to spend money, and that is on the tax breaks for the wealthiest Americans.

They will deal with repealing the alternate minimum tax, and expatriots getting a break for renouncing their citizenship and being able to not pay any taxes. They do not have any problem at that end. But with kids and their future, they say, "We have to cut back, we have to tighten our belts."

The AmeriCorps Program, let me just say this, this is a program that says to young people, "We will help you with your college education if and only if you give back something to your community, you exercise some responsibility for getting this assistance. We want you to participate in the life of your community."

We are trying to teach our young kids values and responsibility. We are caught up today with saying young people do not have any responsibility, the "me generation," the x generation; that they just want to take something and not do anything. This is a program that goes after that very fundamental value that we have tried to instill in people of responsibility and taking on something, and it is working.

Again, it is working all over this country. Young people are involved in the lives of their communities and are given some help to be able to further their college education. Now we are saying "Forget it. No. It is over." We have about 800 kids in Connecticut who are going to be just cut off of that program, not only the work they are doing in the community, but their ability to be able to go to school.

Mr. OWENS. Mr. Speaker, in less than 2 years the barbarian Republican majority has destroyed all of that. A piece of civilization that has been wrecked by the pressure that has been put on them, budget-wise. We have large numbers of people being forced to sort of retire early and drop out. Experienced administrators and experienced teachers are going. You have large numbers of people who are planning to get out, and are just marking time in the system. You have reductions in any investment in equipment and plant buildings.

They have, in less than 2 years, done an amazing job. I tremble when I watch what the blitzkrieg against education has accomplished so far. The American people had better take note of what you can do with the appropriations process, how you send a message out there. As well as take away the dollars, you send a message to every level of government that public education is expendable, public education is no longer a part of the grand design of a great America. They have accomplished that in less than 2 years, the Republican barbarians.

Ms. PELOSI. If the gentlewoman will continue to yield, and when we think that this is done in the context of a $250 billion tax break to the wealthiest people in our country, $250 billion, and we are here talking about $3 billion or $4 billion. Could they not make the tax break that much less? It is penny-ante. It is change to them. It is a little bit of money when it is a tax break, but it is all the money in the world when we are trying to deal with education.

Mr. OWENS. They are not rational. That is the most foolish thing.

Mr. PELOSI. I think there is a lack of understanding by some of our Republican colleagues about how this issue is understood in the country.

As a member of the subcommittee, I get many calls and letters, et cetera, from very different people; not the usual folks who usually call, but members of PTA's across the country. This has gone beyond the usual advocacy groups who will pay attention to what goes into legislation in Congress. This is well beyond that. This is parents, members of PTA's and the rest, members of school boards across the country. They are not particularly political, but they understand how this is going to affect their neighborhood schools. That is critically important.

I certainly think the Senators understand, because they put back almost all of the $2.7 billion. I think nothing speaks more eloquently to the bankruptcy of the policy in this House on education funding than the fact that even the Republican Senators disassociated themselves from it and came back with $2.7 billion, which I hope we can get into the House bill, or in conference back in.

The other point I want to make is that in the course of all of this appropriating, our colleagues on the Republican side say, "We will put more money back into some of these programs, contingent upon the House passing a separate bill, a reconciliation bill, and then we will have money for education, if you pass a balanced budget bill in 7 years, a reconciliation bill."

We can never let that stand, that children are contingent upon some reconciliation bill. Children are a first priority. This is not something we do when we see how much money we have left over from tax breaks and an increased defense budget that the Pentagon did not even ask for. This is what we do first, take care of our children, educate them; that is, if we have, I think, our priorities in order.

Our budget must be a statement of our national values. It must reflect what is important to us, and that is what we would put our resources to. It certainly is not, in the case of the budget we have before us.

□ 1845

Of course, that goes on to higher education, as well. Eliminates 13 percent for student financial assistance, less than 1995, eliminates the Perkins Loan Program, and the direct loan program is capped at 40 percent, and further reductions, which will again pose an obstacle for people without means or middle-income people in our country to receive the benefits of higher education.

Then it goes on and on to what has happened to job training, school-to-work, lifetime learning, reflecting that our economy is a different one and that people in the work force must be constantly educated in a lifetime, but much of that job training funding is also cut on the labor side of the Labor, Health and Human Services and Education. I might say that the Senators restored the education cuts, but there are other problems that we have with the bill for cuts that were not restored.

I would be happy to yield to my colleague.

Mr. MILLER of California. The gentlewoman from Connecticut mentioned

that our Republican colleagues and sometimes the editorial boards get mad at us when we talk about the cuts to children that were scheduled in the school lunch program or in student loans or in title I or Medicare and Medicaid cuts. We say they are taking from the neediest people in this country to provide this tax cut, and yet here is the graphic example.

Here are children that are identified as economically disadvantaged, as educationally disadvantaged, and we try to target some resources into the schoolrooms where those children reside, and yet we find out that as we read down the impacts in the State of California, district after district, school after school, 150 students, 170 students, 694 students, 1,000 students, 131 students, it goes on and on and on, these children.

This is not abstract. I have been teaching the last several Monday mornings at a continuation high school, and I visited with the teachers at Olympic High School after I was done with my class period, and they said, here is the impact of the cuts. This woman, who is helping these young people with business subjects and is here as a student assistant, she is gone if we lose this. In their budget, they had some upgrades for the computers. They thought maybe they were going to get hooked up to the net. That is not going to happen now.

Those children are losing those kinds of resources and that kind of access. These are among some of the most disadvantaged children in our society, and we have decided that we would rather cut them than ask if the wealthy could just wait until there is a balanced budget, just wait until there is a dividend, and let us see if that is what the country wants to do.

But here we are whacking up the education budget on an arbitrary manner, and the job opportunity budget, the AmeriCorps budget that is trying to send a message to young people in this country that they care, that they matter, that they are a resource, that they can make a difference in our communities.

The brilliance of AmeriCorps, like Vista that was before it, is not what that individual does, but they become a catalyst for other resources in the community. They attract somewhere between $10 and $25 for every dollar they get in in-kind services and help from other organizations. That is the message we want to send young people.

We keep blaming young people. We keep getting mad at young people. We blame the education establishment after we withdraw the resources. The next thing what will become is the same people who cut these budgets are going to tell us, they could not educate the kids, so give them a voucher and send them down the road. They will be cutting the vouchers once that is accomplished.

As MAJOR OWENS said, people better wake up and understand the kind of systematic, comprehensive assault that public education is under in this Congress by the Republicans. This is not an accident. We say it is arbitrary. It was not arbitrary in their minds. They made the decision that this is where they were going to cut the budget, not in the waste in the CIA, not in the waste in other programs, programs that you cannot even debate on this floor. This is systematic. This is intentional, and it is about the destruction of the public education system in this country and certainly the Federal contribution to that effort.

Again, I thank the gentlewoman for yielding.

Ms. DELAURO. Again, it was MAJOR OWENS who mentioned the issue of military might. If we only measure this Nation in terms of its military might, our national security is at great risk. Education is as much a part of what the national security of this country is all about as is the number of weapons that we have in our arsenals.

I come from a State that is defense dependent, that depends on tanks and aircraft and engines. But I will tell you that if we do not have the young people who are smart enough and competent enough to be designing and manufacturing and doing all those things, our national security is at great risk. When we cut preschool and when we cut school lunch and we cut summer employment, and when we cut skills training and when we cut higher education, we are doing an enormous disservice to the national security of this country.

Mr. OWENS. Our economic viability is directly threatened. Education is the basis for the kind of skills that we need in order to compete economically. Bangalore, India is now called the computer programming capital of the world, Bangalore, India which is in a country which is considered a developing nation. But they have as good a computer program in English as you have anywhere in the world, and many of the companies of this country are contracting their computer programming to Bangalore, India where they can get a year's worth of work for a month's salary, what they pay to computers in this country.

Economically the competition is going to broaden, and the competition economically will be more dependent upon the educated population that a nation has and the way it utilizes that educated population. People are not going to have the jobs if they do not have the skills and the education.

The corporations that are now uniting with the Republican majority to cut the budget for education are the same corporations that are asking for, in the immigration bill, that we allow them to keep bringing in technicians.

Ms. DELAURO. Foreign workers.

Mr. OWENS. And people at high levels, especially computer programmers, in order to fill the gap they have here for computer programmers. So it is all interwoven, interconnected, and we cannot maintain a military power if we do not maintain our economic might.

We cannot provide for average families and keep the economy healthy unless we have a strong school system which is dedicated to the education of all children, not an elitist system seeking to get away with just educating one portion of the population and allowing the other portion of the population by triage to go overboard and not provide them with a decent education.

Ms. DELAURO. My colleague, the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Yes. I know the focus of this special order is education and the Republican cuts, and that is most appropriate, but I want to also point out that these cuts are not made in a vacuum. Our colleague, the gentleman from California [Mr. MILLER], talked about community service in AmeriCorps, as did the gentlewoman from Connecticut [Ms. DELAURO], and I wanted to just add something briefly there because I think we will have to have our own special order on community service cuts, too, but they are related to education.

In the same Labor, Health and Human Services and Education appropriations bill there are drastic cuts in community service, and some of the programs affected are RSVP, foster grandparents, et cetera. In our testimony, all the testimony that we get from professional judgment opinions and testimony of those who have to justify the spending in their agencies, looks to what the gentleman from California [Mr. MILLER] said.

For every dollar you spent on an AmeriCorps volunteer, you get at least $25 return on your investment. So, too, with community service across the board, also contained in this bill. It flies in the face of the trend, because what we are saying here is everybody wants to reduce the deficit, right? So how do we use the spending to the best advantage? Of course we educate our children. That is an investment.

But we also had what they call the twin engines of paid supervisors and thousands of volunteers, but who need the employees in place to organize their work and them, in order for us to have the big payoff in our society of people coming together and helping children to read or taking seniors to the park or whatever it happens to be to meet the need. It was referred to as the catalytic power of community service.

This is what we should be doing if we want to reduce the deficit, is make sure that the dollars that we spend are investment and that they have a multiplier effect across the board. When we

cut those dollars for community service, we are really going backward. It does not take an economic genius to see the worth of all of that, the power of men and women across the country volunteering.

But subtract the Federal commitment there and you lose the supervision, the organization, the guidance and the catalyst for making all of that work. So these education cuts are taking place at the same time as we are making community service cuts. Begging off of AmeriCorps captures both aspects of it, education and community service, and it does a grave disservice, whether it is to civic associations or volunteerism in our country or, as President Bush so aptly called it, 1,000 points of light. Let us support President Bush's 1,000 points of light by fueling and funding the community service agencies that we have in Government.

Ms. DELAURO. I want to thank my colleagues for joining me tonight. If there is a place we can cut, we do not have to repeal the alternate minimum tax. We could apply $17 billion to either the deficit or doing some of these other things.

THE REAL WORLD OF PUBLIC EDUCATION FUNDING

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. GOODLING] is recognized for 60 minutes as the designee of the majority leader.

Mr. GOODLING. Mr. Speaker, now let us move from fantasy land to the real world. I think that would be a good approach. I would have thought, after what I heard, that somehow or other the Federal Government was in charge of public education in this country, even though we only spend 6 percent of all the money that is spent, 6 percent.

Under our plan, incidentally, we spend $340.8 billion over the next 7 years on education. Compare that with the former majority that was just speaking. During their last 7 years, they spent $315.1 billion. All those cuts you heard about does not quite add up, does it? Because ours is an 8.1 percent increase.

Now, what is the problem? the problem is that we want to do something differently. I agree with the former chairman that I sat beside who would say to me on occasions, "Bill, these programs are not working," and I would say, "I know it, Mr. Chairman. Let's change them."

The chairman would always say, "We cannot do that because the money might not get to the right place." And I would say, "Well, if it isn't doing any good getting there, what good does it do to get to it the right place?"

But all those years I sat there saying there were different ways to do this. We have to make changes. All the studies, I wish the last group would have unveiled all of their studies showing all of the accomplishments, because every study we have from the department, every study we have from an outside group would indicate, as a matter of fact, that we are doing more poorly today than we did 10 years ago, after we poured all of this money into these programs.

Let me also point out that when we talk about spending on education, spending on education in the States alone rose from $60 billion in 1983 to $115 billion in 1993. During the same period, local contributions to education grew from $55 billion to $120 billion. State and local governments have increased their spending over that 10-year period by 100 percent.

What results do we have from all of this spending? According to the national assessment of education progress, reading, average reading proficiency among 9-year-olds was about the same in 1992 as it was in 1971. Math average, mathematics proficiency among 9 to 13, was slightly higher in 1992 than 1973, but for 17-year-olds the same. Science. Science, we went backwards for 17-year-olds. It is lower.

So on and on you go, and all we are saying as a new majority is that we have scarce dollars. We know that. Therefore, we have to make sure they work well. For whom? Not the people that are employed in the businesses out there, the programs they are trying to protect, but for the children that we are trying to help.

□ 1900

Now, here is a good example. We recently had a study done, and it took a long time to do this, because when I became chairman, I said, now, for once we are going to look at all the programs that are on the books and see how many are duplicating each other, how many are doing well, how many are doing poorly, how many should be eliminated.

The President said in his budget we should eliminate 41. We have discovered that there are 760 education programs, spending $120 billion spread out over 39 agencies downtown. You see, this was my argument when we created the Department of Education. I said I could be wholeheartedly in support of that if I thought all education and training programs were going to come under one roof so we really could get a handle on it and see what is being done and whether we are having any successes. I know that would not be the case, and here is a good example.

Now, some will tell you, oh, you have all sorts of programs in this. Yes, but they all come back to education and training, in many instances duplicating what somebody else is doing in another agency. We cannot continue to do that, because now you are talking about 1,760 programs, $120 billion spent, you have 50 States, D.C., and territories to spread it over. You have 14,000, almost 15,000 school districts, and you have over 80,000 schools. We have to get a handle on this so that we can provide quality education, and that is what it is all about.

We are not trying to attack public education. Most of us are products of public education and proud of it. What we are saying is we play a very small role on the Federal level and the local level, and the State wants it to remain that way. They do not want us to be involved in public education. But we play a small role, and in that small role we have to guarantee quality.

Access will not get these young people anywhere. So we need studies that are not individuals that benefited from chapter I or benefited from this, we need concrete stories that can tell us the magnificent successes I just heard about that we cannot find anyplace in any study that exists today.

I yield to the gentleman from California, who I noticed was taking prolific notes and will be tremendously educated by the fantasy land.

Mr. CUNNINGHAM. The gentleman from New York [Mr. OWENS] says what we are doing is barbaric. Everything we are talking about here in Washington in this political year, Mr. Speaker, is about power. It is the power to disburse money to get reelected, so you have got the power and you need a bureaucracy to sustain that.

What we are doing is removing the bureaucracy, combining programs that are efficient, and those that are not efficient, we are doing away with them.

Let me give you a classic example. And first I would say, though, that every nation scores above the United States in every category in education. In many cases, the Brits and Japanese score twice of what our students do in scores. We have less than 12 percent of our classrooms that have a single phone jack when we are talking about Net Day. This is 40 years of bureaucracy and Democratic-run House that has destroyed education.

We have some of the best school programs. And I taught in Hinsdale, we had Evanston and New Trere, you go right outside of Chicago, where you have 7½ miles of Federal housing, and the kids have no hope.

What we are trying to do is take and fund down to the local level where you have quality, where you have parental involvement, you have teacher involvement, where we can pay teachers what they really deserve and where we can upgrade the classrooms instead of dumping money into these programs.

They talk about title I. They talk about Head Start. Well, every study, including the Department of Education, little liberal, and the President's own administration and every study says that title I is not doing its

job. It should take two students at the end, there is no difference, and we are putting billions of dollars. Did we kill it? No, we reduced it until we said, is there quality, is there a standard, and is it effective? And I do not think that is too much to ask.

Look at Goals 2000. There are 45 instances in Goals 2000 that say States will, one of those instances you have to set up a special board, every school, that board reports to the principal. The principal reports to the superintendent, the superintendent then has got to send it to Sacramento in California. Think about all of those schools doing that and the paperwork that has got to go through the State, and then think about all the schools in the United States and generating all that paperwork.

Guess what there is back here in Washington, DC? There is a big bureaucracy here that receives all of that paper and all of that information to see if they are in compliance.

What we are saying is let us send the money to the Governors and to the departments of education if the State Constitution says, and do a Goals 2000 on a State level. Do away with the rules and regulations. Do away with the paper, and you be the masters of the destiny of your education program in the State.

But I have heard the gentleman from New York [Mr. OWENS] sit up here and say we do not trust the States, we are the only people in the world that can decide and make those decisions here in River City in Washington, DC. Why? Because they want to keep the power here.

We are saying that the power belongs with the people, it belongs with the students, it belongs with the teachers and the principals to master the destiny that we think is right.

My wife writes grants for Goals 2000. She works 5 nights a week. There are other schools that hire people to write grants for Goals 2000. Many of them never get a single grant, and in some cases I have documented where you have got people that are hired to write a Goals 2000 grant that the grant that they get in does not even pay for the grant writer. And in some cases, if it does, by the time you go through the administrative fees, paperwork, and extra people you have to have to force it, you get no money. Some of the big schools do not. We are saying that that is a waste, and it is a system that, yes, Goals 2000, on a State level, do it if it works in your State. Title I, if it works in your State, do it. There are programs.

And drug-free schools, we have a whole block grant for drug-free schools. I happen to think DARE works, and very, very effectively. That is taken care of in that block grant. And if DARE works in your State, do it. But we are not reducing education.

What is cutting education is the President's title I, for example, costs a billion dollars more just in administrative fees, capped at 10 percent. He wants all the direct lending programs GAO said it would cost $3 to $5 billion just to collect the dollars. We took those savings, the gentleman from California [Mr. MCKEON], his committee, and spread it across and increased student loans by 50 percent, increased Pell grants, IDEA, we level funded for special education and the other programs. But, yes, we are consolidating some of those 760 programs, doing away with the ones that do not work and focusing the dollars down.

A vision, for 5 years I have been talking about let us get high-technology and computers and fiber optics into the classrooms with only 12 percent, and the President jumps on the bandwagon. I am glad the President jumped on the bandwagon. It took 40 years of misrepresentation. Why? We have so many schools that are not up to speed. If we really want to educate our kids, we need the Federal Government to get involved in research and development, working with telecommunications, get AT&T, the Baby Bells, get the folks that can invest in our school systems an get our kids ready for the 21st century. You listen in the hearings, we have a large portion of the kids coming to our education programs do not even qualify for an entry-level job because they cannot read, they cannot write, they cannot do the math, or they cannot speak the English language. That is not a legacy, Mr. Speaker, I want to leave with our kids.

I repute, and every single Member that spoke in the last hour is among the most liberal left of this House in every case, they will spend money on everything and drive us further into debt and deficit except for one area, and that is the field of the Department of Defense, and they will cut. But in every instance they are the left of the left, and they want to keep the power here in River City so they can get reelected and scare children and scare students, and I am not going to stand for it.

Mr. GOODLING. Mr. Speaker, I yield to another subcommittee chairman from California, the gentleman from California [Mr. MCKEON].

Mr. MCKEON. I appreciate the opportunity of being here with you tonight and participating in this special order.

You know, sometimes the best intentions can do the worst harm. When we attempt to help, we often simply burden. When we attempt to inspire, we may only discourage. With all the helping that the Federal Government has done in the last 30 to 40 years, you would think that the previous majority should have admitted that something was not working and that some of these programs maybe could have been eliminated. Perhaps we needed to explore other methods of giving our children the first-rate education that they really need and deserve.

You know, a few weeks ago Chairman GOODLING held a hearing about what was working in public education. A few months earlier Mr. HOEKSTRA held a similar hearing in Chicago to highlight public and private schools in low-income areas that were successfully educating their students.

I personally have visited several schools in my district and elsewhere that are having a positive impact on children. The good news is there are many good things that are happening in education, and they are working quite well under the jurisdiction of local school boards and administrators and teachers and parents that really care and want to make things happen, and they are able to do that across this land. They do not have to wait until someone from Washington decides what is best for them and what program we decide they should participate in.

These hearings and site visits have all led to the same conclusions about what factors are behind that success; namely, success is not a matter of how many Federal programs the school participates in or how much money a school spends per student. Rather, the picture that is quickly developing from these hearings and site visits is that committed parents, strong local leadership, and an emphasis on basics is the recurring theme behind successful schooling.

The success stories that we have seen are about what local administrators, parents, and teachers are able to do together to make academic achievement a reality in their schools for their children.

This message, however, is not being heard in Washington. You know, we held a press conference a few days ago, and we had a pile of paperwork, you know, the chart there that you have of the 760 programs. This paperwork was only what was required for about a third of those programs. And yet it was a pile stacked this high.

The Clintons believe that it takes a village to raise a child. What we have found is it really takes a village to fill out the paperwork. Duplicative Federal programs begat State paperwork, State paperwork begat local paperwork, and local paperwork takes teachers away from their job of teaching our children.

I spent time on a school board, and I know how much work is done to write grants, how much work is done to fill out reports to send somewhere, and, hopefully, maybe somebody reads them. You never really knew. You just knew that you had to fill out the paperwork. The out-of-control paperwork load required for these programs too often leaves out rural and poor school districts that do not have the sophisticated grant writers, so they simply do not apply for the programs.

There has been such a severe focus on an investment in bureaucracy surrounding education that we really have failed our children. It should be an assault to our sensibilities, with the massive increase in spending citizens have supported through their taxes over the years.

You know, it is interesting in this chart here, it shows, and I do not know if we can focus in on that down in the corner, it shows the taxpayers, and the money goes from the taxpayers to Washington, siphons through those 760 programs and then eventually some of its reaches the children.

When I first came here, I figured out that from California, just in rough numbers, we send over $2 billion a year to Washington, more than comes back to California, to benefit the children just by running it through this siphon here in Washington.

We saw we still have a great deal of work to do in identifying the breadth and depth of Federal intrusion here. This 760 that we have, I would add, is we know is not complete. We know we have to do more, but we are going to work on this until we complete this project.

You known, we do not currently know how much of each Federal dollar gets down to the local classroom after the large amounts are siphoned off here in Washington. We do know the cost is extremely high. Just one example, the cost of Boston University. According to their provost, the university spent 14 weeks and about 2,700 employees hours completing the paperwork required to complete funding for title IV. They were hampered by the use of separate definitions in 26 separate schedules required to complete their application.

□ 1915

They were slowed by repeated corrections and clarifications requested by the department. In the end, after spending the equivalent of 1.5 personnel years compiling what turned out to be a 9-pound application, the university delivered its final product, this despite the fact that the form said this should take 3 hours to fill out. I do not know if anybody in Washington determined that and ever spent the time to figure it out.

Now, if you figure there are 6,500 institutions of higher education that participate in title IV across the country, each one responsible for their own 9-pound pile of paperwork, assuming similar burdens as experienced by Boston University, it would take 9,750 full-time employees to merely complete the applications submitted in title IV. That makes one wonder how many employees it takes to read, review, process, and file these forms here in Washington once they are submitted.

We talked to the Department of Education. They did not know how many employees they had.

Title IV is only the tip of the iceberg, only one of those 760 programs, compared with the enormity of the universe of Federal education spending.

As we continue to pursue this aggressive review, we fully expect those who benefit from the status quo to challenge us, as we see here tonight, in an attempt to defend the current state of education. It is inconceivable to me how anyone can defend this bureaucracy and say this is what is best for the children of this country.

Mr. Speaker, we welcome the debate. We hope at least to have an energetic dialogue that results in the best education system we can give our children and grandchildren. I thank the gentleman again for this opportunity to participate here tonight.

Mr. GOODLING. Mr. Speaker, I thank the gentleman. The gentleman from Michigan [Mr. HOEKSTRA], our subcommittee chairman, who has been doing a lot of oversight work, is here to participate also.

Mr. HOEKSTRA. Mr. Speaker, I thank the chairman for giving us this opportunity.

I have got good news, bad news, and some more good news. The good news is there are a lot of people around the country that recognize we have this difficulty, and on the chart up there we are focusing too much on the dollars spent. We are focusing too much on the Washington Bureaucracy and not spending enough time talking about students and teachers.

Christy Todd Whitman, the Governor of New Jersey, in her State of the State Address, identified the problem that my colleague from California was talking about: We must stop chasing dollars and start creating scholars.

We found that in the hearings that we have done in Chicago and Milwaukee and around the country, one goes into a successful school and says, "What is making your school work? How come your kids are scoring better than the national average?" They don't come back and say, "It is this program, it is title I out of Washington that has really made the difference." They said, "We have got even parents involved in the schools, and these are some of the toughest neighborhoods in Chicago. We have parents involved in the school. We have liberated teachers and principals to create special programs for special needs." You started talking to them about Washington programs, and they started talking about the bureaucracy.

Even Secretary of Labor Reich, I think one of the staunchest defenders of the status quo here in Washington, said we must stop throwing money at education and training programs that do not work.

There is a realization that focusing on the bureaucracy and dollars is not where we should be, and we need to start talking about what is going to help kids, parents, and help the kids become scholars.

In my role as chairman of the Subcommittee on Oversight and Investigations of the Committee on Economic and Educational Opportunities, I get the opportunity to identify some of the ancedotal things that we find. The gentleman from California [Mr. MCKEON] identified the 9-pound document for title IV. I was going to multiply 9 pounds times 6,500, and it is in the tons of documents. That is why we need these big buildings.

Mr. Speaker, one of the other anecdotal things we found in the drug free schools, somebody had spent $1,000 preparing all of the paperwork and writing the applications and filling out the grant requests. By golly, we went out and helped them. They got a grant for $13.

Now, it is kind of like somewhere in this process.

Another example, and this does not directly relate to education, but this was in the Wall Street Journal today. A document roughly this size, nine pages, two-sided, actually this one is one-sided, it is nine pages, two-sided document, 1994, President's State of the Union speech. This is how Washington defines an emergency. It was 4 or 5 o'clock in the afternoon and the Labor Department said, "We need to have these available to hand out before or after the President's State of the Union speech. It is so critical. We cannot do it in black and white. We better do it in color."

They avoided all the Government regulations we have put in place about how to purchase and these things. We have a Government Printing Office. They went to Kinko's. I don't know if I can give advertisements, but it is in here, in the document. They went to Kinko's and said, "Can you print this for us?" Being the entrepreneurs they were, they said sure, but we are going to have two people working overnight to create these documents.

So they said, "This is an emergency. This 9-page document is an emergency and has to be ready. It is called the Middle Class Bill of Rights. It has to be ready tomorrow morning." The Government Printing Office could have printed it in 24 hours. Kinko's could do it in 12.

Kinko's did it for the grand total of, 1,500 documents, they did it for the price of $21.33 apiece, $32,000. The Government Printing Office could have done it for $500.

Now, I am not sure who is educating who here, but when you take the average family income for the American family today and you define a 9-page document as being an emergency, and you are willing to spend one family's entire income for the year to get that document out in 12 hours faster, I am not sure that we know best here in Washington.

The bottomline on this bill is we do have a great chairman of the Committee on Government Reform and Oversight, the gentleman from California [Mr. THOMAS]. I am surrounded by Californians tonight. We had to approve that bill. He came back, and I have got to give him credit, he said, "No, you went outside the rules. This does not meet my definition for an emergency. We are not going to pay it." The problem is right now Kinko's has not received their funding. But it was $32,000, or $21 a document, versus 33 cents.

If I can have a couple of more minutes, because there was a lot of discussion about a program that, if I do not say it, my three colleagues will remind me very quickly that I voted for in 1993.

Mr. GOODLING. I will remind you.

Mr. HOEKSTRA. I am sure you will. I was warned about what might happen with this program. Many of my colleagues were correct. The reason I am bringing this up is because it returns $1.25 and $1.50, is what the speakers before us talked about.

Here is what was said about AmeriCorps that maybe helped me decide I should vote for it and give it a chance. In 1993, April 30, Bill Clinton said, "We are going to set up a National Service Corporation that will run like a big venture capital outfit, not like a bureaucracy."

President Bill Clinton, April 30, 1996:

The National Service Corporation Act will establish an innovative entrepreneurial Corporation for National Service to offer Americans educational awards in return for vital service to our country. The corporation is designed to cut waste, promote excellence in government, encourage locally driven initiatives, and create flexibility.

Here is what the new Chairman of the Corporation for National Service said in his confirmation hearings in October of 1995. "At our corporation, we want to do what any business person would do, and that is make our product the best it can be."

Sometimes we get critiqued for actually going and taking a look at these 760 programs. AmeriCorps is a good reason why we go and take a look.

There was a press conference today and some reforms were announced on AmeriCorps. But there was one reform not announced today that I am very, very disappointed and upset about. Later on this week, we have gotten some preliminary documents and the President of the Corporation for National Service, Harris, sent us a letter telling us what this document is going to be. It is a requirement the Corporation for National Service, a $500 million corporation, which would put it into the Fortune 500, it has to have its books audited. Fairly reasonable. BUCK, you are a business guy.

Mr. MCKEON. Good idea.

Mr. HOEKSTRA. Good idea, let's audit the books. I bet you had that done, Mr. GOODLING, when you were on the school board. You had your books audited. But this a Fortune 500 company.

So I called my stockbroker today, and I was going through a scenario with him, and I said, "If you know of a Fortune 500 company traded on the New York Stock Exchange that had the auditors come in for their yearly audit," and, we are benchmarking against business excellence. Actually it is the business minimum. "And the auditors came back and were going to announce publicly that the books and the financial systems were in such disarray that the auditors could not audit the books, what would happen?"

My stockbroker is trying to figure out what company this is. He says, "Well, No. 1 is trading of that stock would be suspended immediately. When trading opened on it, the price of the stock would plummet, because shareholders, the brokers, the employees would have no idea of what the financial stability of that company would be. The CFO would be fired immediately. The rest of the executive team would be brought in front of the board of directors to explain how they got to this point and come up with a corrective action, not 60 days, not 90 days, but what are you going to do now?"

Well, what we are going to find later on this week is that for our $500 million corporation, the Corporation for National Service, the books are unauditable for 1994, and we are going to find and discover that for 1995 the auditing company has basically said, "We do not think it is appropriate to invest any money in even taking a look at the books, because from what we have seen, they have not changed their procedures and they are still running on the same outdated models of what they are using in 1994."

Think about it. Finally, when by broker said, "Who is it," I said, "It is the Corporation for National Service." His response was "Oh. That is government."

It is expected. That is why we are going to go through those 760 programs. We have got a $500 million program where the books cannot be audited. That is not Washington's money, that is the parents' money who decided to send it or were told they had to send their money to Washington, and not use it at home for their family and their own kids' education. We are entrusted with that money, and we cannot even meet the minimum standards for what a corporation is. And this is Government at its best.

If this happened to a publicly held company, it would be the front page of the Wall Street Journal. Because it is Government, it is going to be a footnote on page 10, and it is going to be "Oh, there they go again. This is what we expect."

We have got to set a higher standard. We are going to go through those 760 programs, and we are going to see whether there are any more like this, and we are going to see whether they are effective, whether they are efficient, whether they are getting the kind of results we want, and whether they are even the Federal Government's role.

We will still have the debate about whether AmeriCorps is appropriate or not. When they are using $500 million like this, they should not get one more dollar until they come back in front of us and convince us they have put in place the changes that are necessary. I do not think they have a chief financial officer right now that has an accounting or finance background.

Mr. GOODLING. The tragedy is that when you talk about that system of federally financed volunteer programs, contrast that with what happened in my district recently, where the Brethren Nursing Home had a contract with a local high school where the students would come in and volunteer their time to give those seniors what the paid people would not give them, because they do not have time to give them, and the Department of Labor moved in and said, "That is a $15,000 fine, and it is $13,000 back wages you must pay to these students who came to volunteer."

So I called the secretary and said, "Wait a minute. Your President got the Congress to pass a program for volunteers that costs $20,000 to $30,000 to $35,000 for every volunteer. Here you are going to zap this nursing home because these kids volunteered to help seniors, read stories to them, push them in a wheelchair?"

Oh, he did not like that. I said, "I don't like it either. Because on one hand it was stupid to pay volunteers, and then on the other hand, you zapped those who volunteer their time. Not only that, how are you going to determine then which was work and which was volunteer? Was pushing the wheelchair work, or was that a volunteer? Was reading the story to the senior citizen work, or was that a volunteer".

□ 1930

It is just—well, I will refrain from saying what I really think it was, but nevertheless these are the inconsistencies. The important thing is to remember, when we talk about education, is that 6 percent, that is what we are involved in. Why are we involved in that? We were to deal with special population. Why were we to deal with special population? We were supposed to try to give them an even start. We were supposed to try to give them a quality program that would help them compete with youngsters who were not from disadvantaged homes.

Our problem was, right from the beginning, that a lot of people then decided, well, this is the most those students can do. In other words, in many

instances we dumbed down. In many instances we did not require more. In many instances we did not demand enough.

The hearing we had recently where we were talking about good things happening in public education, and there are wonderful things happening all over this country in public education, but you noticed every person's testimony, when they talked about why it is working and why it is a good program, it all came back to: We demand excellence, and we insist. The one program, if you will remember, the parent had to sign up to participate daily in the classroom so that they were right there helping those children and learning a lot what it is you do to help children when you are at home.

I mean, these are the inconsistencies that we are faced with a limited amount of money, and so we have to improve.

IDEA was mentioned by that group.

Where do the mandates come from? Federal Government.

What did we tell them we would send them? Forty percent of the money.

What did we end up sending them? Eight percent of the money.

So I am very proud that last week in the bill that we sent, which I hope the President will sign, we increased funding for special education. Why did we increase funding for special education? Because we mandated the programs.

Second, why did we increase it? Because then the local government, the local school district, can take their money and spend it on all of the students rather than having to take their money to spend it on a program that we mandated.

So I am proud that we made that change, and I know that the gentleman from California [Mr. CUNNINGHAM], the chairman of the subcommittee, has some other thoughts on tonight's discussion to bring us back into the real world.

Mr. CUNNINGHAM. Mr. Speaker, this special order makes my heart soar like an eagle because you know you are able to talk about that I know the chairman was an educator, and I know the gentleman from California [Mr. MCKEON] owned a business, and I was a teacher, but not only in the high school, but the college level, and the dean of a college. And I have got children. And if the other side is trying to say that we are barbaric, that we are trying to destroy education, and I have got children in elementary and secondary education, and I want them to go onto college education, the last thing I am going to do is to bleed the public system that is going to help them. And the notice that they are giving to the American public, that we are cutting those programs, is upsetting to me.

And I would say that you mentioned we control only 6 percent of the spending, but what does that 6 percent do? It represents over 50 percent of the rules and regulations on the States in the school systems, over 75 percent of the paperwork, and it is inefficient. That is not a legacy that we need to continue, and we are trying again to get the dollars down to the local level so that we can have better quality, we can have parental involvement to work with the teachers and the administrators and let them make the decisions instead of someone like MAJOR OWENS, or Mr. MILLER, or DUKE CUNNINGHAM, or anybody else here in Washington, DC.

They talk about title I and Head Start and Goals 2000. Every study, including HHS, the Department of Education, the inspector general; here is the quotes: Over a 1-year period title I participants did not improve the relative standings in reading or math. The progress of title I participants on standardized tests, on criteria references tests, was no better than a nonparticipant. Two students, both parallel programs, one participating in Head Start or title I, no difference at the end.

When you got 760 programs, we only have 6 percent of the funding to spread those dollars so thinly, there is not enough money in the world to function. And they said more generally the relative performance of students in very high poverty schools, one with at least 75 percent of poor children, actually declines from the earlier to later grades.

But yet I do not think it is too much to ask that a Head Start or a title I program has standards, that we insist on quality, that we insist on results.

Mr. GOODLING. See, this goes back to the idea that I used to hear, year after year after year. They say, well, we need more money in the program because we are only covering a small number of the children. And I would say what are you covering them with because that is very, very important.

So we had a 180 percent increase in Head Start funding which translated into a 39 percent increase in participation. Now, if we have to increase funding 180 percent every time to get a 30 percent increase, there is not enough money in the world to ever get around to full participation.

So, you know, it was just the idea: more money, more money, more money. Nobody paid any attention about quality. Just more money.

Mr. CUNNINGHAM. That is the liberals' and socialists' excuse to just keep dumping more money into a program, regardless if it is effective or not. And you know the other side would say that we are cutting.

First of all, for every dollar the government spends, it has got to take it away from somebody in the first place. It is not free money. We have the charge of making sure that those dollars are effectively spent, and when you look at our school systems, that where our systems across this country are last in most—below all nations in math, and reading, and writing, and science; I mean that is not a good system and we need to change it, and to effectively do that instead of just continually dumping money.

They say, well, you are cutting. We are not cutting. What we are doing is focusing the dollars in the most effective means and letting local districts control it, and what we are cutting, whether you are talking about any other program outside of even education, is we are cutting the precious bureaucracy that they can control, and that is what their whole thing is about right now. You are cutting. What we are doing is cutting their ability to spend money so that they can get reelected. We are cutting their ability to spend money so they can get reelected so they got the power here in Washington, DC. And that power represents even a bigger bureaucracy, 760 programs all the way down the line.

That is wrong. Forty years has brought us to that point.

Talk to anybody, Republican or Democrat in your district. They feel something is wrong with the system. And what is wrong is we are not managing the Government, whether it is the Department of Defense, the Department of Education. Government is not and does not have the ability to manage money and get effective results. People do that work directly with the program, and I want to personally thank the chairman.

And all of this results in a $5 trillion debt. Think what we could do with, you know, $365 billion. We pay nearly a billion dollars a day on just the interest. What we could not do for education. And when we talk about the deficit, every one of those Members I checked did not vote for a balanced budget. Why? Because it takes their power to spend money away.

Mr. GOODLING. I yield to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, as my colleagues know, Mr. CUNNINGHAM just made a good point on the debt. Our country is a little over 200 years old, and the first 200 years, the debt increased very, very slowly, until, at the end of 200 years, we had a debt in 1980 of about a trillion dollars. And then it started accelerating because spending accelerated, taxes were cut, revenue increased, but spending went up even greater. And so from 1980 to 1982 that debt increased from $1 trillion to $4 trillion. And then in the last 2½ years, 3 years, it has gone up even faster, now to $5 trillion. So it does not take a rocket scientist to figure if the curve is like this, and then it goes like this, what we can look forward to.

When we are talking about education, we are talking about children, and I have 6 children, I have 11 grandchildren, and one more on the way, that I know of. And you know I think

that many times they, the other side, paints us as not caring. Well, if I did not care, I would not be here, and if I did not care about those children and grandchildren and nieces and nephews that I have, I would not be here.

Mr. Speaker, I think it is important that we get a handle on our fiscal responsibility. Maybe these 760 programs would be good, and maybe they should all be funded fully, and if we had the money, maybe that is something that we should do.

I personally think that is probably not the case, and I think we are on the right track in trying to look at these programs, especially when we find out that they are also showing very poor fiscal responsibility. But we do not have the kind of money. When we are in that kind of debt, to pass that $187,000 onto that new granddaughter that I just had born does not make very good sense to me, and that is what she is going to have to pay in her lifetime just to serve interest on the debt, if we do not get this taken care of.

You know, we used to spend—hard-working people, the people that settled this country, the pioneers that moved across the plains to establish this country, did not look to the Government to help them. You know, if their wagon wheel broke, they did not send a telegram or a Pony Express rider to Washington to ask somebody to come out and fix their wagon wheel. You know, they took care of themselves.

And when the President said the other night in the State of the Union something about the effect that people—it was terrible that they should have to depend on themselves. You know, I think some way we missed the boat.

Mr. Speaker, I think we should also mention tonight a little bit about student loans. You know, there has been a lot of talk about how we killed student loans, and I have some real concerns that there are young people out there that maybe will not even go to school this year because they will believe some of the rhetoric that they have heard emanating from Washington, that when the other side says that we have killed student loans they may think what is the use; you know, why even try? I think that we ought to set the record straight, that, if anything, we have increased student loans from $24 billion to $36 billion in the next 7 years, and every single student that goes to postsecondary education, that applies for a loan, can get a loan. Whether they are poor, whether they are wealthy, has nothing to do with it. The money is there, it is available, we increased that money, and every single student can get a student loan, and I think it is important for us to clarify that.

Mr. HOEKSTRA. If the gentleman would yield, the Secretary of Education has said that the forms are not available because the Government shutdown. Is that correct?

Mr. GOODLING. I think it was rather humorous. It was rather humorous. The forms are not available because they had 21 days of bad weather and shutdown. The forms had to be printed long before the shutdown and long before the bad weather if, as a matter of fact, they were going to meet their deadline. So you have all of these students and parents and schools up in arms because they did not have the free forms to fill out in order to apply for the loans.

Now these are the same people, keep in mind, who are also now going to manage direct lending. They could not seem to manage the lending that would be taken care of by the private sector if they just get the forms finished in time. But they are now also, and the President would have his way, they will manage 100 percent of all of the loan.

So you know this excuse when summer comes, I hope they forget about the bad weather as an excuse, and hopefully they will not have another shutdown so they cannot use that as an excuse, and they will really have to do the job.

Mr. HOEKSTRA. If the gentleman will yield, the Federal family education loans, I mean just printing the documents which were the things that were late, why it is not available, printing documents is not that tough. We talked a little bit about AmeriCorps not meeting the minimum requirements to be auditable. FFEL, the Federal Family Education Loan Program where they cannot print the applications so that——

Mr. GOODLING. In time.

Mr. HOEKSTRA. In time, also just happens to be the largest funded program of those 760 programs. So for a program that is a half a billion dollars, we cannot keep the books. When you get to a program, the Federal family—or Federal family education loans, $18 billion. I am not—you know, I do not think we have to audit those books. I would love to have an accounting firm take a look at those books.

□ 1945

Mr. Speaker, if we cannot manage $500 million, these have to be a disaster. We have a clue. The books are probably bad, because they cannot even print the forms on time.

Mr. McKEON. That $18 billion, by the way, is just in 1 year.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will further yield, I just want to add a couple of things.

We really are talking about focusing on how do we make kids scholars, the quote from Christine Todd Whitman. You would think if we were focusing on making kids scholars we would go through those 760 programs and say, the problem is we just have too many programs focused on science, or too many focused on reading and math, and we ought to really just consolidate that. I will bet there are a lot of science programs there, a lot of reading, and a lot of math. That is what we want kids to excel in.

Seven hundred and sixty programs. The number of programs for arts promotion and education, and arts are important, are 39. What I did not know is that the arts are more important than science. We only have 28 programs promoting science. But it is good, science is twice as important as reading, because for reading, we only have 14 programs.

We know that reading is more important than math, because for math, out of 760 programs, we have all of 9 programs. So we have 28 for science, 14 for reading, 9 for math, 39 for the arts.

There is one other little program in there that you ought to know. I guess it is not Monday night, but for those who have the TV's that you get the menu, and if you figure out how to use it, you can also put closed captioning on. Out of those 760 programs, there is an option that is provided to you by the Department of Education for closed captioning of "Baywatch." So when you turn on "Baywatch" on whatever night it is on, you can go through your menu, and you push the button that allows you to watch it with the closed captioning on. It will say at the bottom, at the beginning of the program, "Brought to you by funding through the Department of Education."

So the reading scores are not what they ought to be, math is not what it ought to be, science is not what it ought to be. I am not even sure, they may even classify that as a reading program. Tell your kid to go watch "Baywatch" and turn on the captioning, and read the words going along on the bottom of the page.

Mr. GOODLING. I want to point out how important the captioning is. But what a foolish way to spend money for captioning, when you could spend money to really help the people who need the captioning on programs that are meaningful and important to them, as far as their future life is concerned. I doubt whether "Baywatch" is one of those.

Mr. HOEKSTRA. Mr. Speaker, I would tend to agree with the gentleman.

Mr. GOODLING. I think what I would like to point out, Mr. Speaker, in my closing remarks is that I want the parents and the students who are high school seniors and college students to understand that there is a program out there called disinformation, disinforming the public. They are trying to scare you into the idea that somehow or other, because we are in the leadership at the present time, we are going to destroy your loans and we are going to destroy your grants. They

know very well that we increase both the Pell grants and the student loans.

To those who are not going on to a 4-year institution, they would probably have you believe that somehow or other we are not concerned about that 75 percent who never complete a 4-year education. The opposite is true. That is why we worked so hard in the last couple of years to get the careers bill through the House of Representatives, through the Senate, so we can concentrate on that 75 percent who are going to have to have the best skills, the highest skills, the best work ethic, in order to have our country compete with the rest of the world, or otherwise there are no jobs for anybody.

For those who are in high school, all we ask from our Federal expenditures is quality. All we demand is excellence. To the preschoolers, all of us want to make sure that those who are from disadvantaged families, those who do not have the normal opportunities that your children and my children had to become reading ready, that we want to do what we can to make sure they are reading ready, but we do not do that simply by throwing money.

We do that by insisting that they are quality programs, so we do not find that, by the time the children get to third grade, they have lost any head start that they ever had. They will have quality programs that will help them compete with all students, no matter what background they may come from.

So, Mr. Speaker, it is important that the American public understand that there have been billions of dollars, I suppose, by this time spent on advertising to disinform the American public. All we are telling you is that we are here to make sure that all education programs are the very best programs that anybody can provide, and that every child will have an equal opportunity for those good programs.

It does not come just by simply throwing more money at 760 programs. It comes from making sure that, first of all, sufficient money gets to program that are working well, rather than spread it out all over these programs. Second, its means that we have a limited amount of money, and therefore must demand quality, must demand excellence. That is the only way we are going to make it in a very competitive world.

Mr. CUNNINGHAM. If the gentleman will continue to yield, I will make my summation real quick, so I can give the time to my colleagues.

Mr. Speaker, I would say what is really cruel is to leave the system, in view that we have some very good schools across the country, but across the board, a system in which I think every American sees there is a lot wrong with that system, and to where the majority of our children who are applying for entry-level jobs do not even qualify for that entry-level job, because they cannot read, write, do the math, or speak English; that we have only been in the majority for 1 year. This is after 40 years of letting the Government manage and control even the 94 percent from the rules and regulations and paperwork.

Mr. Speaker, I do not think it is asking too much that they give us a chance to prove that we can ensure quality, we can ensure results, by focusing more dollars down not to the Washington bureaucrat, but to the teachers, the principals, the parents, and the children. And they should make those decisions on a local level. I think that concept is worth taking a look at. We are not killing education, but we are focusing those dollars down the maximum to local control.

Mr. McKEON. The gentleman from Pennsylvania mentioned the careers bill. I think it is important that people understand this is an effort that you started in the last Congress and could not even get a hearing on the bill. This year, with the change, we were able to take it and on a bipartisan way, take 128 Federal programs, like we are looking here tonight at 760. And while it is not into law yet and we are still working on it with the Senate, we have taken those 128 programs down to three block grants, made efficient use of the dollars, and we have.

We block grant that money out to the States and local communities where it will really be efficient, instead of having several cross programs working at odds with each other.

Mr. Speaker, I want to commend the gentleman for his leadership on that, and for the continued effort. I think it is important that people understand that we are doing some very positive things here that will bear some great results as time goes on.

What we need now is a President that will sign some of the bills that we have passed, so we can have true welfare reform, so we can have a balanced budget, so we can really get this country moving forward to get our fiscal house in order. I thank the gentleman very much.

Mr. GOODLING. We are here to support those teachers back there on the firing line, and we want to help them as they try to produce the quality that we need to order in be successful.

Mr. CUNNINGHAM. My wife is one of them.

Mr. HOEKSTRA. Just in closing, at the beginning of the year we got together and talked about what our vision was for our committee, where we wanted to drive the education agenda. We started out not with the bureaucracy, not with the dollars, not with the number of programs. We started out with the kids.

We said, we know what works in schools. We know what works in educating kids. We need to empower kids. We need to empower parents to get involved in their kids' education. We need to take a look at whether the bureaucracy and the 40 Federal programs and the $120 billion, whether all that influence out of Washington is empowering parents, enabling students, or whether it is getting in the way. Are the programs getting in the way between parents and the local school board, so the school board looks more to Washington than they do to parents?

We are focused on kids. We are focused on good education. We have the same goals in mind. We just have a different way of getting there.

Mr. GOODLING. Children is the name of the game as far as our program is concerned. We are here to make sure that anything we do will not hinder there getting a good education, but will enhance that possibility.

THE MOST IMPORTANT ISSUES FACING THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. ROGERS). Under the Speaker's announced policy of May 12, 1995, the gentleman from Vermont [Mr. SANDERS] is recognized for 60 minutes.

Mr. SANDERS. Mr. Speaker, as the only Independent in the Congress, what I would like to do is touch on a few thoughts that my Republican and Democratic colleagues often choose not to address. There are a lot of very, very important issues which Congress discusses every week, but somehow or other we seem not to talk about some of the most important issues facing the American people.

The first issue that I would like to talk about is heightened by an article which appeared in the February 5 Washington Post National Weekly edition. The article touches on an issue which I think all of us in this country should be very concerned about. That is the quality of American democracy, and to what degree we in America remain a vibrant democracy.

Mr. Speaker, all of us should be deeply concerned, no matter what our political persuasion is, that in November, 1994, when the so-called Republican revolution took place, and the gentleman from Georgia, [Mr. GINGRICH] became Speaker of the House, all of 38 percent of the American people voted in that election. Sixty-two percent of the American people did not vote. The vast majority of low-income Americans did not vote. Young people in large numbers did not vote. Working people did not vote.

What does it mean, Mr. Speaker, when in Europe and in Scandinavia and in Canada and in other industrialized democracies, 60 percent, 70 percent, 80 percent of the people come out to participate in the political process, but in the United States of America, we have

a major national election of great consequence and 38 percent of the American people participate? What does that mean?

I think it suggests, Mr. Speaker, that the vast majority of American people are giving up on the political process. They are hurting. They are in trouble. But they look to the Government, and they do not see a government which responds to their needs. I think what they instinctively understand is that by and large, what happens here in Congress and the decisions that we make here in Congress reflect to a very large degree the interests of the wealthy and the powerful, the people who can contribute $10,000 a plate to a Newt Gingrich-sponsored fundraising dinner; the people who contribute $16 million in one night to a Republican Party fundraising dinner.

Meanwhile, the folks back home are working longer hours for lower wages. They are concerned that they cannot afford to send their kids to college. They cannot afford health care. They are worried about the health care bills for their parents. They are deeply worried, and they look to Congress, and essentially what they see is a Congress which represents the interests of the wealthy and the powerful, and forgets about the needs of the middle class and the working people of this country.

Mr. Speaker, in the article in the Washington Post on February 5, their National Weekly edition, there is some information that they received from a national poll which should be of major concern to all Americans, regardless of their political persuasions. Let me quote a little bit from that article.

I quote: "To measure how much Americans know about politics and the political system, the Washington Post, the Kaiser Foundation, and Harvard interviewed 1,524 randomly selected adults in November and December. These Americans were asked 18 general knowledge questions about how their government works and who their leaders are. An additional 21 political knowledge questions were asked in 4 other national Washington Post polls. The surveys revealed a knowledge gap that is deep and wide." I would hope that people listen to the following paragraph.

□ 2000

This is based on polling by the Washington Post working with other institutions. Two-thirds of those interviewed could not name the person who serves in the U.S. House of Representatives from their congressional district. In other words, two-thirds of those polled did not know who was representing them in the House of Representatives. Half did not know whether their Representative was a Republican or a Democrat.

Then they go on, "Who is the Vice President of the United States?" Who is the Vice President of the United States? Four in ten, 40 percent of Americans surveyed, did not know or got it wrong. Forty percent of the American people did not know the name of the Vice President of the United States.

It goes on, two out of three could not name the majority leader of the U.S. Senate, ROBERT DOLE, who will be likely a candidate for President. Nearly half, 46 percent, did not know the name of the Speaker of the U.S. House of Representatives, NEWT GINGRICH, and on and on it goes.

It seems to me when 62 percent of the people do not participate in an election, when 40 percent of the people do not know the name of the Vice President of the U.S., when two-thirds of the people do not know the name of their Representative to the U.S. Congress, when many people, a majority of the people cannot name their two U.S. Senators, it seems to me that we have a serious problem regarding democracy in America. If we do not change the circumstances in a variety of ways, I fear very much that in the years to come we are going to lose the democracy that we have today.

Why is it that so many people do not have faith in Government, and why is it that so many people do not participate in the political process? As I said earlier, I think that has a lot to do with the belief that most people have that despite all of their problems and all of their needs, that the elections do not mean much because the people who are elected end up not representing ordinary people, but end up representing the wealthy and the powerful.

Unless we can create a political revolution in this country by which Government begins to stand up not just for those people who have huge amounts of money but for ordinary Americans, unless we can reaffirm the faith of the American people in the political process and in their Government because they see the Government responding to their needs, I fear very much that we are not going to increase voter turnout or get young people to understand what democracy is all about.

I think one of the problems that we have in this whole area is that there has been a tremendous misstatement of reality that has been going on for the last number of years by the corporately controlled media, I believe, and also by our two-party system. What has been going on is that when people turn on the television and they watch CBS or NBC, or they pick up their local newspapers, what they are hearing is the economy is booming, the economy is growing, the economy is doing very, very well.

Then the television people will tell them, well, gee, the stock market is at an all-time high. Then they will tell them corporate profits are doing very, very well this year for the major American corporations. Then they will say inflation is down and that is very good for the economy. The economy is growing and millions of new jobs are being created, all of which may be true, but it does not bear on the most important economic reality, and that is what is happening to the average American.

It is not a question of whether the stock market is soaring for the wealthy people who own most of the stocks. It is not a question of whether corporate profits are at an all-time high. The question is what is happening economically to the average American? The corporate controlled media, and I think to a large degree—there are exceptions—the two political parties represented here have not addressed that issue.

That reality is that for the average American, for the middle-class American, the economy of the United States is in a depression-like situation, and I use that word advisedly.

The reality is that since 1973, 80 percent of all American families have either seen a decline in their incomes, decline in their standard of living, or at best their incomes have remained stagnant. Now, if 80 percent of American families are seeing a decline in their standard of living, or at best economic stagnation, how can anybody with any sense of integrity talk about a growing or dynamic economy? For the middle class of America, we are in the midst of a major depression.

When I go back to Vermont, and I go back to Vermont almost every weekend, and I talk to the people throughout my State, we hold many town hearings on what is going on here in Washington. We talk to people. What do we find? I do not think Vermont, by the way, is terribly different from the rest of the country. What we find from our dairy farmers in the State of Vermont, our small farmers, they are working 60, 70, 80 hours a week. Their income is declining, and many of them are being forced off the land.

What we find is for many of our working people, they no longer work one job at 40 hours a week. Forget about that. That is ancient history. Nobody works one job at 40 hours a week. What they have to do now is work two jobs, on occasion three jobs, in order to bring home the income that their family needs to survive.

Mr. Speaker, 20 years ago American workers were the best compensated in the world, and when people would say America is No. 1, what they were talking about it that for the middle class of this country, their wages, their benefits, their pension plans, their health care, we were No. 1.

But something has happened over the last 20 years. CBS does not talk about it too much. The Speaker of the House does not talk about it too much. Most of the people in Congress do not talk about it too much. But in that 20-year

period, Mr. Speaker, we went from first in the world to 13th in the world, and now our standard of living is far behind many of the countries in Europe and in Scandinavia.

One of the very interesting things that is happening, and it is a sad statement to make, is that increasingly we see European companies coming to the United States and starting factories here. There is nothing wrong with that. That is a good thing.

But why are European companies coming to the United States of America? The answer, and it really would have shocked our parents or any of us 20 or 30 years ago, they are coming to the United States today for cheap labor. They are coming to America for the same reason that American companies are going to Mexico.

In my State of Vermont we have skilled workers, hard-working people, who earn $7 an hour, who earn $8 an hour and less without benefits, who are skilled and hard-working people. You cannot get the type of labor in Europe, you cannot get that type of labor in Scandinavia, because the wages paid in those countries are much higher. So all over America, what we are seeing is companies coming to America to hire our people at low wages, minimal benefits, and I would say that that is a real tragedy that this Congress has got to address.

Mr. Speaker, adjusted for inflation, the average pay for four-fifths of American workers plummeted, declined by 16 percent, in the 20 years between 1973 and 1993. In 1973 the average American worker earned $445 a week. Twenty years later, accounting for inflation, that worker was making $373 a week.

Today the reality for the middle class of America is that they are working longer hours for lower wages. So despite what CBS or NBC or the New York Times may tell us, the reality is that for ordinary Americans, we are in the midst of a severe depression.

How many women all over this country, we hear a whole lot of discussion about family values here, and many of us believe that if a woman wants to stay home—and many women do not, and that is fine—but if a woman wants to stay home with her kids, she has the right to do that. But what we are seeing in this country now are millions of women forced to join the work force because their family cannot make it with one breadwinner, and I think that that is pretty unfortunate.

Just the other day, just last week in Burlington, VT, my hometown, I talked to a woman who said that between her and her husband they are receiving eight separate sources of income. Both of them are working different part-time jobs. They have one kid. They very rarely have a chance to have the whole family together.

That is happening all over America. Husbands do not see wives. Wives do not see husbands. Parents do not see their kids together. This is a tragedy, and it is a tragedy that the U.S. Congress must address.

Mr. Speaker, as bad as the situation is for middle-aged, middle-class workers, there is another phenomenon going around and going on that deserves a whole lot of discussion. As bad as it is for middle-aged folks, it is far, far worse for young workers, and this is pretty scary stuff.

When we ask why the average American is angry or why the average American is nervous or anxious, it is not just that he or she is working longer hours for lower wages. That is pretty bad. But they are terribly worried about what is going to happen to their kids, and I speak as somebody who has four kids.

What is happening is in the last 15 years, the wages for entry-level jobs for young men who are high school graduates has declined by 30 percent, three-zero percent. For young women it has declined by 18 percent. Wages for entry-level jobs for college graduates have also declined for men.

What about young families? Families headed by persons younger than 30 saw their inflation-adjusted median income collapse by 32 percent from 1973 to 1990. What the result of that is, is many young people are not getting married. They cannot afford to get married. Young families are not buying their own homes. They cannot afford to buy their own homes.

Most of the new jobs that are out there are not paying working people a decent wage. Very often they are in the service industry. They are flipping hamburgers at McDonald's. They are working in a ski resort. They are not jobs that are allowing people to come into the middle class.

Mr. Speaker, the dream of America, what the American dream is about, it is a dream that my parents had. My father came to this country from Poland without a nickel in his pocket and our family never had much money. But the dream of what America is about is that as parents you work hard, you are prepared to sacrifice so that your kids can do better than you did, so that your kids will have the opportunity to have the education that you never had.

I think one of the areas of anxiety and panic that so many middle-class families are feeling now is not only what is happening to them, it is the great, great worry as to what is going to happen to their kids. It is not just the kids who do not go to college. It is even the college graduates, as well.

Mr. Speaker, we are creating so many low-paying jobs that right now, Americans at the lower end of the wage scale are now the lowest paid workers in the entire industrialized world. That means if you look at what goes on in Europe, what goes on in Scandinavia, many other countries, what you are seeing now is that American workers at the low end are now, if you can believe it, the lowest paid workers in the entire industrialized world, and I think that is quite unfortunate.

Mr. Speaker, the majority of new jobs in this country today pay only $6 or $7 an hour. They offer no health care benefits. They offer no retirement benefits, and they offer no time off for vacations or sick leave. In fact, more and more of the new jobs being created are part-time jobs or temporary jobs.

In the State of Vermont, I hear from people who say, well, I have to go out and have two 20-hour jobs because the local grocery store is not hiring anybody at 40 hours anymore. They hire two people at 20 hours so that they do not have to pay benefits or provide health care or any other type of benefits that a full-time employee might receive. Many employers now consider 27 hours a week full-time jobs.

In 1993, if we can believe this, one-third of the U.S. work force was comprised of, quote-unquote, contingent labor.

□ 2015

The largest employer in the private sector today is not General Electric, it is not General Motors, it is Manpower Inc. So more and more of our workers are having to go out and find a job for 2 months, they are finding a job for 3 months, but they are not having any security on the job. They are not moving up the ladder. They are working for a couple of months, then they are gone, no benefits no security. Then they have to go out, and they have to hustle a new job. That causes, to say the least, a great deal of stress for the American work force.

Mr. Speaker, when we talk about why wages are in decline in the United States and why the new jobs that are being created are primarily low wage, part time temporary jobs, one of the reasons for that is the major decline in manufacturing jobs in America and the major decline in middle-level white-collar management, middle-level white collar management jobs as well.

In the past 10 years, the United States lost 3 million white-collar jobs; 1.8 million jobs in manufacturing were lost in the last 5 years alone. There is a wonderful word that is out there now in the American vocabulary, and that word is downsizing. Corporate America does not even have the guts to use the word firing any more. But they are using the word downsizing.

All over this country, in virtually every major American corporation, we are seeing massive layoffs at a time, I should mention, when corporate profits are at an all-time high.

Mr. Speaker, five companies alone, Ford, AT&T, General Electric, ITT, and Union Carbide, laid off over 800,000 American workers in the last 15 years. While decent-paying jobs continue to

disappear, the number of involuntary part-time workers tripled between 1970 and 1993.

Mr. Speaker, there have been studies that have been done which have shown, if you can believe it, a correlation between the compensation that the CEO's for the largest corporations in America receive and the downsizing that they do. It appears that it is a wonderful thing to be rewarded, that the heads of AT&T and the large corporations are throwing thousands of American workers out on the street and in return what they get are very large bonus increases and salaries and very positive and beneficial stock options for them.

The more workers you can throw out into the street, the more money you make. And I think this is a very sad statement about the culture of corporate America at the present time.

Mr. Speaker, when we talk about industries, clearly one of the reason is a very simple fact: The average American today is working far harder and far more hours than was the case just 20 years ago.

Mr. Speaker, according to recent studies, the average American is now working 160 hours a year more than he or she worked in 1969, 160 hours. That is 1 month extra. That means people are now forced to work, not to bring in income, to work overtime, they are working two jobs, working three jobs, women are now forced to go out into the work force. The number of Americans working at more than one job has almost doubled over the last 15 years.

Now, it is important again to reiterate the kind of jobs that are being created. President Clinton, and President Bush before him and Reagan before him, they touted the growth of millions and millions of new jobs. Well, they are right. Millions of new jobs are being created. But what kind of jobs are they? Are they jobs that people can work at and become members of the middle class, or are they jobs that people work at and after 40 hours of work they are further behind the 8-ball than when they started?

Mr. Speaker, between 1979 and 1987, there were over 4.4 million jobs created. That is pretty good, 4.4 million jobs. And that is the information that we see in the newspapers, that we hear on television, millions of new jobs being created. That is the good news.

But what is the other side of that equation? Of that 4.4 million new jobs being created between 1979 and 1987, 3.6 million of them were at poverty-level wages. So what you are having is new jobs being created, but, unfortunately, the vast majority of them are at poverty level wages.

Mr. Speaker, as I mentioned earlier, we now have the dubious distinction of being the country in which our low-wage workers are now poorer than in any other country in the industrialized world.

Mr. Speaker, in addition to that, if parents and working people cannot earn a decent living, how are they going to take care of their children? And the answer is they are not.

One of the areas we should be terribly ashamed of, and I fear Republican policies are only going to make a disaster even worse, is that 22 percent of our children today live in poverty. We have by far the highest rate of childhood poverty in the industrialized world. We have some 5 million children who go hungry every single day.

Now, Mr. Speaker, I have talked for a moment, actually for more than a moment, about what is going on for the middle class and the working people of this country.

But there is another reality out there. And that is, while the middle class is shrinking, while more and more workers are receiving poverty level jobs, there is another reality that is taking place, and it is a reality that we do not talk about enough on the floor of the House, and it is a reality that we do not hear about on television, virtually at all, and that is that today, at the same time as the United States has by far the highest rate of childhood poverty in the industrialized world, we also by far have the most unequal distribution of wealth in the industrialized world.

I know we are not supposed to talk about that. That is something that is kind of a little bit dirty, and we are not supposed to talk about that here in the Congress. But the reality is the wealthiest 1 percent of the population in America own over 40 percent of the wealth of America. They own more wealth than the bottom 90 percent.

Further, in terms of income distribution, that means what people are earning every year, the highest earning 4 percent make more money than do the bottom 51 percent. Prof. Edward N. Wolf, who is a professor at New York University, concluded the most recent study of America's concentration of wealth by saying, and I quote—

> We are the most unequal industrialized country in terms of income and wealth, and we are growing more unequal faster than the other industrialized countries.

You know, I think it is appropriate every now and then that we talk about things like justice, like decency, terms we do not hear too much on the floor of the House. We have got to ask ourselves some basic questions: Is it just, is it right, that the wealthiest 1 percent of the population in America owns more wealth than the bottom 90 percent? Is it appropriate to be seeing in our economy today a significant increase in millionaires and people on top, while at the same time more and more people are forced to work for poverty level jobs?

Mr. Speaker, during the 1980's, the wealthiest 1 percent of families saw their incomes rise by 80 percent. So, for the people on the top, the economy is doing fantastically. In the same decade, the 1980's, the bottom 90 percent of families saw their income rise only 3 percent. Most people saw a decline in their standard of living. No wonder that the richest 1 million families today own more than 84 million middle-class working and poor families put together.

Mr. Speaker, when we talk about economic growth, all of us are in favor of economic growth. But there is something wrong when the vast majority of that income growth goes to the people on the top, the people who make $200,000, $300,000, $400,000 a year; meanwhile the middle class is shrinking, people work longer hours for lower wages, and the jobs available to millions of working Americans pay $5 an hour or $6 an hour.

Mr. Speaker, there is another issue that really needs to be addressed because I think it really smacks of obscenity, and that is that in 1980 the average CEO in America, the corporate, the chief executive officer of a major corporation, that CEO earned 42 times what the average factory worker earned.

Today, according to recent reports, the CEO's of the major corporations are now earning 200 times what their average worker is earning.

Just this last year, a report that I saw indicated that the compensation, that is, salaries, bonuses, stock options for the major CEO's went up by over 23 percent. Meanwhile, workers were getting 2 or 3 percent increases in their income.

I think ultimately we have to ask ourselves whether the CEO's of the largest corporations need to eat 200 times more than their workers, need to spend 200 times more for education for their kids than the average middle-class person, should have 200 times more income, to take care of their health care needs of their parents than the average middle-class person.

I think we have got to bring the issue of justice back home again and say to the CEO's of the major American corporations, the people who are downsizing all over this country despite recordbreaking profit, the people who are taking our jobs to Mexico and to China, it is wrong, it is wrong for you to be earning 200 times what your workers are earning. It is your workers who have created wealth in your company, and you have got to have a little bit of decency, and you have got to share it, and you cannot gobble it up all for yourselves and your families. There is a limit to the number of automobiles you can have, a limit to the number of cars you can have, the working people of this country, the middle class of this country, they also have a right to have health care for their kids and their parents, they also have a right maybe to go on a vacation every

once in a while, they have a right to send their kids to college also.

The fact that we have such a grotesquely unfair distribution of wealth and incomes is an issue that this Congress must address, and it has to address.

Mr. Speaker, one of the areas that has been discussed a great deal lately is taxation. Taxation, everybody wants tax reform. I would just simply point out that, according to a study conducted by the House Committee on Ways and Means, the top 1 percent of taxpayers saved an average of $41,000 in 1992 over what their taxes would have been at 1977 rates. In other words, one of the scandals that we have seen is the result of the tax reforms of 1977, 1981, and 1986 is a major cutback in the tax rates of the largest, the wealthiest people in America, and the largest corporations.

In fact, in 1977, if Federal 1977 individual tax rates had still been in effect in 1992, the Nation's wealthiest top 1 percent would have paid $83.7 billion more in taxes which is about one-half of the Federal deficit today.

So, maybe Mr. GINGRICH and his friends would not have had to propose slashing Medicare, Medicaid, education, environmental protection, veterans' programs, the needs of our littlest kids, maybe they would not have had to propose that the wealthiest 1 percent of our people, whose incomes are soaring, had paid, were able to pay, had paid their fair share of taxes.

Mr. Speaker, let me chat for a moment about some suggestions that I and other Members of Congress are making. I am the chairman of the House Progressive Caucus, which now has 51 members, and the Progressive Caucus has been attempting to lead the effort, with success, against the disastrous policies of the Contract With America and Mr. GINGRICH's Republican Party.

But more than that, we are attempting to come up with sensible solutions that would allow the middle class of this country to expand, to grow, rather than to see it shrink. So let me, if I might, just suggest six or seven areas that I think this country and this Congress should been moving forward in.

□ 2030

Mr. Speaker, given the fact that most of the new jobs that are being created are low wage jobs, many of them are part-time jobs, many of them are temporary jobs, this Congress must raise the minimum wage. In my view it should be raised to at least $5.50 an hour.

Mr. Speaker, the current minimum wage of $4.25 an hour is in terms of purchasing power 26 percent less than it was 20 years ago. In other words, our minimum wage workers today are far poorer than was the case 20 years ago.

Mr. Speaker, we hear a whole lot of discussion about welfare reform and the need for people to go out and work. I believe that. But I believe that, if somebody works 40 hours a week, they are entitled to live above poverty. I do not think that people are making it at $4.25, $4.50, or $5 an hour without benefits. You cannot raise kids on those wages.

So I think that, given the fact that the minimum wage in terms of purchasing power has declined by 26 percent over the last 20 years, we have got to have the courage to raise the minimum wage. In my view it should be raised to at least $5.50 an hour.

What is happening around this country because of the failure of Congress to act, a number of States, including the State of Vermont, are themselves trying unilaterally to raise the minimum wage. I applaud that matter. But the truth of the matter is the best way for it to be done, it should be done in 50 States in America, not in 5, not in 10. Let us do that. Let us raise the minimum wage here in Congress to at least $5.50 an hour.

Mr. Speaker, the second area that I think we need to take a hard look at is creating jobs right here in America rather than continuing to defend Europe and Asia against a nonexistent enemy. Many taxpayers may not know this, but our Government continues to spend about $100 billion a year defending Europe and Asia against whom we are not quite sure. It seems to me we should take that $100 billion, being it back home to rebuild both the physical and human infrastructure of the United States of America.

Mr. Speaker, we can put a heck of a lot of people back to work doing meaningful work, rebuilding our roads, our mass transportation, our bridges, our schools, our libraries. In terms of human needs, we can save a whole lot of misery by hiring qualified people in terms of disease prevention, getting people out, working against smoking, against teenage pregnancy, against AIDS.

We can save a lot of lives by having people going out into our communities. We should be putting more money into Head Start, not less money; hiring more people for child care, not cutting back on those important areas.

So it seems to me that, rather than spending $100 billion a year defending Europe and Asia, bring the money back home, put our people to work, making the country a richer country, improving our physical and human infrastructure.

Mr. Speaker, there is another area that needs to be discussed which gets relatively little discussion on this floor, and that is our current trade policy. In my view, our current trade policy is a disaster. I think that, sadly, tragically, all of us in the House who stood up and said "NAFTA was not going to work," unfortunately, we were proven right.

What we have seen is many tens of thousands of American jobs lost to NAFTA. We have seen a trade deficit grow with Mexico. We have learned that the Mexican Government lied to us about the state of their economy. They devalued their peso which necessitated President Clinton to propose a $50 billion bailout loan guarantee for Mexico, which many of us opposed. I brought forth legislation on the floor of this House which would have forced the President to come to Congress before lending Mexico any more money as part of the bailout. Unfortunately, that did not get through the Senate.

But it is not just NAFTA and it is not just GATT, it is our entire trade policy. This year the United States will have a trade deficit of about $160 billion. People say, so what? What does it mean to me? I don't care.

Let me tell you what it means to you. The economists estimate that, if a company were to develop a plant in the United States that produced $1 billion of export, exported $1 billion on product, on average, that company would be hiring 20,000 American workers at decent wages. What that means is when you have a $160 billion trade deficit, when you are importing $160 billion more in goods and services than you are exporting, that equates to the loss of 3 million decent jobs.

Mr. Speaker, just this last weekend I was at a mall in Vermont. I was just looking around at the goods that were available and went into one of the stores where they were selling televisions and VCR's, went into another store selling clothing. I would urge Americans to do that and take a look at the labels as to where these products are made. Increasingly what you see is: Made in China, made in Malaysia, made in Mexico, made in El Salvador.

What is going on is that major American corporations have basically deserted the United States of America, taken their factories to very desperate Third World countries where people have to work for horrible wages.

I remember several years ago going to Mexico as part of the NAFTA debate, and going into a factory there where it was a very state-of-the-art factory, a very sophisticated modern factory. Most of the people there were women who were hard-working, good people. They were earning $1 an hour. We left the plant and walked a quarter of a mile down the road to see where the folks were living. Where they were living was in shacks, often without running water, often without electricity.

Even worse, as bad as the economic situation is in Mexico, it is, of course, worse in China. When our friends at the Nike sneaker company or the other major sneaker companies leave the United States and go to set up their plants in China, what they are doing there is hiring workers at 20 cents an hour; 20 cents an hour.

So what you are doing, it is a worthy exercise. Take a walk through the mall and see where products are manufactured. Increasingly where you are going to see these products manufactured is in desperate Third World countries.

Mr. Speaker, whenever we have a war, our multinational corporations become very patriotic and tell us how much they love America and how much they support the young men and women who are prepared to put their lives on the line defending America. They have big parades and are just ever so patriotic.

I hope very much that the CEO's of the major American corporations would begin to show us their love of this country and patriotism by maybe not running to China and Mexico, but reinvesting back home here in the United States of America.

I think this is an issue I know that the Progressive Caucus and other Members of Congress are prepared to address. It makes zero sense to me, Mr. Speaker, that we continue to give huge tax breaks to large corporations who are downsizing their work force, despite record breaking profits, who are taking our jobs to Mexico and China. It seems to me those are not the companies that should be receiving major tax breaks.

Frankly, Mr. Speaker, it seems wrong to me that, given the fact that the U.S. Government is the largest purchaser of goods and services in the entire world, not just military, but many, many products, that we should begin to think about preferential treatment for those companies, and there are many of these companies who are reinvesting in their communities, who are hiring American workers at decent wages.

We have got to take a hard look at this issue. We have got to give support to those American companies that are doing the right thing. And they are out there. They are treating their workers with respect and with dignity. They are showing us their patriotism, because they are not running to Mexico or China, but they are supporting their communities, the communities that made them money in the first place.

So I think, Mr. Speaker, we have got to take a fundamental look at our entire trade policy. Do we build a wall around America? No. Do we think that trade is a bad thing? No. Trade is a very good thing. But we want to develop a trade policy which allows us to export roughly as much as we import.

We want to have the option of purchasing foreign products. There is nothing wrong with that. But we need a trade policy which puts Americans to work building the goods that we can build so well. Our workers are second to none in the world, if they are given the chance. But the truth of the matter is, we do not talk about it too often, but corporate America is selling out the middle class and working class of this country when they run to China and they run to Mexico. We need a series of policies to get those companies to reinvest here in the United States of America.

Mr. Speaker, there is another issue which I am working on, which some other Members of Congress are working on, that needs to be addressed, and that is that when we try to understand why the standard of living of working people has declined, when we try to understand why the middle class is shrinking, it is important to understand the correlation between the decline of the standard of living of working people and the decline in the trade union movement in America.

It seems to me that if working people are going to get justice, if working people are going to earn decent wages at the place that they work at, if working people are going to get decent representation here in Washington or in their State capitals, it is important for the U.S. Congress to develop policies which allow working people to join unions, if that is what they want to do.

Mr. Speaker, there are a whole lot of workers who do not want to join a union, and that is their right. No question about it. But in my view, and I think the studies indicate this, there are millions of working people who want to join unions, who understand that workers who are in unions earn significantly more than nonunion workers.

The problem right now is that the deck is very much stacked against workers who want to join unions. Despite the law, which is routinely ignored by company after company, those workers who are trying to form a union are fired, they are laid off, they are disciplined. Workers are terrified they are going to lose their jobs. Companies threaten workers that they are going to go to Mexico or shut down the whole place if a union comes.

It seems to me if we are interested in raising income for the working and middle class, we need major labor law reform. The essence of that labor law reform must be that if 50 percent of the workers in a shop vote to join a union, plus one, they have a union. We need legislation that compels the company to sit down and negotiate in a serious way with those workers.

Too often in America, after workers go through all the blood, sweat, and tears of forming a union, they sit down to negotiate their first contract, and the owners refuse to negotiate in good faith and they drag it on and on and the union gets lost. It seems to me that should be illegal. An owner should negotiate in good faith with a union, and if the company does not do that, disciplinary action is taken against that company.

Mr. Speaker, another issue that I think needs to be addressed that is an issue that we hear very, very little discussion about on the floor of this House now, which is the crisis in health care. Many of us right now are, of course, preoccupied fighting against GINGRICH'S massive cuts to Medicare and Medicaid and other health care programs.

What we are trying to do is see that these cuts do not take place, to see that elderly people do not have to pay double the premiums that they are paying today in 7 years, that we do not see massive cutbacks to hospital, general rural hospitals in particular, which might close down hospitals.

In terms of the cuts in Medicaid, we do not know what will happen to the elderly people who need nursing homes, who will not be guaranteed nursing home care. We do not know what will happen to the middle-class families who today can see their parents taken care of well in a nursing home through Medicaid, but will no longer have that guarantee that that will take place. So while we are fighting those terrible cuts, we must not lose track of the real need for fundamental health care reform in America.

When we talk about health care, we have got to understand several basic facts. No. 1, the health care crisis today is worse than it was 3 years ago when we had this big debate on health care. It is not better, it is worse. Today, over 40 million Americans have zero health insurance. More than that have inadequate health insurance. These are the people with very high deductibles. They do not go to the doctor because they cannot afford the deductible, they cannot afford the copayment.

Furthermore, what we have got to understand is that despite the fact that 40 million Americans have no health insurance and so many people are under insured, that the United States today continues to spend far more per capita on health care than does any other major industrialized nation on Earth.

□ 2045

We are spending more for a terribly bureaucratic and wasteful system that rewards the insurance companies with huge profits, that pays the CEO's of the major insurance companies huge salaries, that rewards certain doctors with huge incomes, that allows our pharmaceutical companies to charge our people in America far more for the same product that they sell in Europe, or in Canada, or in Mexico. So I think we have got to move toward a simple, nonbureaucratic health care system which guarantees health care to every American. That is what our vision must be when we talk about family values. What we must be saying is that every family in America knows that they will be able to go to the doctor of their choice without worrying that they are going to go bankrupt.

So, Mr. Speaker, while we continue the fight against these disastrous cuts in Medicare and Medicaid, we must hold out the vision for a single-payer, State-administered health care system which guarantees health care to all people, and in fact we can guarantee health care to people, to every man, woman, and child in America, and we can spend less than we are right now with our wasteful, and bureaucratic, and inadequate system.

Mr. Speaker, I think the last point that I want to touch on has to do with campaign finance and election reform, and that is, as I think many Americans understand, it is not a level playing field in terms of what goes on here. We have our freshman Republican class who are revolutionaries, and they certainly are. Mr. Speaker, as I understand it, they have broken all of the records from any other class in the history of Congress in raising corporate PAC money. The biggest corporations; that is pretty revolutionary, I suppose, getting far more than any other class has received.

Mr. Speaker, 29 percent of the members of the United States are millionaires. My understanding is 25 percent of the freshman Republican class are millionaires, millionaires, and it seems to me, Mr. Speaker, that if we do not want to convert the House of Representatives, the people's body, into a House of Lords, we need some pretty fundamental campaign finance reform which takes away the ability of big money interests to continue to dominate what goes on here in the Congress.

Let me just briefly touch upon some of the issues that I think must be addressed in any serious campaign finance reform legislation.

No. 1, we have got to revisit the issue of very, very wealthy people being able to buy elections. I have nothing personally against Steve Forbes, or Ross Perot, or anybody else, so it is not a personal criticism of them. But I really think it is unfair that people who are just born or perhaps made hundreds and hundreds and millions of dollars, that they have the freedom to get up and say, well, you know, getting boring, you know, middle age, tired of my business career. I think that I am going to run for the President of the United States. Why not? Let us take out $25 million, $50 million out of the old checking account. No problem. We are worth a billion dollars, we are worth a half a billion dollars, and guess what? We will break the monotony. We will run for the President of the United States. Gee, that must be a lot of fun.

So I have nothing against Steve Forbes or Ross Perot; they are fine people. But I think that we have got to create a situation in which every American has the ability, should be able to run for President of the United States, should be able to run for the Senate, should be able to run for the House, should be able to run for Governor, and not just millionaires. And what we are seeing is not just on the presidential level. Do not kid yourself. More and more people who are running for the United States Senate or running for the United States House of Representatives are millionaires. The leadership of both parties is soliciting those people. It is pretty easy. You do not have to worry about raising funds for these guys. They are millionaires; they will pay for it themselves.

And we are seeing this also not only here in Washington, you are seeing it in State capitals as well. Millionaires, you know, became Governor of Louisiana not so long ago, and that is the pattern.

Is that what we want for America? Is that what people fought and died for, to defend democracy for, that we end up having people with huge amounts of money running the government? I do not think so. I do not think that is right.

So I think we want to revisit Butler versus Valeo, the very wrong-headed Supreme Court decision which basically said, gee, millionaires and billionaires have a constitutional right, a freedom of expression, to buy elections. I think that is wrong, and I think through a constitutional amendment or perhaps rethinking on the part of the Supreme Court we have got to revisit that issue. Wealthy people should not be able to buy elections.

Second of all, if we are talking about fairness and elections, the most important issue is to limit the amount of money that can be spent in an election, and we can argue whether for a House race that should be $400,000, $500,000, or $600,000, but that is the most important thing. If somebody has $2 million, somebody has a hundred thousand dollars, the guy with the $2 million is going to win the vast majority of the time, no matter how good or bad that person may be. So we want to limit the amount of money that can be spent.

And third, we want to make sure that the money itself is not coming from wealthy, powerful interests, but from ordinary people, and I think what we probably want to do is have a combination of small contributions balanced off against public funding of elections so we do not have to have spectacles of the Republican National Committee, I guess it was, holding a fundraiser in Washington, DC, and on one night raising $16 million, and Mr. GINGRICH going around the country at $10,000 a plate fundraisers, and in fairness it is Republicans who do this; the Democrats do it as well. And I think we want to end that type of politics.

Mr. Speaker, I would simply conclude my remarks by suggesting that this country faces some serious problems; there is no question about that. But I think those problems are solvable. I do not think there is anything that I have discussed today, the lack of a national health care system, decent wages for our middle class growing out between the rich and the poor. I think those problems are solvable. But I want to say this. Those problems are not going to be solved if tens of millions of American people continue to turn off to the political system. People fought and died to continue this country as a democracy, and we are insulting those people when we say, oh, politics, hey that is all crap, they are all crooks, I am not going to get involved. Wrong.

And I want to say this also; that there are people in Congress and in government who really do not want ordinary Americans to vote and to participate in the political process because, if you only have a small number of people who are voting, as in the last election where we had 38 percent of the people, then big money can dominate what goes on if ordinary people in the middle class do not participate.

So let me simply conclude by saying this country has serious problems, but they are solvable problems. We can create policies by which the middle class will expand rather than shrink. We can create policies by which we do not have $160 billion a year trade deficit. We can create policies which move us toward a balanced budget in a fair way, by dealing with corporate welfare and defense spending rather than slashing Medicare and Medicaid. We can improve education in this country and make college affordable for every middle-class and working-class young person. We do not have to continue to have, by far, the highest rate of childhood poverty in the industrialized world. We can address those issues. But we will not address those issues unless ordinary people begin to stand up, and fight back, and make the effort to reclaim this government which belongs to them. It does not simply belong to the millionaires and billionaires who have used this government for their own interests. It belongs to ordinary Americans, middle class and the working people of this country.

So I hope, Mr. Speaker, that we can see a reinvigoration of democracy in this country, serious political debate about how we can improve life for the vast majority of our people. That is my hope, and I think if people do that, we are going to see some really good changes in this country.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbough, one of his secretaries.

THE NEW POPULISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I certainly enjoyed listening to the last speaker that came to this floor, and I think there are a few things that, despite the differences in opinion on many things, I think there are a few things that we can agree on. I think we can agree on the fact that more Americans do need to get involved in the political system, and I do believe that a lot of people have tuned it out, and that has been unfortunate, but that we have to do what we can to help middle-class families expand that middle class and to contribute.

But I have got to say that is about where the similarities end, because unlike the previous speaker, I do not believe the answers lie in Washington, DC. In fact, I think most of the problems that afflict middle-class Americans come from Washington, DC. Now that is not demagoguery, it is not simple-mindedness. It is just reality.

He spoke for some time about what I would call class warfare, talking about, oh, the big business men and women that make all that money, that steal from the middle class, that steal from the working class. And we have heard that type of class warfare come out of the White House for the past few years, we have heard it on the floor of the House here, and I just—it strikes me as being very interesting because I look back over my background, look back over my history, and I remember growing up in a very middle-class family. We certainly were never wealthy by any stretch of the imagination growing up, and I remember, in fact, my father, being one of the first people in his family to graduate from college, and to go off and get a good job and work for the first 7, 8 years of my life. But then, when there was a recession, he lost his job, and I remember him driving around across the southeast, small towns throughout Georgia, Alabama, and Mississippi looking for a job, and I was with him. We spent, in fact, a summer doing that in the car, driving across the southeast looking for gainful employment for my father.

But you know during that entire time, when we went through the difficult times that we went through, I cannot remember one single time when my parents said to me, "Joey, look at that doctor's house over there," or "Look at that lawyer's house," or "Look at that person that started their own business. We should resent them. How dare they actually go out and make money?"

I mean I just do not understand where this idea comes from that we are somehow going to build up the middle class and working class and blue-collar Americans by tearing down those who actually get up early in the morning, like many of our blue-collar workers and working-class families do that go to work all day, that have invested their time, and their money, and their effort over 10, 20, 30 years, and built up a business and have become successful. That to me is the American dream. That is not something we should discourage. That is something we should encourage and something that we should be excited about.

But let me tell you something, and let me just say, if the previous speaker has been in Congress for the past 4 years, I will guarantee you that he made more money over the past 4 years than I made and my family made.

Now I understand what it is like to be in the working class, to barely make enough money to get by every 2 weeks, to not have enough money to put aside for health care, to not have enough money to put aside for your children's college programs. I understand what that is like, and it is extremely difficult and excruciating. But at the same time I am not going to run around and try to whip up class warfare simply for my own political purposes or agenda. It just does not make good sense.

But if you want to talk about what Americans are really angry about out there today, it is not the populism of old, it is not the populism of William Jennings Bryant when he stormed across the country almost a hundred years ago talking out against rich people, and people who dared to be successful, and corporations. Now we have a new populism, and it is a populism that helped elect me and others, and it is a populism that focuses on big government more than big business, because for an American family earning $30,000 or less, or $40,000 or less, that is having trouble getting by week after week after week, and paying those bills, and being able to afford health care, being able to afford to take their children to the doctor, or to the hospital, or to get the prescriptions filled, or to afford to put aside a few dollars for their children's education fund, it is not big business that is taking away all their money. It is big government.

And look at the historical trends. Back in the 1950's, the average family spent 4 percent of their revenue, their take-home pay, on Federal taxes, 4 percent.

□ 2100

Four percent. Today the average family spends at least, on average, 26 percent to pay taxes to the Federal Government. Now, if you add up the impact of taxes, fees, and regulations that the Federal Government throws on the average American family, they work 50 percent of their year paying off taxes, fees, and regulations placed on them by the Government. They see it every 2 weeks in their paycheck. Look and see how much the Federal Government takes out.

Yet, we still have people standing on the floor of the House of Representatives in 1996 wondering why Americans are angry with the Federal Government, wondering why a revolution that started in 1994 is going to sweep through the turn of the this century and into the 21st century, and why the American people are standing up and saying enough of big government, enough of government telling me how to spend my money, enough of government telling me how to educate my children, enough of government telling me how to protect my family, how to protect my streets.

Americans have had enough of big Government. We have failed. The Congress of the United States, over the past 40 years under liberal rule, has failed to achieve its mandate. Back in 1965 LBJ started the Great Society, the war on poverty. But it is a war not on poverty but on families, on hard work, on discipline, on personal responsibility, and a war against those very people that LBJ thought he was going to help.

All you have to do is drive through the torn-out ghettoes in South Central L.A., or in the South Bronx, or in Gary, IN, or in Philadelphia, and ask yourself a basic question: Are those people today better off than they were 30 years ago, before the Federal Government started tampering with their lives and trying to micromanage every social ill that was out there? The clear answer is no.

The Federal Government is ill-equipped. Our Founding Fathers knew that. Thomas Jefferson knew that, when he said, "The government that governs least governs best." Jefferson did not say that because he was anti-government, he said that because he was pro-freedom, and because he believed in the goodness of the American people, because he believed in the greatness of the American character, because he knew from his experience with King George III in Great Britain that the answer did not lie with a highly centralized monarchy, the answer was out in the community, was out in the country, was out on the farms with the goodness of the American people.

There was a debate earlier this evening on education. We had people that have supported the liberal view for the past 40 years, the centralization view for the past 40 years, come to the floor and say what was causing the problems in this country was simple, that we were not spending enough money on our Federal education bureaucracy; that these bureaucratic programs needed to expand, that we needed to raise taxes, send more education dollars to Washington, drain more education dollars out of the community, drain more education dollars out of schools, drain more education dollars out of teachers' paychecks, drain more education dollars out of computers, send them to Washington, DC, so Big Brother, a Federal bureaucracy, could decide what to do with those education dollars.

Mr. Speaker, some of the people that were on the floor today were condemning what we are trying to do, but what we are going to do is empower the teacher, empower the parent, empower the local school system. However, they said that we "* * * wanted to destroy public schools."

Mr. Speaker, that is very disturbing to me. Of course, I have to recognize who the source is, because these were the same people that called us Nazis for wanting to balance the budget, for trying to only spend as much money as we take in. They called us Nazis because we did not want to rob from future generations, we did not want to rob from our children or from our grandchildren. They called us Fascists because we believe that Americans deserve to be able to control their destiny more than a Federal bureaucracy in Washington does. But anyway, let us fast forward it to tonight, they said that we wanted to destroy the American public education system.

Let me tell the Members something, Mr. Speaker, I can give two good reasons why we do not want to destroy the public school system in this country, why I do not personally, two very personal reasons. One is Joey, age 8, and another is Andrew, age 5, who are my two children, my two boys who are in Pensacola, FL, this evening, and who tomorrow morning will go to public school.

I have a vested interest in education. I have a vested interest in public schools. I have a vested interest in trying to end the insanity that this Federal Government has been pursuing for the past 15, 20 years on education. It is my two boys.

Mr. Speaker, there was a study from a report called "Nation at Risk." In that study, this was the conclusion that they came to on what the Federal Government has been doing in education. It was this. They said "What has been done to America's educational system, had it been done by a foreign power, would have constituted an act of war." Yet, this bizarre bureaucratic experiment with education that started in 1979 continues, continues today unabated.

Back in 1979, when we started our Federal education bureaucracy, we were spending $14 billion on education in the Federal bureaucracy, $14 billion. Fast forward to 1996. We are now spending $36 billion, and soon it will explode to $50 billion, just on our education bureaucracy. That is taking $50 billion out of the communities, out of the educational budgets of the local school boards, out of teachers' salaries, out of school upkeep, and bringing it to the Federal education bureaucracy.

Of course, what has happened? The same thing that has happened when we tried to micromanage these other social ills: We have fallen behind. Our children have suffered, because we have people in Washington, DC, today that still believe, despite the failures over the past 30 years, that Washington has all the answers, and that Americans are either too stupid or too lazy to teach their own children without Washington's intervening.

Mr. Speaker, I am going to give the Members some basic facts to show that is not true. We have spent all this money coming up to Washington, DC, and yet, if you go through the State budgets for education departments, the average State only receives 6 percent of their money on education from Washington, DC. Yet, an Ohio study showed that they get over 55 percent of their paperwork and their bureaucratic redtape from Washington, DC, so they are not getting a return for their investment.

The money is sucked up to Washington, DC, out of the schools and the communities, and as it comes up here, what do we get for it? What do they send back out? All you have to do is look at last year's budget to find some pretty strong anecdotal evidence on what the Department of Education is doing with my money and your money. They have cut $100 million in upkeep to keep schools safe, to keep infrastructure safe, to keep ceilings from falling down on children, cut $100 million out of school upkeep budgets. Yet, last year they increased funding for their own bureaucracy's upkeep, for their own single building down the street, by $25 million. Basically, they take $100 million away from our children and their schools and their safety to make their building a little more plush, a little more inhabitable. Again, it is a classic example of how we are not even robbing Peter to pay Paul, we are robbing our children to pay off bureaucrat salaries. I think it has to stop.

Compare what has happened since 1980, when we started this colossal mistake with what is going on today. We have fallen behind on test scores with industrialized Western nations. Dropout rates have gone up, test scores continue to fall down, violence in schools continue to rise. We are spinning rapidly out of control with our educational system. All some people want to do is what we have been doing for the past 25 years on education, spend more money on a bureaucracy and less money on schools. To me, that is morally indefensible.

Mr. Speaker, I heard somebody talk also, talking about anecdotal evidence, talking about the fact that one of the programs that the Department of Education spends our money on is closed captioning. That sounds great, right, closed captioning for the hearing-impaired. But it is closed captioning for the hearing-impaired for the TV show Baywatch. I do not know what Federal education dollars are doing for closed captioning for Baywatch.

It seems to me we could spend our money better. We could spend our money in our local communities better than in Washington, DC. We could spend our money better on teachers' salaries and on improving students' living conditions than on spending it on bureaucracies in Washington, DC.

That is what this fight is about. We are trying to send power back to the communities, back to the States, back to local governments, so we can have what I called before, and what even Alice Rivlin has called, "legislative laboratories," where we allow 50 States and hundreds of communities and thousands of school boards to experiment with education and to decide how they want to educate their children, instead of having this cookie cutter approach.

Mr. Speaker, if you tell people that you want to do this, they throw up their arms and they say what would we do without a Federal education bureaucracy? What would we do without the Federal Department of Education? We would do the same thing that we did for the first 204 years in this constitutional Republic. We would keep it out of Washington, and we would empower the communities and the teachers and the parents and the students. That makes good sense.

Our Founding Fathers knew that made good sense. James Madison said:

> We have staked the entire future of the American civilization not upon the power of government, but upon the capacity of the individual to govern themselves, control themselves, and sustain themselves according to the Ten Commandments of God.

The 10th amendment to our Constitution that Madison helped draft said "All powers not specifically given to the Federal Government are reserved to the States and to the citizens."

There is nothing in our Federal Constitution, the United States Constitution, that Madison helped draft about an education bureaucracy in Washington, DC., but if we look at all 50 State Constitutions, we will see in all 50 State Constitutions mentioning of education, because that is the way our Founding Fathers and those that wrote our State Constitutions envisioned the American educational system being, an educational system that would be a bottom-up system, where teachers and parents and principals and school board members and community leaders would get together and decide how they were going to educate their children, instead of having an education bureaucracy in Washington, DC., or to go back to what our Founding Fathers looked at it as, instead of having King George III tell everybody how they were going to teach their children.

It just makes good sense. We have to empower our schools once again. We have to do that by getting it out of Washington, DC. That may be a radical concept, I suppose as radical as James Madison was considered to be radical or Thomas Jefferson was considered to be radical all those years ago when

they started what continue to be the greatest living experiment in the history of government, and that is, the United States experiment.

Last year there were 72, 73 freshmen that were elected who said "Enough is enough. We are going to stop draining all the power out of the communities, stop taking it all up to Washington, DC., stop consolidating money and power and authority and prestige in Washington, and start sending it back out to the States, back out to the communities, back out to the parents, back out to the teachers."

One of those people who is here tonight is the gentleman from Pennsylvania, JON FOX. JON has been an instrumental player not only in these education issues, but in other issues on fighting to take our country back and reclaim our heritage, and return this constitutional Republic to what it was meant to be.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding to me. The gentleman has been a leader, and I would like to extend my gratitude to you on behalf of the others in the Congress for your leadership in speaking out on important issues.

Frankly, we are looking to the point that the status quo does not live here anymore; how can we make the Congress more responsive, how can we make sure that we in fact look forward to some substantive and important changes.

That is why, from my perspective, and I think as well, from yours, we need to look and make sure that the local school boards are making the decisions. Yes, we want the Federal funds for textbooks and school lunch and for transportation to go to our school districts, but we do not need national policy to tell our local school districts how to in fact make sure we are giving educational policy that our students need and our parents want. Frankly, I think the teachers want that, too. We want minimum standards, of course, but we can get maximum results by empowering local governments.

Mr. SCARBOROUGH. Mr. Speaker, I agree with the gentleman 100 percent. I have to tell him, though, if we do go through a process where we block grant some of these programs back to the States, I think the important thing is that we do empower them and allow them to make the decision, just like you said.

□ 2115

Because Pennsylvania's issues on education, on transportation, on school lunch programs are different, I can guarantee they are different from Pensacola, FL.

Mr. FOX of Pennsylvania. No question.

Mr. SCARBOROUGH. We come from different parties. I lived in upstate New York for a few years. I recognize that. Our society and our country is huge. So I do not think Bill Clinton or any President should say this is what our education agenda is going to be and we have got to stick to it.

Mr. FOX of Pennsylvania. Would the gentleman yield?

Mr. SCARBOROUGH. Sure.

Mr. FOX of Pennsylvania. On the school lunch program, what I think is exciting about the new Congress is that in the 104th Congress, in a bipartisan fashion, we have seen the school lunch and the WIC programs, how we have expanded the amount of money for those programs, and we said in a block grant, we are going to make sure it meets National Science Foundation standards for quality of the food.

Instead of spending 15 percent on administrative costs, as the Federal Government has for many, many years, we told the States and the governors who want the programs, "You can only spend 5 percent on the administrative costs. With the extra 10 percent we are giving you, you have got to feed more kids more meals."

That is a better way of doing it. Less bureaucracy, more direct services. That is what I think is the kind of reform that is positive.

Mr. SCARBOROUGH. That is right.

It is very interesting, you were talking about the school lunch program, and we saw and actually I talked about how we had been attacked as being extremist and Nazis and all these other things. Just absolutely ridiculous attacks on our character, and it showed just how desperate they were.

They even paraded little children around here in a shameless display. Everybody was wearing their ties with children on them, and all they talked, children, children, children, that is all they talked about. I have got two children. I do not need anybody to tell me that I am more or less compassionate than they are simply because they have more faith in the Federal bureaucracy than in local communities.

I think what we need to do is, while the school lunch programs went up, I think we need to reexamine if this is something that the Federal Government should in the end, in the perfect world, even be involved in. Because let us say, for instance, in my area, and we are talking about getting to the ideal situation on school lunch programs, to make sure that we feed the most disadvantaged and those students that need to be fed.

In my area, let us say that you take, and I, of course, because I am a working class type of guy, I probably do not even have a dollar so I cannot even hold it up. But let us say you take a dollar and you pay taxes coming up on April 15 in my area. Well, that dollar for school lunch programs, for instance, that dollar first goes to Atlanta, GA, to the regional IRS office, which is our regional southeastern IRS office.

That dollar that was for school lunch programs first gets channeled through the IRS office in Atlanta. Of course they have got copying machines. They have got to pay their people to work. They have got to pay rent. They have got to do all these other things, so a little bit of that dollar is gone, sort of a brokerage fee.

Then where does it go next? It comes up to Washington, DC, goes to the IRS office in Washington, DC, and the Treasury Department. They take off their little bit.

Then of course if gets funneled over to the next agency, I suppose the Department of HHS. They take off their part of the dollar, and then of course it goes to the subdivisions within the Department of HHS, and then over to the Department of Education.

Everybody got their brokerage fee on it, so that dollar that started out for school lunch programs continues to get cut up more and more. Then does it come back to the students and get put on the table in Pensacola, FL? No. Then it goes to Tallahassee, FL, and they start figuring out how they are going to cut up the money. Then it comes on over to Escambia County and they have to cut it up.

Finally, by the time that dollar that got out of my pocket on April 15 and went through this maze of bureaucracy up to Washington, DC, and back down to Tallahassee and back to Pensacola, and finally to pay to put a lunch or a breakfast on the table for that disadvantaged child, we have blown most of our money, instead of keeping the money in the community and having the communities raise the revenue and pay for the school lunch program. That is where we need to be. Not only does it make sense, not only is it constitutionally correct, but it just makes good basic sense.

Mr. FOX of Pennsylvania. Will the gentleman yield?

Mr. SCARBOROUGH. I certainly will yield.

Mr. FOX of Pennsylvania. The point is well taken. The fact is that our local communities, local officials, schools, parents, teachers, they know best what they need in their community. If it goes through all the layers the gentleman from Florida described, what happens is, as he well knows, all the pieces that are taken out is less for the child.

After all, what it is about, we want to help more children, we want to help more of our constituents get the services they need that cannot be provided by the private sector. Where the private sector can handle it best, they should. Where State government and local government can handle it best, they should.

But if it cannot be handled in the local government, then the Federal

Government has to get involved, obviously in national defense and in other areas like Medicare and Medicaid. Those things that cannot be handled in the local government, certainly of course the Federal Government needs to take care of it.

Under this new Congress, the new vision I like is we are trying to eliminate the fraud, abuse and waste in the system, and that is where the big differences are coming. For instance, if we want to save Medicare for our seniors and make sure they get all the services they need with the appropriate increases, so they are always covered for health care, there is $30 billion a year right now in fraud, abuse and waste just in Medicare, $14 billion in Medicaid.

Under the new legislation we passed, the new Health Care Fraud Act is going to make sure we go after that fraud, abuse and waste and the savings go back to health care for our people. That is the difference in the new Congress, direct services, more for the people, less waste, fraud and abuse. By going after these kinds of problems in our Government, we are going to make sure we get some real reform.

Mr. SCARBOROUGH. I go through the panhandle, hold town hall meetings all the time. As I hold town hall meetings, I hold Medicare town hall meetings, and I ask people what they think the problem is with Medicare.

I cannot tell you how many people cite waste, fraud and abuse inside the system. They will tell me that a medical provider will overcharge them and that they will call up, they will say, "You have overcharged me here. You need to correct my bill." And the provider will say, "Don't worry about it, it's not your money."

The sad fact is, it is their money. I will tell you what, if I added up all of the waste, fraud and abuse cases I heard in those town hall meetings, I think it would be enough to take care of the Federal debt.

We cannot close our eyes to the fact that there is waste, fraud and abuse in the system, and we also cannot close our eyes to the fact that this system continues to lose money. I was shocked, like I know the gentleman was, and quite frankly worried for my parents and for my 93-year-old grandmother, shocked to find out that the Clinton administration actually had knowledge that Medicare was losing money this past fall and that, unlike what the President had told us in the Medicare trustees' report back in April of 1995, that Medicare was going to go broke much faster than the 7 years they had originally told us. It was actually going to go broke a lot earlier.

That is what excites me about this problem, despite all the sound and all the fury and all the demagoguery, and I can say demagoguery. That is not coming from me. That is coming from the Washington Post. The Post accused Bill Clinton and the Democrats of shamelessly demagoguing on the issue.

Robert Samuelson, who wrote a Washington Post editorial, called the President a liar, said he lied on Medicare and said he did not like using that term, but that the President had so twisted the facts on Medicare that he really felt like there was no other term that fit him.

I guess my last example of how the media has caught on to the President, and they have already told us what they are going to do there this fall, they are going to continue this shameless parade of lies, trying to scare senior citizens, but my favorite was Nightline.

They had a program they called "Medicare." The first clip, and I am sure you know about this, JON, but the first clip they showed in the introduction of Nightline, they go, "this is Nightline." The first clip they show is Hillary Clinton testifying before Congress a few years ago, a few short years ago, to Democrats in Congress, talking about how to save Medicare. She said we must slow down the rate of growth in Medicare to twice that of inflation, twice the rate of inflation. I suggest 6.9 percent.

The next clip they showed was Speaker GINGRICH saying we must slow down the rate of growth in Medicare to twice that of inflation. I suggest 7.2 percent. So already in these first two clips in 10 seconds you see that we are actually suggesting a higher increase of growth in Medicare than the President and Hillary did in 1993, the First Lady.

Then the next clip was Bill Clinton saying, "I will not allow the Republicans to destroy Medicare," when we were doing the exact thing or even a little bit better than they were suggesting just 2 short years ago.

I cannot tell you how many senior citizens have said, "My gosh, am I going to have Medicare next year? Are you guys abolishing Medicare?" I sit there and I go through the numbers. After I go through the numbers, and I explain to my 93-year-old grandmother and to others that they are going to go from getting $4,600 this year in benefits to an average of $7,200 in benefits 7 years from now, I apologize to them. I apologize to them because of the shameless demagoguery that we have heard from this side by people who have admitted they are using this for political leverage to try to scare senior citizens, to maintain power, to try to get reelected.

Now, if that is not a signal of the end of a party, and if that does not signal intellectual dishonesty and bankruptcy of the lowest order, I do not know what does.

We are doing what we have to do, what the Washington Post recognizes we have to do, what the New Republic has recognized in a cover story that we have to do, what a lot of liberal publications even have realized that we have had to do to save Medicare for senior citizens and for those that are in the baby boom generation.

I yield to the gentleman.

Mr. FOX of Pennsylvania. The fact is the gentleman is absolutely correct. It was we Republicans who led in this Congress for several issues before we even got to Medicare. We are the ones that said we want to roll back the 1993 unfair tax on Social Security when we passed that bill in the House.

We are the ones that said that seniors under 70 should earn more than $12,800 without having deductions from their Social Security. In fact, that legislation will allow them to make up to $30,000 a year without any deductions for Social Security.

Third, we are the ones who said we read the report from the President's trustees saying that Medicare was going to run out of funds in 7 years. So we came up with a proposal, which we hope the Congress will eventually adopt and the President sign, which does several things that you outlined:

No. 1, eliminate the $30 billion in fraud, abuse and waste by going through the Attorney General's office and working with the HHS Inspector General to make sure we root out that waste; give a 10-year penalty for those who violate the law. No longer can you be a provider. And put those savings back into health care for seniors.

No. 2, make sure that the minimum education for the indirect and direct costs for interns and residents which is now part of Medicare be a separate line item, fully funded but not part of taking dollars away from seniors.

No. 3, let us reduce the cost of the paper work, 12 percent cost now in Medicare, just on paper work. I want to see that down to 2 percent, like you do, and use electronic billing, and give an extra 10 percent back for seniors for health care.

We also have a provision in there for managed care for Medicare, as well as Medisave accounts, which lets a senior determine how much money they want to spend each year on their health care and they can pocket the savings or roll it over the following year.

The fact is we are trying to be innovative and we are trying to make sure that Medicare will be there for next year, the year after, and the year after. Whatever it takes to make sure seniors have health care, we are going to do it, because we are the ones who have been leading the way to help make sure that seniors live longer, live better, live independently and really can make sure that they have the quality of life that we want for your grandmother, for my grandmother, for our and for your parents.

Mr. SCARBOROUGH. The gentleman brought up a good point, reclaiming

my time for a second here. I remember back to 1993, the largest tax increase in this country, in fact in the history of mankind. I think back to that night when the vote was taken that increased taxes on Social Security up to 85 percent, where you had the Federal Government reaching in and taking more money out of senior citizen's pockets.

I think back to that night. I think back to how they lowered the earnings limit that you talked about from $34,000 to $14,000 and basically told our senior citizens, "Do not dare to be productive, my friends, because if you do, we are going to take your money away from you."

□ 2130

You know, I think back to that night when they raised taxes, estate taxes. I think back to that night when they raised taxes that affected seniors' incomes a million different other ways. And, you know, the thing that is striking is that night it was this side of the aisle, the Republican side of the aisle, that unanimously voted for the rights of senior citizens. Not one single Republican cast a vote to raise taxes on senior citizens and their social security benefits. Not one single Republican cast a vote under Bill Clinton's tax plan to lower the earnings limit, to punish seniors for being productive. Not one single Republican signed off on the largest tax increase in the history of this country.

It was an initiative that was rammed through the House, through the Committee on Ways and Means, by liberal Democrats, signed on by President Bill Clinton, the same man who had promised a middle-class tax cut only a few months earlier when he was campaigning for President.

Yet these people, a lot of these people, have the nerve to actually stand up now and act as though they are the protectors of senior citizens, when, in fact, when they were in power, they were the ones that were taxing senior citizens, making it harder for them to get by from Social Security check to Social Security check and who are now pretending to be friends of senior citizens. All they are doing is fiddling while Rome burns.

They know the system is going bankrupt. The Medicare trustees told them the system is going bankrupt. The headlines this past month have shown it is going bankrupt even faster than we were led to believe by the President and by the liberal Democrats. And yet it is like they are a doctor that opens up a patient, sees cancer in that patient, and instead of operating, closes the patient back up, pats them on the head and says, "Go in peace. You are fine."

We cannot turn a blind eye to the waste, fraud and abuse that is in the system. We cannot turn a blind eye to the fact that the system is going bankrupt. We have got to protect it and preserve it and make it stronger, and I ask you who cares for senior citizens more: those that actually dare to make a difference and save Medicare or those who want to be elected this coming November and that is all they care about? So they are willing to just sort of let it go on for another 6 months or a year or 2 years until we wake up one morning and Medicare is gone.

Mr. FOX of Pennsylvania. I will be glad to answer your question, if you will yield. The fact is the Republican majority has led the way to protect seniors, not only having in that legislation all the things we discussed previously, but also a clause to return in case there has to be a further increase if we have not been able to save as much as we hoped to through the fraud, abuse and waste.

We will not let seniors go without the proper Medicare and senior health care services they deserve and need, but we are not going to tolerate a system that will lose money and have the waste go out the door when the services those dollars could have brought the seniors should go to our people. We are going to be vigilant that way.

What is also important is to note, and the people, our colleagues should also know, Social Security is off the table. That is not part of our budget. We are not going to let that be touched by anybody, not anybody anyhow.

The fact is Social Security deserves to have funds brought back to it prior Congress borrowed from the Social Security. The Social Security trust fund is owed about $358 billion. Hopefully, through things like the line item veto, other savings we are going to have reducing agencies, the sunset review legislation I have, other ways to reduce the cost of programs that have outlived usefulness, we can restore those funds to the Social Security fund, the Social Security trust fund.

The Social Security trust fund is solvent, doing well. We want to make sure it is going to be solvent for many years to come. Many on the other side of the aisle try to take things from it to balance the budget for seniors and those who have given their whole life to train us, to give us the right to be here. We have to protect them.

Mr. SCARBOROUGH. I agree. Exactly.

I want to try to bring this together, in closing, and just say this, that we have been talking about Medicare, we have been talking about education, but you know, the Democrats, some of the leadership, some of the liberals have tried to say, tried to tie some things together for a campaign slogan. And I guess it sounds great as a campaign slogan. Unfortunately, it is just not true.

What have they said time and time again, the Republicans are cutting taxes for the rich to pay for Medicare and have said that we are actually cutting Medicare to pay for tax cuts for the rich. And we cannot talk about Medicare until—

Mr. FOX of Pennsylvania. First of all, nothing could be further from the truth.

Mr. SCARBOROUGH. Exactly. Exactly. We cannot end this discussion on Medicare without discussing these tax cuts, I think, just to totally blow it out of the water, because nothing could be further from the truth. Not only are we strengthening and preserving Medicare, not only are we allowing Medicare to grow at a rate that is sustainable, not only are we going to be giving senior citizens more options than they have ever had and going to be allowing the Medicare benefits to continue to increase, and that shows that we are telling the truth on Medicare.

On the tax cuts for the rich, you and I both know those are not tax cuts for the rich. You take the $500 per child tax credit, let me tell you something, that is a tax credit to help the struggling middle-class family that is having trouble getting by from paycheck to paycheck.

And here is an interesting fact for you on it: They call it tax cut for the rich; the fact is 89 percent of those tax cuts, 89 percent of that tax relief goes to working families earning less than $75,000. So what does that tell us? It tells us one or two things about the liberals calling them tax cuts for the rich. It tells us that, first of all, either they are not telling the truth on tax cuts either, on tax relief for working-class Americans, it tells us that. Or the second thing it tells us is that they truly believe that a working-class family of four earning $35,000, $40,000, is rich in their book.

Now, whether they are lying about it or whether they truly believe that working-class Americans making $40,000, a family of four is now rich in America, either way, I do not think they are fit to govern this country anymore.

I think it is a sad commentary when people would actually stand up and say those are tax cuts for the rich and try to scare senior citizens. This is about empowering senior citizens if we are talking about Medicare. It is about empowering working class Americans if we are talking about working-class family tax relief. And it is about empowering parents, teachers, principals, and school boards if we talk about educating our children in the classroom and not in a bureaucracy in Washington, DC. And that is what this whole, they have called it, a revolution, we have barely taken the first step.

That is what this whole movement is about, getting power out of Washington, DC, and once again relying on the goodness of the American people and

the greatness of the American civilization, which I believe today truly is the last great hope.

Mr. FOX of Pennsylvania. I agree with you. You are absolutely right. The fact is that when it comes to the tax reform, it is going to help most Americans. And we have done it after we have already taken the spending cuts, $190 billion, deficit reduction of $90 billion. It is only when we start looking to the tax reform to help us create jobs, over 300,000 a year, to help encourage savings to help encourage investment, and that is what America is all about. If we can create more jobs, not Government jobs per se, but real private sector jobs, we will have more people paying taxes and more, a more stable tax structure for everybody. Everybody can pay less toward the Government and get more in their pocket so they can help this economy drive forward.

We have the elder care tax credit, the new IRA's are part of that program. We have the new adoption tax credit. All of those tax reform packages will help seniors, help working families, will help children.

So, frankly, when you talk about it here in this Congress, we have had bipartisan support for that program, but the President unfortunately vetoed the bill, and I am hopeful the next time when welfare reform comes before the President, tax reform comes before the President, and a balanced budget, we can make a difference, because with that balanced budget we are going to reduce the costs for working families, college education interest expense, car expense, and on the mortgage expense. And that is basic to the country. And by doing that, we are going to have a stronger country. The last time we balanced the budget was 1969.

Mr. SCARBOROUGH. That is right. For the first time in a generation, this Congress actually dared to say enough is enough, we are going to balance the budget, we are going to only spend as much money as we take in.

A lot of people do not realize how much $5 trillion is. I heard somebody on this floor say one time, in explaining how much $5 trillion debt is, if you earned a million dollars every day from the day Jesus was born, Jesus Christ was born, to today, you would not make enough money, making a million dollars a day, you would not make enough money to pay off that debt. And yet we still have people telling us we do not have to do it in 7 years.

Mr. FOX of Pennsylvania. What is interesting is we can still balance the budget and still have the safety net for those who are in need. This is a compassionate country, and this Congress does care but it does not mean we need to spend money on every program. Frankly, we have a private sector doing a great job, whether Habitat for Humanity, community service block grant where we take existing Federal funds and raise three times as much in the private sector to serve the community, we can do it all. We do not have to bankrupt the country or the next generation in doing that.

Mr. SCARBOROUGH. I will tell you what we have done in Pensacola, FL. What we have started up, we started a community service network. I got together 3 or 4 months ago with community leaders. One is a doctor, Reed Bell, who has just been instrumental. He has cared. He is a pediatrician. He has done great work in the community for years, caring for disadvantaged children, caring for those in need. I talked to Dr. Bell, and he had come up with an idea, a private sector welfare reform, where when people come off of welfare, we create a community service network of all of these different community service organizations that would work together, that would draw in churches and synagogues, and get these people when they come off of welfare and help them get on their feet and do everything they can to empower those people without going back on the welfare rolls a month or two later.

You know, at the time I came up with the idea, Dr. Bell had already come up with the idea, had been doing it for some time before me. I thought, hey, I have got a great idea. He had already been thinking about it, and we got together, and, with Dr. Bell's leadership, we have launched this community service network. And it is going to make a big difference. But that is something that is spreading throughout this country.

I saw on the front page of the New York Times a few Sundays ago that there has been an explosive growth of these groups, that people are no longer waiting for the Federal Government to come in and help them out. Communities are now sort of digging in and doing their part and saying, "Forget the Federal Government, we have got this American can-do spirit. We are going to do it ourselves." That is what we are doing in Pensacola. That is what Dr. Bell is doing. That is what the New York Times is talking about.

Again, this is not a political revolution that is sweeping the country. It is a revolution of thought, again, that Americans are once again reclaiming their country and saying we are not going to just depend on the Federal Government for everything.

Mr. FOX of Pennsylvania. I will say, in summation, the spirit of voluntarism also is alive and well in Montgomery County, PA, where we have hundreds of organizations working to help with shelters for the homeless, food cupboards, you name it, health care. They are involved. But with our welfare reform legislation, in the Congress, I think that is also very sensitive. We are going to have a safety net for those in need, when they are taking care of children at home, those who are able-bodied, in 5 years we are looking to help them get a job, job counseling, job placement, day care, if they need it. We want to make sure it is those who are able-bodied get in the world of work if that is what they are able to do and we can train them for it.

Mr. SCARBOROUGH. Of course, that debate will continue. I personally think our welfare bill that ended the Federal Government's oppressive mandates on States for the first time in 62 years is a great bill. Obviously, 88 Senators out of 100 Republican and Democrat alike thought it was a great idea.

The President unfortunately vetoed that bill. Obviously, the 50 Governors, when they came to town, all 50 endorsed our welfare reform bill, thought we had a pretty good idea. Again they thought we had a good idea, because it keeps going back to the ideals of Jefferson and Madison and our Founding Fathers that we are in the end a Nation of communities and not a Nation of bureaucracies.

We have got to rely on the goodness of Americans as we go into the 21st century, because we have seen the Federal Government only goes so far.

Mr. FOX of Pennsylvania. I want to thank you for taking this hour so we have a chance to discuss some of the basic achievements we have had in the 104th Congress, so we can continue the enthusiasm to make sure we continue our reform goals. I thank you for your leadership.

Mr. SCARBOROUGH. I thank you for your leadership.

□ 2144

PROPOSED RESCISSIONS OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. CHRYSLER) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection referred to the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report five proposed rescissions of budgetary resources, totaling $50 million. These rescission proposals affect the Department of Defense.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 13, 1996.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MYERS of Indiana (at the request of Mr. ARMEY) for today from 5 p.m., on account of medical reasons.

Mr. SISISKY (at the request of Mr. GEPHARDT) for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. FATTAH, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Mr. VOLKMER, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

(The following Members (at the request of Mr. MCCOLLUM) to revise and extend their remarks and include extraneous material:)

Mr. SHADEGG, for 5 minutes, today.

Mrs. SEASTRAND, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. HAMILTON.

Ms. LOFGREN.

Mrs. THURMAN.

Mr. MARTINEZ.

Ms. DELAURO in two instances.

Mr. HINCHEY.

Mr. VENTO.

Mr. SCHUMER.

Mr. BENTSEN.

(The following Members (at the request of Mr. MCCOLLUM) and to include extraneous matter:)

Mr. QUINN.

Mr. GOODLING.

Mr. GILMAN.

Mr. RAMSTAD.

Mr. KOLBE.

Mr. BUNNING.

Mr. POMBO.

Mr. CASTLE.

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. DAVIS.

Mr. CHRISTENSEN.

Mr. HINCHEY.

Mr. MARTINEZ.

Ms. DELAURO.

Mr. VENTO.

Mr. SCHUMER.

Mr. BENTSEN.

Mr. MANTON.

Mr. HORN in two instances.

ADJOURNMENT

Mr. SCARBOROUGH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Thursday, March 14, 1996, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees of the U.S. House of Representatives during the fourth quarter of 1995 in connection with official foreign travel, as well as an amendment to the fourth quarter report of foreign travel authorized by the Speaker, U.S. House of Representatives, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995

Name of Member or Employee	Date		Country	Per Diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Thomas Foglietta	11/24	11/26	Haiti		384.00						384.00
Commercial airfare							1,196.95				1,196.95
Hon. John Murtha	10/8	10/9	Italy		100.00						100.00
	10/9	10/10	Bosnia		100.00						100.00
							[3] 5,658.00				5,658.00
Hon. John Murtha	12/9	12/9	Haiti				[3] 998.00				998.00
John Blazey	11/8	11/13	Japan		2,000.00				722.82		2,722.82
Commercial airfare							4,464.38				4,464.38
Gregory Dahlberg	10/8	10/9	Italy		100.00						100.00
	10/9	10/10	Bosnia		100.00						100.00
							[3] 5,658.00				5,658.00
James W. Dyer	10/8	10/9	Italy		100.00						100.00
	10/9	10/10	Bosnia		100.00						100.00
							[3] 5,658.00				5,658.00
James W. Dyer	12/9	12/9	Haiti				[3] 998.00				998.00
Gregory Dahlberg	12/9	12/9	Haiti				[3] 998.00				998.00
Stephanie Gupta	11/8	11/13	Japan		2,000.00				722.82		2,722.82
Commercial airfare							4,464.38				4,464.38
Richard Efford	12/9	12/11	England		592.00						592.00
	12/12	12/14	Belgium		660.00						660.00
	12/14	12/15	Switzerland		304.00						304.00
Commercial air							4,412.45				4,412.45
John Plashal	10/8	10/9	Italy		100.00						100.00
	10/9	10/10	Bosnia		100.00						100.00
							[3] 5,568.00				5,568.00
John Plashal	12/9	12/9	Haiti				[3] 998.00				998.00
John Shank	12/20	12/22	Belgium		660.00						660.00
Commercial airfare/ground							3,203.15				3,203.15
Committee total					7,400.00		44,275.31		1,445.64		53,120.95
Survey and investigations staff:											
Alfred L. Espostio	11/25	11/29	Germany		758.00		4,408.49		396.08		5,562.57
	11/29	12/2	The Netherlands		627.00						627.00
	12/2	12/5	England		812.00						812.00
Joseph R. Fogarty	11/5	11/9	Italy		622.25		3,528.27		79.52		4,230.04
Michael O. Glynn	11/27	12/1	Japan		1,492.00		4,260.95		236.72		5,989.67
	12/1	12/7	Korea		1,481.00				234.33		1,715.33
Rahul Gupta	11/27	12/1	Japan		1,492.00		4,260.95		113.22		5,866.17
	12/1	12/7	Korea		1,481.00						1,481.00
Terrence E. Hobbs	11/5	11/9	Italy		622.25		3,528.27		103.77		4,254.29
Robert W. Lautrup	11/25	11/29	Germany		758.00		4,408.49		376.32		5,542.81
	11/29	12/2	The Netherlands		627.00						627.00
	12/2	12/5	England		812.00						812.00
L. Michael Welsh	11/27	12/1	Japan		1,492.00		4,260.95		114.96		5,867.91
	12/1	12/6	Korea		1,214.00						1,214.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995—Continued

Name of Member or Employee	Date		Country	Per Diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					14,290.50		28,656.37		1,654.92		44,601.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation; cost shown is comparable first-class commercial rate.

BOB LIVINGSTON,
Chairman, Jan. 30, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Debi Bodlander	12/26	12/31	Jordan		1,175.00						1,175.00
Commercial airfare							4,613.55				4,613.55
Scott Feeney	12/16	12/18	Haiti		266.50						266.50
Commercial airfare							648.95				648.95
Victor O. Frazer	12/13	12/18	Russia		1,700.00						1,700.00
Commercial airfare							3,424.95				3,424.95
Richard Garon	10/13	10/17	Bosnia		[3] 580.00						580.00
Commercial airfare							3,416.55				3,416.55
John Herzberg	10/13	10/17	Bosnia		700.00						700.00
Commercial airfare							3,416.55				3,416.55
Mark Kirk	10/13	10/17	Bosnia		[3] 580.00						580.00
Commercial airfare							3,416.55				3,416.55
John Mackey	11/29	11/30	Ireland		145.00						145.00
Lester Munson	11/19	11/20	Morocco		331.00						331.00
Commercial airfare							3,676.95				3,676.95
Roger Noriega	12/16	12/18	Haiti		266.50						266.50
Commercial airfare							648.95				648.95
Daniel Restrepo	12/18	12/18	Haiti		266.50						266.50
Commercial airfare							648.95				648.95
Marty Sletzinger	10/13	10/17	Bosnia		700.00						700.00
Commercial airfare							3,416.55				3,416.55
Scott Wilson	12/16	12/18	Haiti		266.50						266.50
Commercial airfare							648.95				648.95
Committee total					6,977.00	6,977.00		27,977.45			34,954.45

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

BENJAMIN A. GILMAN,
Chairman, Jan. 31, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Ed Bryant	12/28	12/29	Haiti		136.50		(3)				136.50
Committee total					136.50						136.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HENRY J. HYDE,
Chairman, Feb. 29, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Bill Richardson	12/9	12/11	Africa		900.00						900.00
Commercial airfare							7,166.95				7,166.95
Calvin Humphrey	12/9	12/11	Africa		900.00						900.00
Commercial airfare							7,166.95				7,166.95
Louis Dupart	11/13	11/18	Middle East		701.75						701.75
Commercial airfare							5,407.35				5,407.35
Committee total					2,501.75		19,741.25				22,243.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LARRY COMBEST,
Chairman, Jan. 26, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Orest Deychakiwsky		9/30	United States				3,077.55				3,077.55
	10/1	10/7	Poland		1,368.00						1,368.00
		12/11	United States				3,424.95				3,424.95
	12/12	12/19	Russia		2,000.00						2,000.00
John Finerty		10/5	United States				2,881.95				2,881.95
	10/6	10/14	Poland		1,586.00						1,586.00
		12/11	United States				3,486.95				3,486.95
	12/12	12/18	Russia		1,728.00						1,728.00
	12/18	12/19	Denmark		209.00						209.00
Chadwick Gore		9/30	United States				3,082.15				3,082.15
	10/1	10/12	Poland		2,508.00						2,508.00
Robert Hand		10/24	United States				1,517.55				1,517.55
	10/25	10/31	Croatia		1,620.00		128.00		690.00		2,438.00
Janice Helwig	10/1	10/10	Austria		1,707.39		905.00				2,612.39
	10/10	10/18	Poland		1,824.00		41.95				1,865.95
	10/18	10/27	Austria		2,086.81		572.00				2,658.81
	10/27	10/30	Croatia		463.05		25.24				488.29
	10/30	12/6	Austria		7,019.27		458.15				7,477.42
	12/6	12/9	Hungary		486.00		22.77				508.77
	12/9	12/13	Austria		758.84		1,860.00				2,618.84
	12/13	12/19	Russia		1,728.00		110.00				1,838.00
	12/19	12/21	Austria		379.42						379.42
									[3] 533.76		533.76
Marlene Kaufmann		11/4	United States				4,098.75				4,098.75
	11/5	11/12	Romania		1,981.00						1,981.00
	11/12	11/14	Switzerland		508.00						508.00
	11/14	11/18	Bulgaria		788.00						788.00
Richard Livingston		10/5	United States				3,160.55				3,160.55
	10/6	10/18	Poland		2,498.00						2,498.00
	10/18	10/22	Austria		752.00						752.00
Michael Ochs		9/9	United States				6,451.45				6,451.45
	9/10	9/14	Poland		912.00						912.00
	9/14	9/15	Turkey		212.00		50.00				262.00
	9/15	12/3	Azerbaijan		8,785.00		100.00				8,885.00
	12/3	12/6	Georgia		639.00		87.00				726.00
	12/6	12/7	Azerbaijan		107.00						107.00
	12/7	12/13	Turkmenistan		1,242.00		100.00				1,342.00
	12/13	12/19	Russia		1,728.00						1,728.00
Erika Schlager		10/1	United States				3,133.85				3,133.85
	10/2	10/6	Poland		912.00						912.00
	10/6	10/8	Czech Republic		438.00						438.00
	10/8	10/14	Poland		1,192.00		40.55		256.52		1,489.07
Samuel Wise		9/30	United States				2,288.15				2,288.15
	10/1	10/6	Poland		1,368.00						1,368.00
		10/10	United States				2,620.95				2,620.95
	10/11	10/19	Poland		1,824.00		17.00				1,841.00
	10/19	10/22	Switzerland		723.00		16.00				739.00
	10/22	10/25	Austria		564.00						564.00
	10/25	10/28	Czech Republic		657.00		10.00				667.00
		12/5	United States				3,176.95				3,176.95
	12/6	12/9	Hungary		636.00						636.00
Committee total					55,937.78		46,945.41		1,480.28		104,363.47

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Shared administrative conference costs.

CHRIS SMITH, Jan. 30, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, UNITED STATES-RUSSIA JOINT COMMISSION ON POW/MIA AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 6 AND NOV. 11, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Pete Wilson	11/6	11/7	Germany		297.00						297.00
	11/7	11/8	Kyrgyzstan		171.00		[3]		[4] 21.00		192.00
	11/8	11/10	Turkmenistan		514.00		[3]				514.00
	11/10	11/11	Germany		297.00						297.00
Commercial airfare							3,270.65				3,270.65
Suzanne Farmer	11/6	11/7	Germany		297.00		546.65				843.65
	11/7	11/8	Kyrgyzstan		171.00		[3]		[4] 21.00		297.00
	11/8	11/10	Turkmenistan		514.00		[3]				514.00
	11/10	11/11	Germany		297.00						297.00
Committee total					2,558.00		3,817.30		42.00		6,417.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Meals on military air transporatation.

PETE PETERSON, Jan. 28, 1996.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2240. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–221, "Prison Industrial Act of 1996," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2241. A letter from the Chairman, African Development Foundation, transmitting the 1995 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

2242. A letter from the Chairman, Consumer Product Safety Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2243. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

2244. A letter from the General Counsel, Office of National Drug Control Policy, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2245. A letter from the Director, Office of Personnel Management, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2246. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

2247. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a copy of the final rulemaking governing bidding for OCS natural gas and oil leases, pursuant to 43 U.S.C. 1337(a)(4); to the Committee on Resources.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRANE (for himself, Mr. SHAW, and Mr. RANGEL):

H.R. 3074. A bill to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 3075. A bill authorizing participation by the United States in the North American Free-Trade Agreement Coordinating Secretariat; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. KASICH, Mr. MILLER of Florida, Mr. LARGENT, Mr. BASS, Mrs. MYRICK, Ms. MOLINARI, Mr. HOKE, Mr. HERGER, Mr. RADANOVICH, Mr. KOLBE, Mr. BROWNBACK, Mr. SHAYS, Mr. INGLIS of South Carolina, Mr. ALLARD, Mr. LAZIO of New York, Mr. SMITH of Michigan, and Mr. CONDIT):

H.R. 3076. A bill to amend the Congressional Budget Act of 1974 and chapter 11 of title 31, United States Code, to require that reports accompanying concurrent resolutions on the budget include analyses, prepared after consultation with the Congressional Budget Office, of generational accounting information and that Presidents' annual budget submissions include generational accounting information; to the Committee on the Budget, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Mrs. JOHNSON of Connecticut):

H.R. 3077. A bill to establish a Commission on Retirement Income Policy; to the Committee on Economic and Educational Opportunities.

By Mr. CLINGER (for himself, Mr. TAUZIN, Mr. GILMAN, Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. GOODLING, Mr. LIVINGSTON, Mr. STUMP, Mr. HANSEN, Mr. ROBERTS, Mr. WOLF, Mr. BURTON of Indiana, Mrs. VUCANOVICH, Mr. BARTON of Texas, Mr. MYERS of Indiana, Mr. BUNNING of Kentucky, Mr. HASTERT, Mr. HEFLEY, Mr. SHAYS, Mr. SMITH of Texas, Mr. PARKER, Mr. CUNNINGHAM, Mr. EWING, Mr. ZELIFF, Mr. BACHUS, Mr. CALVERT, Mr. HOEKSTRA, Mr. HORN, Mr. HUTCHINSON, Mr. LAZIO of New York, Mr. MICA, Mr. SMITH of Michigan, Mr. TALENT, Mr. BASS, Mr. COOLEY, Mr. DAVIS, Mr. EHRLICH, Mr. FOX, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. HOSTETTLER, Mr. LATOURETTE, Mr. MCINTOSH, Mr. SCARBOROUGH, Mr. SHADEGG, Mrs. SEASTRAND, Mr. SOUDER, Mr. STOCKMAN, Mr. TIAHRT, Mr. HOBSON, Mr. BLILEY, and Mr. NETHERCUTT):

H.R. 3078. A bill to amend title 31, United States Code, to prohibit the use of appropriated funds by Federal agencies for lobbying activities; to the Committee on Government Reform and Oversight.

By Mr. COBURN (for himself and Mr. BROWN of Ohio):

H.R. 3079. A bill to amend title XVIII of the Social Security Act to assure access to services under the Medicare Health Maintenance Organization Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING:

H.R. 3080. A bill to amend title 18, United States Code, to impose stiffer penalties on persons convicted of lesser drug offenses; to the Committee on the Judiciary.

By Mr. RICHARDSON:

H.R. 3081. A bill to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes; to the Committee on Commerce.

By Mr. LIVINGSTON:

H.J. Res. 163. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations.

By Mr. MARKEY (for himself, Mr. SOLOMON, Mr. KASICH, Mr. FRANK of Massachusetts, and Mr. SCARBOROUGH):

H. Res. 381. Resolution expressing the sense of the House of Representatives regarding sanctions on nations that assist in the development of nuclear weapon programs of nonnuclear weapon states; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

206. By the SPEAKER: Memorial of the Senate of the State of Washington, relative to requesting that a public and a private sector representative of the Pacific Northwest Economic Region be appointed to the National Tourism Board and the National Tourism Organization respectively; to the Committee on Commerce.

207. Also, memorial of the Senate of the State of Washington, relative to the Senate of the State of Washington opposing any proposal that would levy a fee on any individuals crossing the borders of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CASTLE introduced a bill (H.R. 3082) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Magic Moments;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. HASTINGS of Washington and Mr. HUNTER.

H.R. 103: Mr. LUTHER and Mr. DOYLE.

H.R. 294: Mr. FRANK of Massachusetts, Mr. THOMPSON, Mr. FALEOMAVAEGA, and Mr. DURBIN.

H.R. 303: Mr. HASTINGS of Washington and Mr. HUNTER.

H.R. 491: Mr. MCINNIS.

H.R. 559: Mr. SANDERS.

H.R. 620: Mr. HASTINGS of Florida, Ms. MCKINNEY, Mr. YATES, and Mr. FRAZIER.

H.R. 852: Ms. RIVERS.

H.R. 1000: Mr. WARD.

H.R. 1023: Mr. RANGEL and Mr. STARK.

H.R. 1073: Mr. JOHNSON of South Dakota, Ms. WATERS, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. KENNEDY of Rhode Island, Mr. RANGEL, Mr. WISE, Mr. JEFFERSON, Mr. MOLLOHAN, Mr. KLECZKA, and Mr. SCARBOROUGH.

H.R. 1074: Mr. JOHNSON of South Dakota, Ms. WATERS, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. KENNEDY of Rhode Island, Mr. RANGEL, Mr. WISE, Mr. JEFFERSON, Mr. MOLLOHAN, Mr. KLECZKA, and Mr. SCARBOROUGH.

H.R. 1352: Mr. CREMEANS and Mr. WALSH.

H.R. 1386: Mr. MCKEON.

H.R. 1591: Mr. BORSKI.

H.R. 1610: Mr. ROBERTS.

H.R. 1627: Mr. GRAHAM and Mr. KOLBE.

H.R. 1684: Mr. SHUSTER, Mr. BURTON of Indiana, Mr. CARDIN, Mr. FRANK of Massachusetts, Mr. WAMP, Mr. MATSUI, Mr. FRAZER, and Mr. HUTCHINSON.

H.R. 1776: Mr. BEREUTER, Mr. GILMAN, Mr. HYDE, Mr. FRANKS of New Jersey, Mr. CANADY, Mr. TRAFICANT, Mr. LAHOOD, Mr. DORNAN, Mr. THOMAS, Mr. SAXTON, Mr. COX, Mr. SCHAEFER, Mr. POMBO, Mr. HANCOCK, Mr. SCHIFF, and Mr. GUNDERSON.

H.R. 1946: Mr. EWING and Mr. SKEEN.

H.R. 1998: Mr. GENE GREEN of Texas, Mr. HASTINGS of Washington, and Mr. COOLEY.

H.R. 2019: Mr. BURR.

H.R. 2182: Mr. HORN.

H.R. 2200: Mr. SHUSTER, Mr. SCHAEFER, and Mr. CLINGER.

H.R. 2270: Mr. NORWOOD.

H.R. 2320: Mr. GREENWOOD, Mr. EHLERS, Mr. ALLARD, Mrs. ROUKEMA, Mr. UPTON, Mr.

WELLER, Mr. BAKER of Louisiana, Mrs. KELLY, Ms. PRYCE, Mr. ENSIGN, and Mr. MINGE.

H.R. 2333: Mr. CALVERT and Mr. BENTSEN.

H.R. 2416: Mrs. ROUKEMA.

H.R. 2458: Mr. COOLEY, Mr. DEFAZIO, Ms. PELOSI, and Mr. LINDER.

H.R. 2500: Mr. PAXON.

H.R. 2548: Mr. ENGLISH of Pennsylvania, Ms. NORTON, and Mr. BAKER of Louisiana.

H.R. 2723: Ms. PRYCE.

H.R. 2757: Ms. RIVERS.

H.R. 2881: Mr. CLINGER and Mr. MINGE.

H.R. 2909: Mr. ZELIFF.

H.R. 2919: Mr. FRELINGHUYSEN.

H.R. 2925: Mr. BALLENGER, Mr. CUNNINGHAM, Mr. UPTON, Mr. PARKER, Mr. ZELIFF, Mr. HOBSON, and Mr. WALSH.

H.R. 2932: Mr. GANSKE.

H.R. 3002: Mr. CRANE and Mrs. ROUKEMA.

H.R. 3003: Mr. PALLONE, Mr. TOWNS, Mr. KENNEDY of Massachusetts, Mrs. CLAYTON, Ms. WATERS, Mr. TORRES, and Mr. GUTIERREZ.

H.R. 3065: Mr. WELDON of Florida and Mr. NORWOOD.

H.J. Res. 127: Mr. MCKEON and Mr. ROYCE.

H. Con. Res. 10: Mr. BONO.

H. Con. Res. 51: Mr. YOUNG of Florida, Ms. SLAUGHTER, and Mr. BERMAN.

H. Con. Res. 103: Mr. HOKE and Mrs. KELLY.

H. Con. Res. 120: Mr. BAKER of Louisiana.

H. Con. Res. 127: Mr. JACOBS and Mr. HOKE.

H. Con. Res. 136: Ms. SLAUGHTER, Mr. PORTER, Mr. TORRICELLI, Mr. FRAZER, Mr. BERMAN, Mr. TORRES, Ms. ROYBAL-ALLARD, and Mr. WOLF.

H. Con. Res. 139: Mr. RAMSTAD.

H. Con. Res. 140: Mr. RUSH.

H. Con. Res. 145: Mr. HOKE.

H. Con. Res. 148: Mr. COBLE, Mr. WELDON of Pennsylvania, Mr. WICKER, and Mr. HUNTER.

H. Con. Res. 151: Mr. CLAY, Mr. WATT of North Carolina, and Ms. BROWN of Florida.

H. Res. 360: Mr. PASTOR, Mr. HINCHEY, and Mr. BRYANT of Texas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 359: Mr. LONGLEY.

H.R. 1591: Mr. FROST.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2202

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 3: At the end of subtitle A of title I insert the following new section:

SEC. 108. REPORT.

The Attorney General, in consultation with the Secretary of State and the Secretary of Defense, shall contract with the Comptroller General to track, monitor, and evaluate the Administration's border strategy to deter illegal entry, more commonly referred to as prevention through deterrence. To determine the efficacy of the Administration's strategy and related efforts, the Comptroller General shall submit to Congress a report of its findings within one year after the date of the enactment of this Act and, for every year thereafter, up to and including fiscal year 2000. Such a report shall include a collection and systematic analysis of data, including workload indicators, related to activities to deter illegal entry. Such a report shall also include recommendations to improve and increase border security at both the border and ports-of-entry.

SENATE—*Wednesday, March 13, 1996*

The Senate met at 9:15 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, Your power is given in direct proportion to the pressures and perplexities we face. This gives us great courage and confidence. You give more strength as the burdens increase; You entrust us with more wisdom as the problems test our endurance. You never leave or forsake us. Your love has no end and Your patience no breaking point.

Today, we affirm what You have taught us: You have called us to supernatural leadership empowered by Your spiritual gifts of wisdom, knowledge, discernment, and vision. You press us beyond our dependence on erudition and experience alone. Thank You for challenges that help us recover our humility and opportunities that force us to the knees of our hearts.

Bless the women and men of this Senate. You have given them the awesome responsibility of being attentive to You and obedient in following Your guidance for our beloved Nation. Give them that sure sense of Your presence and the sublime satisfaction of knowing and doing Your will. Replenish their strength, renew their hope, and refresh them with Your grace. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from Missouri is recognized.

SCHEDULE

Mr. BOND. Mr. President, on behalf of the majority leader I would like to announce that today there will be a period for morning business until the hour of 9:30 a.m., with Senators permitted to speak for up to 5 minutes each with the following exception: Senator BOND for up to 10 minutes.

At 9:30, the Senate will resume consideration of the continuing appropriations bill. At that time there will be 30 minutes of debate between Senators HUTCHISON and REID regarding the pending endangered species amendments. Following that debate, those amendments will be set aside and Senator DOLE will be recognized to offer an amendment.

Under a previous order, at 1 p.m. the Senate will begin 1 hour of debate on the motion to proceed to the Whitewater Committee resolution with a cloture vote beginning at 2 p.m. Following that cloture vote, there will be a vote on the motion to table the Hutchison amendment to the continuing resolution. Senators should be reminded of those votes beginning at 2 p.m., and Senators should be aware that a late night session is possible in order to complete action on that measure.

It is also hoped that the Senate may still reach an agreement with respect to the small business regulatory relief bill.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a period for the transaction of morning business until the hour of 9:30 a.m., with Senators permitted to speak up to 5 minutes with the following exception: Senator BOND is recognized to speak for up to 10 minutes.

The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 1610 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND. Mr. President, I yield the floor.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FOOD MARKETING POLICY INSTITUTE'S MISDIRECTED PRIORITIES

Mr. GRAMS. Mr. President, yesterday a mock hearing for the press was hosted by Congressmen SCHUMER and GEJDENSON, along with Prof. Ronald Cotteril, director of the Food Marketing Policy Institute at the University of Connecticut. The topic was price collusion in the cereal market, a charge which has not been proved over the past 20 years.

After review of all of the evidence which refutes the collusion theory, I find it difficult to understand why the three continue this curious drama.

I would like to present to my colleagues some history on this issue, which began with the dismissal of an antitrust complaint by the Federal Trade Commission after 10 years of tedious and costly examination of the industry by the FTC.

Last year Federal Judge Kimba Wood, former nominee for Attorney General during the Clinton administration, rejected an antitrust suit brought by the State of New York to prevent the Post Co. from buying Nabisco Shredded Wheat.

Judge Wood indicated at the time that the cereal industry was "highly competitive." She indicated that there was no collusion, and no one company was able to control prices in any market segment. She characterized the testimony of the State's star witness, Professor Cotteril, one of the hosts of today's mock hearing, as "unreliable," "flawed," and "erroneous."

Last year Congressman SCHUMER and GEJDENSON asked the Justice Department to initiate a criminal investigation into cereal prices. Justice declined the case, based on Judge Wood's decision.

Judge Wood has also noted in her decision that cereal prices rose only 6.6 percent between 1989 and 1993, while food prices rose 12.8 percent and the cost-of-living index rose 16.5 percent. Widespread use of coupons lowers the average retail price by 30 percent. Further, Judge Wood found that industry concentration declined about 27 percent between 1970 and 1994 and that store brand cereals' market share rose to 9 percent in 1993 from 4.8 percent in 1988. This trend is expected to double in the next 3 to 4 years, surpassing the market share of three of the five manufacturers.

Judge Wood also noted little brand loyalty among consumers. She also indicated that retailers may have had more to do with increasing prices. In 1994, one producer reduced its prices 40 percent, yet less than two-thirds of this price cut was passed on to consumers.

Anyone who has been in a grocery store recently knows that the range of options and prices is nearly overwhelming. Imports are adding new competition. Cereal manufacturers not only compete head on but also with other breakfast alternatives, which are also proliferating significantly. The business climate is hardly ripe for

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

price collusion. It is hard to understand why a trend toward more competition and price increases well under cost of living increases would encourage the two Congressmen and Professor Cotteril to continue these efforts.

Professor Cotteril's Food Marketing Policy Institute has received earmarked funds from the Congress for quite a few years. If this is an example of its priorities, I believe the Congress should reconsider funding this institute.

I look forward to this debate as we pursue the fiscal 1997 appropriations.

CHAPLAIN OGILVIE'S 1-YEAR ANNIVERSARY

Mr. HATFIELD. Mr. President, a year ago today, my good friend, Dr. Lloyd Ogilvie joined the Senate family by becoming the 61st Senate Chaplain. I was fortunate to have known him before he became the Chaplain and now 99 other Senators have had the opportunity to be enriched by his friendship. But it is not just Senators who have been fortunate to experience the ministry of Chaplain Ogilvie. Following the example of his predecessor, Richard Halverson, Dr. Ogilvie has ministered to everyone he encounters.

I cannot speak for all of my colleagues, but I have thoroughly enjoyed Dr. Ogilvie's morning invocations. It is one of the highlights of my day. Each prayer is a poetic weaving of theological wisdom and spiritual encouragement. When I hear the Chaplain's resonant voice, I feel as if the Heavenly Father himself has entered our midst and is speaking to us here on the Senate floor. The Chaplain has the voice of God, but he is also a man after God's own heart. He has said that he sees himself as an intercessor for the Senators, and I know that he is faithful in his prayers for this body and its Members.

I have appreciated Dr. Ogilvie's careful efforts to keep the chaplaincy nonpartisan, nonpolitical, and nonsectarian. His concern is genuine and he ministers indiscriminately to all who need encouragement. He is keenly aware of the spiritual needs of this body, and he makes himself readily available to address those needs.

We are fortunate to have Dr. Ogilvie among us. While I know that Dr. Ogilvie feels a special calling to his ministry as Chaplain, he has made some sacrifices to be with us. Before becoming Chaplain, Dr. Ogilvie was a prolific writer, authoring over 40 books. This literary passion has taken a backseat to the pressures of the Senate. But you will hear no complaints from the Chaplain. He is engaged in his new ministry and he is committed to his new parish.

I want to congratulate the Chaplain for his year anniversary and thank him for his invaluable ministry. I am grateful for what he has done for us in the past year and I am excited about the many years ahead.

ON THE RETIREMENT OF DETECTIVE CHARLES J. BENNETT

Mr. MOYNIHAN. Mr. President, some while ago, the New York Historical Society conceived the notion of collecting holograph accounts of notable events in our city from contemporary New Yorkers, and thereafter auctioning them off to help with the expenses of that venerable institution. I was asked to participate and was happy to do. As would anyone my age, I have all manner of memories of our city, going back, for example, to December 7, 1941, when I learned about Pearl Harbor from a man whose shoes I was shining on the corner of Central Park West and 81st Street, across from the Planetarium. I do not really recall what I thought about all that; all I do recall for certain is that when I got home later in the day, the regular radio programming had been interrupted by bulletins from the Pacific. Between bulletins, the station played martial music. Well, sort of martial music. It seemed the only such record they had on was the "fight song," as they say, of the Fordham football team.

Pearl Harbor brought war to the United States but only seemed to enhance the greatness of our city. At war's end, it seemed only natural that New York should be chosen as the site of the headquarters of the United Nations, the victorious alliance that won that war.

The years since have not been so generous. At times, they have been ominous, putting our city in peril in a way world war never did, albeit much of the peril has come from abroad.

I thought of this matter, and, of a sudden, knew the event I would relate—with a penmanship that would mortify the brothers to this day. Here is what I wrote, on New Year's Day, 1995.

> Early in 1985, I flew up from Washington to New York. As is our custom, I was met by Detective "Chuck" Bennett of the N.Y.P.D. On our way into town we discussed events of the day. Bennett, with a detective's eye, commented that men were appearing on street corners snapping their fingers for no apparent reason. Two month's later he reported that they were selling something called "crack," the finger snapping being a form of street cry. It remained for Douglas Hurd, then British Home Secretary, to visit New York and tell our Drug Enforcement Agency that a new form of cocaine, which had appeared in the Bahamas in 1983, was known as "crack" and was spreading. The Plague had reached New York.

Charles Joseph Bennett, the detective who had met me at LaGuardia, was and remains a preternaturally subtle, observant, normally silent, at times near-to-invisible presence on our city streets for near quarter of a century. For 20 of those years, he has been keeping me out of harm's way. Not an easy thing to do, for public figures in our time are commonly threatened, sometimes openly, sometimes not. It has been his lot to assess the threats involved, first having learned of them or divined them. It was in this latter gift that "Chuck" excelled. Be it a U.S. Senator, the least of his worries, a head of state, a peace delegation, a terrorist infiltrator, a building, a bridge, a tunnel, there has been no threat of violence or subversion or sedition in a quarter century that he has not been involved with or aware of.

His personal qualities are legendary. Affable until the moment of danger when he can be terrifying; near-to-invisible until he must make everyone in the room stop instantly and do as he says; self-effacing, funny, deadly serious. It may seem an unusual quality for an officer of a very old organization, set in its ways and fixed in place, but "Chuck" Bennett has proved an extraordinarily adept ambassador. First with our own law enforcement organizations such as the Federal Bureau of Investigation and the Capitol Police here in Washington, but notably also with foreign detective forces, ranging from London to Melbourne. He has formed lasting friendships not just between individuals but also between organizations that have hugely benefitted all concerned.

This April 28 he retires: at the top of his grade and the top of his form. He goes with the profound thanks of Liz, Tim, Tracey, John, Helen, and Maura for his friendship and his guardianship. And the great good wishes of all manner of New Yorkers for how well he has served us. Only Chuck Bennett would notice odd gestures on street corners and spot an epidemic on its way. Let us hope he returns regularly to New York, keeping an eye on things, and keeping in touch with those of us who love him so.

DR. RODNEY BELCHER

Mr. LEAHY. Mr. President, it is with great sadness that I rise today to inform the Senate of the tragic death of Dr. Rodney Belcher, an orthopedic surgeon from Arlington, VA, who was murdered in Kampala, Uganda, on March 13.

I was fortunate to have known Dr. Belcher. Seven years ago, shortly after I established the War Victims Fund, a $5 million appropriation in the foreign aid program to provide medical and related assistance to war victims, Rod Belcher signed on with Health Volunteers Overseas. He had lived in Uganda before the civil war there, and the Agency for International Development sent him back to start a War Victims Fund program to assist people who had been disabled from war injuries. He and his wife Dawn had been there ever since.

There were tens of thousands of amputees, many victims of landmines, without access to artificial limbs. The Mulagro hospital and medical school, once the pride and joy of that country, were in ruins. There were not even basic medical supplies. There was not a single trained orthopedic surgeon in the country. The Ugandan Government was bankrupt.

Rod embraced that enormous challenge with enthusiasm, good humor, patience, and a deep, personal commitment to the Ugandan people. Over the years he won the trust and respect of the Ugandan Government, and of successive United States Ambassadors and the ambassadors of other countries who witnessed the impact he was having on the lives of so many people. He rebuilt the orthopedic clinic and trained every orthopedic surgeon in Uganda today.

When my wife Marcelle and I visited Uganda in 1990, Dr. Belcher took us around the orthopedic clinic. We saw what a difference the War Victims Fund had made, as a result of his efforts and the efforts of the Ugandans who worked with him. It was an experience that neither of us will ever forget. We saw what a difference this one American had made.

Since then I have often thought of that trip, and Rod Belcher became the model for the volunteers that have been recruited for other War Victims Fund programs. He exemplified what we looked for in others. He had a warmth and gentleness, and a commitment to Uganda that was extraordinary.

Mr. President, on March 13, on his way to his office, Dr. Belcher was murdered when two men stole his car. He was shot in the chest and died right there.

It would be hard to conceive of a more senseless, horrible crime. Rod Belcher was a wonderfully generous human being who devoted his professional life to improving the lives of others. For the past 7 years he lived and worked in a country where getting even the simplest thing accomplished often required incredible ingenuity and persistence. Rod had both.

At his funeral, Dr. Belcher was honored by the Ugandan Vice President, the Minister of Health, the director of the hospital, the dean of the medical school, the American Ambassador, the British High Commissioner, and many others. The orthopedic clinic that he worked so hard to establish was formally named after him. The streets were lined with people who knew him personally or had heard of the American doctor who had done so much for the Ugandan people.

Rod Belcher will be terribly missed. But he leaves a legacy that anyone would be proud of. He gave the War Victims Fund its start, and for that I will always be grateful. And he leaves a core of trained Ugandan orthopedic surgeons who loved and admired him, who will carry on in his place.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

BALANCED BUDGET DOWNPAYMENT ACT, II

The PRESIDING OFFICER. The Chair lays before the Senate H.R. 3019. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hatfield modified amendment No. 3466, in the nature of a substitute.

Reid amendment No. 3478 (to amendment No. 3466), to restore funding for and ensure the protection of endangered species of fish and wildlife.

Hutchison/Kempthorne amendment No. 3479 (to amendment No. 3478), to reduce funding for endangered species listings.

AMENDMENT NO. 3479

The PRESIDING OFFICER. The amendment of the Senator from Texas to the amendment of the Senator from Nevada is in order.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask that the Chair advise the Senator from Nevada when I have 5 minutes remaining of the 15.

The PRESIDING OFFICER. The Senator may proceed.

Mr. REID. Mr. President, I have here a letter from the Evangelical Environmental Network consisting of a number of people, including Dr. Robert C. Andringa, president of the Christian College Coalition; Dr. George Brushaber, president of Bethel College and Seminary; Mr. Roger Cross, president of Youth for Christ/USA; Rev. Art DeKruyter, pastor of Christ Church of Oakbrook, and on and on with other religious leaders of this country.

The letter, written to all Senators, says, among other things:

This week the Senate will be voting on an omnibus appropriations bill that contains a subtle attack on God's handiwork. Buried in the legislation is a provision to continue the moratorium on listing plants and animals as endangered or threatened, under the Endangered Species Act.

Certainly there are scientific, economic, and medical reasons for saving endangered creatures, but for many individuals and congregations linked to the Evangelical Environmental Network, the moral and spiritual aspects are the more important. The Bible records "the everlasting covenant between God and all living creatures of every kind on Earth" and God affirms that covenant after using Noah to bring the creatures through the Flood and save their lives.

Mr. President, the letter continues:

If I am going to be in the right relationship with God, I should treat the things he has made in the same way he treats them.

The moratorium on listing species is nothing more than a back door attack. While we stand by and do nothing, this supposedly "temporary" measure may stretch over more than two years, with the cost of recovering species becoming greater and greater as time passes.

The moratorium was a bad idea when instituted; it is a bad idea today. . . .

Despite anti-ESA propagandists claim, neither law nor our environmental stance values plants or animals above people. At issue is not favoritism but just and moral treatment of all of God's creatures. God placed us here as stewards, not as exploiters, and we have no right to act in a callous manner toward any living creature.

With respect to the Endangered Species Act, we are compelled to speak out because this matter relates to the core of our faith and respect for God.

Mr. President, I have read only part of the letter, but the indication from these religious leaders is that the moratorium on the Endangered Species Act is wrong and it is immoral.

Mr. President, we have received letters from all over the country, not the least of which is a letter from a group of physicians. I talked about some of the things they said yesterday. But, in effect, what they say is that it is wrong to have this moratorium; it is wrong for health reasons to millions of people throughout the world.

This letter is signed by representatives of the Physicians for Social Responsibility, the National Association of Physicians for the Environment, someone from the Pennsylvania Medical Society, the Massachusetts Medical Society, the Nevada Medical Society, the Vermont Medical Society, the Arthritis Foundation, AIDS Action Council, Harvard School of Public Health, Boston University, and on and on, Mr. President, with people from the medical community who say that this moratorium is not only wrong from a political standpoint; it is wrong from a moral perspective.

Mr. President, last night I went back to the office and asked my staff to look at some of the things we have received over our computer, over our e-mail network. We received—and I just at random picked a few—we received something from Basking Ridge, NJ, from a woman who says:

I implore you—

It is written to various Senators.

I implore you to support Senator REID's amendment.

This matter is of critical importance because:

Listing a species under the Endangered Species Act is not a trivial matter that can be delayed indefinitely. The moratorium on listing and critical habitat designations must be lifted.

The integrity of the ESA is extremely important to your constituents. Do not allow

this Congress to weaken this important legislation.

That letter was from Merideth Mueller.

I received a letter from Minnesota from one Todd Burnside of Roseville, MN. He says:

The extinction of species and the degradation of the environment are things that future generations may never forgive us for.

I received also, Mr. President, a copy of an e-mail written to all Senators:

With all my heart I beg you to vote yes to REID's amendment to H.R. 3019, so that the awful moratorium to the ESA will end. I cannot express to you how angry and disappointed I am at this government for allowing for an ESA moratorium in the first place. This act completely goes against the needs of the country in terms of economics, morality, responsibility, and common sense. At a time when we urgently need solidarity on all fronts to protect what little we have left of the natural environment and to leave something for our future generations to cherish, and to stop the massive onslaught on our natural world, we as citizens need you to protect the environment, our home.

Mr. President, it is obvious what has happened here. The second-degree amendment calls for emergency listings only. We know that this will allow people to file all kinds of lawsuits to have emergency listings. We know that there were listings prior to this moratorium being pronounced. They should proceed in an orderly fashion.

What this second-degree amendment will do is force the Department of the Interior to defend numerous lawsuits to show that what they are doing is adequate. We need to get rid of this moratorium and get back to good science and good protection of the environment and these species. What is taking place now is an assault on good science and good government.

It also allows this body to simply not go forward with reauthorizing the Endangered Species Act. As long as this moratorium is in effect, there will be no further listings, and that is wrong. This moratorium, I think it is clear, is going to continue throughout this Congress with all we have to do with all the problems with the balanced budget and 13 appropriations bills, 5 of which we did not pass last year.

I think it is going to be extremely difficult to reauthorize this bill. This is a license to repudiate the Endangered Species Act. I think we as a country and we as a Congress should be ashamed if we allow this to happen. Mr. President, I reserve the remainder of my time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I have submitted an amendment to the amendment because I think it is most important that we keep the integrity of what we are trying to do to protect the endangered species. The authorization for the Endangered Species Act ran out several years ago. That is because of the ridiculous excesses that have been perpetrated on the private property owners in this country. So we called a moratorium on the old act so that we could reauthorize it, so that we could protect private property and protect the endangered species. And we want to have good science, we want to have cost-benefit analysis, we want to have economic impact analysis because, after all, Mr. President, there is no reason for people in the Northwest to have the entire timber industry shut down because of the spotted owl. There is no reason to have put people who had worked for generations in the timber industry there out of work and untrained to do other things.

In fact, Mr. President, you and I are paying $250 million to retrain those people because we were protecting a spotted owl that could have been put somewhere else in a national forest to protect. We could have had it both ways if we had just used common sense, Mr. President. But we did not do that. And that is why it was necessary and why this Congress voted overwhelmingly to put a moratorium on the Endangered Species Act listing—not the preparation for listing, not the research, just the final listings—until we could have a reauthorization of the act that would put common sense into it, that would put people into the equation, because after all, people should be in the equation as well. I like to joke sometimes and say that the only endangered species not protected is Homo sapiens.

Now, Mr. President, it is time that we started putting common sense into this act. Let me talk to you about a few of the excesses that have caused us to be in the situation where we are, needing to do a drastic reorganization and reauthorization of this bill.

In Texas, my home State, there is a golden cheek warbler. Fish and Wildlife originally said they were going to set aside an area the size of the State of Rhode Island to protect a golden cheek warbler. Mr. President, we want to protect golden cheek warblers, but I think it is a little excessive to cause property values in that entire area to plummet to save this golden cheek warbler when we can do it with other means. Not only that, but what they said you could not do on your property is cut cedar. Now, cedar has a very bad impact on people's health. People have what we call cedar fever. People are miserable with cedar fever. So they cut cedar trees to keep people from having this very annoying sort of sneezing attack.

Well, in addition to that, even more important to the farmers and ranchers in the area, cedar absorbs water so that we lose the ability to use water downstream because the cedar trees are absorbing the water upstream. So it really is a hindrance and something that our farmers and ranchers need to deal with. One Travis County, TX, owner, Margaret Rector, invested in land 25 years ago to help her in her retirement years. In 1990, her land was worth $830,000. After it was designated a golden cheek warbler habitat, its value plunged to $30,000.

Mr. President, that is not a guess, that is an assessment on the county tax rolls in Travis County, TX. Mr. President, that is ridiculous. Next is the southwestern willow fly catcher in California. The Army Corps of Engineers built the Isabella Dam in Kern County, CA, to catch the runoff of melting snow from the southern Sierra Mountains to save it for use in the summer. It has saved millions in flood damage, increased the water supply, and it is the third largest food-producing county in the entire country now. But the listing in February 1995 of the southwestern willow fly catcher has put the dam's use at risk, fearing the reservoir will flood fly catcher nesting areas, a harm to the bird's habitat. Now Fish and Wildlife may force the Corps of Engineers to release water from the reservoir to protect the habitat that did not exist until the dam was built.

These are two examples, Mr. President. The jaguar in Texas. Mr. President, they have not seen a jaguar in Texas since 1948 when one wandered up from Mexico, they think, and it was cited as sort of an anomaly. Now they are talking about listing the jaguar as an endangered species in Texas, having not seen one since 1948, and it could cause restrictions on land use in 30 counties along the Rio Grande River.

Mr. President, that is why so many groups and private property owners—the American Farm Bureau is alarmed by what is happening with this Endangered Species Act. They are in total support of my amendment, which does the following. My amendment just says that we will protect the ability to have emergency listings. It has been said on this floor that we might lose some of the very important endangered species. Well, we will not. With my amendment, we give the Secretary of the Interior the right to do an emergency listing so there would not be a danger of losing an endangered species on an emergency basis.

But, Mr. President, I think it is very important that we realize that the people who are holding up the progress on the reauthorization are also the people who are here wanting to lift the moratorium. I do not understand that. I do not understand why they would want to lift the moratorium on a bill that they have all said has problems. I have pointed out a few of those problems here this morning. Why would they lift the moratorium under the old act that they say has problems when they have the power to reauthorize and to protect everyone—private property rights, private property owners, and to protect

the animals under the Endangered Species Act, as well? Why would we not do things the right way, Mr. President? That is my question here today.

Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Texas has 7½ minutes remaining.

Mrs. HUTCHISON. Mr. President, I yield the floor and reserve the remainder of my time.

Mr. REID. Mr. President, I yield 4½ minutes to the Senator from Rhode Island, [Mr. CHAFEE].

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. I thank the distinguished Senator from Nevada.

Mr. President, what is wrong with the Hutchison amendment, the second-degree amendment? First of all, it maintains the moratorium on final decisions to list species through the end of this fiscal year.

Now, Mr. President, let us briefly review the bidding. Last March, the Senate approved a 6-month moratorium, a brief time out on listings under the Endangered Species Act. That was 6 months. That was extended another 5 months under the continuing resolution. Now, under this bill, the moratorium would be extended for another 7 months. That means that for a minimum of 18 months no work will be done toward conserving species that warrant protection under the Endangered Species Act, species threatened with extinction or destruction, and a lot of ground can be lost in a year and a half.

Now, Mr. President, the second point is that although the Hutchison second-degree amendment would allow emergency listings —the word "emergency" is in there—that is not an adequate or practical way to recover a species. Mr. President, you come up with emergency listing when the situation is really desperate. It is sort of a last-ditch effort to save a species, when the species is about to become extinct either through disease, or destruction by man in some fashion, or the last remnant of the habitat has been wiped out.

At this point, Mr. President, there is little hope of recovering the species. Recovery, after all, is the goal of the Endangered Species Act. That is what this is all about. If we do not want an Endangered Species Act, just let us say so. But we hear constantly on the floor of this Senate—when these amendments are brought up to really demolish the Endangered Species Act, it is prefaced by, "We are all for the act, we just want to make these corrections." But this "correction," so-called, really is devastating to the recovery of a species.

If you are only listing it as endangered when it reaches the emergency situation, then the cause is practically lost, in most instances, due to the destruction of the animal, bird or plant, or lost due to the destruction of the habitat that is so essential for the survival of that.

Furthermore, Mr. President, I point out that emergency listings are only temporary. Under the Endangered Species Act, they last for 240 days. You go in—it is not like a listing for an endangered species. It is an emergency situation. Normally, the Fish and Wildlife Service promulgates a final rule to list a species at the end of the 240-day emergency listing period.

Under the second-degree amendment that is presented, the Fish and Wildlife Service could not make a final rule to protect the species under the Endangered Species Act because you cannot do that. They have to go through a whole series of emergency actions—240 days, and then another 240 days. That is not the kind of situation that is really going to lead to the saving of a species. It is not going to permit long-term decisions to be made and expenditures of money, perhaps, for the saving of habitat.

So, Mr. President, I do hope the second-degree amendment will be tabled, as the distinguished Senator from Nevada will move at some period.

I reserve the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, in the Endangered Species Listing Handbook published by the Division of Endangered Species, under Procedures Guidance for the Preparations and Processing of Rules and Notices Pursuant to the Endangered Species Act:

> An emergency listing is a temporary measure, providing the Act's protection for only 240 days. It is only used in extreme situations of dire imminent threat to a species' continued existence.

Mr. President, there is going to be a flood of lawsuits if this amendment of my friend from Texas is not tabled. The listing moratorium must be lifted. The motion to table that I will make should be granted, and the listing moratorium must be lifted.

First, over 500 species are dangerously close to extinction along with their life-sustaining ecosystems.

Second, the moratorium on the listing process is a display of lack of faith in the legislative process. Really, it is arrogance, because everyone knows that as long as this moratorium is in effect, there will be no endangered species reauthorization. It removes the incentive for opponents of the Endangered Species Act to reauthorize the act.

Third, it is argued that a time out is what was needed to get reform measures in place and better science procedures in the listing process. I have two responses. The first is that there is no time out for the species who may face habitat degradation and extinction. Finally, the science is irrelevant if a species has become extinct. My second response to a time out is that the show of good faith in reauthorization that my colleagues talked about last night and this morning would be the lifting of the moratorium and proceeding with the business of reforming the act.

Fourth, I received letters from 38 physicians, chemists, dentists, and others from around the country advocating the repeal of the moratorium. I read some of their organizations today. They state with clarity: "What is often lost in the debate over species conservation is the value of species to human health."

They continue. "* * * [R]ecent studies have shown that a substantial proportion of the Nation's medicines are derived from plants and other natural resources. The medicines of tomorrow being discovered today from nature * * *."

They conclude: "When a species is lost to extinction, we have no idea what potential medical cures are lost along with it."

I have talked about the evangelicals and representatives of religious organizations. I have read in detail from their letters. They believe that this is a moral issue and not a political issue.

My response to the second-degree amendment is, among other things:

First, the amendment fundamentally maintains the listing moratorium. That is all it does. It fails to mitigate the devastating impact of the listing moratorium because it does not allow for a final determination of an emergency listing. This means that no real recovery can take place. It is a meaningless exercise in paperwork.

Second, the second-degree amendment only creates wasteful bureaucratic procedures and would be a heyday for lawyers.

Third, the Kempthorne amendment has agreed in the past that we should try to avoid emergency listings. This is directly in the offset.

Finally, Mr. President, there is no justification, no logic, to this inactivity when the net result will be a greater cost to the taxpayer, fewer management options, and, most importantly, greater increase in the likelihood of extinction.

The amendment is a superficial legislative ploy.

I reserve the remainder of my time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized, and the remaining time is 7 minutes.

Mrs. HUTCHISON. I had 7½ minutes the last time I asked.

The PRESIDING OFFICER. Seven minutes remain.

Mrs. HUTCHISON. I yield 5 minutes to the senior Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I am very happy to be here to support my

colleague from Texas. I think on this issue she is absolutely right. Let me explain why.

In 1973, we passed the Endangered Species Act. We have gone back periodically and rewritten that law, and in the last rewriting we put in a date by which the law had to be updated in order to still have force, a sunsetting provision. The logic of the sunsetting provision was to assure that periodically as situations changed, such as the power of the bureaucracy to expand the law beyond any limit anyone foresaw when the law was written, that by that date we were going to have to go back and rewrite the law or it was going to stop having any force of law. That act expired in 1992. This is 1996. For 4 years, we have had no Endangered Species Act because the law is sunset. Granted, we have continued to allow it to operate by providing funds for that purpose. But the whole purpose of sunsetting is to modernize legislation to reflect the new reality.

Then in April 1995 we took a time out. This time out basically said, "It has been 3 years since this law expired." We should not allow the Fish and Wildlife Service to continue to designate endangered species without any limit, without any congressional check, until this law is reauthorized. That was eminently reasonable. It was adopted right here on the floor of the U.S. Senate, and it became the law of the land.

Now we have an effort by Senator REID to go back and, in essence, to make the endangered species law a law that operates in perpetuity where there is no requirement that it be modernized and where it can simply continue to do things like the effort by U.S. Fish and Wildlife to designate 33 counties in central Texas as being affected by an endangered species called the Golden Cheek Warbler. In the face of widespread opposition in Texas, they backed off.

But the point is we have a right to say that when Congress wrote this law, it wanted the right to periodically review it. That time for review occurred 4 years ago.

I think the Senator from Texas, Senator HUTCHISON, has proposed a reasonable compromise that will allow emergency designations and allow us to rewrite this law and make changes that the American people clearly want but which will put the pressure on those whose viewpoint is a minority viewpoint.

This is not just about endangered species. This is about whether or not we are going to let a small group of people who do not agree with the mandate of the 1994 election ride roughshod over that mandate by extending a law which expired 4 years ago and by allowing bureaucrats to continue to not consider cost and benefits. Everybody in the Senate knows that if we rewrite the Endangered Species Act in this Congress, there are going to be dramatic changes in it.

If the underlying Reid amendment which Senator HUTCHISON has amended is adopted and becomes law, we will not rewrite the Endangered Species Act—and everybody knows it. As a result, even though the majority of the American people and the majority of the Members of Congress are ready to make the changes, even though the law has expired, we will end up continuing to expand the power of the Federal bureaucracy.

I want to urge my colleagues to support the Hutchison amendment.

Let me also say that, if the underlying Reid amendment is attached to this bill, I intend to oppose this bill and I intend to vigorously fight its adoption. I think it would be an absolute outrage if we went back now and eliminated the time out we declared in April 1995 on a law which expired 4 years ago.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Texas has 2 minutes and 11 seconds.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, the argument has been made in the Chamber that we might lose some very important endangered animals in America. I submitted an amendment to the amendment to make sure that that would not happen. We allow emergency listings if there really is a danger of losing any animal or any species that is under the old act.

Let us look at what the Reid amendment does. You have heard people on the other side argue that there are problems with the act, but nevertheless they are urging you in the Reid amendment to go forward under the old act which we acknowledge has problems, regardless of the fact that it costs people jobs, that it hurts the economies of many States, and that it takes away a fundamental constitutional right in this country, and that is the right to private property.

That is wrong. It would be ridiculous for the Senate to vote today to go forward, take away jobs, hurt the economy, and take away private property rights under an act which everyone has acknowledged has problems.

If we are sincere about doing what is right, if we are sincere about reauthorizing the bill with some common sense, with some protection for private property, if we are sincere about making sure that private property rights and people's jobs have some part in the equation in the decisionmaking, then we should vote for the Hutchison-Kempthorne amendment. The Hutchison-Kempthorne amendment protects emergency listings. If there really is a danger of losing one of the endangered species, it protects that right.

However, what we must do is also protect the right of the people in this country. The jobs and the people who work for a living ought to have some protection by the Senate. If we vote for the Hutchison-Kempthorne amendment, their rights will be protected and we will also reauthorize the Endangered Species Act to protect the animals in our country as well. Let us do it right. Vote for Hutchison-Kempthorne.

I thank the Chair.

Mr. FAIRCLOTH. Mr. President, I first want to commend the Junior Senator from Idaho for his leadership on this issue. I know that reforming the Endangered Species Act is a critical issue to Idaho. It is a make or break issue for many of our constituents. I am certain that he will approach the reauthorization with the reasoned, commonsense perspective it desperately needs.

Mr. President, as a life-long farmer, I understand the value of wildlife. I have grown up with wildlife and protected it without government forcing me to. But also as a farmer, I understand the incredible burden being placed on private landowners and public resources to meet the mandates of this act.

The problem comes when the bureaucracy gets out of control and government hurts people in order to protect animals. That is precisely what is happening all around the country. And where it is not already happening, it will happen soon.

For instance, in North Carolina we have thousands of acres of valuable timberland which cannot be cut because the U.S. Fish and Wildlife Service believes it may harm red cockaded woodpeckers. Some changes have been announced recently that should help matters some. But there remains a big problem back home. By any reasonable measure the government has seized the land of many of my constituents without offering them a dime of compensation.

Unfortunately, the bureaucracy and the environmental industry do not care about the reality outside of Washington. They seek to use the Endangered Species Act and the animals themselves as tools to create Federal land use regulations nationwide. The ultimate result being thousands upon thousands of overlapping habitat ranges for each and every bug, snail, and fly the bureaucrats think we need more of.

Mr. President, the important question is: What happens when virtually all land is home to a protected animal—what happens then?

This is a very serious question. It has happened in Idaho, Senator KEMPTHORNE's State. As he has shown the

committee, virtually all of Idaho is regulated as home to some sort of government protected animal. Thousands of acres of valuable farmland have been locked off to protect an underground water snail called the brunei snail. This kind of thing is going to happen everywhere when the environmental industry gets its way.

I will oppose Senator REID's amendment because we need to restrain the bureaucracy that is now operating under a flawed law. A law that gives too little consideration for the livelihood and property of people, and too much for bugs, bees, and bureaucrats.

Mr. REID. Mr. President, I ask unanimous consent that each side have an additional 1 minute.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Without objection, it is so ordered.

Mr. REID. I yield my 1 minute to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I note that in the second-degree amendment it provides $1 to the Fish and Wildlife Service to do the entire emergency listing. That shows you how serious the other side is about this whole proposition.

In other words, in the underlying bill, there was $750,000 which was available for the downlisting and the other activities in connection with this program. And now they are saying that we are out to take care of this situation because there is an emergency provision, and in order to take care of it they provide $1.

It seems to me that shows you how serious really the other side is in proposing this second-degree amendment. And so I hope that the Reid effort to table the Hutchison amendment will succeed.

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

Mrs. HUTCHISON. Mr. President, I yield 30 seconds to my colleague from Texas and 30 seconds to my colleague from Wyoming.

Mr. GRAMM. Mr. President, I hope nobody is confused by the statement that was just made. When we took a time out in April of 1995, we did not take all the money away from the Fish and Wildlife Service. We left them the money to continue to trample on private property and the rights of citizens and to continue to fail to look at reason, responsibility, and cost and benefits. But we simply took away the right for them 3 years after the law had expired to continue to limit jobs, growth and opportunity in America. The only reason the Senator from Texas added a dollar in her amendment was because this is an appropriations bill and it was strictly a technicality. The Senators amendment does not reduce the $750,000 available. So I hope no one is confused.

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

Mr. THOMAS. I thank the Chair.

I rise in support of the Hutchison amendment. We have worked very hard now for almost a year and a half having hearings going on in the country, and clearly all of us want to have endangered species protection. But very clearly, it needs to be changed, and it needs to be upgraded.

We need to learn from the experience of the past 20 years. This is the way to do it. If we do not have passage of the Hutchison amendment, then we will not get to making the changes that need to be made. I fully support the Hutchison amendment.

The PRESIDING OFFICER. All time has expired. Under the previous order, the amendment will be laid aside and the majority leader is recognized to call up an amendment.

The Chair recognizes the majority leader.

AMENDMENTS NOS. 3480 AND 3481 TO AMENDMENT NO. 3466

(Purpose: To provide economic reconstruction funds to Bosnia-Herzegovina subject to compliance with the Dayton Accord's requirement for withdrawal of foreign troops)

(Purpose: To provide economic assistance to Bosnia and Herzegovina subject to certain conditions)

Mr. DOLE. Mr. President, I am going to offer two amendments on behalf of myself and the distinguished chairman of the Foreign Operations Subcommittee, Senator MCCONNELL. One amendment would prohibit the release of funds to Bosnia under this act until the Bosnian Federation is in compliance with article III of annex 1-A of the Dayton agreement which simply means that all foreign forces must leave Bosnia before funds for civilian implementation can be released.

I will also send to the desk another amendment on behalf of Senator MCCONNELL and myself which establishes several conditions for the use of the funds provided for civilian implementation projects in Bosnia. In my view, these two amendments should enjoy bipartisan support. As far as I know, there is no objection to the amendments, but I will offer the amendments and not ask for final disposition until everyone has had an opportunity to take a look at them.

I am pleased to cosponsor with the chairman of the Foreign Operations Subcommittee these two amendments to the Bosnia supplemental portion of the continuing resolution. I wish to address first the issues of offsets for this $200 million in civilian implementation funding. I understand that this portion of the supplemental was designed as an "emergency" by the Appropriations Committee but was offset by the House. I hope that the conferees will ultimately offset this $200 million request.

As we have seen over the past few months, the military aspects of the Dayton agreement have been the easiest to implement. It is the civilian side of the equation that poses the toughest problems. Among them, facilitating the return of refugees, conducting free and fair elections, and establishing a professional civilian police force.

Indeed, the reports we are getting from Sarajevo have demonstrated that integrating the capital is more difficult than separating the various military forces. The military task is limited and clear, while the civilian task is wide-reaching and complex, with only vague lines of authority.

The United States has made a tremendous commitment of personnel and resources in Bosnia and Herzegovina. While many of us disagreed with the administration's decision to send troops to Bosnia, while many of us advocated a different policy, those American forces are now there, and therefore it is essential that we succeed. Our credibility and that of NATO is on the line. It is essential that we in the international community get Bosnia back on its feet. Otherwise, this risky deployment of thousands of American and NATO soldiers will be for naught. It will end up being a brief interlude in a long war. The challenges are immense. There are more than 2.5 million Bosnians who have been displaced from their homes. At least 60 percent of housing in Bosnia has been damaged or destroyed. Most Bosnian Moslems and Croats have no paying jobs and have been dependent on humanitarian assistance for nearly 4 years.

No doubt about it, the Bosnians need and deserve our help. However, there are problems that we cannot and should not ignore. First and foremost is the continued presence of Iranian military personnel in Bosnia and Iranian intelligence officials.

They pose a potential threat to our forces—but also to Bosnia's place in the international community. The McConnell-Dole amendment requires the President to certify that the Bosnians are in full compliance with article III of annex 1-A of the Dayton Agreement mandating the withdrawal of foreign forces, and to certify that Bosnian Government-Iranian Government cooperation on intelligence matters has been terminated.

It seems to me that through our actions today we can send two beneficial signals: That we are seriously committed to assisting Bosnia, but that the Bosnian Government's continued military and intelligence relationship with Iran must be halted.

We know that Iran provided military aid to Bosnia when the rest of the world refused to. I opposed the policy of refusing the Bosnians the means to defend themselves. The Congress opposed that policy. But, that is the past.

And now the Bosnian Government must make choices that will affect Bosnia and Herzegovina's future. Will

Bosnia be part of Europe and the West or not? A continuing military and intelligence relationship with Iran clearly jeopardizes Bosnia's future as a pluralistic democratic state in Europe.

Looking further at developments within Bosnia, we need to make sure that our economic assistance has a positive effect on the social, economic and political situation there and that other donors are doing their fair share. So, besides limiting U.S. aid to projects in the U.S. sector, the second McConnell-Dole amendment would add criteria including:

Prohibiting funds for the repair of housing in areas where displaced persons or refugees are refused the right of return due to ethnicity or political party affiliation;

Establishing, in advance, GAO audit access to the banking and financial institutions that will receive AID assistance;

A certification by the President, after 90 days, that the total U.S. contribution to reconstruction for this year, $532 million, has been matched by a combined total of bilateral donor pledges.

These amendments do not address all problems related to the civilian effort in Bosnia, but they go a long way. For example, more congressional oversight and work will need to be done on the matter of civilian police and the international police task force which is partially funded in this supplemental. This week we saw houses being looted and burned in Sarajevo and a handful of international police are standing by and watching—because they have no arms and no authority. Another vital issue is that of arming and training Bosnian Federation Forces—which is critical to the long-term stability of Bosnia. That of course, can also only be achieved once the Bosnian Government ensures that Iranian military units are no longer on its territory.

Mr. President, helping Bosnia and the Bosnian people is the right thing to do. However, we must do so wisely—and these two amendments will ensure that U.S. dollars are spent prudently and in a manner that supports our broader goals. It is not only in Bosnia's interest, but in our interest, to have a Bosnia which is pluralistic, democratic, multiethnic and able to defend itself.

I certainly urge my colleagues to support these amendments, and I now send these amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. MCCONNELL, for himself, Mr. DOLE, Mr. BENNETT, and Mrs. HUTCHISON, proposes an amendment numbered 3480 to amendment No. 3466.

Mr. DOLE. 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:

No funds may be provided under this Act until the President certifies to the Committees on Appropriations that:

(1) The Federation of Bosnia and Herzegovina is in full compliance with Article III, Annex 1A of the Dayton Agreement; and

(2) Intelligence cooperation between Iranian officials and Bosnian officials has been terminated.

Mr. DOLE. Mr. President, I do not know if anybody now wishes to speak on these amendments, but I wanted to offer the amendments. I think Senator MCCONNELL will speak after his hearing.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

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

Mrs. HUTCHISON. Mr. President, is there a time limit on this amendment?

The PRESIDING OFFICER. There is no time limit.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I believe I sent two amendments to the desk. I ask unanimous consent to lay aside the first amendment and call up the second amendment.

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

The clerk will report the second amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. MCCONNELL, for himself, Mr. DOLE, and Mrs. HUTCHISON, proposes an amendment numbered 3481 to amendment No. 3466.

Mr. DOLE. 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 751, section entitled "Agency for International Development, Assistance for Eastern Europe and the Baltics," insert at the appropriate place, the following: "*Provided further*, That funds appropriated by this Act may only be made available for projects, activities, or programs within the sector assigned to American forces of NATO military Implementation Force (IFOR) and Sarajevo: *Provided further*, That priority consideration shall be given to projects and activities designated in the IFOR "Task Force Eagle civil military project list": *Provided further*, That no funds made available under this Act, or any other Act, may be obligated for the purposes of rebuilding or repairing housing in areas where refugees or displaced persons are refused the right of return due to ethnicity or political party affiliation: *Provided further*, That no funds may be made available under this heading in this Act, or any other Act, to any banking or financial institution in Bosnia and Herzegovina unless such institution agrees in advance, and in writing, to allow the United States General Accounting Office access for the purposes of audit of the use of U.S. assistance: *Provided further*, That effective ninety days after the date of enactment of this Act, none of the funds appropriated under this heading may be made available for the purposes of economic reconstruction in Bosnia and Herzegovina unless the President determines and certifies in writing to the Committees on Appropriations that the bilateral contributions pledged by non-U.S. donors are at least equivalent to the U.S. bilateral contributions made under this Act and in the FY 1995 and FY 1996 Foreign Operations, Export Financing and Related Programs Appropriations bills."

Mr. DOLE. Mr. President, I do not know of any other speakers, but there may be requests from both sides of the aisle. I know Senator MCCONNELL wishes to speak briefly. He is now involved in a hearing. I ask the amendments be temporarily laid aside, and I yield the floor.

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

Mrs. HUTCHISON addressed the Chair.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak for 5 minutes.

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

Mrs. HUTCHISON. Mr. President, I rise to speak on behalf of the amendments that have just been laid down by the majority leader and by Senator MCCONNELL of Kentucky. I think it is very important that we continue to keep in mind that the agreement that was made by the Senate, over my objection, frankly, that we would send the troops to Bosnia, nevertheless did include some very important points.

After the United States has expended so much to try to keep this peace agreement, it is most important that the agreement be kept in force, including the arming and training of the Moslems. That was a key reason that so many people on this floor voted to support sending the troops. It is most important that we get on with that part of the agreement. Otherwise, after all the money that we have spent trying to bring peace to the Balkans, the results will be short-lived, because if there is not some sort of parity there among the three parties, I think it will be difficult to keep the peace for a long term. The one chance that I think we have is if there is parity among the parties. So I hope the President will remember that part of the agreement that was made and get on with the other parts of the Dayton agreement that would give the best chance for this to be a successful mission.

So I am very pleased to support and ask unanimous consent to be added as a cosponsor of Dole-McConnell amendments.

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

Mrs. HUTCHISON. Mr. President, I yield the floor, and 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3479

Mr. REID. Mr. President, very briefly, my friend, the senior Senator from Texas, in his closing remarks regarding the Reid and Kempthorne amendments, indicated that when the moratorium was originally placed that there was no money involved. That factually is not so. Mr. President, $1.5 million was rescinded at the same time that the original moratorium was passed.

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. LOTT. 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. LOTT. Mr. President, I ask unanimous consent to speak for 10 minutes.

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

Mr. LOTT. Mr. President, I rise in support of the Hutchison-Kempthorne proposal with regard to a final listing moratorium for the Endangered Species Act.

I think a lot about this issue because I have had to confront it frequently in my State of Mississippi. I have also heard of many instances in other States where major problems have been caused by the Endangered Species Act. I say this as one who voted for this act way back in 1974, I think, when we originally passed it. I thought we were passing an act that would be aimed narrowly at truly endangered species.

I was thinking about perhaps, you know, crocodiles. I was thinking about maybe white tigers. I was thinking about elephants. I had no idea the extent to which this law would be contorted and twisted and used by the bureaucracy to harass people who are trying to create jobs and provide economic opportunities.

There seems to be no end to the lengths bureaucrats will go to use the Endangered Species Act to take private and public property. I really think that common sense has been lost when it comes to this particular statute.

I do not think when I originally voted—in fact, I know that when I originally voted for this act, I had no idea that this would lead to the spotted owl situation in the Northwest. I had no idea that it would create a problem in my own State of Mississippi with species like the gopher tortoise or the ring-necked snake or the red cockaded woodpecker. I believe it never occurred to many of us who voted for this bill over 20 years ago that it would destroy jobs, cripple economic development, and put private property at risk. It has placed individual rights behind those of a ring-necked snake.

In my own State of Mississippi, we have had a real problem with the Forest Service because they want to set aside not a few hundred, not a few thousand, but 100,000 acres of timberland for the red cockaded woodpecker.

I thought that a lot of birds were involved. Unfortunately, I was wrong. As a matter of fact, it involved just three colonies. Then I thought, well maybe a colony represents a lot of birds. Unfortunately, I was wrong again. A colony is just two birds, one male and one female. My State of Mississippi will have a total of seven red cockaded woodpeckers in this 100,000-acre set-aside in the Chickasaw District of the De Soto National Forest. Seems a bit excessive, but all done in the name of the Endangered Species Act. And, guess what—the Forest Service wants still more acreage.

Most Senators can cite similar examples of unbelievable experiences and excesses with this law in their States. I think that there is a need to provide some commonsense protection for birds, fish, and plants, but a responsible balance must be reached because the Endangered Species Act is costing us millions of dollars. It is costing us thousands of acres. I think it is getting out of control. Many in this city talk about extremism by one side or the other on policy issues, and perhaps the bureaucracy's implementation of the Endangered Species Act has reached that stage.

It is time that Congress pull the Endangered Species Act back from the abyss and take a calm, reasoned look at it. That is what Senators HUTCHISON and KEMPTHORNE are requesting through their amendment. A narrow and limited pause for only one aspect of the statute.

That is what this debate is all about. Last year the Congress—not some alien group—this Congress put a hold on future listing of endangered species and the designation of critical habitat until the basic statute had been reauthorized. It should be noted that this statute is long overdue for a full review and reauthorization. The Endangered Species Act authorization and its appropriations expired in 1992. And, a pause would enable this Congress to work in a measured manner to correct the statute before more funds are spent and more economic turmoil can occur. The authorization process is the accepted method to establish and adjust public policy.

So why has it not been reauthorized? Because those that want to continue this abuse under the guise of protection are afraid that the American people will insist that the Congress apply common sense to this act. And so the debate has been stalled in the authorization committees making it impossible to bring it forward.

This leaves the appropriation process as the only legislative vehicle to address the issue. And to the credit of Senators HUTCHISON and KEMPTHORNE, they are not trying to gut or repeal the statute. Rather they are asking for a pause until the authorization work can be completed.

It should be noted that the committee with jurisdiction here in the Senate, through the efforts of Senator KEMPTHORNE of Idaho, and others, has made a valiant effort to move this authorization forward. But until it is reauthorized, we should not continue to act. Abuses that have been heaped upon many Americans as a result of this act should be stopped.

The underlying amendment by Senator REID would lift the moratorium accepted and adopted by this Congress last year. Senator REID would just take it away, saying that proper authorizations for public policies are unnecessary.

The second-degree amendment by Senators HUTCHISON and KEMPTHORNE would maintain the original moratorium, but with some changes. It would now only affect final listings and critical habitat designations. This means it will permit emergency listings to go forward if the well-being of a species is at significant risk. This is a major change because it will permit activities to go forward, but they just cannot take the final action. Again, I think that this is common sense and responsible.

There are very few areas where my constituents get absolutely livid at what is happening in America—but this is one. We have lost control of this act. Congress needs to rethink it. Congress needs to correct the problem. We can protect truly genuinely endangered species but we have gotten down to the area of subspecies—down to single blades of grass, this does not reflect our original intent. It appears that only Congress can refocus the basic statute that a bureaucracy has taken over.

So I urge my colleagues to take a serious look at what is going on across America, as well as what is being proposed here. We should not lift the Endangered Species Act moratorium without a proper reauthorization. Nor should we allow the abuses to continue.

We should support the commonsense proposal by Senator HUTCHISON. It is the right thing to do. It will give Congress time to do the reauthorization without impacting emergency listings. So I commend her for what she is trying to do. And I urge the adoption of the amendment by Senators HUTCHISON

and KEMPTHORNE. I yield the floor, Mr. President.

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

The PRESIDING OFFICER (Mr. COVERDELL). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition this morning to comment briefly about the significant amendment which was enacted yesterday adding funding for the Departments of Labor, Health and Human Services, and Education, the subcommittee of Appropriations that I chair, and to say at the outset, again, my compliments to the distinguished Senator from Iowa, Senator HARKIN, who is the ranking Democrat on the subcommittee, for his tireless work and the work of his staff, as well as my staff, in crafting that legislation in a bipartisan compromise. But I am very fearful that if the partisan bickering and the political credit-taking continues, we are going to jeopardize our chance to see that amendment as the cornerstone of this omnibus appropriations bill go through in the House of Representatives and be signed by the President, so that it becomes law.

We have seen political gridlock in Washington in the hours of the past many months of an unprecedented nature. We have seen the Government close down twice, and we have seen the American people recoiling in disgust at the kind of fighting for political advantage which is taking place in this city. I believe that it is a matter for blame to be equally proportioned, 50 percent on each side of this aisle.

I think that what the American people are looking for is to have an accommodation and to work out these differences of opinion so that we can keep the Government going and not have another shutdown, and work in the interests of the American people.

Yesterday, Senator HARKIN and I submitted a bill which we had worked on jointly in accordance with our responsibilities as chairman and ranking member of that subcommittee and on which we had reached a good-faith, bipartisan compromise. And there was a very, very strong vote in this body—84 to 16—an unusually strong vote on an issue which is as highly contested as that one was yesterday, or what would be expected. And 37 of 53 Republicans joined in supporting that expenditure, although there were many questions as to whether that was a wise approach in the overall matter, because we are looking for a settlement on the overall budget dispute. But those differences were laid aside in the interest of funding for education, for health, and for labor and plant safety, to get that done.

No sooner was the issue resolved on the Senate floor than we had back to usual political posturing—taking credit for what had been done in a very, very partisan way. Today's New York Times quotes one Member of the Senate on the opposite side of the aisle saying—and this is attributed—"Many of our Republican friends that have been reluctant to indicate their support for this, really fell over themselves to support this measure."

Well, that is not so, Mr. President. There has been a lot of Republican support for education—both on the subcommittee with Senator JEFFORDS being the leader for education funding, and Senator DOMENICI, as well as my own participation. When an amendment was offered on the other side of the aisle several weeks ago to add substantial money for education, it received 51 votes, and there were many on the Republican side of the aisle who joined there.

Then that Member is quoted going on to say, "They expected Republicans in the House to bridle at the agreement, but they predicted that the overwhelming bipartisan support in the Senate for the White House stance on the issue would help them prevail in the final legislation."

Mr. President, I had hoped that would be the case, and I still hope that will be the case. But I am not so sure when we have this kind of political credit-taking by Democrats for what was clearly a bipartisan movement. It is a move headed by Senator HARKIN and myself. It is a move that received an 84-to-16 vote with 37 Republican Senators supporting the measure. If we are going to go back to politics as usual and a claim of credit by the Democrats, I think this is going to be a very, very hard matter to hold in conference. There have been some very key legislative proposals that have been defeated this year when somebody crows and takes credit in the political context before the ink is dry and before the bill is finally worked through a conference committee and is finished.

Another Member on the other side of the aisle was referenced in the Washington Times today saying:

> Senator Arlen Specter, Pennsylvania Republican and coauthor of the amendment, "knows how politically vulnerable Republicans are on education."

That is not true, Mr. President. When a reference is made to what ARLEN SPECTER knows, the best source is ARLEN SPECTER. I do not believe that Republicans are any more vulnerable than Democrats on these volatile issues of public policy. I think the American people are coming to the conclusion that they ought to throw out all of the incumbents because of dissatisfaction for what is going on and the political infighting and political bickering which leads to gridlock.

When we work through a very, very tough, bipartisan amendment and accomplish the goals of adequate funding for education and do it in a way which protects the balanced budget concept, because there are offsets on all of these lines, I would ask for a moratorium on the political infighting and the political credit-taking so that we can get on with the business of the American people.

There is an old saying that "a lot could be accomplished in Washington, DC, if people were not too concerned about who got credit for what was being undertaken." I would say to my colleagues on both sides of the aisle that we ought to tone down the political rhetoric and we ought to get on with the business of the country. What we have hanging in the balance from the additional funding which we passed yesterday of $814 million for title I school districts, which is very vital for education in America, is: $182 million for school-to-work programs; we have some $200 million for safe and drug-free school programs; we have some $635 million for summer youth job training; we have very substantial funding for training for dislocated workers, a matter of enormous importance in America today with a downsizing of American business. All of this is in jeopardy if we are going to go back to crass politics and political credit-taking and political bickering as usual.

I anticipate great concerns in the House of Representatives when they exercise their legislative discretion. In the United States, we have a bicameral form of government. We have the views of the Senate. We have the views of the House. I have great respect for what the House of Representatives has to say.

This kind of political bantering, political dialog, and political credit-taking is going to be very, very difficult to deal with, because I expect to hear all about it when we go to conference with the House of Representatives. They have their own points of view. They have their constituencies. They are elected on a 2-year basis. They have certain commitments that they have made. This does not help the process at all.

So, it is my hope that the political rhetoric and the political credit-taking will be toned down as we move ahead to try to get this omnibus appropriations bill completed.

Mr. President, beyond this omnibus appropriations bill, it is my hope that the leadership and the Government coming from the President, the administration, and the leaders of the Congress will go back to the bargaining table and try to work out an overall global settlement. We are about to undertake now the appropriations process for fiscal year 1997. We are already

scheduling the appearances of the Secretary of Education, the Secretary of Health and Human Services, and the Secretary of Labor for the fiscal year 1997 budget. It is a little hard to look to the next year's budget when we have not even completed this year's budget.

We were able to have this revenue-neutral on a tough vote for many Senators, Democrats as well as Republicans, because we offset it against expenditures which are available only on a one-time basis. There had been talk on a global settlement where we addressed the issue of entitlements and had savings there. There might be as much as $10 billion available for the issues arising out of the Department of Labor, Health and Human Services, and Education. If we are to find a way to have a budget which can be adopted for fiscal year 1997, again looking to the concerns of education, we are going to need a global settlement. If we have the same allocation, 602(b) allocation for my subcommittee, for next year as we had for last year when we go through the budget resolution, I do not know how it will be possible to find light at the end of the tunnel to add the kind of money which we added yesterday in the amendment. And we are looking to a very, very tough political season.

My thought is that, if the Congress of the United States and the administration cannot come to terms, it is not only going to be bad public policy for the schoolchildren who very badly need the money which we passed in the Senate yesterday and hope we can get through conference, but what will happen in fiscal year 1997? It is not going to get any easier as we move from March into April, May through to October and November. So it is my hope that the people who have been negotiating on that overall budget global settlement will come to terms, or I think we are all going to have havoc to pay when we look to fiscal year 1997.

But first things first. Let us focus on the bill which is currently on the floor. Let us try to get the job done without rushing to take the credit.

Again, I thank my colleague, Senator HARKIN, for his outstanding work and leadership on this important matter and for setting a bipartisan tone which, if carried out by all Members in this body on both sides of the aisle, I think will lead us to sound public policy for the education interests and the labor interests, the funding of Labor, Health and Human Services, and Education programs.

Mr. President, in the absence of any other Senator in the Chamber, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COVERDELL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3482 TO AMENDMENT NO. 3466

(Purpose: To provide funding for important environmental initiatives with an offset)

Mr. LAUTENBERG. Mr. President, this morning, I send an amendment to the desk for myself, Senator MIKULSKI, Senator DASCHLE, Senator JOHN KERRY, Senator KENNEDY, Senator LIEBERMAN, and Senator LEVIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Ms. MIKULSKI, Mr. DASCHLE, Mr. KERRY, Mr. KENNEDY, Mr. LIEBERMAN, and Mr. LEVIN, proposes an amendment numbered 3482 to amendment No. 3466.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LAUTENBERG. Mr. President, this amendment has a very simple task, I think a very important task, and that is to restore funding for a critical national priority, and that is the protection of America's environmental heritage.

There is broad support for protecting our environment. Americans across the country want to drink clean water. They want to breathe clean air. They do not want to live near toxic waste sites that pose health risks to their families, regardless of whether they are urban or rural dwellers and regardless of the region of the country. Unfortunately, despite the public's commitment to environmental protection, this Congress has mounted a full-scale attack on our environment. The contract on America may not have mentioned the environment, but deep in the recesses of the presentation is a full-scale attack on our environment.

The contract on America does not have to mention it, but the signers of the contract appear committed to doing everything possible to gut environmental protection. First, the House of Representatives passed a series of riders on the EPA appropriations bill to essentially repeal laws protecting our air, our water, our land, and our families. Also in that legislation, EPA's budget, already underfunded, was cut by a third from the 1995 funding level, and more riders were added on the Interior appropriations bill.

One banned new listings of endangered species. Another rider essentially turned over the old growth forests to private timber interests. And then the House passed changes to the Clean Water Act. That bill dramatically weakened EPA's enforcement authority, wrote off the Nation's valuable wetlands, and included numerous other provisions apparently drafted not by legislators but by lobbyists for corporate polluters. Bills have also been introduced to cripple the Clean Air Act, to weaken our program for cleaning up toxic waste sites, and to exempt various industries from critical environmental regulation.

Another legislative proposal which passed the Senate would weaken something called the community right-to-know law. I am the author of that law, and it has been on the books for some time. It simply requires polluters to tell the public the truth about emissions that come from their place of business. It has been responsible for a 46-percent decrease in toxic emissions in 4 years. It has been a smashing success, as they say, and yet a rider to the omnibus regulatory reform bill would gut that law and allow any company to easily remove chemicals from the listing requirement.

As one can see, the list of congressional attacks on our environment goes on and on, and it is a source of great concern to millions of Americans. A poll, a Republican poll, commissioned by the Republican Party, by Linda DiVall, showed that only 35 percent of the voters would support a candidate who supported the one-third cut in EPA funding proposed by the House Republicans. Mind you, a Republican poll showed that only 35 percent of those who vote would be willing to support a candidate who supported this one-third cut in EPA funding. That is quite a revelation.

The same poll showed that while 6 out of 10 Americans say there is too much Government regulation, generally only 2 in 10 believe that the statement applies to EPA. The public, even those who consider themselves Republicans, do not trust their party on the issue of the environment.

In years past, I have been proud to work closely with many of my Republican colleagues to pass strong and effective environmental legislation. Frankly, I look forward to that opportunity this day. I know that there are Members from the other side of the aisle who care about the environment that we are leaving to our children and our grandchildren. We want to leave them the best, the cleanest available.

I wish to single out for commendation the distinguished Senator from Missouri [Mr. BOND], chairman of the subcommittee on EPA and NASA and the Veterans Administration, who has made a serious effort to increase funding for EPA over the proposals that came from the House. He has had to deal with an inadequate 602(b) allocation from the Budget Committee. He has worked hard within these constraints, and he deserves real credit for that.

Unfortunately, despite his efforts and despite the efforts of the ranking member of this subcommittee, Senator MIKULSKI from Maryland, laboring hard to try to improve the funding, because of the inadequate funding in the Republican budget for almost all domestic needs, the funding in this bill for environmental protection is just not enough to do the job. And, although better than proposals from the House, the legislation would require real cuts in critical environmental programs. Compared to last year's budget, even after the enactment of the Republican rescissions bill, the bill before us would cut EPA by over 11 percent.

So, my amendment proposes to restore funding for the environment to bring EPA's budget back up to, essentially, last year's level after the rescission.

And, perhaps most importantly, the amendment will add $365 million for States to fund sewage treatment and drinking water programs through State revolving funds.

Our State and local governments need these funds to meet Federal standards related to the control of sewage waste and to ensure safe tapwater. States leverage this money so its real value will be many times the amount appropriated. Yet the needs are enormous. Local governments need to meet Clean Water Act mandates that will cost over $100 billion. So this is not the time to be stingy with aid. It is critical to many hard-pressed communities and to citizens who rely on safe drinking water coming from their taps.

In addition to the $365 million to keep our water clean, my amendment includes various other provisions that will improve our environment. These include $50 million more for the Superfund Program to clean up toxic waste sites, and success and progress can be directly measured there. But what is going to happen as a result of the funding levels that we presently have is we will be shutting down work on sites that had begun, that show some promise for cleanup. That will grind to a halt.

We have $62 million for environmental technology to do the research necessary to find different ways and more effective ways to treat the environment.

We have $75 million for the Department of Energy included in here, for its excellent weatherization program which will provide weatherization grants for 12,000 homes, and give people a chance to protect themselves against the cold so they do not have to spend as much for fuel and also do not add to the consumption levels.

Mr. President, we have $75 million for the National Park Service, to stop the degradation that is taking place in our national parks. The National Park Service needs money. It needs staff. It needs resources to keep these parks up to the level that makes them available and makes all of us proud about these national monuments.

There is also $5 million to advance research for methyl bromide replacements. Methyl bromide causes nausea, headaches, convulsions, and ultimately death in some cases. Research in this area is badly needed.

Unlike the underlying bill, which provides funds on the assumption that Congress and the President reach some type of budget deal, this amendment has sufficient offsets so that we can immediately get on with our efforts to protect the environment.

First, the amendment includes legislation, proposed by the administration and adopted in the House reconciliation bill, that will improve the Federal Government's ability to collect delinquent debts. The Federal Government is owed almost $50 billion in nontax debts. We simply have to do a better job of collecting them.

The other offset included in the amendment calls for the sale of Governors Island in New York harbor. This also enjoys broad bipartisan support and was included in the House reconciliation bill. Governors Island is no longer going to be used as a Coast Guard station as it has been for so many years. It is now deemed to be inefficient and unnecessary as a place for the Coast Guard. With these offsets, our amendment is budget neutral.

Our Nation has made enormous progress since the environmental movement was ignited by Earth Day in 1970. Environmental laws have made our water safer to drink, cleaned up our oceans and rivers, made the air cleaner, and protected our land from dangerous waste disposal practices. This is no time to turn back.

Because of our work, there have been measurable improvements in our air and our water. In 1975, 60 percent of our waters—streams, tributaries—did not meet water quality standards. Today, only 40 percent fail that test. That is a remarkable improvement, and we can continue to build on that. But if we let it slip back, it does not take long for pollution to take over.

Thanks to our environmental laws there is now a generation of children in many parts of the country who have no conception about the terrible air pollution that spoiled our air not too long ago. Even our biggest cities have fewer days of unhealthy air pollution than they did 20 years ago, despite economic growth and population increases. Lead has been taken out of gasoline, which has had a significant positive impact on children's mental health. Today, ambient levels of lead are down 89 percent since 1984.

Sulfur dioxide concentrations in urban areas are down 26 percent since 1984, improving the ability of people with asthma and other respiratory diseases to lead normal lives.

Carbon monoxide levels are down 37 percent since 1984, largely due to cleaner cars and fuels, and more effective vehicle inspection and maintenance programs. These gains have come while the number of cars and vehicle miles has grown substantially.

Ozone levels have dropped since 1984, so 43 million fewer Americans now must breathe unhealthy ozone levels.

These advances occurred because this Congress passed the laws to make it happen, not in recent sessions, but over the years, and because we provided the funding to do the job. We made an investment in the environment and that investment has paid handsome returns. But now, if we back off on our commitment to the environment, successes of the past no doubt will be reversed in short order.

The environmental challenges of the future are substantial and in many ways more difficult than those of the past. We need to control emissions from many smaller businesses, something not easy to implement or to police. We will need to develop new technologies and we need to develop alternative approaches to controlling pollution. All of these require a real commitment of resources. That fact cannot be wished away or ignored.

We have heard it said many times that we need to balance the budget because we are piling debt upon our children. But what about the environment we are leaving to our kids? In my view, and the view of the American people, the environment simply must be a national priority. We can agree on balancing the budget and at the same time making certain that we provide a cleaner environment for our future generations. If we want to balance the budget we ought to find other ways to do it than restricting environmental cleanup activities.

This amendment would simply maintain funding for environmental protection at about the same level as last year's budget, after the rescission. I think it is a modest and certainly a reasonable proposal. I hope my colleagues on both sides of the aisle will support it.

Mr. President, we all ought to agree here, and we will agree when we cast our votes, that the environment is a priority for those of us who can do something about it. We have to decide here and now what it is that we want to leave for our kids by way of environmental protection. Do we want them to be able to breathe the air without getting sick? Do we want them to be able to go to the water tap? Sales of bottled water in this country continue to escalate. I am sure, when the original settlers came here they never dreamed they could do anything else but drink the water that was naturally available, and now some 40 percent of the population is buying bottled water. We ought to be able to assure people that,

when kids go to the tap to take a drink, they are not jeopardizing their health, nor is the ground they are playing on dangerous for their well-being.

Those are the decisions we are going to make with this amendment, Mr. President. I hope that all of our friends on both sides of the aisle, Republican and Democrat, will agree that while we can discuss budget priorities, at the same time we can agree that we want to send a message on a cleaner environment.

I yield the floor.

Ms. MIKULSKI addressed the Chair.

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

Ms. MIKULSKI. Mr. President, I rise to join Senator LAUTENBERG and other of my colleagues in offering this amendment to restore critical reductions taken in the funding for environmental programs. I compliment the Senator from New Jersey for his steadfast advocacy on the environment, and I look forward to working with him on these important issues.

Mr. President, we in Maryland are budget weary. We have been battered by the budget, we have been battered by floods, and we have been battered by the shutdowns that have occurred. What has been so terrible about the shutdowns that have occurred is that they have shut down our ability to enforce America's vital, crucial environmental protection laws relating to Superfund, safe drinking water, clean water, to be able to help our people be in a safe environment and help local communities.

The full committee and the subcommittee chairmen, Senators HATFIELD and BOND, have taken important steps by restoring $240 million in real money to this omnibus CR. This important effort, I think, will move us beyond this weariness that we have with shutdowns. I hope that at the end of this week, we have not shut down the Federal Government, we have not shut down the Environmental Protection Agency, and we have not shut down our ability to enforce public health and safety, nor that we have shut down the funding to go to environmental contractors.

But the fact remains that despite the efforts of the chairman of the Appropriations Committee and the chairman of the Subcommittee on VA and EPA, this appropriation, this CR continues to be $750 million below the 1995 level. It is the defunding of EPA. That is unacceptable to us on this side of the aisle, and it is unacceptable to the American people.

The American people want clean air, clean drinking water, they want contaminated and hazardous waste sites cleaned up, and they want their local communities to have the resources to provide wastewater and clean water to these communities.

The American people are absolutely opposed to efforts to weaken the environmental laws and are opposed to budget and staffing cuts that do that.

There was a recent poll that showed that 46 percent of the American people want no changes in either clean or safe drinking water.

When we talk about the impact on these budget cuts, this has a tremendous impact not only on local communities and on public health and public safety, but it absolutely has a direct impact on business.

A recent study by the University of Maryland's Jacobs Center, which is a business evaluation center, said that businesses are concerned that cuts to regulatory agencies lead to delays in permitting, and poorly trained staff also lead to a delay in permitting, which is a delay to business.

In my home State of Maryland, good environment is good business. That is why we have been such strong supporters of the Chesapeake Bay Program and the cleanup of important rivers and polluted rivers, like Back River. So the American people do not want any more cuts in EPA, and neither do I.

This amendment restores $738 million and puts us at 1995 levels. It is essentially a freeze on EPA, but it does restore funds to implement those important standards.

It also does something else. This amendment restores programs relating to the environmental technologies initiative. That is an initiative to spur, working with the private sector, new technologies, new products that we can manufacture in the United States and sell overseas.

Mr. President, these environmental cuts have a great impact on the United States of America and its citizens, but also this has a great impact on our national reputation. The world is coming to the United States of America for our environmental expertise in Government and its form of regulation, in terms of academia, in terms of its scientific research on the environment and in terms of a private sector that has developed techniques and products in manufacturing biotechnology to clean up the environment.

What we want to do in this legislation is to restore the Environmental Protection Agency to do this. To keep the funding cuts, I believe, will have a devastating effect on American citizens and will be a loss of national honor, as well as a national opportunity to go global.

This national opportunity will enable us to take our environmental expertise that the world wants access to and to go around the world giving out information, ideas, science and actual products.

We talk a lot in this U.S. Senate about how we need to have good jobs at good wages. I believe the frontier to do that is in the field of environment, using the expertise of EPA, working with America's academic institutions, encouraging these new technologies in the private sector. If we do that, we will not only protect our environment, but we will also be able to create jobs and be able to have an important contribution internationally.

So I hope, therefore, that my colleagues will support the Lautenberg-Mikulski-Lieberman and Kerry amendment to restore these cuts to EPA. We believe we have sound offsets to be able to do it, and I believe then we can move this process forward.

Again, I thank the chairman of the full committee, Senator HATFIELD, and the chairman of the subcommittee, Senator BOND, for taking the first step by restoring the $240 million. We look forward now to taking the next step to put EPA at the 1995 levels.

I thank the Chair and my colleagues for their attention, and I yield the floor.

Mr. KERRY addressed the Chair.

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

Mr. KERRY. Mr. President, I thank the Chair, and I particularly want to thank the Senator from Maryland and the Senator from New Jersey, Senators MIKULSKI and LAUTENBERG, for their leadership and efforts to try to guarantee that we have a sensible environmental policy in this country.

What is really astonishing is that this is the 10th time this year that we are debating the environmental programs of this country, the 10th time we are debating the 1996 budget. We are now in the sixth month of the current fiscal year, and we are setting a historic first for the United States of America. In the 11 years that I have been in the U.S. Senate, never—never once—have we had to go into a succeeding fiscal year and still be debating the items of the last fiscal year.

I would say, without any question at all, that the responsibility that fell to the majority last year or the year before, when they won the election, has really not been discharged properly. I remember when we were in the majority, in the last occasion of 1994, all 13 appropriations bills were passed on time. Whatever compromises were necessary in order to achieve that, we understood the Constitution of this country, we understood the nature of the system.

What has really happened here in Washington in 1995 and 1996 is that a small band of radicals in the House of Representatives have fundamentally hijacked the Constitution of this country. In the name of ideological purity and of their particular point of view, they have disavowed the balance of power between the executive and the legislature. They have taken into their own hands their own definition of timing.

They are breaking the law, Mr. President. They are breaking the law. The law says that these bills will be accomplished by a specific point in time. They have not been.

So we are here for the 10th time debating where we are going. People will say, "Well, the President won't agree." Well, the President has the veto power. That is what the Founding Fathers gave him, and when the President has the veto power, and there is not a sufficient political force in the country to undermine whatever sustaining capacity there is in the Congress with that veto, then the President gets to have that balance.

The reality is, you are supposed to compromise. But that is not what is happening. I think it is very unfortunate for all concerned. I know that there are moderates on the Republican side, many in the Senate, who are uncomfortable with what is happening, who do not agree with it, who would rather see the Congress of the United States do its business. I think it is entirely inappropriate for the country to pay the price for this small group in the House of Representatives.

It is revealing that while a certain group of appropriations bills have made it into law, it is revealing that the bills that fund the agencies with primary responsibility for the environment and our natural resources, the Environmental Protection Agency and the Department of Interior, have not been signed into law. I think, Mr. President, that the fact that those particular bills have not been signed into law underscores the clash of priorities that is evidenced in the Republican approach to the funding of those bills and the Democratic approach.

The fact that the Republican leadership is still fighting for large cuts in environmental programs is, in my judgment, an indication that they are not in touch with the real concerns of the American people and their desire for clean air and clean water. The response from some will quickly be, "Wait a minute. Of course we're in touch. Being in touch means you balance the budget. We have shown that you can balance the budget." But you do not have to do it at the expense of these environmental programs.

So, in the final analysis, it really comes down to a fundamental confrontation between choices—the choices you make to balance the budget. And the choices that you make to balance the budget are the final evidence of your priorities and of your values.

That is why, Mr. President, I am here once again in this 10th series of efforts on the environment with Senator LAUTENBERG and Senator MIKULSKI and others, to speak in support of increasing the funding for specific environmental programs. What we are seeking to do is to add back over $900 million for environmental programs at four Federal agencies—at the Environmental Protection Agency, at the Department of Energy, at the Agriculture and Interior Departments. It is our judgment that this money is critically needed in order to fully protect America's health and safety at a level that Americans have come to expect and that they believe is their right.

Mr. President, if we succeed in passing an omnibus spending bill, we are going to set the environmental budget for the EPA through the end of this fiscal year. If we pass a bill that includes environmental funding increases in this amendment, all we will have succeeded in doing is bringing us back to last year's level of protection. I think Americans need to understand that.

This is not a Democrat effort to try to add huge sums of money, even though many of us believe that in certain areas we ought to be spending more. This is simply an effort to hold our citizens harmless from a reduction below the level that we were at last year.

If, however, this amendment is defeated, Congress will have turned its back and turned the clock back on some 25 years of environmental gains. Ironically, for 19 of the last 25 years, Republicans were in charge of the EPA. It was Richard Nixon who signed into law the National Environmental Policy Act and delivered protection of the environment as a national priority. I think it is particularly ironic that after George Bush joined with us to help sign into effect the Clean Air Act, and after the many efforts of the last years that have been bipartisan, that we are suddenly thrown into this partisan clash over whether or not we can keep the funding at last year's level.

Regrettably, our friends on the other side of the aisle have made a different choice, and it is different from what most Americans are telling us that they want. I think almost every poll in the country has shown that Americans want to protect their environment: they want cleaner air, they want cleaner water, they want pristine rivers, they want our ecosystems protected, they want an abundance of species, plants, and animals, they want clean beaches and national parks, and they want public lands that are safe and they want them protected. They want cities with breathable air and industries and businesses that are willing to join in the effort to guarantee that these kinds of protections exist.

Unfortunately, Mr. President, you cannot reconcile that stated desire of the American people with the budget figures that we are being presented. So the central question in this debate is really: What priority do you place on protecting the Nation's environment and natural resources and the health of our citizens?

I am confident that we are going to hear Senators on the other side of the aisle say, "I take no second seat to anybody in the country on protecting the environment." We will hear Senators say, "Let's not kid ourselves; nobody is against the environment. Nobody wants to have bad water," and so forth. It is fine to say that, Mr. President, but if you are in favor of cutting inspections, if you are in favor of cutting a community's ability to be able to provide that clean water, if you are voting for an amendment or a bill that reduces the commitment from last year, even though no American is asking for a reduction except for some companies, it is very hard to follow through and say, you are, in truth, voting for what you are talking about.

That is the real difference here. What are you voting for? What are you putting into the budget? What numbers do you really support? While the bill that is being brought to the floor is an improvement from the conference report, it is still a budget that is hundreds of millions of dollars below the level that most people in good conscience and good faith have decided is necessary in order to continue the level that we have committed to the American people.

In addition to that, Mr. President, the bill contains a series of legislative riders that cripple the EPA's ability to be able to protect the Nation's wetlands, which is precisely what some people want to do. They have never liked the wetlands protection. They want to develop wetlands, and they do not care about the standards. So they are intentionally setting out to cripple it. And it would also halt the Department of Energy's work on setting energy efficiency standards for appliances.

Mr. President, we have, as I have said before—but I think it needs repeating again and again—shown that you can balance the budget in 7 years without doing what the Republicans are choosing to do here. I hope that we will recognize that without restoring some of this funding, the cuts to the EPA are going to deal an extraordinarily harsh blow to efforts to be able to protect us.

I would like to bring it down to a local level, if I may, Mr. President, to my State of Massachusetts. We are trying, in this bill, to increase the State revolving fund by $365 million over what the Republicans have provided. Every State will benefit. All cities in each of our States that are in need of new infrastructure will benefit by adding to the State revolving fund.

We have communities in Massachusetts, a community like New Bedford, for instance, about 100,000 residents, is building a sewer treatment facility that will cost more than $200 million. It has to build this under Federal law. Yet the tax base is such that the citizens cannot really afford to do that on their own. In the 1980's we had a partnership with the Federal Government

where the Federal Government would provide anywhere from 55 to 75 percent of the money. That is not happening today. As a result, local communities are being harder and harder pressed to be able to try to live up to the standards that we have set at the Federal level. Because they are harder and harder pressed to do that, they get angrier and angrier over those Federal standards and begin to blame the standards themselves.

What happens here, you get caught in a vicious circle. People begin to lose their commitment to the standards and to wanting to clean up because they feel oppressed by them. The reason they feel oppressed by them is they are required to do things they do not have enough money to do. The reason they do not have enough money to do it is the Federal Government has pulled out of the partnership and taken away the help that was given in the 1970's and the 1980's. That happened, as we all remember, in 1982 when Ronald Reagan came along and stripped away title II of the Clean Water Act and left the mandate. All of a sudden the anger was directed at mandates.

Mr. President, we desperately need that kind of funding assistance. In a city like Fall River, a partner city to New Bedford, you have a similar sort of tax base, similar difficulties. You have a combined sewer overflow problem which the community desperately needs to be able to refurbish, rehabilitate the sewer overflows, 100-year-old infrastructure, a current population, and the current population is required to pay for the next 100 years. That is not fair. You have to try to spread that out.

Nowhere is that more felt, Mr. President, than in the city of Boston where we are living under a court order, Federal mandate, Federal court order, that you have to go ahead and clean up the harbor; at the same time, put in a secondary treatment facility for water, billions of dollars of expenditure. So the citizens of our State and city have seen a 40 percent increase in their water rates in the last few years. It has gone up to about $618 per family and will go up to $800. This drives out business, drives down the value of property, and most importantly, it is just impossible for the average family, already struggling on a lower income, to be able to pay these increasing costs.

Once again, what is the result? The result is people get angry at the mandate, even though it is a legitimate mandate that you have clean water. The result is we begin to lose the consensus in this country to be able to do these things.

Mr. President, in the 1970's and 1980's, many communities got money to the tune of 90 percent, 75 percent, 55 percent of their project being paid for by the Federal Government. In 1996, Boston has received a total of 18 percent funding, contrary to the 55 percent, 75 percent, 90 percent of years past. Even President Bush saw fit to put $100 million each year into our budget to help us with that. We desperately need the State revolving funds and those kind of commitments. That is an example of one State. That can be replicated all across this country. There are other communities in need of additional money.

Mr. President, there is another area that is a concern. That is the area of the funding for the cleanup of toxic waste sites. This bill provides an increase, for which we are obviously grateful, over the conference report which devastated this program. Our amendment would restore an additional $50 million to the Superfund which is still several hundred million dollars below what the President of the United States has asked for. Now, while our amendment is not everything we would have liked, we believe what the Republicans are doing will slow the cleanups. It will continue to stall cleanup efforts in communities that have very, very patiently waited for Federal intervention.

Let me just share with my colleagues a story that I think underscores why this is so important. The toxic waste cleanups are critical to our ability to be able to provide the fundamental protection that our citizens are looking for. There was a young man in Woburn, MA, named Jimmy Anderson who got sick from a contaminated well in Woburn. He died from lymphocytic leukemia in 1981. His story underscores why this $50 million is important. About 30 years ago, his mother, Ann, suspected that something was wrong and that their water was bad because it smelled bad. She went to authorities and said, "There is something wrong with our water." The authorities just said, "No, don't worry about it. It's OK. It will be all right." Then in 1972 her son Jimmy got sick. Despite her concerns, the wells that they were drinking from remained in use until 1979, when an environmental inspection that was triggered by a totally different event revealed that in those wells there were, indeed, high levels of toxins.

Eventually, other leukemia victims came forward. It turned out that between 1966 and 1986 there were 28 cases of leukemia among Woburn children with victims concentrated in the two sections that were served by those wells. Now, investigations revealed when they analyzed the water, that there were whole lagoons of arsenic, chromium, and lead that were discovered on a tract of land that had once housed a number of chemical plants, and from a nearby abandoned tannery that had left behind a huge mound of decades-old rotting horse hides that gave off a smell that commuters used to call the Woburn odor as they drove by.

I say to my colleagues, before we rush into adopting a budget that is going to reduce the level of inspections and give us more Jimmy Andersons, why do we not just stop and think about what the environmental protection effort is trying to achieve and what it has achieved in its previous years. Jimmy Anderson's mother came to Congress to testify. This is what she said: "It is difficult for me to come before you today but I do so with the realization that industry has the strength, influence, and resources that we, the victims, do not. I am here as a reminder of the tragic consequence of uncontrolled toxic waste and the necessity of those who are responsible for it, to assume that responsibility."

Mr. President, in no uncertain terms, the budget that the Republicans are offering empowers those polluters and takes away the responsibility. The budget that we are offering tries to hold those people accountable and provide power to the victims.

I hope, Mr. President, that in the hours ahead we can find the same kind of bipartisan coalition that we found yesterday on education. This should not be a partisan issue. I regret that there are some who have stated their priorities different from other people's.

Finally, I hope we will rectify the legislative riders that open up more timbering, that create a greater imbalance in the relationship between our natural resources and the people of this country. There is nothing, frankly, more important, than education. This is part of our education effort. It is also part of our fundamental responsibility to the next generations. I hope we will add the money that is necessary.

Mr. BOND. Mr. President, I rise in opposition to the Lautenberg amendment. I also must point out to my colleagues that the partisan rhetoric that we are hearing about the environment is reflective of the fact that this is an election year. I have listened with great interest to some of the wild charges and political claims being made. I keep checking to find if it has anything to do with the measure before the Senate. I find, unfortunately, that it has to do more with somebody's campaign than with talking about the issues that are relevant to this bill.

My colleague from Massachusetts has just denounced the fact that we are breaking the law because there has been no appropriation for veterans, housing, environment, and space—the main subject areas of the subcommittee I chair. Well, I can tell you, Mr. President, quite simply why there has been no bill passed and signed by the President. It is because the President vetoed the bill that we presented to him that was within the budget allocation and passed by both Houses of Congress.

I can tell you, also, that beginning last November when we sought to work

with the White House to find out what would be acceptable, what we need to do to accommodate their interests, we were stonewalled, absolutely stonewalled. Leon Panetta came and said, "Well, the only way we can sign this bill is to spend $2 billion more." This was at a time when the President was stating that he was for a balanced budget. However, he was asking that we break the budget by $2 billion. He vetoed the bill and said we need $2.5 billion. No longer the original $2 billion.

Mr. President, how much is enough? How much is enough? How far do they want to break the budget? I have fought hard on this bill, and I believe we have fought responsibly to raise the amount of money appropriated for vital environmental cleanup efforts, and within the appropriations available to us under the budget agreement, we have done a good job.

(Mr. ASHCROFT assumed the chair.)

Mr. BOND. In this measure before us, we have added additional funds and we have put in a provision that if the President will agree to sign a balanced budget amendment that would make the budget balance in 2002, there will be even more money available for what I regard as a high priority, and that is environmental cleanup.

My friend from Massachusetts said, "You are supposed to compromise and negotiate." Well, on that matter, I agree with him 100 percent. But let me ask my colleagues, Mr. President, if we are supposed to negotiate and compromise, if we are supposed to come to an agreement with the White House, how do you do it when they do not show up? This Chamber is essentially empty. But this Chamber is just what I have had in attempting to deal with the White House—nobody. I have talked to the Agency head, Administrator Browner. I have talked to Ms. McGinty in the White House, head of the Council for Environmental Quality. I have talked to the Vice President. I have talked to OMB Director, Alice Rivlin. I said, We want to compromise and work with you to make sure we meet the objectives of the programs funded by this bill. We do not have a bill, Mr. President, quite simply, because the President has chosen the political tack. His political advisers say it is far better to veto and throw hot rhetoric than to sit down calmly and negotiate.

I hope the time has come when we are ready to negotiate, because I believe we have made great progress in the environment in past years. I want to see that continue. I believe the bill before us will continue that progress. I will be happy to work along with the leadership on this side and the leadership on the other side of the aisle to come to a reasonable compromise that keeps us on our budget goal of balancing the budget, so we do not put the burdens of our debt on future generations, but which will meet the objectives that are funded in this bill in the environmental area.

Let me return to the Lautenberg amendment. The Lautenberg amendment is about pumping up the rhetoric and the polarization surrounding environmental issues. I must say that the supporting remarks are completely in that vein. It is not about ensuring that limited dollars are spent on EPA programs and activities which most effectively reduce risk to human health and the environment.

The Lautenberg amendment includes funding for the administration's entire wish list for EPA, totaling $726 million. I would like another billion dollars, too. It is always nice to have that. Maybe the stork or the tooth fairy will bring it. I am sure we can spend more money well. But it is not possible, unless we reach other agreements that will lead us to a balanced budget, that we can accomplish that goal and put additional sums in.

There are additional sums in this measure introduced and presented by Senator HATFIELD, which will provide more funding when we come to an agreement on a balanced budget. The offsets proposed in the Lautenberg amendment are phony. They are being used in the other Democratic leadership amendment to be offered to the bill. How many times can you trod out that same old ghost of imaginary cuts? Imaginary cuts are a great offset, but they make awful thin soup because there is nothing there.

As chairman of the VA-HUD subcommittee, I have worked very hard to fund EPA adequately within the very constrained budget allocation available to the subcommittee. The bill before us today increases EPA's budget by $402 million above the conference level, including $240 million within title I that would be available upon the passage and the signing into law by the President of this bill, and another $162 million in title IV of the bill, the contingency section. We can spend the $162 million if we reach a broader budget agreement.

The total for EPA is $6.1 billion. This, I believe, represents a good-faith effort to meet the administration's concerns, even though they are not willing to discuss those concerns with us or present us with an honest prioritized list of needs and wants.

We have made these efforts because we are concerned about the environment. We have made these efforts, and we have taken these steps because Members of this body on both sides of the aisle are interested in protecting the environment. This is a bipartisan issue.

The arguments about the Republican opposition to the environmental cleanup are absolute hogwash. It is embarrassing that we have to answer those inane charges on the floor of the Senate. It is appalling to me that someone would come down and make those assertions. But they have been made, and they are nonsense. They do not deserve further discussion.

The additional funds in title I, which are funded within the subcommittee 602(b) allocation, are provided for State revolving funds, for the Superfund and the enforcement activities, all of which were included on the administration's wish list. As a matter of fact, they were the first ones mentioned by the Administrator of EPA when I asked her to set priorities—assistance to the States for water infrastructure construction, toxic waste cleanups for sites posing real and immediate risks, and funding to ensure that there are no employee furloughs or RIF's. Reductions to ongoing contractual support are high priorities.

Let me be clear. The amount provided in title I—that is not subject to contingency. The only contingency is that it be passed by the Congress and signed by the President. This appropriation ensures that the EPA does not have to fire or furlough a single employee. And the enforcement budget is increased, Mr. President, by $10 million over fiscal year 1995, in a year when total funds available for commitments by this subcommittee were reduced by 12 percent from the preceding year.

We have held EPA at a higher level and even increased the enforcement budget. In addition, this legislation recommends another $162 million in title IV, the contingency section, for additional State revolving funds operating programs and a new laboratory facility in the North Carolina Research Triangle Park, where EPA space is sadly deficient.

This legislation recommends a total of $6.1 billion—just $300 million, or 4 percent, less than the total fiscal year 1995 actual spending level in a bill that is 12 percent overall below. Where did we have to cut? We had to choose priorities. We cut earmarked water and sewer projects—the pork that Members love to bring home. Bringing home the bacon is unfortunately a sport that is still popular around here.

Last year's appropriations contained some $800 million in these bringing home the bacon projects. This bill all but eliminates such earmarks.

I note that the Senator from Massachusetts, a staunch defender of the amendment that is being offered, would see funding for his State to go up by another $75 million. Certainly it does enhance one's enthusiasm for an amendment. But I will address that part later.

H.R. 3019 provides $1.825 billion for State revolving funds. This includes an increase of $100 million over the President's request of $500 million for drinking water—State revolving funds to be distributed by a formula based on

need—a formula based on need and not a formula based on who can offer an amendment. It is a formula for which we hope the Environmental Protection Agency and State agencies will use good, sound science and prioritizing in determining where the money needs to go.

In fiscal year 1995 the States received only $1.235 billion in revolving funds. This year's bill ensures that States will receive $1.725 billion, and an additional $100 million if title IV spending is released; that is, if the President agrees on a balanced budget. That would be an increase of almost 50 percent. The occupant of the chair and I have served as Governors. We know where the pedal hits the metal and where the rubber hits the road, which is in the States where they actually do the cleanup. In Washington we talk about it and we pontificate about it. It is the States that have to do the cleanup. It is the States that take care of the needs of their communities. It is the States that take care of the environmental risk to their citizens. And we increase that money by 50 percent in this bill.

I note that it is especially ironic that the pending amendment seeks to add back pork barrel sewer projects. This is not environmental protection so much as old-fashioned parochial political pork. That is what is involved here.

In addition to the State revolving funds this legislation fully funds State agency grants. We have recognized that the States have been assigned burdensome responsibilities by the Federal Government to protect and clean up the environment. We have tried to provide sufficient funds for them to do that despite the budgetary constraints under which we must act.

Despite very serious concerns with the Superfund program—and there are serious problems with that program, Mr. President, and everybody in this body knows there are problems with it and reservations about putting a lot of money into a program which virtually every one agrees needs to be reformed—the legislation before us actually recommends $1.263 billion for Superfund, $100 million more than the conference agreement. This appropriation would result in an increase in the dollars spent on actual cleanups in fiscal year 1995 and would provide level funding for enforcement activities.

The Senator from Massachusetts and other proponents of this measure have talked about the slowdown in Superfund. Slowdown is synonymous with Superfund. That is what Superfund has become—a tremendous slowdown project. It has had some tremendous benefits. It has had tremendous benefits for the lawyers who file the lawsuits and argue over who is going to be responsible. The more money we put in the Superfund the more fees we generate. This is a litigation machine. This is a lawyer's dream. The law provides more dollars for lawyers and too little for cleanup. We cannot just throw more and more dollars at it without changing the law.

If we are serious about the Superfund and toxic site cleanups—and we must be—then we have to reform the program. We are working to reform the Superfund Program so that the money in Superfund goes to what people thought it ought to, and perhaps think it still goes to; that is, cleaning up the sites.

Mr. President, many of the recommendations included in the committee reported bill for EPA were made by the National Academy of Public Administration. This is a nonpartisan organization which was asked by my predecessor, my Democratic colleague and ranking Member, Senator BARBARA MIKULSKI, to undertake a report on reforming EPA 2 years ago. I want to say once more for the Record that Senator MIKULSKI has been a leader in promoting environmental progress and using the best management and the best science to do so, and the work that was done at her request in the National Academy of Public Administration, I think—in common forums away from the political diatribes on the floor and on the hustings—is recognized as the way we should go to make sure that we deal with the threats to health and the threats to the environment from toxic waste.

We followed the recommendations in this bill of the National Academy of Public Administration. They were presented to Congress almost a year ago, and they said turn over more responsibility to the States; turn over responsibility to the States which have developed capacity over the past 25 years to manage environmental programs. Do not step on their efforts, if they are doing a good job. If they are not doing a good job, Mr. President, there is every reason to have a Federal agency which says, "You are not doing a good enough job." If we in Missouri were polluting the air of Illinois, polluting the water of Arkansas or Mississippi or Louisiana, the national agency should step in. But if we are doing the job in Missouri in cleaning up the environment to standards set on a national basis to protect the national health and well being of the environment, then we ought to give the States the flexibility to do it.

According to NAPA, "EPA should revise its approach to oversight, regarding high-performing States with grant flexibility, reduced oversight, and greater autonomy."

That sums it up. This is what we have tried to do through the appropriations bill. We have even included authority for EPA to begin issuing block grants for maximum flexibility. We have tried in this bill to get EPA to focus on the areas of highest risk to human health and the environment, and to reduce spending for the time being on those programs which produce less bang for the buck, either in terms of the cleanup progress or the risk that they are dealing with. Rather than spending time organizing press conferences and news events, I believe that EPA should follow the recommendations of NAPA to get its own house in order. Despite EPA's claims to support NAPA's recommendations, we have seen little in terms of real change.

As I have mentioned before, Mr. President, I have been trying unsuccessfully—I have been waiting for 5 months to forge a compromise with the White House within the allocation available to my subcommittee. Since last November I have placed phone calls, I have written letters, and I have held hearings—nothing, zip, nothing. Unfortunately, the White House seemingly has decided that portraying me and those on this side of the aisle as antienvironment is a better political strategy than compromise. My phone calls have not been returned. My letters have not been responded to.

I held a hearing on January 26. EPA administrator Carol Browner refused to admit there can—and, indeed, must be—priorities within the EPA's budget. The Administrator, when I asked her for her priorities, claimed that the entire $966 million of add-backs demanded by the White House were critical, including earmarks for sewer construction, the pork barrel part of it. Is there anything that is more important than the environment? When you cannot set any priorities you do not have any priorities. If you refuse to prioritize, to live within a budget, then you do not have any idea of what you are trying to do.

Two weeks ago, I held a second hearing on EPA. We heard from former EPA Administrator Bill Ruckelshaus, State environmental commissioners, EPA Science Advisory Board members, and others. These witnesses confirmed the importance of setting priorities and reordering spending to achieve the most gains for the environment with the available dollars. These witnesses recognized that spending was not unlimited and there must be management discipline to ensure we allocate resources effectively.

Unfortunately, instead of attempts to compromise, we have seen nothing but incendiary rhetoric from the administration. Two weeks ago, EPA Administrator Carol Browner, at a press event staged by House Democrats, stated that the Republican budget would force her to choose between setting drinking water standards for cryptosporidium and controlling toxic water pollution in rivers, lakes, and streams.

There is not a shred of truth in that. I think cryptosporidium and controlling toxic water pollution are top priorities. How come she cannot see that?

How come she wants to put pork-barrel projects and corporate welfare projects in a budget and say that those are equal in priority? They are not establishing any priorities. If they give us some priorities, we will work with them. Let us talk about things that really can clean up the environment.

The appropriation for EPA does require EPA to begin to set priorities—a novel concept. The National Academy of Public Administration, the General Accounting Office, EPA's own Science Advisory Board, and other experts who have testified before our committee recognize that EPA should begin to do it, but in no way does it force the sort of tradeoff that the Administrator described.

Let me get to one of my favorites. I am sure you read or heard or saw on TV about the President's campaign event in New Jersey. Oh, that was a bell ringer. The political pundits and spin masters must have been rubbing their hands together in glee. He attacked Congress as being antienvironment. He accused the Congress of shutting down cleanup at a Superfund site in Wallington, NJ. He pointed out that right next to the site was a school and children were in danger. Why? It was because the Republicans in Congress wanted to subject these children to the dangers of toxic waste.

We listen to a great commentator named Paul Harvey back in our part of the country, and he says, "Now let me tell you the rest of the story." Well, the rest of the story gets pretty interesting because what he did not say, what the President did not say was that EPA chose—not Congress, EPA chose—to slow down the work at that site. We gave them the dollars and told them: You set the priorities. You prioritize your cleanup dollars to put them into the areas which pose the greatest risks to human health, and do that first.

Why did we do that? Why did we do that, Mr. President? Because we had a GAO study of existing Superfund cleanup actions. This study showed that 32 percent of the sites reflected an immediate threat to human health and the environment, and those are under present or current land uses; 15 percent would not pose any risk to human health in any event; 50 percent would pose a threat to human health only if they changed the land use.

Therefore, if you went into an industrial site where they had had manufacturing and transportation and did not clean it up and set up a kindergarten playground or a day care center, that would pose a risk. So you do not do that. Fifty percent of them pose no risk to human health under the current land use. And unless you brought in kids and had them eating the dirt, there would be no human health risks—15 percent, no human health risks. Only 30 percent of the taxpayer dollars were being spent on human health risks.

So we told EPA: Go out and spend your money where there is a human health risk. You have more than enough money to do that.

So either one of two things, Mr. President. Either EPA decided that the Wallington, NJ, site was not posing a risk to human health, which would have been a vitally important factor that reporters could ask the President about at his news conference. Or if there was a real risk to human health and EPA had staged the slowdown to give the President a political forum. One of two choices. Maybe EPA will tell us which. Did they allow the President to hype as a risk something that was not a risk, or did they slow down funding for something that really was a risk in order to give the President political gain and political mileage?

Whichever answer, it is not very pleasant. It is not something that I think the people of America would tolerate. If there is a risk to human health, we said we will give you the money; go forward and clean up those risks first. Prioritize them. EPA has a little trouble focusing on the priorities. It is about time they did.

The amount of spending provided in the current continuing resolution and in the conference agreement is the same as the fiscal year 1995 level for actual Superfund cleanups. That is $800 million. And the bill before us today would increase the Superfund cleanup budget by an additional $100 million, as I have already indicated. We have told EPA they have to prioritize Superfund cleanups—something they have never done in the past—and it needs to be based on real threats to human health and the environment.

If the Wallington, NJ, site where the President staged the press event meets EPA's own risk-ranking process, there is money and that site should receive cleanup funding this year under the terms of the bill before us today.

The Lautenberg amendment continues the misinformation campaign of the White House. It seeks to add more funds for programs we have already increased in this bill. It seeks to add funds for programs which are not high priorities such as the environmental technology initiative.

The environmental technology initiative has funded private sector conferences on energy efficiency lighting. In the past, they have funded studies on how large corporations can save dollars. That is a great idea if they save dollars by energy efficiency, but for a large corporation, I think that they probably ought to be willing to fund that themselves. We have heard in the past about studies to control and study bovine emissions and many other areas that may be of scientific interest, although not of great personal interest, I would say.

We add back money for funds for enforcement. We have already increased enforcement spending over the fiscal year 1995 level.

Now, perhaps most amazingly, the amendment seeks to add funds for Boston Harbor when this bill already has $25 million. We did accede to the request of Governor Weld of Massachusetts to continue funding it at a lower level because of the magnitude of the problem and the fact that they have to have some funding as we phase down the availability of dollars. But Boston Harbor has received almost $600 million over the past several years, even while such earmarks are not authorized and are unfair to thousands of communities which do not receive such largesse.

Surely, it cannot be a priority to move one site above every other site in the Nation. We have said that we are making funds available to be allocated on the basis of need, on the basis of sound science. If that, in fact, is such a need and sound science requires it, then money will go there.

But, as indicated by the Senator from Massachusetts, there are lots of requests in lots of other areas. I have had many, many Members tell me about the very difficult situations they face in their States. They have talked about water system supplies, and I said, "Yes, I understand that." And we have not done a good job in the political process of determining which of those projects has the highest priority need in terms of science, in terms of human health, and in terms of the environment. So we put the money into State revolving funds, we put the money into programs where it will be allocated on the basis of sound science, where it will be allocated on the basis of how much danger is posed. That is how the money should be allocated.

I believe we can establish decent priorities. Mr. President, if the Lautenberg amendment goes to a vote, I will oppose it because I believe in this bill there is adequate funding for EPA within the constraints imposed by the needs to balance the Federal budget. I think it is time for EPA to begin prioritizing and instill management disciplines to ensure Federal funds are spent effectively on environmental protection activities.

There have been encouraging words. I have been approached by the Democratic leadership. I have had a conversation with my ranking member and colleague, Senator MIKULSKI. They have indicated that perhaps we can reach a compromise with the administration. And if the administration does not want to play, we will reach a compromise with the Senate Democratic leadership on what we are going to do. I am tired of guessing what the priorities of the administration are.

We are more than willing to work in a reasonable manner to allocate the funds that are available and to make

sure the EPA and the State agencies have the funds they need to move ahead as we work on reauthorizing and changing Superfund and other programs. If the administration is serious, if the Democrats are serious, in case they have lost my telephone number, my phone number is 224-5721. I have left a lot of messages. They have probably been erased from the e-mail screens by now, but I can be reached by fax or by message from the cloakroom. I will be waiting for a call.

This is serious business. It is time that we end the partisan charges that I think have been totally unwarranted, and talk about how we can pass a measure which actually provides funding within the budget constraints to do the vitally important environmental cleanup and enforcement work that the people of America have a right to expect.

Mr. President, because we are hoping there will be further discussion of this, we have conferred with the minority side and I have not heard objection. I therefore ask unanimous consent that this amendment be temporarily laid aside.

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

Mr. BOND. Mr. President, seeing no other Member seeking the floor, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the pending business be set aside so that I might speak for no more than 5 minutes on the preceding Lautenberg amendment.

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

Mr. LIEBERMAN. I thank the Chair.

First, I ask unanimous consent that Senator LEAHY of Vermont be added as a cosponsor of the Lautenberg amendment.

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

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise in support of the amendment offered by the Senator from New Jersey to restore funding for the Environmental Protection Agency, the Department of Energy, the Department of the Interior, and the Department of Agriculture.

Senator LAUTENBERG and others have discussed the critical programs of environmental protection that would be funded by the amendment in some detail. I want to touch very briefly on a few of the key aspects of the amendment, particularly the provisions related to funding for technology.

First, Senator LAUTENBERG's amendment adds back a modest amount of funding for environmental technology, $62 million, for a total spending on environmental technology of $108 million. Unfortunately, the continuing resolution includes only $46 million for spending in this critical area.

Funding for the President's Environmental Technology Initiative, which is known as ETI, is slashed from his request by 92 percent to only $10 million. Mr. President, the failure of the continuing resolution to provide adequate funding for environmental technology is, in my opinion, very shortsighted. A small amount of funding on these programs can yield enormous savings for our regulated industries while providing superior protection for all of our citizens.

During the current debate on environmental protection, we often hear what at first appear to be conflicting messages. Some in the electorate clearly want less of the overly bureaucratic, heavy-handed command-and-control approaches we have turned to too often in the past to protect our environment. Those folks want new solutions that rely more on the marketplace. They have a good point.

On the other hand, it is clear that the public's commitment to protecting the environment has remained very strong, and understandably so. I was pleased that at a meeting with my staff recently, representatives of the Connecticut Business and Industry Association affirmed their support for strong environmental protection laws.

Of course, that should not be surprising. Folks who run our businesses, who are citizens, are as concerned as anyone else about the quality of the air they and their families breathe and the water they drink or swim in. They want to be good citizens, good corporate citizens, of our community.

What the conflicting messages tell me is that we have to be smarter in our approaches to environmental protection, not weaker. That is precisely what the Environmental Protection Agency is working toward in its Environmental Technology Initiative.

The program is developing and promoting new approaches to regulation and new technologies that will increase our efficiency, cut costs, expand exports, and produce a healthy, productive environment for our citizens. Under the Environmental Technology Initiative, EPA is working with the States to streamline permitting processes and to ensure that the permit approval process does not penalize those companies that are willing to try new, cheaper solutions involving technological improvements in order to control pollution. The National Academy of Public Administration's report on improving EPA's programs, mandated by the Appropriations Committee, emphasized the need to eliminate regulatory and policy barriers hampering use of new technologies.

Mr. President, 63 percent of the funds proposed by the President for the Environmental Technology Initiative would be spent on programs to promote just this kind of permit flexibility and other regulatory innovative practices. These are the type of programs that the Connecticut Business and Industry Association and other businesses are telling us they want to help them meet their environmental responsibilities in a more efficient manner.

During the last Congress, I worked with colleagues on ways to promote these new, more cost-effective environmental technologies. I learned that the single most significant barrier to investment in these new technologies is that many of EPA's regulations inadvertently lock in the old, existing technologies.

Under the Environmental Technology Initiative, EPA is working now to develop regulations that correct this mistake, that do not lock in any one existing technology. They are working at EPA with State and nonprofit and Federal laboratories to test and verify the performance of these new, promising technologies. We need to make sure that this verification program can be expanded.

EPA is investing in other programs that make good economic and environmental sense. One of the most successful environmental programs has been the market-based program to reduce emissions contributing to acid rain. Studies show that this very exciting new program is yielding enormous health benefits while costing the industries regulated by the Clean Air Act at least $2 to $3 billion less than estimated at the time of enactment of the law. ETI, the Environmental Technology Initiative, is investing in programs that will expand market-based approaches. And that is exactly what the Lautenberg amendment would support.

Over the long term, improvements in environmental technology, particularly when it comes to pollution prevention, are critical to the ability of American companies to compete. Not only do new technologies reduce compliance costs but they improve competitiveness by leading to greater efficiency. Saturday's New York Times had an exciting article about the success of the paper industry in vastly reducing its discharges of contaminated water into rivers or streams and in the process saving huge amounts of water and energy while still increasing production. Those companies have found that this approach provides a competitive advantage.

ETI is working in partnership with industry to develop these cleaner technologies. For example, it is working with industry to reduce toxic emissions released by metal finishing processes

used by more than 3,000 metal finishing facilities nationwide. One of these projects already is reducing the use of chromium. Another project aims to slash the time EPA takes to approve new technologies that prevent dangerous contaminants such as cryptosporidium from entering our drinking water, and other technologies that will disinfect the water as well as provide quicker confirmation of drinking water safety.

In other words, at the most basic level, the development of innovative environmental technology will enable us to maintain strong environmental protection at dramatically lower cost. Involving Federal and State agencies such as EPA as partners in this effort is important because these agencies should have a good sense of the regulations that may be promulgated in the next decade. Working in partnership with the Federal Government is the best way to focus technology development on areas where the economic and environmental benefits will be the greatest. Involvement in technology development will also help increase awareness by EPA and other regulatory agencies of what is or is not possible from a technology development standpoint as they develop regulations.

ETI is also working with industries to promote the exports and diffusion of U.S. technologies throughout the world. There is an enormous market for these technologies and U.S. companies should lead. In Connecticut, the environmental technology industry—a $2 billion industry according to recent reports—has become a major exporter.

Mr. President, the second provision in Senator LAUTENBERG's amendment that I want to discuss briefly is the add-back for funding for the so-called Partnership for the New Generation of Vehicles. That is sometimes referred to more familiarly as the clean car initiative. This is an extremely important and innovative program that has transformed a traditional adversarial relationship between industry and Government—in this case the auto industry—into a relationship that is built on common goals and has produced a broad-based cooperation. The goal of the program is to develop an attractive, affordable, midsized car, much like the Ford Taurus, Chrysler Concorde, or Chevrolet Lumina, which achieves up to 80 miles to the gallon. It is mostly recyclable, accelerates from zero to 60 miles per hour in 12 seconds.

The occupant of the chair can remember our youths together, when how fast you could go from zero to 60 was truly a measurement of one's status in life. This car is aimed to hold comfortably six passengers and to meet all safety and emissions requirements and to cost about the same as comparably sized cars on the showroom floor.

This would be a revelation. Up to 80 miles per gallon. The program is really a win-win program. Government is working as a partner with industry to protect our environment. At the same time, it is stimulating new technologies that lead to increased competitiveness for American industry in the fiercely competitive international automobile marketplace.

The clean car initiative not only protects the environment, but also jobs—high wage jobs—for our work force. This program is cost shared. Industry is pulling its own weight. Government funding is used in long-term precompetitiveness research and development. And there is clear progress being made toward the program's goals. One representative of the partnership told Vice President GORE last year: "By the end of 1997, we will narrow the technology focus. By 2000, we will have a concept vehicle. And by the year 2004, we will have a production prototype." He added: "This is not just about jobs. It is not just about technology. It is not just about the environment. It is also about a new process of working together, for both industry and Government, in ways that have not been attempted before."

Again, the Lautenberg amendment pluses up the money available for this program. It is a very, very cost-effective investment of public funds.

Mr. President, I want to comment briefly on several other provisions in Senator LAUTENBERG's amendment. I strongly support the restoration of funding for the State revolving fund under the Clean Water Act. SRF money is critical for Connecticut and particularly Long Island Sound.

The SRF program espouses the virtues that the majority has been emphasizing this Congress—it provides low interest loans to States to meet community based environmental needs and offers flexibility in how money is spent. For example, Connecticut has received $170 million in Federal funds and has committed over $1 billion in State funds since 1987 to improve sewage treatment plants.

In Connecticut, clean water is not just an environmental issue—but an economic issue. Long Island Sound, for example, generates approximately $5 billion per year for the local economy—through fin and shellfish harvest, boating, fishing, hunting, and beachgoing activities. The commercial oyster harvest is a great example. In 1970, Connecticut's once thriving shellfish industry was virtually nonexistent. Today, its $50 million harvest has the highest value in the Nation. This improvement is due in large part to required improvements in water quality.

Our work on cleaning up Long Island Sound, however, has a long way to go. Health advisories are still in effect for recreational fish consumption, and disease-causing bacterial and viruses have been responsible for numerous beach closures. Connecticut still needs hundreds of millions of dollars to perform needed improvements on public sewage system, which continue to be the largest source of pollution for the sound. The total estimated cost of upgrading the outdated plants is estimated at $6 to $8 billion.

I am also very concerned that the comprehensive conservation and management plan for Long Island Sound will be curtailed without adequate SRF funding. Through this plan, representatives from EPA, New York, Connecticut, and other local governments have joined forces with businesses, developers, farmers, and environmentalists to work cooperatively to upgrade sewage treatment plants, improve stormwater management, and control nonpoint source runoff. A reduction in SRF funds will limit each State's ability to assess local conditions and move toward more site-specific and flexible watershed protection approaches.

Inadequate funding of the SRF delays needed improvements in Long Island Sound and in other greater water bodies in this country—improvements that have enormous economic, recreational, and environmental benefits. That is why I support the additional funding in Senator LAUTENBERG's amendment.

Finally, I want to express my strong support for the modest additions to the funding for climate change. I was pleased to be a cosponsor of an amendment offered by Senator JEFFORDS to restore a significant amount of funding for EPA's ozone depletion and global climate change programs. But I think it is critical that a minimum there be no decrease in EPA's programs from fiscal year 1995 enacted levels. Adequate funding for DOE's climate change programs is also critical.

Mr. President, the new scientific assessment by the world's leading scientists concludes that the best evidence suggests that global climate change is in progress, that the temperature changes over the last century are unlikely to be entirely due to natural causes, and that a pattern of climate response to human activities is identifiable in observed climate records. The assessment concludes that the incidence of floods, droughts, fires, and pest outbreaks is expected to increase in some regions. For example, we are experiencing a continuing rise in average global sea level, which is likely to amount to more than a foot and a half by 2010. To bring that home to Connecticut, sea level rises of this magnitude along the coast could result in total inundation of barrier beaches such as Hammonasset Beach, which is probably our most popular State park, and destruction of some coastal property.

The President's global climate action plan is modest . It commits the United States to reducing greenhouse gas emission to 1990 levels by the year 2000.

This is a modest step because our efforts at stabilizing emissions is different from stabilizing atmospheric concentrations. Constant annual emissions will still increase the total concentration of greenhouse gases and heat-trapping capacity of our atmosphere.

The President's plan relies on voluntary, public private partnerships which are based on building a consensus between business and Government. It does not rely on command and control regulation. If these types of innovative alternatives are to be the basis of our future approach to environmental protection, it is critical to support the programs now in existence.

I also strongly support the additional funding for the Department of Agriculture's Stewardship Incentive Program. This program provides financial and technical assistance to private nonindustrial forest land owners to manage their forest land for timber production, wildlife, recreation, and aesthetics. It is an important nonregulatory incentives program for preserving wetlands and endangered species across the country that has widespread support, including the Connecticut Forest and Park Association.

Mr. BAUCUS. Mr. President, I rise today in support of the amendment offered by Senator LAUTENBERG and Senator MIKULSKI.

We have to balance the budget, and everyone has to sacrifice a bit. The new Congress does deserve some credit for trying. But it has gone about the job in the wrong way.

It wants to give new tax breaks to wealthy people and corporations. And to do that, Congress has threatened a back-door tax increase on rural America through higher water rates, and threatened the creation of good jobs by turning its back on critical research and development in environmental technologies. This amendment will help set things right.

STOPPING THE BACK-DOOR WATER TAX

First, we will help small towns and rural communities meet their obligations without slapping folks with higher water bills.

How do we do that? Well, we provide money for the State revolving loan funds. These help communities and water systems treat their sewage and provide safe drinking water. Without this fund, these communities still have to keep the water safe. But they can only do it by raising water rates, sometimes through the roof.

With this amendment, small towns can keep their drinking water safe while keeping water rates low. Without this amendment, many just cannot do it. So if Congress does not pass the Lautenberg amendment, the 25 million Americans who get their water from a small drinking water system could see a back-door tax increase through higher water bills. That includes virtually everyone in rural America.

PROTECTING HIGH-WAGE JOBS

Second, by adopting this amendment we will protect high-wage jobs that make our country cleaner, healthier, and more competitive.

We do it by restoring money for the Environmental Technology Initiatives [ETI] at the Environmental Protection Agency. Through this program, companies and local governments can participate in research and development of new technologies.

In Montana, small businesses like Yellowstone Environmental Sciences in Bozeman and public-private partnerships like the Western Environmental Technology Office in Butte are some of the most innovative players in addressing our Superfund problems. They are also some of the most promising sources of high-wage jobs for the future.

Elsewhere in America, the ETI Program is verifying the performance of new technologies that are suitable to the special cost and performance needs of small drinking water systems.

It is helping to reduce dangerous toxic emissions released by the metal finishing processes used by over 3,000 metal finishing facilities nationwide.

It is speeding up approvals of new analytical methods which can rapidly determine the nature of contamination at toxic wastesites, and make cleanups faster.

The ETI is a great example of how Government and the private sector can cooperatively advance technology while protecting the environment.

CONCLUSION

So we need to balance the budget, but we need to do it the right way. This amendment keeps us on the path to a balanced budget while setting the priorities straight. It will protect good jobs and prevent Congress from imposing a large back-door tax on the average family's water rates. It will help make sure our country is the clean, healthy Nation our children deserve.

I urge support for the Lautenberg-Mikulski amendment.

Mr. WELLSTONE. Mr. President, I would like to take a moment to speak in support of the pending amendment, particularly for restoring operating funds for the National Park Service. Without these funds millions of Americans will not realize the full majesty and spectacle of our national treasures.

The $72 million restoration provides funding to manage the operational needs of our national parks. At its current level of funding the Park Service is merely treading water with respect to maintaining facilities. Additional funding provides for much-needed improvements and repair of our national treasures. This would also represent a boon to local economies as more visitors will be able to make use of upgraded parks. The proposed offset offered in the amendment ensures no additional taxpayer money will be spent. As some would seek to keep level funding in the face of increasing costs and demands, I think you now see sentiment throughout America that recognizes the need to stop irreparable damage being done to our national heritage. This funding restoration is necessary to ensure the future of a strong, accessible National Park System.

As you know, I have been a strong advocate of promoting and strengthening our national parks. Minnesota is home to a truly wondrous area, Voyageurs National Park—the crown jewel of the North. This unique water-based park is a pristine wildlife habitat where one can see wolves in the wild, bald eagles soaring overhead, and fish breaking the water in pastoral settings. Voyageurs provides Minnesotans the opportunity to explore this national treasure by boat, snowmobile, floatplanes, skiing, or hiking. Last summer I had the privilege of boating in the park and I don't believe I've ever been so thrilled with the beauty of nature as I was on that trip.

I want to see more people visit and enjoy this spectacular resource. As with other national parks, this cannot happen without adequate operating funds, money that will preserve and enhance the beauty of jewels like Voyageurs. I have fought to maintain the carefully managed multiple use nature of Voyageurs, to address water level problems, to achieve better safety for boaters, and at the same time benefit fish spawning and wildlife habitat.

Northern Minnesota has a rich history of individuality; the proud people of this area have worked the land and provided for their families through toil and sweat. Maintaining and improving facilities at Voyageurs, ensuring the multiple-use nature of the park, will allow more people to come and enjoy it, bring more jobs to the local economy, and lead to economic development. Northern Minnesota deserves it and I will work to make it happen.

Some of my colleagues are all too often willing to turn back the environmental clock, to say get rid of Government regulation, to go back to the days of unregulated extraction and exploitation of our lands. I say we cannot go back, we must preserve nature's wonders for generations to come. We cannot back down from the gains we've made in protecting our great heritage. This must be a shared responsibility, one that accounts for the needs of the many and the few.

When Congress voted to establish Voyageurs, we said yes to preserving this wonderful and pristine resource for all Americans. We said no to future lakeshore development, to building homes and putting up private property and no trespassing signs. We made a decision to provide multiple-use recreation in a natural setting, free of development, free of timbering, and free of the threat of losing this resource. Now

we have to invest in this resource to ensure that all Americans and their children will experience our National Parks.

We often say that someone has good common sense, but we are losing sight of what constitutes common sense—or what makes sense. It makes no sense to risk the loss of this treasure. Common sense should compel us to guard and protect our parks. Once we walk away—once we fail to provide adequate funding, it is too difficult to recover what we have lost.

We must continue to support the gains we've made with respect to our national parks. We must maintain and improve the treasures we have set aside. We must make them accessible to all, to share the splendor of nature.

Take some time, come to Minnesota, enjoy the beauty of Voyageurs. I promise you my friends, once you've experience the wonders of our northern jewel, you will support full funding for our national parks and you will help to ensure their beauty for generations to come.

Mr. LEVIN. Mr. President, I am pleased to be a cosponsor of the amendment before us.

Americans have a core belief in protecting the environment, regardless of party affiliation. They may differ on the means to achieve conservation and protection of our natural resources, but they are in agreement that we cannot squander or waste this precious heritage. In this regard, we are the envy of the world. Few other nations have approached protection of the environment in such a comprehensive fashion. Our parks, our drinking and waste water systems, and our pollution prevention efforts are envied around the world.

Some seek to rewrite our environmental laws through the budgetary and appropriations process, rather than through the more deliberative process which gave us those laws. It is surely true that many of these statutes could be improved. In fact, I have introduced legislation to amend the Clean Air Act because I do not believe that it addresses adequately the matter of interstate transportation of air pollution. I have supported various bills to amend the Safe Drinking Water Act, the Resource Conservation and Recovery Act. And, as my colleagues are aware, I support improving and reforming the Federal Government's rulemaking process. However, I vigorously oppose wholesale changes in the bedrock protection principles underpinning these laws. Americans will not and should not accept such changes.

We have made huge strides in reducing pollution of the laws Congress, States, and local governments have crafted over the years. Our emissions of most toxics have been declining, recycling has become an accepted waste management strategy, and we're working hard to develop cleaner, more environmentally sound products and manufacturing processes. All of these trends have occurred while economic growth continues and exports rise.

There is a new approach to business and management catching on in the United States. Industries, businesses, and even governmental units, are carefully reviewing their production, procurement, and usage practices to root out waste and so become more competitive here and abroad.

Many experts say, and in some cases I agree, that we have already required and adopted the easy, most cost-effective pollution control technologies. From here on out, we have to focus more carefully on refining our laws to provide flexibility to the regulated community and ensure that benefits of any required investments in pollution prevention and control outweigh the costs. This is a difficult balancing act, but if we can carefully review the basic environmental status and very carefully adjust them we will further the goal of cheaper, but equally effective protection. The Federal Government can and should be an active participant in helping those regulated to develop technologies and processes that can meet these cost-effective criteria.

This is the direction that the Congress and the Clinton administration, and the Bush administration before it, have begun. EPA's resources are now being spent more often on commonsense pollution prevention efforts that provide environmental protection and flexibility.

But, rather than continuing that process, the bill seeks to cut items that are important priorities for environmental protection and conservation. Punitive cuts in Endangered Species Act activity, in Land and Water Conservation Fund matching grants to States, in Superfund, in environmental technology development, in wastewater treatment grants to States, in energy conservation and so forth don't add up to a balanced careful approach.

On a Michigan note, I must continue to express my opposition to the bills' reductions in the National Biological Service and its transfer to the U.S. Geological Survey, primarily because of its impact on research at the Great Lakes Science Center. And, I oppose the inclusion by reference of the conference report language accompanying the vetoed Commerce, Justice, State bill, which proposed transfer of the Great Lakes Fishery Commission to the Department of Interior.

Industry leaders, business managers, and local elected officials, have internalized the public's unquenchable desire for continued progress in environmental protection. That is a real revolution.

Now, we are halfway through the fiscal year for which this omnibus bill is providing funds. The uncertainty of funding has caused widespread havoc among local governments, businesses, and States. The stop and start approach harms good, solid planning and jeopardizes public and private sector jobs. It does not make any sense to do things this way.

Most Americans do not have the luxury of time necessary to fully monitor how things are being handled here. They don't know who to blame for the holdup of wastewater treatment grants or education loans. But, they are tired of the infighting and want it to end.

Americans want our laws fixed to relieve unnecessary burdens or gross inefficiency. But, they will not surrender what they know to be theirs—the right to clean air, clean water, and a safe environment.

Mr. KENNEDY. Mr. President, I strongly support the Lautenberg amendment to the Omnibus Appropriations Act. It gives the environment the high priority it deserves, by restoring some of the most serious cuts proposed in the pending bill.

We need to do all we can to see that the Nation's priceless environmental heritage is passed down from generation to generation. This amendment offers Republicans and Democrats alike a chance to give the environment the priority it deserves.

It restores needed funds for programs to improve the safety of our Nation's drinking water supplies, and helps protect our lakes, rivers, and coastal areas from harmful pollutants.

It maintains the Federal Government's commitment to provide needed assistance to communities struggling to meet the requirements of the Clean Water Act.

It gives States and localities the support and flexibility they need to bring their water systems into the 21st century.

In particular, the amendment will restore $190 million for the Clean Water Act's State revolving fund, which offers a vital source of Federal assistance for wastewater projects across the Nation.

The cost of implementing clean water mandates has put an extraordinary burden on families and businesses in thousands of communities.

In Massachusetts, the cost of these mandates has resulted in water and sewer bills that exceed many of my constituents' property taxes. Low-income families have had their water shut off because they were unable to pay their soaring bills. Some families are now paying $1,600 a year for water and sewer service, and the rates will continue to rise through the end of the decade.

In the communities of Fall River and New Bedford, businesses that use water-intensive processes—particularly textile companies—are considering leaving the State, because the projected rate increases will put them at a

competitive disadvantage. To add insult to injury, these communities are also plagued by double-digit unemployment, and have not yet recovered from the ongoing economic recession.

Congress has a responsibility to help ease the burden of their rising water and sewer rates by providing additional support for the State revolving fund.

The Lautenberg amendment also adds $75 million in clean water funds for the cleanup of Boston Harbor. This addition will bring Federal assistance back to the $100 million level of annual support recommended by President Clinton and President Bush as well, and provided each year by Congress over the past several years.

Over the course of the past decade, the cleanup of Boston Harbor has received strong bipartisan support. Democrats as well as Republicans have recognized the crushing financial burden on the 2.5 million ratepayers in the area to meet the $3.5 billion in federally mandated cleanup costs.

State funds have been essential as well in bringing relief to these ratepayers. In addition, the Massachusetts Water Resources Authority, which oversees the cleanup of Boston Harbor, has successfully worked to reduce the costs of the project.

But continuing Federal assistance remains vitally important for this ongoing project, which still has several years to go before completion. The project has passed some important milestones already—it has reduced harmful metals dumped into the harbor from 3,000 pounds per day in 1984 to 500 pounds per day in 1993. It has reduced the number of harbor beach closings by 70 percent over the last 4 years. But much more remains to be done.

At the $100 million annual level, Federal assistance meets just 18 percent of the total Boston Harbor cleanup costs—far below the Federal share provided in the past for many other clean water projects throughout the United States.

Finally, the Lautenberg amendment will also restore $175 million to the State revolving fund under the Safe Drinking Water Act. This fund will, for the first time, provide Federal assistance to States and localities to improve their public water systems and ensure the safety of their drinking water supplies. Many communities urgently need this assistance to comply with Federal law and build new water treatment facilities, develop alternative water supplies, and consolidate small systems.

The creation of this revolving fund received the unanimous support of the Senate last November, by a vote of 99 to 0. The Lautenberg amendment will help make that commitment real and bring relief to cities and towns across America.

Communities across America will benefit from this amendment. This Congress should not go down in history as the anti-environment Congress. I urge the Senate to give this amendment the overwhelming bipartisan support it deserves.

I thank the Chair. I yield the floor.

WHITEWATER DEVELOPMENT CORP. AND RELATED MATTERS—MOTION TO PROCEED

The PRESIDING OFFICER. The hour of 1 p.m. having arrived, there will now be 1 hour equally divided on the motion to invoke cloture on the motion to proceed to Senate Resolution 227.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum, with the time to be equally divided between the sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, for the past 16 days our Democratic colleagues have used the Senate rules to block consideration of a resolution to provide additional funds, funds for the Whitewater special committee. That is simply wrong. The Senate has a duty to get the full facts about Whitewater.

The Democrats are filibustering, for 16 days now, to prevent the Senate from voting on whether or not to provide additional funds for the Whitewater Committee.

So that the record is clear, we must understand how much we are asking for. We are asking $600,000. In addition, I have agreed to allow us to have a vote to curtail the committee's investigation to 4 months. They have said they wanted to negotiate with us. We are willing to negotiate. We have heard nothing except what is almost contemptuous because it says we would have to conclude our public hearings by April 5. That is silly.

The majority is committed to getting all the facts about Whitewater. It is now clear that our Democratic colleagues simply are not.

Let me ask the question: If Whitewater is much to-do about nothing, as the White House claims, why are Democrats afraid of the hearings? Why are they afraid to let them go forward? What are they afraid of? What does the White House want to hide from the American people? You cannot say it is much to-do about nothing, and then oppose having the hearings.

Second, it is absolutely disingenuous, as some have claimed, that this has cost the American people $30 million. The fact is our committee has spent about $900,000, and a total of about $450,000 last year; so, that when they come up with this $30 million, in an attempt to ascribe it to the work of the committee, it is disingenuous and they are playing fast and loose with the facts.

There are a number of unanswered questions. Let me just pose some of them.

Who put the Rose Law Firm building records in the White House residence? How do you think they got there? How? Do you think the plumber brought them there? The carpenter who was making repairs? The men who were working to fix the air-conditioning? Do we really believe they brought it there? Do we think the butler brought them there? Or, rather, did these records—that were being worked on by Mr. Foster and contained his handwritten notes in the margins—come from Mr. Foster's office? Did they come there at the explicit directions of the First Lady to her chief of staff? We have had the testimony of a young man, Mr. Castleton, who says that he was told that he was bringing the records up because Mrs. Clinton wanted to look at them.

Indeed, if she did not look at them as she claimed, how did the records wind up there? If all the records were just simply shipped off to her lawyers, how do they get over there?

So we have a question as to how did these billing records mysteriously appear. Remember, those records were subpoenaed by the special prosecutor. How did they get into the White House residence? My colleague from North Carolina has said that one of the most secure rooms in the United States of America would be one of the rooms in the residence of the President and First Lady. Incredible.

Another question is, did the Clintons know that James McDougal was covering their Whitewater losses for them? He is presently under trial in Little Rock, AR. He ran a bank that was a criminal enterprise—we found that out—Madison Savings & Loan. Some of the bankers I have met recently said, "Senator, please do not say it was a bank; it was a savings and loan." And, indeed, they lost over $60 million worth of taxpayers' money.

If one follows just some of what we have uncovered, one sees sham transactions, one after another, where insiders were asked to buy land and hold land for that bank, would be given 10 percent commissions for a land transaction in which it was a total sham, in the end costing the taxpayers—this S&L eventually collapsed and left the taxpayers with a $60 million bill to foot.

Did the Clintons take improper tax deductions on their Whitewater investment? It is a question. The committee is working on that and looking at that. Maybe, indeed, the White House does not want us to have those answers or

hold public hearings. I guess if you took improper tax deductions, you might not want that to come out. Did Governor Clinton direct special favors to McDougal to keep Madison afloat? If the President—then Governor—did not do any of these things, fine, then let the record clear that question. It would seem to me if he did, maybe that is why we are hearing all of this puffery, smoke, and bellowing that this is politics having these questions answered.

Did the Governor help Dan Lasater, a convicted distributor of cocaine, get bond contracts with the State of Arkansas? Did he or did he not? I do not know. But again, the question is, if he did not, then fine, let us at least go through this and clear the record. Then, I would be the first to say that is absolutely an unsubstantiated allegation. Did Governor Clinton exchange favors for campaign contributions from officials of the Perry County bank? These officials, by the way, were just indicted last month. We did not just come out with these names. Did that happen or did it not? These are just some of the unanswered questions.

I think that we have an obligation to get the facts. Sixteen days of filibuster. Now, the New York Times said that a Democratic filibuster against a vote on additional funding would be "silly stonewalling". They said:

> No argument about politics on either side can outweigh the fact that the White House has yet to reveal the full facts about the land venture, about the Clintons' relationship to McDougal's banking activities, Hillary Rodham Clinton's work as a lawyer on Whitewater matters, and the mysterious movement of documents between the Rose Law Firm, various basements, and closets in the Executive mansion. The committee, politics notwithstanding—

This is the New York Times.

> has earned an indefinite extension, and a Democratic filibuster against it would be silly stonewalling.

That is not my statement. That is the New York Times, certainly not a spokesperson for the Republican Party or Republican philosophy.

Yesterday, the Washington Post said essentially the same thing. Let me quote what it said:

> Lawmakers and the public have a legitimate interest in getting answers to many questions that prompted the investigation in the first place and those that have been raised in the course of it by the conduct of many administration witnesses. If Democrats think that stonewalling or stalling will make Whitewater go away, they are badly mistaken. The probe is not over, whether they tried to call it off or not.

Again, that is the Washington Post.

So my colleagues on the other side may attempt to keep the investigation and the funding for it from going forth. Again, I have offered to curtail the committee's work to 4 months. I think we would be making a mistake in setting an arbitrary date certain, but in the interest of moving the process forward and of attempting to depoliticize it, I am willing to do so.

Let me suggest that there is a common theme to the number of lingering questions. As Pulitzer prize-winning author, James Stewart, states in his new book "Blood Sport":

> The question of whether specific laws were broken should not obscure the broader issues that make Whitewater an important story. How Bill and Hillary Clinton handled what was their single largest investment says much about their character and integrity. It shows how they reacted to power, both in their quest for it and their wielding of it. It shows their willingness to hold themselves to the same standard everyone else must, whether in meeting a bank's conditions for a loan, taking responsibility for their savings, investments and taxes, or cooperating with Federal investigators. Perhaps most important, it shows whether they have spoken the truth on subjects of legitimate concern to the American people.

Mr. Stewart is not some partisan author out to get the Clintons. He has a reputation for being fair and thorough. In fact, the Clintons, through their close associate, Susan Thomases, first asked Mr. Stewart to write this book. He even had direct access to Mrs. Clinton early on. Mr. Stewart has uncovered a number of important facts about Whitewater. He has identified new witnesses. In an excerpt published in Time magazine, Mr. Stewart raises serious questions about the Clintons' role in managing the Whitewater investment after 1986. Although the Clintons have always claimed to have been passive investors in Whitewater, Mr. Stewart found that Mrs. Clinton actively managed the Whitewater investments after 1986.

Mr. President, we will continue to seek a solution to this impasse. Yesterday—and I repeat it today—we offered to extend our hearings by 4 months. But I do not think that we can simply allow this kind of obstruction and stonewalling to keep us from attempting to get the facts.

Now, if those facts clear the Clintons and their associates, the American people have a right to know; they really do. The White House has the opportunity to help in insisting that we conduct these hearings expeditiously, yes, but in a manner that will get the truth out there, and if it vindicates them, then that should be the case. Now, if indeed they have no concern about their actions, then it would seem to me that the proper course of action would be to authorize the committee to do its work and get to the job of doing its work, and attempt to get those witnesses that we now do not have access to as soon as the case is over in Little Rock. Certainly, we would hope within the next 6 to 7 weeks it will be concluded. Maybe we will not be able to get some or any of those witnesses, but at least we will have made our good-faith effort in attempting to do so, and to do so in a way that does not impinge upon or impair the work of the special counsel.

So I believe that the facts are clear. I think the American people are entitled to get this information, and I think what we are facing here is a politically orchestrated attempt to stop the committee from doing its work. That does not reflect well upon the Senate, the White House, or either of the political parties. The process is one that should be continued. It should be continued because otherwise the questions will remain: What are they hiding? Why are they afraid?

Again, while the resolution calls for no time limitation, let it be clear that this Senator will be happy to amend that to 4 months. We have not gotten any satisfactory reply with respect to our offer. It is an offer that I make here on the Senate floor again. There are limitations when you do that, as described by the former Senate majority leader, a Democrat, George Mitchell, when he said, "When you set a time line, you then get people who look to work at that as a mark to delay the hearings, delay the release of information." Notwithstanding that, we would be willing to submit that as a timeframe in which to try to complete our work, the work of the committee.

Some people have said to me, "What happens if it appears that the Democrats are going to continue to filibuster, Senator? What will you do?"

We will be forced to go forward with our work. It will be more difficult, and we have a busy agenda for the Banking Committee, but, nevertheless, we have to do the best we can; come in early; work as many hours as we can; deal with the various maneuvers that our Democratic colleagues will undoubtedly employ in attempting to keep the committee from doing its work. But a large share of the work that we are embarked upon could be undertaken by the Banking Committee. It would be difficult in terms of resources, but we will do it. It will certainly be, I think, very burdensome as it relates to some of the burdens that will be placed upon the staff of the Banking Committee, the time of the Banking Committee and its members.

I also point out that there are certain perils for those who may want to circumscribe and carefully proscribe the scope of the inquiry. As authorized pursuant to the Resolution 120 we have limited the scope of our inquiry. If we were to take this up with the Banking Committee, in many cases the scope would not be nearly as limited. I can assure my friends and colleagues, if that is the route they choose to take, then they will create a situation in which they have to understand that the scope will be broadened.

I say that because they should understand there will come a point in time when we would then have to fall back to the use of the Banking Committee as opposed to going forward with the special committee that has carefully

proscribed a methodology for which we could proceed. I think we would be making a great mistake. I hope we can work out a compromise. Let the chips fall where they may; the offer is on the table, and I hope that we can settle this thing without a prolonged debate. Otherwise, we will be back here tomorrow, we will be back here the next day, and we will be back here next week. The question is, What are my friends at the White House afraid of?

Mr. SARBANES. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Maryland is recognized. He has 26 minutes 30 seconds remaining on his time, and the Senator from New York has 2 minutes 31 seconds on his time.

Mr. SARBANES. Mr. President, I yield 6 minutes to the Senator from North Dakota and then 6 minutes to the Senator from Hawaii.

Just before doing that, I want to put an editorial in the RECORD because sometimes we get caught up in the debate and we do not get them in. I listened to my colleague from New York cite editorials. This one is from Friday, March 8, just this past Friday, from Newsday, from the Nassau County edition of Newsday.

I ask unanimous consent that the full editorial be printed in the RECORD.

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

[From Newsday, Mar. 8, 1996]

ENOUGH WHITEWATER HEARINGS

The Senate Whitewater Committee ran out of time and money on Feb. 29, but it still wants more of both to embarrass President Bill Clinton. Senate Democrats have threatened a filibuster to keep Chairman Alfonse D'Amato (R-N.Y.) from getting $600,000 to continue an open-ended investigation that could stretch to Election Day and beyond.

The Democrats are right about this. In fact, their counteroffer to D'Amato—$185,000 to wrap up his inquiry in five weeks, at most—is too generous. After 41 days of public hearings and 121 witnesses, D'Amato has nothing of substance to show for the $950,000 the committee has already spent. It's time to hand off to Whitewater independent counsel Kenneth Starr and see how far he can carry the ball.

This is all the more so now that Starr's office is actually trying a case against Bill and Hillary Rodham Clinton's former Whitewater partners. The defendants want the president to appear as a witness in that case, and he should. The only question is whether he should testify in person, on tape, via satellite or whatever. There's precedent for presidential trial testimony on tape, and that should be good enough this time.

But no more money for Senate hearings. The Senate Watergate Committee, pursuing impeachable offenses by the Nixon administration, called only 37 witnesses. The joint committees on the Reagan administration's illegal arms deals with Iran and the Nicaraguan contras heard a mere 28. The Senate has had enough time for a partisan probe of decade-old Arkansas savings-and-loan deals. If the independent counsel leaves any loose ends, there'll be time to crank it up again.

Mr. SARBANES. Mr. President, I will quote from it just very quickly in part.

The Senate Whitewater Committee ran out of time and money on February 29, but it still wants to embarrass President Bill Clinton. Senate Democrats threatened to filibuster to keep Chairman Alfonse D'Amato from getting $600,000 to continue an open-ended investigation that could stretch to election day and beyond. The Democrats are right about this. In fact, their counteroffer to Chairman D'Amato of $185,000 to wrap up his inquiry in five weeks, at most—is too generous. After 41 days of public hearings and 121 witnesses, Chairman D'Amato has nothing of substance to show for the $950,000 the committee has already spent. It is time to hand off to Whitewater independent counsel Kenneth Starr and see how far he can carry the ball.

Then later on in the editorial they say in the closing paragraph:

But no more money for Senate hearings. The Senate Watergate Committee, pursuing impeachable offenses by the Nixon administration, called only 37 witnesses. The joint committees on the Reagan administration's illegal arms deals with Iran and the Nicaragua contras heard a mere 28. The Senate has had enough time for a partisan probe of decade-old Arkansas savings and loan deals.

I yield to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, sometimes I walk into the Chamber of the Senate and I think that I have stumbled into the wrong Chamber. I hear the debate, and I think that is not what is being discussed. In the debate a few minutes ago it was said that the Democrats are stonewalling on Whitewater. I guess I do not understand. I must have missed something. We commissioned a Whitewater inquiry last May—May of last year. We provided nearly $1 million for a special investigative effort in the Congress last year.

Now we are saying we are willing to provide additional resources, and you ought to wrap this up in the next 5 weeks—5 weeks. And somehow we are stonewalling on Whitewater? I mean, it is plenty cold in Montana and North Dakota these days, and the heat bills are plenty high. I was thinking maybe if we took some of this hot air out there, it would heat the two States for the entire winter. Stonewalling on Whitewater? What on Earth are people talking about?

This is a manifestation of Parkinson's law. If you study Parkinson's law, one of his laws was that the amount of time needed to do a job always expands to the amount of time available to do the job. This is the manifestation of Parkinson's law. This inquiry, after spending $26 million on the independent counsel and still counting—this inquiry which is the political inquiry—now they want to extend to election 1996.

Some of us say maybe you ought to get up early in the morning now. Maybe you ought to go 5 days a week now. Maybe you ought to get the witnesses in now for the next 5 weeks and finish this investigation. As for me, it does not matter with respect to these records. Get a rental truck, back it up to the White House, get a vacuum cleaner, find a bunch of people that can read, and read all the records. As far as I am concerned, whatever the truth is let the truth come out. But do you need from last May until the election day of 1996 to demonstrate what this issue is? I think not. That is not what the issue is here. There is a right way to do things and a wrong way to do things.

We have said, in the next 5 weeks finish this investigation. Do your work. And what we are told by the other side is we are stonewalling. What a bunch of nonsense. While we are doing this, we are saying this is the most important thing for the Congress to do. Do you know what we are not doing? We are not having hearings on the issue of health care and Medicare and what we ought to do to solve that problem. Nobody is having hearings on the issue of jobs. Why are we losing jobs in this country? Why are jobs moving out of our country? Why does our Tax Code contain this insidious incentive that pays corporations to shut their plants in this country and move them overseas, and why does not somebody in this Congress do something about that? Nobody is holding hearings about what our monetary policy is doing to this country. Why cannot we have more than a 2.5-percent economic growth? What about the Fed and the Fed's policies? Nobody is talking about hearings on a whole range of issues dealing with the things that are central to people's lives.

This is the number of hearings. There were 41 days of hearings since last May on Whitewater, 12 days on crime, 3 days on education, no hearings on the economy and jobs, and no hearings on Medicare and health care. The question is, What is the priority?

I want to get to the bottom of Whitewater. We have had 100 FBI agents and independent counsel that spent $23 million, and we have had a special inquiry in Congress since last May. Now we have people telling us we want to go for another 4 or 5 months. You know that some of us serve here because we are interested in doing the people's business, part of which deals with the issue of jobs, health care, the economy, education, and a whole range of things. Get every record you want. Get every record you can. Study it forever. But I do not think we ought to have an unlimited amount of money given by the taxpayers for an unlimited inquiry to take us to election day 1996. Let us finish this in the next 5 weeks. Let us decide to do this and do it right; finish the testimony, finish the report, report back to the Senate, and then let us get

on with the other business that confronts the American people.

We have enormous challenges. We have budget challenges. We have deficits. We have jobs, health care, and education. I have recited plenty of them to do. But the interesting thing is that no one seems very interested in focusing on those challenges. My constituents are interested. They are very interested in the question about what makes our education system work better. How do we advance the interest of our kids to have the best education system in the world? What do we do about jobs that are leaving the country? What kind of policies can we put in place to deal with that? That is what my constituents are interested in.

I am not suggesting that you have no business in the Whitewater inquiry. I voted for the funding last May for $1 million, and I will vote for additional funding. My objection is to what I think is kind of a thinly disguised approach by some to say we want unlimited time here; we want to work 2 or 3 days a week; we want to sort of move along leisurely. If you were hauling mail, you would go out and hire horses, I guess, and create some sort of "Pony Express" these days. That is the speed with which we see this inquiry moving.

All we are saying is let us get this job done. We have said we will provide appropriations for 5 weeks' additional inquiry, write a report, and let us finish it. There has been no other inquiry in the history of Congress that I am aware of that accepts this as a precedent. Nothing comes close to what you are suggesting and what has been done here. The Senator from Maryland has made that point over and over again. Yet we have people stand with indignation and say, "You all are stonewalling." What a bunch of nonsense.

I yield the floor.

Mr. SARBANES. I yield 6 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, on May 17 of last year, this Senate voted 96 to 3 to create a special committee to investigate the so-called Whitewater affair. This bipartisan vote established the special committee with its primary purpose to get all the facts on Whitewater to the American people.

This bipartisan Senate vote imposed a February 29, 1996, deadline for the committee to complete its work to ensure that the facts were presented to the American people in a balanced and timely manner and before the country entered the politically charged atmosphere of a Presidential campaign.

Yet, as I listen intently to the ongoing debate, much of the bipartisan spirit which this body exhibited on May 17 no longer exists. Regretfully and sadly, it appears that the Republican majority has now chosen to forego bipartisanship in an effort to indefinitely extend the special committee's mandate, at a cost of $600,000, and prolong the investigation into the 1996 Presidential campaign.

This Republican extension request is unprecedented, and it is unreasonable. The U.S. Senate has never before conducted an open-ended political investigation of a sitting American President during a Presidential election year.

During the course of this debate, reference has been made to the 1987 Iran-Contra hearings. The committee was able to complete its investigation in a 10-month period within the deadline set by the Congress. The Iran-Contra affair was an international event that had major consequences beyond our shores. It involved the constitutional relationship between the executive and legislative branches in the shaping of foreign policy. It involved the credibility of our foreign policy. It involved our relations with other countries and it involved the actions of our intelligence service and some of our Nation's most closely held secrets.

Because of the profound issues in question, we in Congress were compelled to investigate the episode, and for precisely the same reason we were compelled to ensure that the Iran-Contra investigation was conducted in an atmosphere free of partisanship and theatrics. I strongly believed then, as I do now, that the Nation would be ill-served by a congressional panel wantonly weakening a President for presumed political benefit.

The Iran-Contra Committee was obligated to investigate the conduct of the highest Government officers, and we were determined to let the facts lead us to where they willed. But we did not perform this task in a way that suggested to our adversaries that we were a nation divided. I believed we avoided this impression because of the lessons learned during the Watergate investigation.

The Senate committee that investigated Watergate, on which I served, had the same mandate as do today's select committees: to seek the facts about the event in question and propose legislation to prevent a repetition.

The structure of the Watergate Committee encouraged partisanship. There were majority and minority lawyers, majority and minority investigators, majority and minority secretaries and clerks. Even the committee's budget was divided into Democratic and Republican portions.

After the conclusion of the investigation, the committee's minority counsel and now our very distinguished colleague, Senator FRED THOMPSON, wrote that loyalty to the Republican minority was "one all-important criterion" for hiring his staff. "We are going to try our best to have a bipartisan investigation, but if it comes down to the question of us and them, I don't want to worry about who is us and who is them."

Mr. President, my one condition for assuming the role of chairman of the Senate Iran Committee was that there would be no majority and no minority staffs but a unified staff whose members reported to the committee as a whole and not to Democrats or Republicans. Our chief counsel, Mr. Arthur Liman, regarded all members of the committee as his clients, and, under his direction, our staff members worked side by side unconcerned whether their neighbor was one of us or one of them.

The structure of the staff would have been meaningless if the members of the committee were determined to make the Iran-Contra investigation a partisan matter. This did not happen.

Our colleague, former Senator Warren Rudman of New Hampshire and vice chair of this Senate Iran-Contra Committee, was empowered to make decisions in my absence. We collaborated on everything, and we divided the responsibility for witnesses among all members of the committee so the hearings became a collective matter. At no time during our closed committee meetings did any member raise political issues or hint at a Democratic attempt to smear the President or a Republican scheme to cover things up.

In comparison, nearly 17 months had elapsed from the date the Senate created the Watergate Committee until the committee report was published. The Watergate hearing itself dragged on for more than 8 months. The Iran-Contra Committee worked hard to accomplish its work within a 10-month period, hearings included. Yes, there were requests by Democrats and Republicans that we seek an indefinite time limit on the hearings, but the chairman of the House committee, Representative HAMILTON, and I, in conjunction with our vice chairs, strongly recommended against an open-ended investigation. We sought to ensure that our investigation was completed in a timely fashion to preserve the committee's bipartisanship and to avoid any exploitation of President Reagan during an election year.

The Special Committee on Whitewater has had 41 days of hearings, five public meetings, and now has made an unprecedented and unreasonable request to indefinitely extend the special committee's mandate. It will be a $600,000 tab, and I suppose it will prolong the investigation into the Presidential campaign with a possibility of politically damaging and embarrassing the incumbent President.

Mr. President, the Democrats are committed to ensuring that the American people know the facts on Whitewater but that it be done in the same bipartisan fashion as the Iran-Contra

hearings, and not for the exploitation or for the embarrassment of the sitting President.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. Without objection.

Mr. SARBANES. Mr. President, while the distinguished Senator from Hawaii is still in the Chamber, I commend him for his statement and underscore—underscore—the responsible manner in which he dealt with the Iran-Contra issue.

At the time, there were Members of the Congress, a Democratically controlled Congress, who wanted to extend those hearings well into 1988, a Presidential election year, for political purposes. And that was obvious. The Republican leader of the Senate, Senator DOLE, strongly urged there be a time limit on the work of the committee. He was fiercely opposed to the notion of an open-ended extension and was very clear in making that point in debate on the floor and off the floor in comments to the media.

Senator INOUYE, who chaired the special committee in the Senate, and Congressman HAMILTON, rejected this proposal by some Democrats to prolong the hearing into the election year and therefore exploit, for political purposes, President Reagan's difficulties, and they settled on a reasonable time period. In fact, they moved it up in response to the representation made to them by Senator DOLE.

It was Senator DOLE at the time who pressed very hard that there should be a reasonable time limit, that it should stay out of the election year. In fact, Senator DOLE, on the floor, said: "I am heartened by what I understand to be the strong commitment of both the chairman and vice chairman to avoid fishing expeditions. I am pleased to note that, as a result of a series of discussions which have involved myself, the majority leader, and the chairman and vice chairman designate of the committee, we have changed the date on which the committee's authorization will expire." And they moved it forward.

Senator INOUYE took the lead in achieving that constructive and responsible result. I simply want to underscore it and contrast it with the situation we are now facing, where we have a proposal, now, for an unlimited time period, an additional $600,000.

I yield myself 1 more minute.

Furthermore, in order to complete its work, the Iran-Contra Committee, on which I was privileged to serve, under the very distinguished chairmanship of the Senator from Hawaii, held 21 days of hearings in the last 23 days, in late July and August, in order to complete its hearings. Contrast that with the work of this committee, which held 1 day of hearings in the last 2 weeks of its existence in the latter part of February; which held only 8 days of hearings in the entire month of February, whereas the Iran-Contra Committee held 21 days of hearings in order to wind the thing up.

The minority leader has made, I think, a very reasonable proposal in terms of providing some additional time to finish this matter up. The committee should intensify its schedule and complete it on time, and it ought to follow the example set by the distinguished Senator from Hawaii when he chaired the Iran-Contra Committee and worked assiduously to keep partisanship and politics out of the inquiry and to keep the inquiry out of the election year.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Utah has 10 minutes remaining. The Senator from Maryland has 8 minutes, 30 seconds remaining.

Mr. BENNETT. Mr. President, I find all of this debate about Iran-Contra very interesting. I was not here for it, and so I enjoy being brought up to date on past history. It is interesting, but it is irrelevant to the issue before us because the issue before us is: Are there still things yet to find out about Whitewater which need to be found out? This has nothing whatever to do with whether or not the Iran-Contra Committee was able to find out what it needed to find out from Ollie North in the timeframe that it set for itself. This has nothing to do with the timeframe of the Whitewater Committee, which is trying to find out information that has been denied it by a series of circumstances, some of which I believe are deliberate.

I make that statement, recognizing that it, perhaps, is emotionally charged for some. I try to stay away from emotionally charged statements on this issue because I realize how easily this can get out of hand. But I have reluctantly come to the conclusion that there has been a deliberate attempt on the part of those who have been called before the committee to withhold information from the committee and to see to it that the committee does not receive that which it needs. I know of no such charges that have been made in past investigations, and, even if they were, frankly, they are irrelevant to this issue.

This issue is very simple, again, Mr. President. It is simply this: What is there yet to find? What will it take us to find it? It has nothing to do with any past investigation of any other circumstance. It has to do with this investigation of this set of circumstances. What is there yet to find, and what will it take us to find it?

The editorials that have been quoted here—I have quoted them, the New York Times, the Washington Post, others. The most recent one I will return to again, as my distinguished chairman has. But it makes this point, relating to the question of, "Can the committee not wind its affairs up?" This is what the Washington Post has said. I repeat it again:

> . . . here is part of the problem; The McDougals and Governor Tucker are currently unavailable for Washington testimony as they are defending themselves against a 21-count indictment handed up last August alleging fraud and conspiracy on their part. It came courtesy of independent counsel Kenneth Starr and a federal grand jury in Little Rock. Judge Hale, whose earlier guilty plea slims down considerably his chances of ever returning to the bench, is similarly occupied in Arkansas and unavailable to be heard by anyone in Washington. He is the prosecution's key witness against the governor and the McDougals. Their trial, which just got started, is one reason the Whitewater committee hearings have been dragged out.

I will repeat that, Mr. President. "Their trial is one reason the Whitewater Committee hearings have been dragged out."

It is not a conspiracy on the part of the Republicans. It is not an attempt on the part of the Republican National Committee to delay this into an election year. There is a trial going on, over which the Republicans on the committee have no control, that is preventing these witnesses from coming before us. This is why we are asking for a time that will allow us to deal with those witnesses when they become available. We do not know when this trial will be over. If we knew with certainty when the trial would be over and when these witnesses would be available, I, for one, would be willing to set a date, appropriately far off into the future, that would allow us time to deal with these witnesses. We do not know. We cannot know. And, therefore, it does not make sense for us to set a firm date.

Back to the editorial, quoting:

> The other reason is the protracted battle with the White House over subpoenaed documents and the very slow and uncertain way certain important documents finally are produced.

In other words, the delay in the eyes of the Washington Post has not been because the committee wants to drag it out for political reasons; it has been because the White House has been unresponsive.

I am a member of this committee. I have been to as many of the proceedings as I possibly could, given the schedule and the other challenges that apply. I thought I knew this controversy fairly well. I have now picked up the recent copy of Time magazine and read the first installment of a book that was written, initially at the recommendation of Susan Thomases, one

of the President and First Lady's closest friends and confidants, in an attempt to make sure the whole story got out.

She went to the author and said, "Will you write a good book on this?"

The author spent an hour and a half in the White House with Mrs. Clinton, and she said, "I will cooperate with you, and I will see to it that everybody connected with me will cooperate with you. We want the truth to come out."

Now, we have the book that was created by that genesis and I can only describe it as devastating. It is devastating to those who say, "There is no there there." It is devastating to those who say the Republicans are on a partisan activity, because nothing significant really happened.

As I say, I am a member of this committee. I thought I knew this issue fairly well, until I read this week's issue of Time magazine and found out there is a whole lot more that I did not know about, and I have been a member of the committee attending these sessions.

So, Mr. President, I conclude by saying there is plenty more yet to find out, and I am sorry if it did not come out in the same timeframe as other investigations have had. But that is entirely beside the point.

The point is, I repeat again, what is there yet to find out and what will it take for us to find it? The answer to that question dictates that we proceed in the fashion that the distinguished chairman, Mr. D'AMATO, has asked us to proceed.

I yield the floor and reserve the remainder of the time.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BENNETT. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 42 seconds remaining on his side of the aisle.

Mr. BENNETT. I apologize to the Senator. I thought I had more time than that. I yield all 42 seconds to the Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, as we have just heard, Time magazine has released excerpts from a new book, "Blood Sport," which is one of the most revealing and down-to-Earth accounts of Whitewater we have had. It certainly is easier to follow than anything we have seen, doing the best we could with the Whitewater hearings: Coming in a day, skip days, a day out. It has been very difficult for the average citizen to follow what we have been doing and what we have been trying to pursue.

This book chronologically identifies exactly what went on and what happened. I think, again, it points to the very great need for us to continue the hearings, and the public will see the need, once they read the book and read the excerpt that was in Time magazine.

It shows the Clintons to be much more active partners in Whitewater than any of us believed at one time.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired on the chairman's side of the aisle.

Mr. D'AMATO. Mr. President, I ask unanimous consent that we provide 4 additional minutes to be equally divided, so that we each have 2 minutes.

Mr. FAIRCLOTH. Four additional minutes for each side.

Mr. D'AMATO. I asked for 4 minutes, 2 minutes for each side.

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

The Senator from North Carolina is recognized for 2 minutes.

Mr. FAIRCLOTH. Mr. President, it shows the Clintons were much more actively involved than we had any idea; that the McDougals put far more money into the project than did the Clintons; and that they clearly used money from the savings and loan to supplement the Whitewater venture. I think we need to and should pursue it.

Further, there is a new revelation of how Mrs. Clinton received legal business from Madison. She told the public that a young associate, Mr. Massey, brought the business to the law firm. Then Mr. Massey appeared before us and said he did not bring any business to the law firm. So then she said it was Vince Foster who brought it. She changed her mind. McDougal said that Bill Clinton urged him to give business to Hillary Clinton because the Clintons needed the money.

The book reveals that there was a clear witness to that, Susan McDougal's brother, and I think we need him to testify as soon as possible.

Many people might say, "So what, 20 years ago, why is it relevant today?" There are a number of reasons. First, the White House is engaged in a massive coverup of the entire episode, an inept coverup, but at least an attempt to cover up.

We now know what the First Lady truly meant when she told Maggie Williams she did not want 20 years of her life in Arkansas probed by the Senate. We now know why. But it is a true indication of the way they ran things in Arkansas, and they clearly have demonstrated they are going to run them the same way in Washington. They sure tried to run them the same way. Old habits die hard, and we have seen the same characteristics that we know of in Arkansas come about in Washington.

I hope we can end the filibuster and let the Senate vote and then let the American people decide if Whitewater hearings are worth pursuing.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. SARBANES. How much time remains?

The PRESIDING OFFICER. The Senator from Maryland has 10 minutes, 30 seconds.

Mr. SARBANES. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 4 minutes.

Mr. SARBANES. Mr. President, I want to be very clear with respect to the reasonableness of the issue that is before us. When Senate Resolution 120 was adopted, it was adopted and encompassed within it certain premises, all of which are now being departed from or violated by the proposal offered by the Senator from New York.

The first premise was that there would be a fixed deadline in the proposal that would seek to keep the inquiry out of the election year. That was the February 29 date, and it was agreed to.

We had overwhelming bipartisan support for the resolution that was adopted last year for this inquiry. Regrettably, the majority has now gone down a different track and made impossible, up to this juncture, a further bipartisan concord with respect to this matter.

Senate Resolution 120 was consistent with Senate precedents. The proposal that is now before us is a complete departure from Senate precedents. The proposal last year for a fixed-ending date reflected the very argument that Senator DOLE made in 1987 with respect to Iran-Contra, where some Democrats wanted to extend it into the election year and he said that would not be a fair and reasonable thing to do. Senator INOUYE and others accepted that proposition, and they put on a deadline. It is very important that that be understood. The proposal before us departs from that essential premise.

Second, this committee had only 1 day of hearings in the last 2 weeks of its existence in the latter part of February. In Iran-Contra, we held 21 days of hearings in the last 23 days in order to complete the work. The distinguished minority leader, Senator DASCHLE, wrote to Senator DOLE in mid-January saying the committee should intensify its work through the balance of January and through February in order to complete on schedule. The committee did not do that.

Third, this resolution premises that there will be consultation between the majority and the minority. In fact, we had such consultation in the formulation of Senate Resolution 120, and when it was brought to the floor, it had been worked out on the basis of discussions between the majority and the minority. That has not taken place in this instance. In fact, Senator

DASCHLE's letter to Senator DOLE remained unanswered for a month, period. I know Senator DOLE was distracted with other matters, but nevertheless, we are still left with the problem with which we are confronted.

Finally, I want to underscore that the Office of Independent Counsel will continue its inquiry. It was an essential premise of the original resolution that we would not come in behind the independent counsel and, in fact, Chairman D'AMATO and I wrote to Mr. Starr at the beginning of October to make that very point. It was strongly argued that extending it out would turn it political.

Now it is becoming political; we simply have to recognize that. There are editorials around the country that are beginning to say that—here is one from Greensboro:

A legitimate probe is becoming a partisan sledgehammer. The Senate Whitewater hearings, led since last July by Senator D'Amato, have served their purpose. It's time to wrap this thing up before the election season.

One from a Sacramento paper:

Senator D'Amato, the chairman of the Senate Whitewater Committee and chairman of Senator Bob Dole's Presidential campaign in New York, wants to extend his hearings indefinitely or at least, one presumes, until after the November election. In this case, the Democrats have the best of the argument by a country mile. With every passing day, the hearings have looked more like a fishing expedition in the Dead Sea.

The minority leader, Senator DASCHLE, has made a very reasonable proposal.

The proposal for an indefinite extension, or this 4 months, which amounts to the same thing, is not reasonable. It is not consistent with the premises on which we got an overwhelming bipartisan consensus to pass the initial inquiry resolution.

I yield the remainder of our time to the distinguished minority leader.

The PRESIDING OFFICER. The distinguished minority leader is recognized.

Mr. DASCHLE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 6 minutes 30 seconds remaining.

Mr. DASCHLE. I thank the Chair.

Mr. President, the distinguished ranking member of the committee has said it so well and ably. I applaud him for making the case once more prior to the time we are called upon to cast our vote this afternoon. There is very little one can add to what he has said so well.

This is an unprecedented request. Everyone needs to be fully appreciative of the nature of what it is we are called upon to vote on here—an unprecedented request, an open-ended, unlimited request to continue this investigation forever if the majority chooses to do so—forever. There is no deadline, none whatsoever.

So, Mr. President, we have looked back to try to find some other occasion when a committee has sought that kind of authority to say, "We don't know whether we're going to take a week, a month, 2 months, the rest of the session. We may even need to go into the next Congress. Who knows? What we do know is that we're not going to give you any specific timeframe within which we realistically think we can finish this investigation."

So what does that tell you, Mr. President? What it tells me is that they want to keep open the option to take this right up until the very last day of this Presidential campaign. We are unwilling to accept that. We have indicated, in as clear a way as we possibly can, that we want to find a way to resolve this once and for all. We want a way to find a resolution in the amount of time and the amount of money to be dedicated to this investigation, even though now we anticipate more than $32 million in total, within the Congress and within the special investigation that is ongoing, has already been dedicated to this.

If we need to spend another $100,000, another $130,000, $140,000, we will do that. Our amendment suggests $185,000. Our amendment suggests that the investigation go on at least through April 3, and then gives the opportunity to write a report through May 10.

If we had used every day we had available to us, if the committee had taken the opportunity that they had available to them in using Mondays and Fridays and days throughout the week for which they chose not to have any hearings, we would not have to extend it. But for whatever reason, the committee chose not to meet on a lot of Mondays, they chose not to meet on virtually every Friday. There were a lot of days during the week, for whatever reason, they chose not to meet.

So it was not that we did not have the time. We simply did not use the time very wisely. And the majority, if they could do it over again, I am sure, would use that time more wisely. But now, to say that is the reason we want to carry this thing out forever is just unacceptable.

Mr. President, the second point I emphasize is that we have made a good-faith offer. That offer stands, although I will say that the clock is ticking. We are simply not going to extend this thing out over and over farther and farther just because we are not able to resolve this difference today. The clock is ticking. The calendar pages are turning. The offer that we have been given is unacceptable. The counteroffer, this notion that somehow we now could go 4 or 5 months longer, is also unacceptable. We do not want to make this a convention issue. We do not want to make it a Presidential campaign issue. We want to get the facts. We want to resolve these matters. We want to resolve this issue once and for all.

We can do that in a time certain. We can do that in a bipartisan way. We can do that working together to make the best use of the time, whatever additional time is requested. We can do all of that. But we have to resolve this matter. The standoff that we are in today is unacceptable. We do not like it. We know the majority does not like it. So let us sit down and try to find a way to resolve it. But let us recognize an unlimited request or any request that takes us into political conventions and the campaign season for 1996 is unacceptable, too.

So, Mr. President, reluctantly, I urge my colleagues once more to vote against this cloture motion. I believe that we will continue to be able to defeat the cloture motion for whatever length of time this unreasonable request is, the one before us. We can resolve it this afternoon. It is time we do so.

It is time we get on with the real business of the Senate. I hope we can do it sooner rather than later. I yield the floor and yield the remainder of our time.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. COVERDELL). The clerk will report the motion to invoke cloture on the motion to proceed to Senate Resolution 227.

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, do hereby move to bring to a close debate on the motion to proceed to S. Res. 227 regarding the Whitewater extension.

Alfonse D'Amato, Trent Lott, C.S. Bond, Fred Thompson, Slade Gorton, Don Nickles, Paul Coverdell, Spencer Abraham, Chuck Grassley, Conrad Burns, Rod Grams, Richard G. Lugar, Mike DeWine, Mark Hatfield, Orrin G. Hatch, and Thad Cochran.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on Senate Resolution 227 shall be brought to a close? The yeas and nays are required under rule XXII. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—53

Abraham	D'Amato	Helms
Ashcroft	DeWine	Hutchison
Bennett	Dole	Inhofe
Bond	Domenici	Jeffords
Brown	Faircloth	Kassebaum
Burns	Frist	Kempthorne
Campbell	Gorton	Kyl
Chafee	Gramm	Lott
Coats	Grams	Lugar
Cochran	Grassley	Mack
Cohen	Gregg	McCain
Coverdell	Hatch	McConnell
Craig	Hatfield	Murkowski

Nickles	Simpson	Thomas
Pressler	Smith	Thompson
Roth	Snowe	Thurmond
Santorum	Specter	Warner
Shelby	Stevens	

NAYS—47

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Johnston	Reid
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden
Feingold	Levin	

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3479

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Will the Chair explain to the Senate what the order before the Senate is now.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID] is recognized to move to table the Hutchison amendment.

Mr. REID. I so move to table, and I ask for the yeas and nays.

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 table the Hutchison amendment.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—49

Akaka	Graham	Moynihan
Baucus	Gregg	Murray
Biden	Harkin	Nunn
Bingaman	Heflin	Pell
Boxer	Hollings	Pryor
Bradley	Inouye	Reid
Bryan	Jeffords	Robb
Bumpers	Kennedy	Rockefeller
Byrd	Kerrey	Roth
Chafee	Kerry	Sarbanes
Daschle	Kohl	Simon
DeWine	Lautenberg	Specter
Dodd	Leahy	Thompson
Exon	Levin	Wellstone
Feingold	Lieberman	Wyden
Feinstein	Mikulski	
Glenn	Moseley-Braun	

NAYS—51

Abraham	Dorgan	Lott
Ashcroft	Faircloth	Lugar
Bennett	Ford	Mack
Bond	Frist	McCain
Breaux	Gorton	McConnell
Brown	Gramm	Murkowski
Burns	Grams	Nickles
Campbell	Grassley	Pressler
Coats	Hatch	Santorum
Cochran	Hatfield	Shelby
Cohen	Helms	Simpson
Conrad	Hutchison	Smith
Coverdell	Inhofe	Snowe
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thomas
Dole	Kempthorne	Thurmond
Domenici	Kyl	Warner

So the motion to lay on the table the amendment (No. 3479) was rejected.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. 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 agreeing to the Hutchison amendment.

The amendment (No. 3479) was agreed to.

AMENDMENT NO. 3478

The PRESIDING OFFICER. The question is on agreeing to the Reid amendment, as amended.

The amendment (No. 3478), as amended, was agreed to.

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

AMENDMENT NOS. 3480 AND 3481

Mr. MCCONNELL. Mr. President, earlier today the majority leader sent to the desk two amendments relating to Bosnia on behalf of myself and him. I ask unanimous consent that Senator MCCAIN and Senator BURNS be added as cosponsors to both amendments.

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

Mr. MCCONNELL. Mr. President, the first amendment regarding Bosnia, conditions the obligation of funds in this supplemental upon a certification that all foreign fighters, including Iranians are out of Bosnia, in compliance with the Dayton Accords.

Let me describe each amendment, turning first to foreign troops.

Article III of annex 1A is absolutely clear—Let me read it into the RECORD. This is part of the Dayton Accords. It says:

> All forces in Bosnia and Herzegovina as of the date this Annex enters into force which are not of local origin, whether or not they are legally and militarily subordinated to the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina or the Republic of Srpska, shall be withdrawn together with their equipment from the territory of Bosnia and Herzegovina within 30 days.

Just to make abundantly clear so that there was no misunderstanding of just what we meant by this provision, the annex spells out who was affected by this requirement. The accord explicitly states:

In particular, all foreign forces, including individual advisors, freedom fighters, trainers, volunteers, and personnel from neighboring and other states, shall be withdrawn from the territory of Bosnia and Herzegovina.

In a December hearing before the Senate Appropriations Subcommittee on Foreign Operations, Assistant Secretary Holbrooke reiterated the "high importance" the administration attached to full compliance with this provision.

Let me cite his testimony:

> It is imperative that the commitment made to have these elements removed be honored. They have said publicly they will do so . . . President Clinton raised this directly with President Izetbegovic in Paris.

During questioning he noted that Iranian and other freedom fighters were concentrated in the sector where United States troops are operating, "so we are going to be watching this extremely carefully."

When I asked Secretary Holbrooke what happens if they choose not to go, his answer was absolutely unequivocal:

> Choose not go go? This is the Bosnian government's home turf. This is the core of the Federation position. It is not their choice. If the government of Bosnia-Herzegovina says they will go, then either they go or the Bosnian government was not sincere in what it said. They must get them out and we will know if they are out or not . . . President Izetbegovic has publicly committed himself, not only to the public and the press, but to the President.

The deadline for the withdrawal has now come and gone. January 19 passed with Iranian's terrorist forces still operating in the American patrolled sector.

Secretary Christopher acknowledged the administration's ongoing concern about this issue during an appearance on the McNeil-Lehrer Show on January 23. At that time, he said:

> We will not go forward with the equipment and training unless they are in compliance with the agreement. They'll not have a right to the reconstruction fund unless they are in compliance with the agreement.

At the time, I was reassured that the administration shared the view many of us have here in Congress—Iranian troops represented a direct threat to American soldiers and to American long-term interests in stability.

Yet shortly after the Secretary's remarks, NATO soldiers raided a house near Sarajevo and detained 11 people with a cache of weapons, ammunition and explosives. According to a senior State Department official, news accounts indicated five were Iranians believed to have already left the country, yet they were clearly involved in plotting attacks on NATO installations.

This past week, the Washington Post reported that members of the Iranian Interior Ministry are among the 150 or so men running vie to seven training camps. Western officials believe Iranian Revolutionary Guards joined by volunteers from across the Islamic

world are engaged in building a secret security organization called the Agency for Investigation and Documentation.

U.S. Navy Adm. Leighton Smith conceded in a recent interview that the forces were of immediate concern to the security of American soldiers and cited the loss of 248 marines in Beirut in a suicide bomber attack.

In addition to our security concerns, Iranian forces and their role in the Agency for Investigation and Documentation directly undermine prospects for continuation of the Moslem-Croat Federation. In a letter to Izetbegovic, Federation President Kresimir Zubak said the Agency was "in direct opposition to the constitution of the federation and the law."

He, like others are deeply worried that the agency will be used to harass and investigate Izetbegovic's political opponents and over the long run, encourage the movement toward a separate Moslem state, a goal Iran has long pursued.

There are a number of other disturbing signs that President Izetbegovic is moving in this direction. However, the immediate concern we should all have is the continued presence of Iranian Revolutionary Guards.

In the last several days, administration officials seem to have abandoned the linkage drawn by the Secretary on January 23 between full compliance and economic and military aid. They are now asserting that we will only hold up plans to equip and train the Bosnians.

This is a decision which is bound to backfire. Withholding military support and training will only drive the Bosnian Moslems closer to Iran, a nation unfortunately viewed as one of the few reliable partners during the years that the embargo imposed an unfair disadvantage on their government and people.

Moreover, if not a part of a broader strategy, withholding only military support will call American credibility and commitment to the Federation into question. It will be seen as an excuse to reinstate the administration's long standing position opposing lifting the embargo. After all, only when faced with the imminent prospect of a congressional vote to lift the embargo, did the President make the commitment to move forward with a meaningful program to assure the Bosnian Federation receives the assistance necessary to achieve an adequate military balance prior to IFOR's departure.

If we are serious about the presence of foreign troops in Bosnia, and I certainly believe we should be, then we must use all necessary and appropriate diplomatic, economic, and security tools we have available to press for full compliance.

I believe the amendment Senator DOLE and I have offered sends a clear signal that the Congress expects full compliance with the Dayton accords if we are to move forward with this $200 million supplemental.

I think it is worth noting that none of the funds we have designated for emergency humanitarian programs would be affected by this amendment. In fact, $339 million provided in the fiscal year 1996 foreign operations appropriations bill for a variety of activities and programs would still be available.

We are simply withholding a portion of our total commitment to assure compliance with a provision of the Dayton accord which has an immediate impact on the well being of our troops and a long-term affect on the viability of the Federation and peace.

The second amendment Senator DOLE sent to the desk earlier today on behalf of myself and him, supports the broad goals and plans the President outlined in his Oval Office address announcing the commitment of U.S. troops. In separating the belligerents and patrolling the cease fire zone, he said the United States would "help create a secure environment so that the people of Bosnia can return to their homes, vote in free elections, and begin to rebuild their lives."

While many of us opposed the deployment of our troops, we now hope that they succeed in accomplishing this mission. I think every one of us also supports the President's determination to assure the mission is limited in nature and fulfilled within the year. Above all else, we are committed to protecting the security of our forces.

The amendment before the Senate advances these goals.

First, it requires that the funds in this supplemental may only be made available for projects and activities in Sarajevo and the sector where Americans are assigned. It also establishes that in making funding allocations, priority consideration should be given to projects identified by the Department of the Army on the so-called Task Force Eagle Civil Military Project List.

This list is a catalog of specific activities designating both the location and type of assistance necessary. The task force has identified a wide range of activities including the repair of roads, bridges, and railroads, and rebuilding municipal electricity, water, telecommunications, and sewer systems.

Although costs have not been assessed for each project—which will clearly have an impact on deciding which to pursue—the report makes clear that every project has been deemed urgently needed.

No other agency has been able to produce as comprehensive an assessment of Bosnia's urgent priorities. Since the administration deemed this supplemental an urgent emergency, designating these identified projects as high priorities will expedite the process of obligating funds and hopefully have an immediate, visible, and effective impact. My expectation is that by improving economic conditions in the American sector we will reduce the level of tension and stimulate popular support, which, in turn, should lower the security risks to our soldiers.

I should make one point perfectly clear. This amendment affects only the $200 million provided in this bill. An additional $339 million appropriated in 1995 and 1996 are not subject to these conditions or priorities. We have exempted the early appropriations because much of those funds are for emergency humanitarian activities which we in no way wish to impede or redirect. To date, these short-term, quick impact efforts have been very successful and should be continued.

It is my view that focusing the supplemental resources on the area in which United States troops are assigned and targeting projects that the Army has already identified as ready for funding enhances stability in Bosnia and strengthens the chances of achieving an early exit. While I have opposed setting a specific date for departure, I support the President's objective to complete the mission within a year. The effective administration of our aid contributes to this exit strategy.

There are a few other provisions in the amendment worthy of note. The administration has indicated it intends to deposit $65 million in a Croation-owned bank in Bosnia, convert the money to German marks and extend loans to small- and medium-sized businesses to generate jobs and income. I have made my reluctance to support this idea clear to AID in large part because there are no clear accountability mechanisms to prevent fraud or abuses. Blank checks to foreign banks invite trouble.

To solve this problem, the amendment requires the bank which will be the beneficiary of this substantial deposit to grant GAO access to audit the flow of U.S. funds. I am hopeful this will address congressional concerns about accountability while allowing the administration to test the merits of this approach.

Finally, the amendment offers the administration leverage in discussions with our friends and allies over their contributions to reconstruction. Late last year, the World Bank estimated Bosnian reconstruction would cost approximately $6 billion. The administration testified that half of the necessary funds would come from multilateral lending institutions such as the European Bank and the World Bank. The balance would be derived from bilateral donations, of which we have now pledged $539 million or roughly 20 percent.

So far, the pledging by other nations, especially our European allies has been

anemic. I think it is important that they understand that we will not shoulder this burden alone. Thus, the amendment requires the President to certify that the total of bilateral contributions pledged by other donors must match our level of support. Failing that test, we should suspend obligation of supplemental funds. Here again, the emergency humanitarian program will not be affected.

Finally, the amendment makes clear that no funds may be made available to support building or refurbishing of housing in areas where refugees or displaced people are refused the right to return based on ethnicity or political party affiliation. As Senator DOLE points out, it makes no sense to use our limited resources to endorse or sanction what amounts to a variation of the repugnant practice of ethnic cleansing.

Mr. President, let me conclude by stating this amendment accomplishes three goals. It improves the operating environment where our troops are assigned thereby enhancing their safety, it targets the aid to support identified, ready-to-go projects improving prospects for success, and the combination of fulfilling those two goals contributes to achieving the third and most important—the timely withdrawal of U.S. troops.

I urge my colleagues to support these amendments.

I hope both of these amendments will be approved when they are actually submitted for a vote to the Senate.

Mr. President, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Delaware.

AMENDMENT NO. 3483 TO AMENDMENT NO. 3466

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

I send it on behalf of Senators KERRY, WELLSTONE, DASCHLE, LAUTENBERG, LEVIN, and MIKULSKI.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] for himself, Mr. KERRY, Mr. WELLSTONE, Mr. DASCHLE, Mr. LAUTENBERG, Mr. LEVIN, and Ms. MIKULSKI, proposes an amendment numbered 3483 to amendment No. 3466.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, line 8, add after "basis.":

COMMUNITY ORIENTED POLICING SERVICES

For public safety and community policing grants pursuant to Title I of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) and related administration costs, $1,788,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

On page 29, line 2, strike all after "('the 1990 Act');" through "That" on page 29 line 18 and insert in lieu thereof: "$1,217,200,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which".

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have spoken with the White House, and the President agrees that the only course to be taken on the 100,000 COPS Program is an unequivocal and unwavering support for adding 100,000 cops to our streets.

The irony of all ironies is, in my view, that after the years that Senator KERRY, Senator WELLSTONE, and others of us have fought for this program, we heard repeatedly—I mean, if I heard it once, I heard it a hundred times on this floor—"This isn't really going to be 100,000 cops."

I watched Charlton Heston on TV in paid television advertisements. He would say, "This is a phony thing. It is not 100,000 cops. This will not produce more than 20,000 additional police officers. It just simply is not"—and he went on and on and on and on.

I heard repeatedly from my Republican colleagues that all this was about was adding welfare workers. This was adding welfare social workers and no hard police enforcement.

We have only been doing this about a year, and we now have a total in the United States of America—and I will be repeating some of these numbers, because they warrant repeating—totally funded so far are 34,114 additional cops; direct hiring, 20,236; and the so-called COPS More Program, 12,678.

Bottom line, Mr. President, is more than 33,000 police officers are on the streets who would not otherwise have been on the streets doing community policing and have already been funded.

What is more, the results of the Community Policing Program, which all of my colleagues know now ad nauseam because the Senator from Massachusetts and I have been—for how many years now, I ask the Senator from Massachusetts, 5, 6 years we have been talking about community policing?

Because of community policing, because of the requirement that in order to get a single additional federally paid local police officer your whole department has to be involved in community policing, the results of these additional 33,000 police officers have been leveraged in a way that was not imagined by many. It was by the Senator from Minnesota, and that is, if you had a police force of five cops in a small town and they are not involved in community policing, in order to get one additional cop that you need, you have to put the other five in community policing. We have leveraged six cops into community policing, where there was none before, by merely one additional police officer.

Mr. President, there was only a total of about 525,000 local police officers before this began. There are those of us on this side, and I can speak for the President in this regard—and I seldom ever do that—bottom line is we want to make sure there are an additional 100,000 cops on the street when this is over, so we end up with 600,000-plus local police officers. As a result of what we have already done so far, community policing speaks for itself. More cops means less crime.

You know, there is not a lot we know about crime. We all think we know about it. We think we do not have to know the facts. I heard someone say—actually I heard Senator SIMPSON say it—everyone is entitled to their own opinion, but not entitled to their own facts. He was talking about something other than this, but the facts are that there is not a lot we know for certain about law enforcement and the criminal psyche.

But one thing we do know. If you have a cop standing on this corner and no cop on the adjacent corner and there is a crime that is going to be committed in that intersection, it will be committed on the corner where there is no cop. That is all we know. We think we know a lot of other things, but that we do know. So we need more cops.

To cite just one specific example, look what is happening in New York City. More police devoted to community policing has proven to mean less crime. In the first 6 months of 1995, compared to the first 6 months of 1994, let me read the statistics: Murder is down by 30 percent, robbery is down by 22 percent, burglary is down by 18 percent, car theft is down by 25 percent.

In the face of that success in fighting America's crime epidemic, it seems to me it would be folly to go back on our commitment of adding the remaining 67,000 cops called for under this crime law to the list. As a former President used to say, in a different context, "If it ain't broke, don't fix it." Well, the COPS Program is working. It is not broke. It is fixing things.

Why are we doing what this legislation calls for, backing off of that commitment in both dollars and numbers and the requirement that local officials use this money to hire cops? That, unfortunately, is exactly what this latest continuing resolution proposes to do. Instead of fully funding the President's request for the 100,000 COPS Program, this latest proposal would slash the 1996 request of the COPS Program to $975 million, about one-half of the $1.9 billion called for.

Let me go back and review the bidding here just a little bit. That is that, unlike any other program, we set up a trust fund to fund these cops. We are not talking about new taxes here. We are talking about we made a commitment, with the help of the Senator

from Texas, Senator GRAMM, over 1½ years ago, that we were going to cut the size of the Federal Government work force instead of letting it continue to grow as it did under two Republican Presidents with the help of Democratic Congresses.

What happened was we have kept that commitment. We have essentially taken a check that we were paying the Federal bureaucrat—I do not use that word in a derisive way, but in which we paid a Federal employee—when that person left Federal employment, we did not hire one; we took that check and sent it back home for folks to hire cops. We traded bureaucrats for cops.

Now, here we are, with money in the till under that program, and effectively defunding by $1 billion the request for money for cops. Not only is the 100,000 COPS Program subject to extreme cuts, but the latest continuing resolution also makes nearly $813 million of that money that is supposed to go to the 100,000 COPS Program to fund those cops into what we call down here—and we think everybody at home understands it—we call it a block grant.

You know what a block grant is? A block grant for this is like the old LEAA program, Law Enforcement Assistance Act. When I first got here, one of the first things I did—I remember I had gotten in great trouble with a senior Democrat named John McClellan from the State of Arkansas. I had the temerity to come to the floor and introduce legislation doing away with LEAA because I had been a local official, and I know how it works. We would sit around the county council meetings in my State—which is the largest representative body in my State in this particular county I represented—and we would say, "You know something? We can save the county taxpayers' money." And a guy named Doug Buck, he and the county administrator said, "Here we have X number of firemen," or X number of policemen in this case, "on the county payroll. We'll fire half of them, we'll fire them, cut the budget. We'll tell the local taxpayers we're cutting the budget. And we'll take that Federal money for cops, and we'll rehire them. We'll rehire them with Federal money."

So what happened was all of us, as local officials, could go home and say, "You know, we didn't raise your taxes. We cut your taxes, and you didn't lose any services." But what happened was you did not get one additional cop. No new cops. The community was not one whit safer, but, boy, we local officials, we loved it. We thought it was a great idea. That is what a block grant is.

If you look at the language, I say to my Republican friends, if you look at the language closely under the block grant, the local officials can take this block grant money and they do not have to hire a cop with it, they can go out and use it for anything they think impacts on law enforcement. They can hire a public defender with it. They say, Who would do that? Well, the folks in Pennsylvania would do that. The folks in Delaware would do that. We both know it. You know why they do that? Because the local folks do not like telling the local taxpayers they are taking their tax money to hire a public defender. They do not want to do that. They know that is not a popular thing. But they know they have to have public defenders. They do not want to tell them they are taking the money to hire judges. They know that is not popular. So what do they do? They will take the Federal money and they will hire the public defender.

I say to my friend presiding in the chair, if this prevails, I will make him a bet—and anyone else in here—Pittsburgh; Scranton; Wilmington, DE; my hometown of Scranton, PA, Democrat, Republican, Independent alike will find a way to make sure that locally they look like they are getting tough, but there will not be more cops.

I support the public defender program. I think we need more judges. I think we need more protection. I think we need more social workers at the prisons. But let me tell you what I know I need: I need more cops. I need more cops in Delaware. Scranton, PA, needs more cops. Dagsboro, DE, needs more police protection. But that is not what will happen. So, $813 million that is supposed to go directly to hire new cops—do not pass go—go straight to hiring a cop, now can be used as a block grant. The approach just is not right. This so-called law enforcement block grant is written so broadly that money can be spent on everything from prosecutors to probation officers to traffic lights and parking meters, without having to hire a single cop. And that is not an exaggeration.

I challenge anyone on this floor or back in their offices listening or Senator's staff who are listening, go in and tell your boss, "Come to the floor and debate BIDEN." If you can prove to me that you cannot locally, with this block grant, go out and buy parking meters or get a probation officer, if you can come and tell me that, I will stand corrected. But until that, understand, all my tough colleagues, Democrat and Republican, who are getting tough on crime, you are sending money back home to hire probation officers. The same outfit that was worried that the Biden crime bill which became law would be soft and hire all these social workers, now apparently are concerned because you really are hiring cops. I guess you all want to hire those social workers. I guess that is what you all are about. That is what you want to be able to do.

Now, if you do not want to do that, amend this on the floor and say the block grant cannot be used—cannot be used—for anything—and I will give you a list—from parking meters to probation officers, to courts, to judges. Did you ever ask yourself, those who are listening, why this block grant is so broad? Well, it is because, I guess, we do not like having all these extra cops.

Second, the block grant has never been authorized by the Senate. My friends on the Appropriations Committee like to talk about how they follow the process. Well, let me tell you, we know the Judiciary Committee—to the best of my knowledge, neither House ever authorized this. Let us be clear about what is being done here.

What this continuing resolution does is take the crime bill that has been passed by only one House, the House of Representatives, whose funds have been authorized only by the House, whose block grant ideas already have been rejected by the Senate. We have come at this a couple of times in direct legislation. A couple of times I have come to the floor and we have debated it, and I have won. Not I have won, my position has won. Now we find it back in the appropriations bill. The block grant idea has already been rejected by the Senate and incorporated into an appropriations bill, so it is passed and funded all in one fell swoop, instead of people standing on the floor here saying, "I don't want to fund COPS."

Mr. President, we are going to legislate by fiat like this. If we are going to do that, then we might as well do away with the committees, with hearings, with subcommittee markups, with full committee markups, with careful consideration of authorizing legislation and with legislating in the sunshine.

I understand why you put it in the bill this way. You put it in the bill this way, in an appropriations bill in a continuing resolution, because then you can say, "I tell you what, I did not vote to cut those cops. Not me. I voted for that big continuing resolution, but I had no choice. We had to do that. We had to keep the Government going."

"It was not me, Charlie."

"Honest to God, Mabel, I know your store got held up three times. You did not get the four cops."

Let me give you an idea here. I will not take the time to submit the chart, but I will just give you a list of the pending requests that exist. I will repeat this again: Already more than half a billion dollars is pending in requests. Remember Republicans said local officials would not want this money, they would not come and ask for it because they kick in their own money? I know my friend from Massachusetts, a former prosecutor, understands this one. What are the reasons we wrote it this way? We knew cops were more popular than mayors. So they go, and the chief of police would say, "Mr. Mayor, got good news. We can get 75 grand from the Federal Government. The bad news is we have to come up

with 50 or 60 or 70, depending on the cost and size of the jurisdiction."

The mayor always said, "I don't know. I don't want to do that."

"No problem. We will tell the folks we do not want the Federal money."

It happened twice in my State already. Guess what? The city council, county council, could not take the heat when the public found out they could get the money and they were not asking for it. Well, guess what? Mr. President, 7,766 cops beyond the 33,000 are already requested and pending. That means the town councils, the city councils, the county councils have already sat down and made the hard decision that they will keep a commitment to hire a cop for another 5 years and have to pay half the freight in doing that. They did it.

Take a look. In the State of Delaware, we already have something like 120 new cops already. We only have an entire police force, if you count every cop in the State, about 1,500 in the whole State. We have some pending. In the State of Massachusetts there are 276 cops asked for, formally requested, ready to be certified. In the State of Minnesota, 100 cops, 7 million bucks, an additional 100. The State of Pennsylvania, 280 cops. Say we turn this to a block grant. That will be like water going through your hands. You will not get 280 cops in Pennsylvania or 400-some cops in Massachusetts, and so on, because there will be other priorities.

I, for one, happen to believe that is a terrible way to proceed, and that is through this block grant approach on COPS. That is reason enough for me to oppose the bill all by itself. If the Republicans want to change the crime bill, they have a right to try that, but we should do it the right way and have a vote on it. Wiping out a major piece of this most significant anticrime legislation to ever pass the Congress on an appropriations bill makes a mockery of the Senate process. The importance of the program we are considering, not to mention the perception of our institution, I think, demands better.

Before turning to specific problems with the so-called law enforcement block grants, let me preview the specific success of the 100,000 COPS Program. I do not know a single responsible police leader, academic expert, or public official, who does not agree that putting more police officers on our streets is the single best, more effective, immediate way to fight crime. Community policing enables police to fight crime on two fronts at once: They are better positioned to respond and apprehend suspects when the crime occurs; but, more importantly, they are in a better position to keep crime from occurring in the first place.

I have seen this work in my home State of Delaware where community policing in Wilmington, DE, taking the form of foot patrols aimed at breaking up street level drug dealing, is turning the city of Wellington and neighborhoods into a combat zone. The efforts successfully put a lid on drug activity, without displacing it to other parts of the city.

In practice, community policing takes many forms. Regardless of the need of a particular community, the reports from the field are the same: It works, it works, it works, it works. I am delighted to debate anybody who wants to come and make the case that community policing does not work. I will stand here as long as anybody wants and come back after I yield to my friend from Massachusetts. I will hang around for anybody who wants to make the argument to me that community policing does not work. I would love to hear it. I would love to hear it.

I suspect no one will come and make that argument, and no one will come to the floor and say we need fewer cops, and no one will come to the floor and tell me, no, they do not want more cops in their home State. No one will come to the floor and tell me that they want more of this COPS money to hire probation officers. No one, I suspect, will tell me that.

That is what this all does. That is what it does. The 1994 crime law targets $8.8 billion for States and localities to train and hire 100,000 new police officers over 6 years. Now, we will all remember the criticism of last year's program, the COPS Program. Republicans in Congress got Charlton Heston to go and say there will never be more than 20,000 cops, and "Moses" Heston could not have been more wrong.

As indicated, we already have 33,000 new local cops—not Federal cops, local cops—only after 1 year. Because of the way we set it up with the match requirement in spreading out the cost over a period of a year, the money will continue to work and keep working for cops on the beat well into the future. This is not just 1 year the cops have been at it. The progress will come to a screeching halt if my Republican colleagues have their way.

The continuing resolution includes new enforcement block grants. They call it new enforcement block grants, which has loopholes so big that it would prevent all the money to be spent without hiring a single police officer—not one. Read the proposal. Money is sent not to the police, as it is now, but to the mayors. The money may be used not only for the cops but also for other types of law enforcement officers or anything that "improves public safety." Moreover, the money can be used for other vaguely defined purposes such as "equipment technology and other material."

Now, look, I am not trying to pick on local officials. They know what they need. They do not have to ask for a single cop. They do not have to ask for any of this. Let me point out, we are emasculating local budgets. As the Federal share of local budgets go, we are throwing many of our cities and States into chaos by our unwillingness to come up with some rational plan. Now, you are sitting there as a mayor; you already lost a significant portion of what used to be Federal funding for other programs, and now you have to make some tough choices. You have to make these really tough choices because you have less money and no growing tax base. Do you think you will put all the money into cops like we required to be done? What do you think? I wonder what the citizens back home who might listen to this think will happen? I wonder whether or not the mayor and the county executive and others, Democrat and Republican, would conclude it is better for us to spend this money on improvements of public safety because we need new traffic lights, we need new parking meters, we need new lights in the local playground, all of which are legitimate. They do not put a single cop on the street.

Let me repeat, under the Republican proposal, the dollars can be diverted to prosecutors, courts, public safety, and public safety officials. In addition, the block grants require any money spent for drug courts, crime prevention, law enforcement, educational expenses, security measures, or rural crime task forces be taken out of the money to hire new cops.

I see my friend from Utah just walking on the floor. He and I worked awful hard to make sure the rural crime task forces were funded and rural crime money—as I know my friend from Minnesota knows better than most of us here, rural crime is growing faster than urban crime, with less resources and training and capability to deal with it. That is why it is growing. That is where the drug cartels are moving. That is why the drug operations are moving to those areas. What do we do here? Right now, in the crime law that exists, there is money separately for rural law enforcement, separately for the drug courts, separately for all these things. This is the pea in the shell game of all the block grant stuff that relates to the money part of it. We are going to give you a block grant, give you more flexibility, and that is the good news if you are a local official. Even they like the good news. Here comes the bad news: Add it all up and it is less money overall. Less money is going home. A lot less money is going home. So they may think they can hire prosecutors and put in street lights with assets of hiring cops. But they have to do everything else they were going to do with less money.

Mr. President, look at the language of the bill. Not one new cop is required. All it says is—I am quoting—"Recipients are encouraged to use these funds

to hire additional law enforcement officers." Encouraged to use these funds. That is a very strong directive, is it not? Encouraged. That is encourage, not require.

Mr. President, American communities do not need our encouragement. They need our help. They need more cops. We should not encourage the States to keep the commitment this Congress made to the American people. We should keep our word. We should keep our word. Let me also point out that this block grant will also force American law enforcement to wait for these dollars. It will take the better part of a year to draft regulations, preparing application forms to get these dollars out the door.

When we passed the crime bill last year, I did something that the Attorney General thought was a little strange. Two days after, I asked for a meeting with her in my office, and I said, "General, I really appreciate all your support on this bill." She was supportive and for it. I said, "Now, General, we have to make sure of one thing—that you are able to reduce this application to one page." They looked at me like I was nuts. My two colleagues here who know a lot about this know that the cops at home only have to fill out a one-page application. They do not have to go to the mayor, or to some grantsman, they do not have to go through the Governor, they do not have to go through the State legislature, they do not have to fill out forms in triplicate. One page. One. The cop sends it in. Guess who gets the answer? The cop. The cop.

When I told the cops back home this was going to happen, they looked at me and said, "Joe, I love you, you are always with us. But come on, we did not think you would get this passed, but do not overpromise now." Go back and ask your local law enforcement people how complicated this is. All my Republican friends are real interested in making sure we do away with redtape and regulations. Well, this is a prescription for redtape and regulation. This is a prescription for it. If you want to delay it all, pass this.

The implementation of the 1994 crime law stands in stark contrast to the typical scenario where you will have to go through drafting regulations, preparing additional forms, getting the dollars out the door, getting them to the mayor's office before they get to the cop's office. It is a stark contrast. Instead of requiring the burdensome application often filled with entire binders, one-page applications were developed. Instead of waiting until the end of the year to disburse the funds, the money was awarded in batches beginning only weeks after the passage of this law.

So let us not destroy the momentum. Let us not destroy our effort to add 100,000 additional cops to protect our sons and daughters. I make a recommendation with some timidity to my colleagues on both sides of the aisle. Go back home, find out every single cop that came to your State. You can get the names of the cops who were hired under the Biden crime law. You can get the names. And then just ask at the end of the year how many collars each of these cops made. Ask how many times the cop that was hired under that bill saved some young girl from being raped, arrested somebody who murdered somebody, broke up a drug ring working on the street. Look at the specific actions they took and then, after you do that, you come back and stand on the floor and you tell the people of your State and all of us here that it did not matter, that these additional cops did not matter. We down here talk in such broad strokes about things that sometimes we miss it. This is real simple stuff. If they hire John Doe or Jane Smith as a local cop in your town, your city, your county, just track them for a year. You tell me who would have arrested that person who burglarized your house or stopped it were it not for that cop.

In a word, Mr. President, the law is working. The crime law is already paid by the trust fund, is already being paid that way. Let me just add that the $30 billion crime law trust fund that uses the savings from cutting 272,000 Federal bureaucrats pays for every cop, every prison cell, every shelter for a battered woman and her child. That is provided for in the crime law without adding a single penny to the deficit or requiring one new penny in taxes.

The single-most important thing our communities need when it comes to fighting crime is more police. The current law guarantees that our money will be used for just that purpose. We should not abandon it, 1 year after enacting it, especially in light of the spectacular results that have already occurred. We must save the 100,000 COPS Program to ensure that the money for police is used only for police. We should not retreat now on this tough but smart crime package that is already hard at work preventing violent crime across the country. We should not retreat on the 100,000 COPS Program that we insisted on just a few months ago in this Chamber.

In conclusion, Mr. President—and then I will yield to my friend from Massachusetts—I want to make it clear. It seems to me an absolute travesty that we are out here trying to dismantle a law that nobody even attempted to make a case that it is not working. Not one single person has come to the floor of the U.S. Senate to make the case that this law is not working. I am anxious to hear and debate anyone who has that point of view. Yet, we are dismantling, and instead of dismantling it, we should be building on it. We should be dealing with an issue my friend from Minnesota knows about: violence among youth and the growing trend of violent youthful behavior. The growing trend is that crime is down in every category. The Senator from Utah and I are involved in a project through his leadership to deal with youth violence in this country. We should be spending our time on that. I should be spending less time having to constantly defend a bill that nobody has made the argument that it is not working.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I want to thank the Senator from Delaware, who, when he was chairman of the Judiciary Committee, shepherded the single-most comprehensive and important crime bill probably in this century, or ever, through the U.S. Senate. It was the first crime bill in history to comprehensively try to deal with the problem of crime in this country.

Generally speaking, previously, we came to the floor and we had a bill that sought to deal with guns, or we had a bill that sought to build prisons, or a bill that sought to deal with drugs, and occasionally something like the LEAA that sought to do something with the criminal justice system itself. But this was the first time, under the leadership of Senator BIDEN, that we stood back and said, "How do we deal systemically with the problem of crime?" To the credit of the U.S. Senate, we finally —after we got over the issue of guns— shed party lines and shed the partisanship, and came up with a comprehensive approach to try to deal with crime. We put slightly less than $10 billion into the building of prisons. We put up almost the same figure into prevention, and almost the same figure into police officers.

What I think is most significant about the approach that we adopted is that we recognized something that has been building in this country for perhaps 20 years and did something about it even as we recognized it. That is, specifically, we took note of the fact that for about 15 or 20 years we had been disarming our communities in this country. We had been losing numbers of police officers, losing the ratio of police officer to crime.

I think for any Member of the Senate who has spent time in the criminal justice system—there are a number of us here who have done that—or for anybody who spent a lot of time, like Senator MOYNIHAN or others, studying the relationship of values and other damaging trend lines in the disintegration of the fabric of our communities to law and order issues, I think most people have come to the conclusion that there is a relationship between people in the community and their perception of how the law is applied and how it is enforced to their sense of justice, their

sense of deterrence, their sense that there is a linkage between the law and behavior.

Most people in America have been able to come to the conclusion that when you are properly administering the judicial system, when you have adequate police officers, when you have an adequate level of deterrence, there really is a relationship to how people choose to behave. That is no different from what we try to do in our schools at the earliest stage. When the teacher is out of the classroom, kids tend to run amuck a little bit and take advantage of it. When the teacher comes back in, usually to a greater degree or lesser degree, order is restored and people begin to have a sense that there is an authority figure there, and they know how to behave. The same is true at home. Depending on whether a babysitter is a strong, hard-nosed babysitter, or lax, or present or not present, at the refrigerator or the television versus taking care of kids, kids will make decisions about how to behave. It is no different in the rest of the world in which we live. In a community, when people perceive that there are not any officers of the law, they write the law. They take their behavior and start to do things that there is no outside influence to suggest to them they should not do. It is so elementary that it almost defies the imagination that we are here debating about it.

The word "cop" stands for constable on patrol. It is not rocket science. We learned years ago in America when we were this great immigrant Nation welcoming people from everywhere that one of the great ways in which we sort of brought people together was through the establishment of a set of laws and a standard of behavior which people followed as a whole. One of the critical ingredients of that was the cop, the constable on patrol, the person walking down the street with a billy stick in a uniform of blue who stood for the standards of that community.

Mr. President, during the 1960's and 1970's, we walked away from that. We took police officers off the streets, literally, putting them both into headquarters and into an automobile. We eliminated precinct after precinct after precinct station in America. This was part of the great new policing and cost-saving consciousness of that particular time period. What we did was kind of modeled our policing habits after the general sort of living habits of Americans. We all went for the automobile, and America moved its sense of community from the community into this transient status which we are in, fairly well to do, where people live in apartment buildings and do not even know each other. We have neighbors in these apartment buildings who are utter strangers. We have a whole new level of what we call stranger crime in America; murders that are committed by people who never met their victims.

In fact, we have learned in the past few years in America—thanks finally to our having required the Justice Department to report the truth of who kills whom—we have learned that the great story about most people committing murder being people who knew each other is a myth. It is not true that most murders in America are committed in this passion between lovers or family disputes. We now know that in the last 10 years in America, out of 200,000 or so murders, 100,000 of our fellow citizens were blown away by somebody they never met, an utter stranger. And we now know that, of those people who were murdered, two-fifths of their murderers have never set a foot across the threshold of a police station—not for an inquiry, not for an arrest, and certainly not for a prosecution.

That is why there is an increase of fear in America; that is why there is an increase of anger in America; because the average citizen feels this loss of freedom in this country. There is a dramatic loss of freedom in the United States of America—still the freest country on the face of the planet, but not the same free country that it used to be where we felt that we could go anywhere, travel anywhere, go to a restaurant, not have fear of our car being stolen, not having to pay extra money for insurance, not having to pay extra money for trauma in our hospitals, not having to pay for the price of this incredible wave of violence that has consumed our Nation.

What has happened at the same time as we have had this wave of violence? We have diminished the number of police officers. In community after community after community. We have less police officers on the streets of our country today than we did 15 and 20 years ago.

So here you have these two lines. One line is the increase in crime. It is going up. The other line is the presence of police officers, and it is going down.

What is the message? The message is very clear. If you are a criminal and you know that the police cannot even respond to the current 911's, if you know that if there is a burglary or an armed robbery, that their ability to track it down is limited because they are already having difficulty filling out their own overtime because they are already having difficulty going to court for the number of court appearances that they have to meet for the crimes already investigated, and they are having difficulty doing their patrols on the level that they ought to be doing them because, lo and behold, there are not enough officers to cover those patrols. What are you going to wind up sending as a message? The message has been crime pays. That is the message we have sent America—crime does pay.

All you have to do is talk to any hardened professional criminal out there, and most of them will tell you that you just learn in the undercurrent and the subculture of crime in this country that that is their perception. It is their perception because we have never had a serious war on drugs in America. Why? Because we only treat 20 percent of the addicts in this country. So what is the message? The message to 80 percent of the drug addicts of America is it does not make any difference if you are lying in somebody's doorway drugged out; it does not make any difference if you have committed your 50th household break-in to support your habit because there is nobody there to get you off your habit, and nobody to catch you for the crime you are committing.

Go to most cities and dial 911, and see what happens. We have had tales that baffle the imagination here in Washington where three blocks away from this Capitol people have dialed 911, and it took 20 minutes to half an hour for a cop to show up.

My wife was involved in an attempted robbery in the city of Washington a few months ago, stuck up by a man with a handgun, and a guy who happened to be driving by in his car called 911, reported it, and nobody showed up. And it was only thanks to that lucky citizen's presence that he took the license plate of the car that got away, and they caught the person who did it.

In Boston a few months ago, we had a guy who started to run amok out in the street at night. The cop came up to him, the guy pulled a gun and shot the cop and started running down the street. He went around a corner, but there happened to be an off-duty cop working a detail who heard it on his radio; he heard the call of what was happening, started looking around, saw the guy, ran after him, and the guy went around the corner and blew his own brains out before the cop got to him.

Another example in the 99 Restaurant in Charlestown just a few months ago. Guys walked in the restaurant with guns in the middle of the day, in the middle of lunchtime and started firing away at five people sitting in a booth. I think there were four people killed. It might have been five. I cannot remember—four anyway. Two guys come running out with their guns. They are taking off in the light of day, having committed murder, but two cops happened to be in the place eating, off duty again—off duty—and two other guys were out there, again off duty, on a detail. The four of them managed to make the arrest red-handed, right there in the parking lot.

What happened? Cops off duty, cops not part of the regular duty happened to be there. What is the message out of that? What is the message out of the cop who happens to be there when somebody runs amok in the street? The

message is cops in the streets make a difference. You do not have to go to school to learn that a police officer walking down the street is an invitation not to commit a crime. Most people do not go out and rob a bank when the cop is standing on the corner. Most people do not run up to an old lady and pull her purse away when there is a cop in the lot.

That happened in Brockton, MA, just last week. A 73-year-old woman was murdered at random, in an act of senseless violence, when a young guy from a neighboring city, who was just caught a couple of days ago, came to that parking lot, grabs her purse and beats her senselessly, and she is dead. I tell you, if he had seen a cop in that lot, that would not have happened.

Now, obviously, we cannot cover every corner, we cannot cover every parking lot, but you know what we can do? We can guarantee that this priority of putting cops on our streets that we committed to only a year ago is not now taken away. For what? For what reason? Nobody has spoken here and said this is not working. The arguments that were made a year ago were that you are not even going to put 5,000 cops out there. This is a joke.

Well, we have put 33,000 cops on the streets of America in the last year and a half. We have added 265 cops alone to the city of Boston. The Federal Government is now paying for a 25-percent add-on of cops to the city of Chelsea, next to Boston, and we are taking back communities. I was over there the other day listening to the police chief and to the community activists tell me what has happened to the drug dealers and the crack houses since we put those cops on those streets. They are gone. They are painting the houses today. People come out in the community. They care about the community. They come back into it, and they suddenly have new life, Mr. President. Why would we want to not continue that commitment?

Now, I know some people will come to the floor and say: "Well, Senator, what we want to do is give the local community the power to choose and give these people the opportunity to have a big block grant, and they can pick and choose what they want to do." But that is totally contrary to the decision that we made based on the evidence a year ago. There are communities in America that need these cops.

When you make the cops competitive with a cruiser or floodlights for a jail or a drug court or another program, you are diminishing the number of cops that will be put on the street. That is the result. There is a fixed pot of money, and this block grant takes the fixed pot of money and makes cops competitive with everything else that is in the block grant. The end result is there will be fewer police officers on the streets of America.

Why would we want to do that when the Conference of Mayors says, do not do that; we want the cops. Why do it when the police chiefs across the country say, do not do that; we want police officers. Why do it when the police officers' unions and patrolmen themselves say, we need more cops to help us do our job. The mayors are against it, the police chiefs are against it, the district attorneys and attorneys general are against it, and we are going to go ahead and do it.

Now, why would we do it when it flies in the face of truly giving people local control? When small communities give it to the Governors, that is not local control. That is State control. When you give it to the Governors in the format of which it has been given, it is actually more expensive administratively. We are currently administering this program for less than a 1-percent administrative cost. You put it in a block grant with all of this competition at the State level and you drive your administrative costs up to at least 3 percent and maybe more.

Moreover, you enter politics into the situation. What is going to happen when you have a Republican Governor and a Democratic district attorney who may be thinking about running against the Governor and he is going to submit a plan to the Governor for this money? Do you think he is going to be the first to get it?

We took the politics out of this program. A cop, as the Senator from Delaware said, can directly send a single sheet of paper to the Justice Department and he can get an answer within days, and they have been doing that.

I do not know how you get more direct local control than that; a local police department goes to where the money is, says we need help and gets the money. Instead, we are going to go three tiers. We are going to go to the Federal Government, to the State Government, State Government through the process down to the local government. It just is not part of the revolution of restoring local community control. It flies directly in the face of that, and it is contrary to it.

I do not think this is politics. I think this is really common sense. This is how we are going to restore our communities. I think that 100,000 cops, as I said a year and a half ago, is a downpayment on what we need to do in America today. I think we ought to add 100,000 more cops to the 100,000 we have, and I absolutely guarantee you that if we do that, we will diminish the number of Americans in jail; we will restore whole communities; we will reduce the costs to our hospitals and all the trauma people suffer as a result of violent crime, and we will honestly send a message in this country about law and order.

I can take you to community after community. Lowell, MA. Let me read to you what happened in Lowell in the last year and a half. We were lucky in Lowell—not lucky. People made some good judgments. They hired a terrific police chief named Ed Davis. He came in 18 months ago, and he came in particularly committed to community policing. I went to a street in Lowell called Bridge Street with the chief where prostitutes and druggies were taking over the street and senior citizens literally did not dare to come out of their homes because they feared what was happening in the street.

I walked into the corner pizza store and the guy there who owns it told me, "Senator, you know, people don't come in here anymore. I am going to go out of business unless we do something about this." So the police chief put several police officers in a building right on that street, a new precinct, new storefront. And literally the street has been revived. The drug dealers left. The pimps and prostitutes are gone. Seniors come out of their homes. People take part in the community again and the store owner is thriving. That has been replicated in other parts of the community.

Let me just share with you what the Justice Department has reported about Lowell. In Lowell, MA, for the first time in 25 years, 365 days passed without anyone being murdered.

In a city plagued by heroin use and street gangs, many say the city changed over the last 18 months as a result of an intensive community-based policing effort now supported by a Federal COPS grant. The city's effort has provided 65 new officers, 6 neighborhood substations with bicycle patrols, a gang unit, and a mobile precinct for public events. Mr. President, that is the story. Over 60 new officers, 6 substations.

Bill Bratton used to be the police chief in Boston. I began working on community policing with him in Boston a number of years ago. As we know, he is now the police commissioner in New York City, and he graced the cover of Time magazine a couple of weeks ago because the crime rate in New York has gone down 20-some percent and it has done it, most agree, because of the presence of police officers and the commitment to community policing.

Mr. President, 15 years ago in America we had 3.5 police officers per violent crime. Today we have 4.6 violent crimes per police officer.

So I hope my colleagues will again reach across the partisan divide and agree that common sense and the experience we are seeing in our streets today dictate that we should not take this pot of money and divert it from cops.

Am I saying that the other priorities that they have included in the block grant are not important? The answer is no. They are important. I would like to

see those funded too. That would truly be part of a comprehensive effort to deal with crime. But the first priority, beyond any of those other things, is to guarantee that our children can play in parks without fear of harm; that our seniors can come out of their homes and walk a street to go to the post office or the bank or the corner store; and that all of us in our communities can believe that the fundamentals of public safety are being attended to by putting police officers on the street.

I will tell you, even with all the computers in the world, all the other things people are looking for, until community after community of this country is sufficiently staffed by police officers on patrol, we will not regain our liberty and we will not restore the order that is so cared about by so many of our citizens. I think that is the first order of priority and that is why I hope this amendment will be adopted.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Utah.

Mr. WELLSTONE. Mr. President, I ask the Senator to yield for a second?

Mr. HATCH. I will be happy to.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to follow the Senator from Utah.

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

PRIVILEGE OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Elizabeth Kessler, Michael O'Neill, Steven Schlesinger, John Gibbons, and James O'Gara, all detailees from my staff, be granted the privilege of the floor for the remainder of this Congress.

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

Mr. HATCH. Mr. President, I have been listening to this debate, and it is an interesting one. But I rise in support of the compromise language addressing both the local law enforcement block grants and the COPS provision contained in this bill.

This bill strikes a good balance between the Local Law Enforcement Block Grants Act of 1995 and the COPS Program. This combination will better support the local communities' law enforcement needs, and it provides funds, guaranteed funds that will be used to hire new police officers. That is the way the bill is written.

This proposal—that is the bill, not the amendment before our body—this bill improves the notion of the current COPS Program. To begin, this program moves us away from the Washington-knows-best philosophy. The proposal returns responsibility and capability to local law enforcement officials: The police chief, the sheriffs, the district attorneys. Further, this compromise program allows just under 50 percent, 47 percent of the funds to be distributed directly to the communities to meet their individual community policing needs and law enforcement needs. This program empowers communities to decide how to best spend these resources.

For example, if a community wants to use block grant funds to hire more police to supplement community oriented policing, they may do so. They can use whatever funds come to them.

However, if the resources can be used more efficiently by the community, more effectively, by purchasing equipment and doing other matters that are critical to their law enforcement needs, they may do that. I think any reasonable person would say that makes sense. Why thrust upon them a Washington-knows-best philosophy, which is what my colleagues on the other side want to do, and not give the local communities the right to do this?

I will tell you why they want to thrust it upon them. Because when we passed the crime bill back in 1994, there was a moral commitment by this administration to put 100,000 police, or cops, on the street. There was $8.8 billion, as I recall, dedicated to that effort in that bill. What this administration did not tell the American people is that $8.8 billion would not put 100,000 cops on the street. They have been claiming credit for that ever since 1994, knowing the funds are not there.

There was a formula, pursuant to which they would pay 75 percent, then 50 percent, then 25 percent, then 0 percent—ultimately where the communities had to assume all of the costs of those additional police.

I said that they were dissembling, that they were claiming to put 100,000 cops on the street when the moneys were not there to do it. Now it just shows I was 100 percent right.

Now they are talking about, "Oh, we just meant seed money." Give me a break. I said back then that it is untruthful for anybody to claim that bill was going to put 100,000 cops on the street with only $8.8 billion attributed to that particular approach. And that is true today.

Yet, in every crime speech since that time the President has gotten up and said we are going to put 100,000 cops on the street.

Now they have about 24,000. I think Senator KERRY indicated they had maybe 33,000. That is a far cry from 100,000, assuming that their figures are right. And they have hit the brick wall where they do not have the moneys to fully fund 100,000 cops. Now they want to call it seed money.

Naturally, some of these communities who want to hire policemen here or there are going to have their hands out to grab whatever money they can. But New York, by the way, which has been used here as an illustration of how crime has come down—I would just like to note that New York City did not receive one cop under the President's COPS Program, not to my knowledge. If they have, I sure do not know about it.

Nor did Washington, DC. Everybody knows that I have raised a couple of points about Washington, DC. It is drug capital USA. It is murder capital USA. You cannot walk down the streets and be safe, kids are shot in schools, you are shot in drive-by shootings. Of course that is true in a number of our communities throughout this country. But Washington did not ask for any hiring money. I will tell you why, they did not have the money needed to make the match requirement.

They can come back on the other side and say let us give them the money. That is what they said they did back in 1994. The fact was the moneys were not there, except for about 20,000 cops. And the 33,000 that they claim they have are only partially funded under the COPS Program. They are not fully funded. So neither New York City nor Washington, DC, to my knowledge, have participated in this COPS hiring program. They could not afford to put these people on with this seed money that it has suddenly become, rather than the full money that was being promised to them.

I said back then it would cost $8 billion a year for each succeeding year to have 100,000 cops on the street, under that formula that was in that bill. And that is true today. The fact is, it has been dissembling to indicate to the American people that they are putting 100,000 cops on the street. Now they are here, trying to, I think, ruin a block grant approach that really would be effective for our local communities, under the guise that they are going to put 100,000 cops on the street. Now it is seed money.

I have nothing against putting more police officers out there. I simply believe that the cities should be able to decide for themselves whether they want to have cops or whether they want to upgrade technology for crimefighting purposes.

For instance, the District of Columbia, which I have been fighting for in trying to make it safe again, does not even have computers that work. They have dial phones, rotary dial phones. In some areas, they do not have police cars, they do not even have the weapons sometimes, in the greatest city in the world. We all ought to be ashamed of that.

Let me just say, if the community wants to hire these police with the block grants, give them the right to do so. We can supplement community-oriented policing awards. However, if they find the resources can be more effectively used, they have the flexibility to do it, which seems to me to be quite important.

Why do we need flexibility? Take the metropolitan police department in Washington, DC. They have more police officers per capita than any other

city in this country—more than any other city. The last thing that the metropolitan police department wants is more police. What they need, in this case, happens to be cars, equipment, bullets, if you will, and they cannot afford them, because we are not block granting the funds to them to be able to do that.

The metropolitan police department in Washington, DC, is cannibalizing police cruisers to keep going, and we are talking about playing this phony game of 100,000 cops on the street, which I have called a phony game since 1994. I am the first to say, in some areas, yes, we need more police on the street, but, by gosh, they can do it if they want to. If that is what their needs are, the block grant will enable them to do that. If they do not need that, then they can do these other things like cars, equipment, bullets, if you will.

Officers in this town are buying their own bullets. They do not like doing that, but to protect themselves they are doing that. Now that is pathetic. It is time to bring flexibility to our law enforcement assistance programs, and that is what this bill does.

When we get the flexibility into the bill, what do we face? People coming to the floor and making arguments for 100,000 cops, who promised us that the moneys were there before, or at least implied that the moneys were there, when I said they were not and they have not been and they will not be, because it is just too much money.

I personally resented every speech by some of our national leaders who get up and say, "We are going to put 100,000 cops on the street," knowing that the moneys have not been there, knowing that that formula has not worked and knowing that it is a misrepresentation. I think it is time for Washington to help first and then get the heck out of the way. That is what is wrong around here. We are dictating where these funds should go rather than helping and getting out of the way and letting those law enforcement people who really know what is best for their communities do what needs to be done.

This proposal does that, it gives them that flexibility. This block grant proposal helps poorer communities by allowing the hiring of police with less of a financial strain on the community. This is accomplished by containing a lower matching requirement than the COPS Program.

During the last floor debate on the Commerce, Justice, State and Judiciary appropriations, my friend and colleague, Senator BIDEN, stated that nothing in the bill requires that even $1 be used to hire a single new police officer. This compromise satisfies his concern, even though we set aside a considerable amount of money to hire police officers but we block grant the rest in a way that makes sense. This compromise satisfies his concern by funding the COPS Program at the level the President endorsed in the continuing resolution.

For those of you who are concerned about the 100,000 additional police on the street, this plan—that is, the one in the bill, not the one that has been offered by my colleague—this plan places your concerns at rest. Although the President's plan does not fully fund 100,000 cops, assuming that the law enforcement block grant earmark for the COPS Program remains at the current 51 percent, more than $3.8 billion will be available for cops awards over the life of the program, assuming money is there under the block grant approach.

Using the President's math, the fiscal year 1996 average grant award amount is $45,856. The available funds will provide seed money for more police under the COPS earmark. In other words, according to the President's math, it only costs about $45,856 to put a police officer on the street. We know it cost more than that.

To also make it clear, this bill provides especially a paragraph on prohibitive uses. It says:

> Notwithstanding any other provision of this act, a unit of local government may not expend any of the funds provided under this title to purchase, lease, rent or otherwise acquire (1) armored tanks (2) fixed-wing aircraft (3) limousines (4) real estate (5) yachts (6) consultants or (7) vehicles not primarily used for law enforcement, unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

There are protections in this bill. It costs about $75,000—I have been corrected—to fund a police officer on the street, about $75,000 to fully fund one. This so-called seed money will not fully fund 100,000 police on the street. There is no way that it can. So we have gone from fully funding to seed money now under the guise that we are going to give the people 100,000 police on the street when, in fact, that just simply is not true.

Add this to what was awarded in the prior years, if you spend that $3.8 billion over the remaining program life, and with seed money, I suppose you could get to 100,000 cops with a tremendous drain on the local community. But they are going to hire these police anyway. Naturally, they are going to have their hands out if there is a free gift of money from the Federal Government, and that means people they hired anyway are going to get help while other communities who need money for cars, for equipment, for bullets, if you will, or police uniforms cannot get it and cannot do the policing job that they should do.

This is even before the flexible portion of the block grant money is expended. We have taken appropriate measures to address concerns about guaranteeing police on the street and also in poorer communities to best determine how best to fight local crime.

Why do we always have to go to the Washington knows best mentality? Why do we always have these arguments out here about, "By gosh, we're going to earmark and tell them what to do with these funds?" What is wrong with block granting the funds, as long as we have prohibited uses, which we have expressly written in this bill? What is wrong with block granting the money to them and letting those local communities make their determinations of what is best for them, rather than us telling them what they need?

Some communities do need more police. This block grant will help them. They will be able to make that flexible determination. Others do not, and they will not be forced to because of an inflexible approach that I think my colleagues on the other side are asking for.

One reason the local law enforcement block grant of 1995 is superior to a cops-exclusive program is flexibility. We provided for flexibility in this bill by allowing local communities to expend funds for all of the following law enforcement purposes:

First, for hiring, training, and employing additional law enforcement personnel. So they can do it if they want to. If that is what they need to do, they will have some funds out of this block grant to do it with.

Second, paying overtime to presently employed law enforcement officers.

Third, procuring equipment and technology directly related to basic law enforcement functions.

Fourth, enhancing security measures in and around schools.

Fifth, law enforcement crime prevention programs.

Sixth, establishing or supporting drug courts.

Seventh, enhancing the adjudication process.

And, eighth, establishing multijurisdictional task forces, particularly in rural areas.

Local law enforcement officials can decide how best to decide to spend the money under the program. More police does not always mean better policing. Oftentimes, necessary procurement is the best option for the community, by far the best law enforcement option in some communities.

This program moves us away from the Washington knows best philosophy. We do not let Washington dictate local crimefighting strategies. Washington simply does not know best. Washington does not know best how to solve local problems, especially a problem like crime. The COPS Program dictates to a community how much of their scarce funds they must allocate to combat crime.

The COPS More Program promises to supply overtime and supplies to the police departments. However, in practice,

only big cities with large police forces can be eligible. This is because COPS More grants require a showing of moving a cop to the street to receive these funds. Smaller communities who are already maximizing their street coverage have difficulty showing more officers can move to the street. Small town forces do not have the extra manpower to put another officer on the street, and rural communities need cars to travel through their districts.

The COPS Program determines the number of officers given to communities by the number already on the force. It disregards the crime program. Small crime-riddled communities should be able to receive help, not be penalized because they are small. The COPS Program does not take into account crime when giving out grants. The grants are given to any locality that can afford the matching fund whether the officer is needed or not.

The COPS Program does not base the number of officers awarded on crime but rather on the number currently on the force. Cities who applied for four officers because they had one of the highest crime rates in the Nation will be given 1 or 2 officers because the current force has 50 officers.

Look, we are not playing games here. We are trying to solve this problem. The block grant gives the local communities the flexibility to solve it in their best interests and their best ways without Washington telling them what to do. What is going on here is the department is paying 75 percent of the salary the first year, 50 percent the second year, 25 percent the third year, and then the local agency has to carry the full load.

Based upon a salary of $65,000 to $70,000 a year, for every $75,000 in Federal COPS grants awarded, the community will need to spend $225,000 over the 5-year life of the program to keep a cop on the street. That is one single cop.

I want to submit for the RECORD a statement by the city manager of Sunnyvale, CA, who turned down a COPS grant because they could not afford it. I ask unanimous consent that that statement be printed in the RECORD at this point.

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

STATEMENT OF THOMAS F. LEWCOCK, CITY MANAGER, CITY OF SUNNYVALE, CA

Mr. Chairman and Members of the Committee:

I am honored to have been requested to submit a written statement to the Judiciary Committee regarding the City of Sunnyvale, California's decision to not accept Crime Grant funds to add additional police officers to the Sunnyvale Department of Public Safety.

BACKGROUND

My name is Thomas F. Lewcock. I am the City Manager of the City of Sunnyvale, California. I have served in that capacity for fifteen-and-a-half years. I have served in executive capacities in city government for 26 years, having received a bachelor's degree in political science from the University of Minnesota, and a master's degree in public administration from that same institution. The City of Sunnyvale operates under the Council/Manager form of government, with the City manager appointed on professional merits for an indeterminant time by the City Council, serving fully at its pleasure. The City Manager is the Chief Executive Officer.

The City of Sunnyvale is a residential/industrial community located in the geographic heart of the Silicon Valley. It has a resident population of approximately 125,000, with a private-sector job base of approximately 120,000. It is a demographically diverse community with a minority population of approximately 35%. While the income and educational levels of its citizens are above average, the City has the full spectrum of income and education levels. While law enforcement issues do not have the same complexity as those of an urban core, Sunnyvale remains a relatively densely developed community in the California context with a full range of law enforcement complexities. Approximately 50% of the resident population lives in multi-family dwellings. Given the sophistication of the City's industrial base, highly complex law enforcement issues are presented. This brief overview of the community is provided to members of the Committee in order to provide a framework for the community's law enforcement needs. In many respects, the law enforcement requirements of this community are significantly closer to that of an urban core community than the typical American suburban community.

The City of Sunnyvale over the last several years has gained a national and international reputation for its unique approach to long-range strategic and financial planning, to results-oriented budgeting, and to its well-recognized approach of operating the City more as a business than a government. In the Osborne and Gabler book, "Reinventing Government," the City of Sunnyvale was noted as the government "performance leader."

The relevance of the City of Sunnyvale's approach to policy setting and the provision of public services is briefly reviewed in order to gain a context as to why a decision was unanimously made by the Sunnyvale City Council to not accept Crime Grant funds.

For the past fifteen years, the City has structured its approach to policy setting and financial management with two key themes. The first is that of long-range strategic planning coupled with a sophisticated ten-year financial plan. That financial plan estimates all projected operating, capital, debt expenses, as well as future revenues. This highly sophisticated approach to long-range financial planning is used in a number of ways which are beyond the purpose of this statement to describe in detail. Key to this statement, however, is its use in recognizing that the short-term financial position of any government and for that matter any business is not predicated on a year-to-year analysis, but can only be fully understood in the context of multi-year projections. Though those projections will of course suffer from the natural uncertainty of government finance and all the related factors that affect government income and expense, it can and does provide a clear understanding of significant expense and revenue trends that should be taken into account in making any decision which has long-term consequences. A series of detailed financial policies have been adopted by the Sunnyvale City Council in respect to utilization of long-range financial planning. One of the most important of those policies is to require that in submittal of annual budgetary plans, that the budget must be balanced not only in the context of one year but also in the context of the position of the City over the entire ten-year time frame. Even though an expenditure may be affordable in a one-year context, if it cannot be supportable over the long term then it is not undertaken. This approach recognizes that although on a one, two or three-year basis an expenditure may be affordable, if over the long term it pushes governmental spending in deficit, then it is much better to deal with that issue initially than to compound the financial problem created of effectively spending for many years beyond means and then eventually reaching the point where far more significant budget and service reductions are necessary.

A second critical component of the approach of the City of Sunnyvale is to clearly specify in measurable terms each and every service which the City is to provide and to allocate funding to those specified service levels. The Patrol Services Division of the Department of Public Safety follows this approach as do all other City departments and services. This approach is not focused on line item detail as to numbers of people, vehicles required, and the like, but rather on the specific level and quality of services to be provided. It is here that the policy focus of the City Council is centered. For example, in the Patrol Services Division, service levels are defined in terms of emergency response times, crime rates, crime clearance rates, citizen satisfaction, and the like. Each year, the Council determines whether or not that defined level of service is adequate and if not, appropriate resource changes are made. Further, if change in demands occur in such a way that additional resources are required in order to meet those service standards, then the Council either appropriates the additional funds for that purpose or if insufficient funds are available makes a determination as to what level of service is affordable.

It would be incorrect to assume that because the Sunnyvale City Council declined Crime Bill funds that either Public Safety services are not a priority nor that the City is in the financial position to ignore a sizable sum of outside funds. Over the past five years, the real dollar value of tax income to the City of Sunnyvale has declined by 15%. This has occurred as a result of the California economy and severely restricted revenues for all levels of California government. The City has had to make difficult decisions over this time frame to find ways to continue to the maximum extent the level of services it provides. Most certainly, the action taken by the City Council is not a reflection on the lack of priority for Public Safety services. Public Safety services, both police and fire, are clearly the two highest priority services in the City of Sunnyvale. In fact, these services receive 58% of the overall tax-supported budget in this community.

THE CRIME BILL

When the Crime Bill was passed, the City began the process of reviewing this new grant program in accordance with the general policy and budget framework outlined above as well as against a specific intergovernmental grant assistance policy which was adopted by the Sunnyvale City Council many years ago. Attachment I excerpts the most relevant aspects of that policy. As can be seen in the attachment, that policy in general discourages the utilization of State or

Federal grants to support ongoing City programs. The underlying reason for that strategy is that when City services are increased as a result of a grant that may later be reduced or eliminated by the State or Federal governments, then it is in essence establishing a new or expanded service which the community will become accustomed to. If then later the funding either declines or is eliminated, very difficult decisions have to be made in a constrained resource environment of either eliminating that program or some other. Therefore, this policy attempts to assure a continuity of priority setting around the most important services this City should be providing consistent with its financial constraints. This policy places that strategy into action by either requiring that the program be shown in the City's Ten-Year Financial Plan only for the period of time that the entitlement has been granted or requiring the City's own tax resources to be dedicated in advance of accepting the grant if it is believed that the program should continue.

For a program such as the Crime Bill which would add police officers, it is clear that if there is a need to increase the law enforcement presence that need will not dissipate simply because Federal funding is no longer available. Therefore, this is not the kind of service expansion for which the City would knowingly accept grant money and then reduce the service by eliminating these added police officers at the time the grant money was no longer present. Rather, this kind of grant would be accepted only if a decision was made that the costs were supportable over the long term and actually scheduled in the City's Ten-Year Financial Plan.

In order to estimate the City's ability to support the ongoing cost of officers, an analysis was conducted as to what the true cost to the City of Sunnyvale would be. Under terms of the Crime Bill, the City would have been eligible for a maximum of six police officers with a maximum grant amount of $450,000.

In order to estimate the cost over the City's ten-year financial planning horizon, the wages and benefit costs of a Sunnyvale Public Safety Officer was first determined. As of 1995, that annual cost is $95,538. Although officers would not initially be hired at the top of their salary level as is reflected in this cost, the City always utilizes the practice of estimating top-step salaries in compensation since over the long term that will ultimately be the actual cost of new employees. In addition, there are ancillary costs placing a police officer on the street and properly equipping them, which adds an additional $3,227 annually, for a total cost per officer of $98,765 annually.

Attachment II reflects the present estimated financial plan for tax-supported services in the City. In order to project the full financial effect of six new officers, Attachment III was developed. Under Revenues, a new line item was added reflecting the $450,000 in new income. Under Expenditures, the new cost to the City was projected over ten years. Please note that the projected expense does go up annually consistent with the City's Inflation and cost-of-living projections. While we do not pretend to have a crystal ball as to how inflation will perform, we consider this an important aspect of multi-year financial planning as it recognizes the reality that costs do increase over time even when inflation is low. As can be seen in Attachment III, the total projected expenditure over the City's ten-year financial planning horizon is $6.8 million. Also of note is the interest line under Revenues which was appropriately adjusted to reflect the fact that this new expenditure would reduce City reserves and therefore interest income. As a result, the total net cost to the City is $8.853 million over ten years, which reflects that this grant would support only 5% of the total cost. While it is certainly the case that the cost of law enforcement officers in the State of California is considerably above national averages due to the very high cost of living in California, even with lower expenditure numbers, over a protracted time frame a grant such as this would reflect but a small percent of the overall cost. As also reflected in Attachment III, necessary prescribed reserve levels in accordance with City fiscal policies would not be able to be maintained by the tenth year falling some $2.75 million into deficit.

The question of whether or not to accept Crime Grant funds, however, was more than the financial analysis alone. As was stated earlier, local government in California has been hard pressed for a number of years with continual reduction in revenue availability while at the same time being faced with expensive new Federal and State mandates. As a result, two additional questions had to be addressed. The first question was whether given all City priorities the addition of six police officers was the most important. The second question was that if it was determined that a greater law enforcement presence was needed and was the top priority in the community, whether the specific restrictions and strings that came along with this grant would restrict the ability to use the funds in such a way as to meet the City's most pressing law enforcement requirements. As outlined earlier, Sunnyvale is a results-oriented organization, specifying in clear and measurable terms what it will accomplish in quality and level of service in everything the City does. The City's recognition as the "performance leader" has come as a result of articulating in clear terms what we are to accomplish, but not prescribing the way in which it is to be accomplished. For example, one can assume that one of the most important purposes of the Crime Bill is to reduce the incidence and fear of crime. Due to the prescriptive requirements of the bill, the bill presumes that if police officers are dedicated to this task consistent with the requirements of the bill, then this objective will be best met. We have found in literally all service areas that prescriptive requirements as to how to meet an objective creates substantial limitations in the creative use of resources to assure that service objectives are met in the highest quality and lowest cost fashion. In lay terms, what this basically means in the case of the Crime Bill was that the City would have to accept the fact that the Federal government knew better than we do how to utilize resources in order to accomplish a comparable goal. Rarely have we found that to be the case.

In the case of the Crime Bill, it was not even necessary to get to the point of judging whether or not this resource increase paid 95% by the City was the highest priority area of expanded City services. Rather, when it became clear that the Federal government would dictate how these officers would be used by providing only 5% of the funds, a unanimous decision was made by the City Council that the incentive did not come close to justifying a change in City priorities. Further, and perhaps even more important, it was believed that if the choice was paying the additional 5% of the cost and thereby allowing these resources to be marshalled in a way judged to result in the best return in investment, then the City would be better off paying 100% of the cost.

CONCLUSION

Most cities do not use the performance-based policy setting and budget approach nor multi-year financial planning approach that has been long utilized in the City of Sunnyvale. The reality is, however, that the issues and consequences are exactly the same for other cities as well. Perhaps the only difference in many other cities is that these consequences are not recognized in advance and will have to be dealt with when funding is depleted. It also underscores the importance that local government and now the Federal government has placed on mandate relief. In a constrained resources environment, each time a new direction is provided by the Federal government by rule, regulation, or law, the Federal government is essentially establishing priorities for local government. Two years ago, a detailed study was undertaken which reflected that fully 23% of the City's operating budget on an annual basis was directed toward the meeting of Federal and State mandates. If all involved in government leadership positions at the local, State, and Federal level concur that law enforcement is by far the highest municipal priority and if in turn that is the major reason for the assistance the Federal government is offering, then it is clear that this high priority has been continually subverted by both the Federal and State government, requiring that scarce resources be directed to other purposes. Not all will agree that City government is capable of establishing the most important priority uses of local government funds. Most local government officials, including this one, would argue, however, that law enforcement is amongst the very highest priorities for local government and to the degree it is not funded to the level it should, the problem will not be solved through carrot and stick techniques that in reality do not significantly enhance the financial ability of a City to continue those services over a protracted time frame.

Mr. HATCH. Mr. President, look, all of us want more police on the streets. All of us will support that. On the other hand, we have provided about half of this money to go for the COPS Program, about half the money this administration represented were sufficient to put 100,000 cops on the street, or at least they have been misrepresenting over the last number of years—in the last year and a half, in my opinion.

What we also have is about 50 percent of these funds going in a block grant to the communities so they can make their own determination as to what is best for their communities, how best to do it. We provided prohibitions in here so the community cannot just have exotic police approaches, that they have to use funds for the very best law enforcement needs, in the best interests of the community. To me, that makes sense.

We help the COPS Program even more than was represented we would do. We help the communities to have a flexibility to be able to do what is best for their communities. If they do not need police personnel, they can then

use the money for other law enforcement needs that are very important for the community. In the process, everybody wins.

I think what we have to do one of these days, though, is face the music around here in the District of Columbia. I believe we have in some respects some very decent people in that police force, but they are not funded properly. They are not treated properly. We have crime in the streets here in the greatest city in the world. We are not doing what we should do about it. Frankly, this type of an approach just takes away from getting the job done here as well as elsewhere throughout the country.

I think it is time for us to wake up and realize that block granting makes sense, that there have been some pretty sorry claims made with regard to the 100,000 cops-on-the-street program.

No one opposes hiring new cops. The question is whether we here in Washington should dictate to the local communities what they should or should not do. My colleagues on the other side apparently like that system. I do not. I do not think a majority of people in Congress like that system. The underlying bill represents a compromise. Funding the COPS Program and funding for greater flexibility is that compromise. It seems to me that makes sense.

I know that the majority leader is going to move to table this amendment. I hope that a majority of the Members of this body will support that motion to table because we want communities to have the flexibility to be able to do real law enforcement, not just what Washington thinks ought to be the approach for every community in this country. They will have the flexibility under this bill to be able to do policing, if they want to, or partial policing, or whatever they need for law enforcement that is in the best interest of their community.

I apologize to my colleague for taking so long. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Let me say to the Senator from Utah, first of all, that there is no reason for apology. It is very gracious of him. I do not always agree with some of the positions he takes, and I do not agree with him on this amendment, but I believe that if you want to use the words "class act," he is a class act. I have tremendous respect for him.

Mr. President, I am very proud to introduce this amendment with my colleagues, Senator BIDEN and Senator KERRY from Massachusetts.

Our constituents, citizens in our country, all of us, we plan our lives sometimes around crime—where we eat, how we treat our children, where we live, how we travel, where our kids go to school, how we answer the door, how we answer the phone. The crime and violence in our country and in our communities takes away freedom, the freedom of our loved ones, the freedom of our families, the freedom of our neighbors.

Mr. HATCH. Would the Senator yield for a unanimous-consent request?

Mr. WELLSTONE. I would be pleased to.

Mr. HATCH. We have a couple of amendments.

AMENDMENT NOS. 3480 AND 3481, AS MODIFIED

Mr. HATCH. Mr. President, I send two amendments to the desk. I think they are 3480 and 3481. They are modifications. I believe they have been cleared on both sides of the aisle.

Mr. WELLSTONE. Mr. President, I wonder whether I could find out as to what the amendments are.

Mr. HATCH. Modifications—have they been cleared? They are not cleared? Let me leave them at the desk and see if we can get them cleared.

Mr. WELLSTONE. Mr. President, I say to my colleague, there is no objection.

Mr. HATCH. Mr. President, I ask unanimous consent that the modifications be approved.

The PRESIDING OFFICER. Without objection, the two amendments, as modified, are considered and agreed to.

So, the amendments (Nos. 3480 and 3481), as modified, were agreed to as follows:

AMENDMENT NO. 3480

On page 751, section entitled "Agency for International Development, Assistance for Eastern Europe and the Baltics", insert at the appropriate place:

"Except for funds made available for demining activities, no funds may be provided under this heading in this Act until the President certifies to the Committees on Appropriations that:

"(1) The Federation of Bosnia and Herzegovina is in compliance with Article III, Annex 1A of the Dayton Agreement; and

"(2) Intelligence cooperation on training, investigations, or related activities between Iranian officials and Bosnian officials has been terminated."

AMENDMENT NO. 3481

On page 751, section entitled "Agency for International Development, Assistance for Eastern Europe and the Baltics", insert at the appropriate place, the following: "*Provided further*, That funds appropriated by this Act for economic reconstruction may only be made available for projects, activities, or programs within the sector assigned to American forces of the NATO Military Implementation Force (IFOR) and Sarajevo: "*Provided further*, That Priority consideration shall be given to projects and activities designed in the IFOR "Task Force Eagle civil military project list": "*Provided further*, That no funds made available under this Act,or any other Act, may be obligated for the purposes of rebuilding or repairing housing in areas where refugees or displaced persons are refused the right of return by Federation or local authorities due to ethnicity or political party affiliation: "*Provided further*, That no funds may be made available under this heading in this Act, or any other Act, to any banking or financial institution in Bosnia and Herzegovina unless such institutions agrees in advance, and in writing, to allow the United States General Accounting Office access for the purposes of audit of the use of U.S. assistance: "*Provided further*, That effective ninety days after the date of enactment of this Act, none of the funds appropriated under this heading may be made available for the purposes of economic reconstruction in Bosnia and Herzegovina unless the President determines and certifies in writing to the Committee on Appropriations that the aggregate bilateral contributions pledged by non-U.S. donors for economic reconstruction are at least equivalent to the U.S. bilateral contributions made under this Act and in the fiscal year 1995 and fiscal year 1996 Foreign Operations, Export Financing and Related Programs Appropriations bills."

Mr. HATCH. I thank my friend.

AMENDMENT NO. 3483

Mr. WELLSTONE. Mr. President, I do not really believe that there is any debate in my State of Minnesota about the need to have more law enforcement, more police, in our neighborhoods and in our communities. We must have more police out in the communities.

Mr. President, because of the violence, because it is so important that we reduce the violence in our homes, reduce the violence in our schools, reduce the violence in our neighborhoods and in our communities, it is critically important that, as legislators, we, as Senators, Democrats and Republicans alike, act powerfully, forcefully and immediately. That is what the crime bill of 1994 was all about.

There is a brave initiative to this piece of legislation. This piece of legislation gave us an opportunity, I think, especially through community policing, to reclaim our cities and to reclaim our neighborhoods, to reclaim our schools, and to really reclaim our future.

The community oriented policing service, COPS, was created by the Crime Act in 1994. So far, it has exceeded its hiring goals. Funds have already been authorized to add more than 31,000 police officers, over a quarter of the final goal. I think my colleague from Delaware, Senator BIDEN, had the figure higher than that—about 34,000, as I remember.

Mr. President, in my State of Minnesota we have already been able to hire 435 new cops that have been put out in the neighborhoods and in our communities. Minnesota has received over $24 million under this program. This year, if our amendment passes, there would be 100 more law enforcement women and men out in our communities, working with the citizens in our communities, helping to reduce violence in our communities.

Mr. President, Chief Leslie, the sheriff of Moorhead, tells me that the COPS' dollars have allowed him to institute a very effective community policing strategy and a citizens police

academy for residents. He says, "After 30 years in law enforcement and 17 years as police chief of Moorhead, the COPS Program is the best thing I have ever seen." "The best thing I have ever seen," says the chief of police of Moorhead.

St. Louis County Sheriff Gary Waller is equally enthusiastic about the program.

Mr. President, I have spent time talking with the law enforcement community in my State of Minnesota. What they say ought to be heard loud and clear by all of us in the U.S. Senate. Minneapolis Police Chief Robert Olson, talking about the community policing program, the COPS Program. They have 17 community police so far. They see 23 in jeopardy. They hope to have 40 altogether. In Police Chief Olson's words the COPS Program has been successful and has led to a "dramatic impact this year on the level of crime violence in the metro area." A city where we have seen entirely too much crime. They have seen fewer incidents since instituting the COPS Program of drive-by shootings and estimate that they have taken 50 percent more guns off the streets.

Mr. President, the police chief of Minneapolis, Chief Olson, said to me, "This is not the feel-good program, Senator. This is strict law enforcement. We have been able to shut down some of these crack houses. We have been able to target those neighborhoods most ravaged by this violence and crime and have police out in the communities, out in the streets, working with people, to reduce that violence."

Mr. President, we need to listen to these law enforcement officers. The community police program is a huge success in the State of Minnesota. I have talked to sheriffs and police chiefs in the metro area, in greater Minnesota, whether it is suburbs, in cities, or smaller communities. You get the same response: "Senator, this program is working. Don't kill the COPS Program." The League of Minnesota Cities said this yesterday, "Look, we need to make some commitments as a Nation. One of those commitments ought to be to community police. Do not talk about block grants where the money may or may not go to this. You all made a commitment. You have a contract with us. You have made a commitment to the community policing program to make sure there are 100,000 police out in our neighborhoods by the year 2000, to make sure in my State we dramatically expand law enforcement in the communities. Don't renege on that commitment."

I talked to Duluth Police Chief Scott Lyons. He said to me, "Senator, this is a new philosophy. What we have been able to do through this community police program is establish more rapport than we ever had with the communities in our city. Senator, what we have been able to do"—and I use the police chief's own words, "is empower citizens to be able themselves to take action—not vigilante action—working with the police force to reduce violence in their communities." The police chief went on to say, "Senator, we are no longer reactive. We are proactive. We are taking steps to prevent crime in the first place, in the city of Duluth, in some of the neighborhoods most ravaged by the crime." Why in the world would we want to weaken a program that the law enforcement community so strongly supports, as do the citizens in our States? It makes no sense.

I talked to Stearns County Sheriff Jim Kostreba and he said, "Senator, the COPS Program has enabled us to work with school officials, to work with kids. It has helped us to fight against teenage drinking, against drugs, against substance abuse, against teenage suicides." He went on. I thought it was very interesting. He said to me, "Senator, at the beginning, through the community police program, when we had a presence in the schools, some of these young people were cynical. Some of these young people looked at our police officers as if they were the enemy. But not any longer. Through the community police program, we have our law enforcement people, men and women, working with these kids."

I say to my colleagues, this program is a huge success. This is exactly what we ought to be doing by way of priority.

I talked to Anoka Police Chief Andy Revering and he talked about what Anoka has done. He said only 4 years ago Anoka had the fifth-highest crime rate in the metro area. The demand exceeded their resource. Because of the COPS Program they have seen a dramatic decline, according to the chief, in crime. What they have been doing is they have been using the COPS Program law enforcement in conferencing. This is a program, for my colleagues' information, whereby you bring together some of these kids would have committed some of these crimes, you bring their families into a meeting, and you conference them, along with the victims so that these kids really know what it is they have done. By bringing these kids together with their families and also bringing them together with the victims, what has happened, says Chief Revering, there has been very little repeat of crime by these kids.

I say to my colleagues, what in the world are we doing by trying to have in this continuing resolution essentially a proposal which says, yeah, we keep the Government going but we want to cut by half the number of resources that go to community policing?

Mr. President, I have said it many times on the floor of the U.S. Senate: When three teenagers, regardless of color of skin, beat up an 85-year-old woman and leave her for dead, we hold them accountable for what they have done. We do not tell them we feel sorry for them. That is a strict law and order approach. By the same token, you can talk to the kids—and Sheila and I spend time with kids who are at risk—you can go to the schools in some of the tougher neighborhoods, you can talk to the judge, you can talk to the sheriffs, you can talk to the police chiefs, you can talk to the youth workers if anybody wants to because they are the ones that are dealing with this violence, and they will tell you we have to have opportunities for these kids. We have to have alternatives to the gangs and make sure the kids are able to do positive things in the communities.

Mr. President, no matter who you talk to—whether it is people in the communities, whether it is the police, whether it is the chiefs, the law enforcement people who are in the communities—they all say the same thing: This community police program is important. We need more law enforcement in our neighborhoods. We need to reclaim our neighborhoods. We need to reclaim our cities. We need to reclaim our communities. We need to reduce this level of violence.

I was talking to the police chief in Fergus Falls and he said, "Senator, the reason the COPS Program is such a good program is because you do not limit the grants just to the large cities." He said, "I want to tell you that this is a wonderful community, and it certainly is, but do not think for a moment we do not have problems with violence and problems with crime." This COPS Program has been a huge success. Same comment from the sheriff. It does not matter whether you talk to sheriffs or police chiefs in the big cities, Minneapolis-St. Paul, in Minnesota, or Duluth, or you talk to them in midsized cities like St. Cloud, or whether you are talking to law enforcement people in the small towns of rural communities, they all say the same thing. They all say the same thing: "Senators, cut a program if it does not work, but do not cut a program that has been an astounding success." We need to reduce the level of violence. We need to be bold and we need to be dramatic. It is a huge mistake to block grant, to move away from what has been the commitment that we have made.

We said, when we passed this crime bill, that we make a commitment to 100,000 community police, that we would make a commitment to community police all across my State of Minnesota. That is what law enforcement people expected. That is what we are doing now, with great success. That is what the people in our States expected. We need to live up to our commitment. That is why this amendment is so important, and I hope it will pass.

I yield the floor.

Mr. HATCH. Mr. President, I have been listening to the distinguished Senator, and I have to say that some of the points he is making are good. Take them up with your Governor. We do not have to dictate from Washington what law enforcement officials have to do in the individual States and communities. If you do not like what the block grant moneys are used for in your State, then take it up with your Governor, because I will tell you one thing, you get the money. If you need more policemen, you can get them with that block grant money. If your Governor is not doing it, talk to him. I doubt——

Mr. WELLSTONE. Will the Senator yield?

Mr. HATCH. For a question, sure.

Mr. WELLSTONE. I will wait for a chance to respond.

Mr. HATCH. If I heard the Senator correctly—and he is a friend and colleague—maybe I did not because I was listening and not listening. But it seemed to me that I recall him saying that Senator DOLE was being accused of reneging.

Mr. WELLSTONE. If the Senator will yield, I did not mention the majority leader's name at all. I do not do that.

Mr. HATCH. I am glad to hear that because I thought there was some sort of accusation that Senator DOLE had reneged on law enforcement needs. I want to make it clear that not only did he not do that, he has been one of the strongest pro-law enforcement people in his long time in the U.S. Senate, and rightly so, as is his colleague, the Senator from Utah. We both have fought very, very hard.

I agree that my colleague, Senator BIDEN, on the other side, has been a tremendous leader in the war against crime. I have a lot of respect for him. I grieve when we disagree on some of these things. Senator DOLE, in particular, opposed the 1994 crime bill because it was not a tough enough law enforcement bill. I was there, too, and I opposed it for that reason as well, although there was much we agreed with in that bill, and we were glad certain parts of it were passed. I commend Senator BIDEN for his efforts on that bill because there is much in that bill that is good, not the least of which is the Biden-Hatch violence-against-women provisions. Senator DOLE believes in real law enforcement, not shallow promises.

What I am saying here is, look, it makes sense to give about half of this money to the communities as seed money to try to help them get police personnel. It does not make sense to say that this is the President's commitment of 100,000 cops, because he made that commitment on the last bill that had $8.8 billion in it, and everybody knew that would not provide for 100,000 police on the streets. Now they are coming and saying with seed money they can get their 100,000 cops. I have said they could not get the 100,000 cops on the basis of what they had done up through the 1994 crime bill. That crime bill did not do that. It talked about it, but it did not, will not, cannot, do it. The President has been going up and down the country talking about his 100,000 cops on the streets bill. The fact is that just simply is not true. I think it is time for the American people to understand that.

Republicans, recognizing that it is important to have police on the street and to have flexibility so you can do what needs to be done in the communities, have said, in spite of the fact that the President has, in some respects, demagoged this issue all over the country, knowing the funds are not there, acting like they are and helping the American people to believe they are there when they are not. We have decided to put half of the moneys into the cops on the street program regardless, because we believe in that, too, to the degree that we should do it. That is the degree. But we also put about half of the money into a block grant so those communities have the flexibility to do whatever is in the best needs of their community. That makes sense.

I do not understand the argument against it—to just dictate from Washington that you have cops on the streets whether you want them or not, and if you do not want them or cannot use them, you do not get anything out of this bill. I would rather have these police people throughout the country get good things out of this bill that will help them to meet their law enforcement needs in their area than have us wonderful people in the U.S. Senate tell them what they have to have. Sure, some of these communities will have their hands out for anything, and I cannot blame them. Any time you can find money that is just a gift, why not take it?

What we want to do is have these moneys go for the purposes they should go for, the best possible, flexible response to crime in this country. This bill does that. I think anybody who says otherwise just does not understand what is in the bill.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, the debate that we are having today focuses on the specific issue of community police. I would like, at a later point, to discuss some of my opinions and observations about this particular form of use of police personnel from a recent experience in a specific community in my State of Florida.

But as a context of this, I would like to raise the question of what is the appropriate Federal, State, local role in law enforcement? What should be the nature of the Federal Government's participation in our collective efforts to provide security to our homes, our neighborhoods, our States, and our Nation? Let me suggest just three items that I think are important principles for that relationship and for the Federal role.

First is that the Federal Government must fulfill its own specific and singular obligations. Mr. President, that sounds obvious. Of course, the Federal Government ought to fulfill its obligations. Unfortunately, there have been too many instances in which that has not been the case and in which other levels of government, therefore, were forced to divert their resources to carry out what otherwise would have been a Federal responsibility.

Example: My State is replete with instances in which the Federal Government, through specific agencies, established thresholds of a particular criminal activity which must be passed before the Federal agencies would assume responsibility. It was a Federal crime at a lower level of intensity. But for various reasons, generally having to do with the resources or other set of priorities available to Federal agencies, those agencies would not investigate or prosecute activities unless it reached a particular quantity.

This has been particularly true as it relates to drug-related offenses. Unless you were caught with several pounds of marijuana, or significant amounts of cocaine, even though you were subject to Federal investigation and arrest and prosecution, you, in fact, were not. So, therefore, it became the obligation of the local law enforcement agencies to spend their resources in doing what should have been a Federal obligation.

What makes this particularly vexing is that these prosecution standards are not evenly applied across the Nation. So that one community in America receives a different level of Federal law enforcement support than does another. I think those differences are intolerable and that one of the first steps in the Federal-State-local partnership ought to be that the Federal Government would meet its responsibilities and do so on an evenhanded basis across America.

Second, I think the Federal Government has an important role to play in assisting in the coordination of law enforcement agencies. The Federal Government has some natural characteristics that lead it to be an important partner, if not the first among equals, when there are efforts to bring several law enforcement agencies together. The examples that have been used in areas of drug enforcement, where the Federal Government has, through leadership and through financial incentive, encouraged States and local communities to collaborate more effectively, has served a very salutary function.

A third area in which the Federal Government has a role to play is to encourage innovation and dissemination

of best practices in law enforcement. So that if a particular community engages in an activity which has demonstrated its effort for efficacy, I think the Federal Government has a role in spreading that best practice as rapidly as possible to other communities which can benefit by that.

Mr. President, left out of this list of what I think are appropriate Federal roles is for the Federal Government to become involved in a general, nondirect form of assistance to State and local law enforcement. I do not believe that this is an appropriate role for the Federal Government, and that is a ditch into which we have fallen before and I fear are about to fall again. Law enforcement is a State and local responsibility, and it should be the primary responsibility of the citizens at the State and local level to be charged with the establishment of priorities and direction, and to provide the financing for that level of law enforcement which that community feels to be appropriate.

This is not by any means a novel suggestion. Fifteen years ago, the President of the United States of America was Ronald Reagan. Ronald Reagan, in his first years in office, advocated a principle called New Federalism. That principle was built around the idea that there should be an allocation of major responsibilities to levels of government, that we should try to avoid what had become a marble cake in which virtually every level of government was involved in every decision of government.

President Reagan advocated, among other things, Mr. President, an advocacy which has, I am afraid, been forgotten in our current debate, that the Federal Government had a particular responsibility for those programs that related to the income maintenance of our citizens and that those programs that might cause a citizen to move from one State to the other seeking higher benefit levels should be nationalized because it was not in the interest of the Nation to have people induced to make those kind of relocations. He was particularly an advocate that Medicaid should be a national responsibility, both because of its tendency to induce people movement but also—and I think this was quite prophetic of President Reagan—that we were going to need to relook at the relationship between Medicaid and Medicare as they served the changing needs of our older population and that we would have a better opportunity to look at that interrelationship if both Medicare and Medicaid were national responsibilities. I believe that suggestion which was made 15 years ago is even more true today.

President Reagan also identified some activities that he felt the Federal Government ought to get out of and let the States and local governments assume a greater degree of responsibility. One of those was transportation. Frankly, I hope that in the next few months as we look again at the Federal Government's commitment to transportation that we will relook at some of the wisdom of Ronald Reagan in terms of his recommendation, if that should be more of a State responsibility, particularly in this post-interstate era.

But another topic in which President Reagan felt should be turned back to States with less Federal involvement was law enforcement. He felt that law enforcement was a function which was inherently State and local in its character and should be looked to be carried out with limited Federal involvement. He was well aware of the status of the Law Enforcement Assistance Act, the program which had provided block grants to States and local communities, a program which lost focus, lost accountability, and finally lost public and political support and collapsed.

I am afraid that we are looking more to the failed experience of the Law Enforcement Assistance Act program than we are to the appropriate role of the Federal Government in law enforcement as we consider this proposal to reestablish a Federal Government block grant. I do not believe that a general purpose block grant has an appropriate role in the Federal relationship with State and local governments for the purpose of law enforcement.

Mr. President, I indicated that I thought that one of the areas in which there was an appropriate Federal role had to do with the issue of innovation and encouraging best practice and dissemination of those best practices. In the best tradition of that effort to stimulate best practice is what the Federal Government has done as it relates to community policing. Community policing is a concept that in many ways is as old as law enforcement in this Nation, a concept which, for a variety of reasons, waned in recent decades, for which we have paid, I think, a heavy price in the loss of the benefits of a closing relationship between law enforcement personnel and the communities they serve.

I believe that this is an ideal example of the Federal Government using its specific target influence to encourage innovation, in this case, the reinvention of a fundamental American idea of the close partnership between the police and the neighborhoods that they serve. It works to reduce crime. Community policing works to create bonds of trust between police officers and their neighborhoods and their citizens. Community policing works because it involves the entire community in the business of increasing public safety.

Mr. President, let me share with you an experience that I had on February 10 of this year. For over 20 years I have been taking different jobs every month, and on February 10, 1996, this program brought me to the headquarters of the police department of Port St. Lucie, FL. Port St. Lucie, FL is a town in Florida in the middle Atlantic coast which has been undergoing an explosion of population. It is one of the fastest growing cities in our rapidly growing State. It is a community which has developed a very diverse population. It is a population which is in many neighborhoods, in a very scattered housing pattern; that is, there will be only a few houses with several still yet to be built upon lots in a particular block. In many ways, it would appear as if Port St. Lucie was not a good candidate for the concept of community policing as many people know it—the policemen on the beat walking from home to home and store to store.

Port St. Lucie has received under the crime bill of 1994 $525,000, which has allowed it to hire six new officers and a supervisory sergeant for purposes of implementing its community policing program.

The first person I saw upon arriving at the city hall and at the police department of Port St. Lucie was the police chief, Chief Reynolds. I asked him what had been his experience in the first 2 years of implementing community policing in a city with the characteristics of Port St. Lucie, FL. He was extremely enthusiastic, and he listed as some of the things that had made him a believer in the concept of community policing the fact that he had a strong community-neighborhood geographic orientation, that under traditional police patterns, officers were rotated generally on a 30-day basis from one neighborhood to the other. This made it very difficult, if not impossible, for there to be a bond developed between an individual police officer and the citizens for whom that officer was responsible.

Community policing was proactive. It had reduced the need for emergency responses in his city because, through community policing, they were dealing with problems while they were still manageable, not before they had become emergencies.

There was a new access to public officials and to nonlaw enforcement activities, as the community police officer in many cases served an ombudsman function, intermediary, assisting the citizens not only in meeting their traditional law enforcement needs but also in areas like directing the citizens to the appropriate public works officials to fix up a problem with a street or to a housing code enforcement officer if there was an instance of failure to maintain a home in adequate condition. The community police served to mitigate community problems by dealing with a squabble while it was still a squabble before it had festered into a major controversy.

Those were just some of the preliminary concepts of community policing that caused Chief Reynolds to be such a strong advocate. As I spent the day working with the officers of the Port St. Lucie Police Department I experienced some of those concepts in reality.

I worked with Officer Joe Diskin through much of my day, and with Officer Diskin we met community members in senior centers. We talked to them about what was happening in their neighborhood, and if there were any problems that we might deal with while they were still at a manageable stage. Part of my day was spent at the Darwin Square Plaza in downtown Port St. Lucie. For years, citizens in that area had been concerned about harassment and about loitering and about allegations that the plaza was being used for drug dealing. Recently, the Port St. Lucie Police Department, utilizing the personnel resources available through the community policing grant, established a substation in the Darwin Square Mall. Within a matter of weeks, there had been a decline in citizen complaints. There had been a decline in assaults, major and minor. There had been an increase in public confidence about using that commercial facility.

I spent a considerable amount of my time going from store to store, talking with the owners, with employees, with customers who frequent the mall. In every instance, I received acclaim for what the community policing program had meant in the quality of their lives.

Mr. President, community policing is working in Port St. Lucie, FL. It is an ideal example of the Federal Government using its targeted role in the family of Federal-State-local government law enforcement to encourage innovation and the dissemination of best practices. It is not an inappropriate Federal Government intrusion into the State and local responsibility for law enforcement which I fear a return to the LEAA block grant approach would lead us to.

When we vote today, we are not just deciding the future of the community policing program and the opportunity that it offers to accelerate this reinvention of a fundamental American idea of the police and the community working together. We are also deciding on the future of the Federal Government's role in law enforcement. I believe in the philosophy of President Reagan that Government will best serve its people if there is a clear understanding of what level of Government is responsible for what activity, and that law enforcement will best serve the needs of the people if it continues to be primarily a State and local responsibility, and that the insertion of a Federal block grant for indeterminate purposes is an inappropriate concept within that philosophy of new federalism and State and local responsibility for law enforcement.

Mr. President, we have an idea which is working to make a positive impact on the security of our people. That idea is community policing. We should continue with this idea, as we look for other innovations that the Federal Government can encourage at the State and local government level. But we should become intrusive in terms of the basic responsibility at home for the protection of our neighborhoods and our people.

Mr. President, I urge my colleagues to support the amendment which is before us which will keep us on an appropriate path and avoid us slipping into the ditch of an ill-considered, ill-formed Federal role.

I urge you to do this. If he were here today, Mr. President, I suggest that President Reagan would encourage us to support this amendment.

I thank the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I rise to support the amendment and to urge my colleagues to vote for it for a number of important reasons. I think the COPS Program does represent a partnership between the Federal and State and local governments.

This proposal by the majority party is another manifestation of the solutions they propose in a range of areas: package up some money, tie it in a bow, block grant it, ship it someplace else and tell whoever you are shipping it to: Go ahead and spend the money. We raised it. You spend it. We will not watch. And somehow that will fix our country's problems.

Senator BIDEN and others, including me, when we put the crime bill together, said there are certain things we would like to encourage, and we provided resources with which to encourage them. One of those things was putting cops on the street to provide more community policing. The program has been very successful. The proposal by the majority party now would retreat on our efforts to provide more community policing and help provide the resources with which to do that. We are told now by the majority party: Let us back away from that, and we will go back to the old days. Just block grant it and let somebody back home decide exactly what their needs are because they can decide that best.

I think in some cases that might be correct. They can decide best what their needs are, and that is why they can decide whether they want to access money for community policing. And if they do not want to access it, that is fine. But if they do want to, then this is a resource the Federal Government provides in partnership with them.

We have already been through one iteration of a block grant in law enforcement, the LEAA Program which, I would say, was extraordinarily wasteful in many ways. Some of my colleagues have already described how some of that money was spent: $79,000 spent by one State—this is Federal money that was free to them—for a tank and machine guns. Another $27,000 LEAA award was to study why inmates would want to escape from prison. That, by the way, got Senator Proxmire's Golden Fleece Award. I have a lot of friends in North Dakota who could tell us why inmates want to escape from prison for a whole lot less than $27,000. They could study that for about $5 and come up with a quick answer.

In 1970, LEAA provided money for a twin-engine Beechcraft airplane. They spent money for a six-passenger, twin-engine airplane for police work in fighting against crime. It was free Federal money, just a block grant, so they got $84,000. The problem is the flight logs were checked, it was discovered that the plane was used mostly by the Governor flying around with his family and staff and other non-law enforcement personnel flying around going to meetings, apparently fighting crime. But it was Federal money, so they were able to get an airplane to fly the Governor around.

One university got a $293,000 grant to decide whether to make—but not to actually create—a loose leaf encyclopedia on law enforcement. One city bought a police car with no markings on it with the money, the old LEAA money. That car was used primarily by the mayor. Maybe it was not so much to fight crime.

We have had some experience with having one level of government raise the money and give it to another level of government and say: by the way, we raised the money, you go ahead and spend it, and we will not watch you. It is kind of like passing an ice cube around.

I guess my question is, if that is the notion, why would you want to run the money through Washington? Why not simply say: let us cut Federal taxes, and say to the local governments and the Governors: if you want this money for law enforcement, raise taxes back home and spend the money back home. Why should we separate where we raise the money from where we spend the money? This is the ultimate manifestation here. We are going to block grant everything around here. Why not say to the Governors: well, raise taxes and pay for these programs yourself. But they say: no, let us run the money through Washington first so we can cycle it around here a while, and then send it back and say: by the way, you spend it; we will not watch you, and it will not matter to us.

That is what this amendment is about, in many ways. We put together a community policing program that is

working and it is available to those communities who need it, with some matching funds. If they do not need it, they do not apply for it. If they do not want it, they do not get it. But if they need it and want it, then that money is available.

The fact is, all of the information demonstrates that this program has worked and has worked well. It has provided more police on the streets, and everybody understands that one of the ways to prevent crime is to put police on the street. Far from deciding that we do not care what the local government's decisions are going to be, I would like to move in the other direction and say to State and local governments, we do care and we want to be involved in some of it.

I would like to ask my colleagues something on a slightly different issue. We have 3,400 people who have been murdered in this country; 3,400 murders committed by people who were in State prisons but who were let out early because it was too crowded. They got good time credit, they got whatever you get to get out early, so they got out early and murdered 3,400 more people. In those cases, in my judgment, the governments were accessories to murder. We knew these people were violent because they had committed a violent crime. We locked them up and then let them out early because we said, "Well, you were good in prison so we will let you out early." Then they go out and murder again.

Let me just talk about two cases briefly because I am going to introduce some legislation, which is slightly different than this amendment, next week. I will support this amendment. This is the right approach. But let me just quickly describe two cases. When somebody says, "what business is it of anybody's, on a national basis, to deal with these issues," I say that it is a national issue when you have 3,400 people murdered by people who should not have been in a position to murder anybody.

There is a piece of prose that I thought was really well written, a column in last Saturday's Washington Post, written by Colbert King. It is entitled "The 'Wrong Place, Wrong Time' Dodge." The reason I was interested in it was because the columnist was writing about a tragic murder that happened here in Washington, DC, that I had also researched. It struck me as so strange and so unthinkable that this type of tragedy could continue to happen in our country. The columnist wrote about the murder of a young woman named Bettina Pruckmayr. Bettina was a 26-year-old young attorney, and she lived here in Washington, DC. She was just starting her career. On December 16—not so awfully long ago—she was abducted in a carjacking, driven to an ATM machine in Washington, DC. She was stabbed 38 times.

Colbert King, in his column in the Washington Post, graphically describes what happened to poor Bettina Pruckmayr. She was stabbed in the back, three times in the neck, and in dozens of other places. Some wounds were so deep that her bones were broken. The person who allegedly murdered Bettina Pruckmayr, a young woman who was in a parking lot adjacent to her home and was kidnaped and murdered, is a man named Leo Gonzales Wright. Wright is now facing murder charges, but he should not have been in the position, under any circumstance, to have murdered anybody. He is a fellow who had already murdered. He had raped. He committed robbery. He committed burglary. And he murdered. He was in prison and then let out early because the Government said, "We do not have enough room so you go ahead and go out on the streets." This person, allegedly, on the streets, murdered Bettina Pruckmayr. He should not have been anywhere in a position to murder anyone, but somebody let him out of prison.

In fact, not only did they let him out, but, when he was out, he was caught and picked up for selling drugs. The parole board did not put him back in prison. As a result, Bettina Pruckmayr is dead.

It is not just her. Mr. President, 3,400 Americans were murdered in those circumstances. Let me describe one additional victim, again murdered recently, and again in this area.

It is the story of a young boy named Jonathan Hall, a 13-year-old boy from Fairfax, VA. He was a young boy who had some difficulty in his background, but a 13-year-old boy who, I am sure, wanted a good life and wanted to grow up, like all young boys do. He was found, instead, in an icy pond, stabbed 58 times, with dirt and grass between his fingers. Apparently, when he was left there for dead, he, in his last moments, tried to pull himself out of this pond but did not make it.

Who murdered this young boy? Again, it does not take Dick Tracy to understand who does these things. A person who had been convicted of murder previously, not once but twice—two separate murders—and a kidnaping. This fellow was sent to prison, this man named James Buck Murray, who allegedly killed this young boy. He was sent to prison for 20 years for slashing the throat of a cab driver. Then, while in prison, escaped while on work release and kidnapped a woman. Then, he was convicted of murdering a fellow inmate. But Murray was let out of prison long before he completed the terms of his sentence.

This person should not have been in a position to murder anybody under any condition. He should have been in prison. But instead, a 13-year-old boy is dead. Jonathan Hall is dead, Bettina Pruckmayr is dead, and 3,400 other people are dead, because this system does not work.

People say, "That is none of your business. That is not of national importance. That is for State and local governments." Those people who let these violent criminals out of jail to kill others ought to be told by us this is a matter of national importance.

Let me finish in a moment. I will be happy to yield for a unanimous-consent request to Senator GREGG.

Mr. GREGG. I thank the Senator from North Dakota for his courtesy.

Mr. President I ask unanimous consent that at the hour of 5:45 today, Senator DOLE be recognized to make a motion to table the Biden amendment No. 3483, and, further, that the time between now and 5:45 today be equally divided between Senator BIDEN and Senator HATCH or his designee.

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

Mr. GREGG. I thank the Senator.

Mr. DORGAN. We have a national interest in this country in addressing this crime issue. We had a national interest when we put together something under Senator BIDEN's leadership that talked about putting more police on the streets in this country. We did it and it works and it makes a lot of sense. We ought not retreat from that.

I also make the point, as I have just made previously about the murders committed in this country by people who should not be out of jail, that we have a national interest in addressing that issue as well. Why are people who have been previously convicted of violent crimes being let out of prison early so they can murder again? We need to ask these questions of State governments. We ought to ask them if there is not some way we can work together to decide, if prisons are so full that you cannot keep the kind of murderous characters in prison who now go out and murder again, to build more prisons, because we want to keep these people in jail.

These people would not be let out of Federal prisons, by the way—these are not Federal prisoners—to murder 3,400 people, because you do not get an early parole in the Federal system, thanks to Senator BIDEN. You do not get good time in Federal prisons, thanks to me and some others. You are sentenced to jail in the Federal system and you spend your time in jail. You are not going to be out murdering again before your sentence ends.

But, guess what? If you are a convicted murderer in this country, if you are convicted of committing a murder somewhere, you are going to be sentenced to around 10 years in prison, but you will not serve 10 years in prison. You will serve 6½ to 7 years. Why? Because it was decided that murderers should get out early.

(Mr. GREGG assumed the chair.)

Mr. DORGAN. I am sorry, murderers ought not get out early under any condition, and if we cannot protect the

Jonathan Halls and Bettina Pruckmayrs, and other people who were killed by murderers who should not have been in a position to kill anybody, then we should not be in the business of law enforcement.

I support this amendment. It makes eminent good sense, and I support many initiatives by Senator BIDEN and others on our side of the aisle who have worked long and hard on this issue. There are good ideas from the other side as well, and I appreciate those.

But it is not a good idea to step back, it is a good idea to step forward in addressing crime. Preserving the COPS Program is one step.

I intend in the coming days to offer a second step, not on this bill but as a separate piece of legislation, dealing with the issue of those who have been previously convicted of violent crimes, that they ought not get good time to go out and murder again, that they ought not be put on our streets early. Bettina Pruckmayr and Jonathan Hall should not have been killed, and more in the future will not be killed if we deal with this appropriately.

Mr. President, with that, I want to thank the Senator from Delaware, for whom I have great respect for his leadership on this issue. I do hope the Senate will, when considering this issue, decide that what we did to put more police on the streets in this country made sense then and it makes sense now. That is an approach and progress from which we shall not retreat.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan. The time is controlled by the Senator from Michigan and the Senator from Delaware.

Mr. ABRAHAM. Mr. President, I yield myself such time as I may need, but I plan to be relatively brief. I just want to comment and follow up on what the Senator from North Dakota, Senator DORGAN, just said.

One of the significant problems we have—and I agree with him—is the problem of people who are getting out of prison at the State and local levels before they should. The problem, though, I think, is in large measure stemming from Washington and needs to be addressed. I invite the Senator from North Dakota to join me in some legislation on which we have had hearings before the Judiciary Committee. A number of other States have been similarly affected.

It turns out that Federal rules and regulations under the CRIPA legislation, as well as Federal court orders, are actually forcing people out of prisons prematurely. In my State, we entered into a consent decree with the Department of Justice back in the 1980's with respect to conditions in Michigan prisons.

By 1992, we had an agreement with the Department of Justice that we had satisfied the problems that had caused this consent decree to be entered into. The Federal judge who had jurisdiction, nonetheless, even after the Department of Justice was willing to allow the consent decree to be removed, maintained continuing jurisdiction and is forcing people out of our State prisons prematurely.

For the city of Philadelphia, as we heard testimony in the Judiciary Committee, this is a problem that literally has meant that people arrested for committing violent crimes, because of a cap that has been placed on the amount of people who can be allowed in the prison system in Philadelphia, are not being incarcerated, are not being held. The Senator from Delaware was at the same hearing.

I hope we can get together on this. I think that is a whole different set of issues, and I think it very important they not be merged into this debate. I want to make it clear, I think that is a whole separate topic, and I would like to work together with the Senator.

Mr. DORGAN. Will the Senator yield to me for a question for a moment? You make a good point. I would be very interested in talking with you about your proposal. I may very well consider supporting it.

If the Federal Government is part of the problem, then let us solve that part of the problem that we can in Federal law.

I will say this. There are some States—and I do not know what Michigan does—there are some States that provide over 430 days a year of good time credit for every year a violent prisoner serves. I am saying to the States, "Look, if these people committed multiple murders, I don't want you giving them a year-off credit for every year they spend in jail." Put them there and keep them there.

Mr. ABRAHAM. I do not want to take much time on our side. Part of the reason these things are beginning to happen is because in order to meet various Federal court consent decrees, as well as the other regulations that have been imposed, it is forcing States to make decisions that I do not think they would make if they did not find themselves subject to it. I would be very anxious to work on it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, let me begin by thanking the Senator from North Dakota for his generous comments about my role in this legislation. I must say, I knew of the Senator when he was a Congressman, and I, quite frankly, have been impressed at how dogged he has been in pursuing tougher approaches to crime.

The Senator from Michigan spoke about frivolous lawsuits. He is correct, this is worthy of a debate at another time. I think his intention is positive. I think he may have the perverse effect of bringing about the exact opposite result he wants.

Unfortunately, a lot of what he suggested is in the bill before us. I kind of find it fascinating. We had this debate. We had a hearing in the Judiciary Committee. We did not do much else. Starting at page 153 of the continuing resolution and continuing for, I do not know how many pages here, entitled section 802, "Appropriate Remedies for Prison Conditions," we essentially rewrite the law. The fact of the matter is, nobody in this body even knows what is in this bill. Senator HATCH's staff knows. Senator ABRAHAM's staff knows, Senator ABRAHAM knows, Senator BIDEN knows. None of you, I will bet you a million bucks, has any notion what is in this bill. Zero. I am willing to bet you anything.

But it will not be the first time I have or others have voted on things we do not know is contained in omnibus bills like this.

Let me respond to the comments about my amendment to restore 100,000 cops. A couple of my colleagues have stood up and said, "100,000 cops, just not true, never going to happen." There are 33,000 cops already, just from the time we passed the bill, after spending $1.6 billion of the $8.8 billion. Then we heard, of course, 100,000 cops are never going to, nor should it, fund 100 percent of the local police now or in the future. That is true. No one ever said this was going to support 100 percent.

Guess what folks? The block grants do not either. The block grants do not do it either, nor should they. It is not the Federal Government's role to promise in perpetuity to the local communities to fund forever. This does fund 100,000 cops, and it does fund them for 5 years or so. The cops and the States are going to have to pick up the tab. Guess what? It funds 100 percent of what we give them in the block grant, but the block grant ends. I challenge any of my Republican colleagues to stand up and promise that this bill contains in perpetuity a commitment to continue to pay out of the Federal payroll for any cop hired under this bill. This is not going to happen. It is not supposed to happen. It was not designed to happen. So it is, what we used to call in law school, a red herring to suggest this fully funds the cops.

Funds are in the trust fund. We heard funds are just not there. The funds are in the trust fund. Let us recall the Republicans cut $200 million from the $4.287 billion that is in the trust fund in 1996 in their budget resolution. So if they keep up their efforts, maybe they will be able to deplete the trust fund so there will not be any money in it. The money was there. They cut the trust fund in the Republican budget resolution.

I also heard we have to end the Washington-knows-best philosophy. Well, that is what the 100,000 cops is all about. Local communities decide if they want to apply, local communities define local policing strategy for themselves and the Republicans call for a separate prison grant of $100 million that does not let them decide the same way that we allow them to decide, because communities have to pick up the costs for each cop after 3 years.

"One hundred thousand cops is a lie," one of my colleagues said. My response is, neither 100,000 cops nor a block grant is going to be or should be a permanent entitlement program, and we do not want to federalize local police. There is no difference. No difference, except you get fewer cops and less money under the block grant approach.

Now we also heard New York City did not receive one new cop.

New York City got $54 million to redeploy 2,175 cops through the COPS More Program. So we gave them that money, the Federal Government. They put up the rest, and they were able to redeploy from inside the precincts 2,175 cops.

D.C. It was also said D.C. did not receive more cops. Response. D.C. got $6,076,163 to redeploy 626 cops under the COPS More Program.

Also, it was said, the city should decide between cops and computers. My response is, the COPS More Program is exactly that —$217 million in 1996 that helped relocate and redeploy 13,000 cops by not having to go back to the station house.

Also, I heard block grants give you the right to use the dollars to hire new cops. Well, my response is, it must be guaranteed, not an option to hire new cops or they will not be hired.

I also heard it said on the floor by one of my respected colleagues, "I have long said 100,000 cops is a phony idea." Well, in November 1993, a lot of people did not think it was such a bad idea, including the Senator who thought it was a phony idea. I will not go through it because I would hate everybody reading everything I said back to me in the RECORD. But, you know, it may be thought of as a phony idea now, but it was not in 1993 when we were doing it.

The other criticism I heard is the continuing resolution level for 100,000 cops, $975 million, is sufficient to get us there. Well, $975 million is not enough for this year, 1996. The CR provided $407 million, and $276 million has already been spent, and $130 million will be spent on police technologies and police efforts to fight family violence and community policing efforts.

The current CR would provide a total of $975 million for COPS. Subtract the $407 million, and that leaves $568 million for the rest of the year, if the Hatfield amendment becomes law. But $522 million has already been requested through March 6. In other words, that leaves $50 million for all other applications that come in from now through September 30.

There is not enough. There is not enough. Just go back to your home States, ask them if they are going to stop applying. No. If the State of Oklahoma, if the State of Utah, if the other States, they do not want to apply for any more cops, God bless them. Wonderful, do not apply. But if they do apply and they qualify on the merits, there is no money for them. We already have something like—where is that chart—7,766 new cops requested so far this year—requested. Oklahoma wants 94 new ones.

My colleague says, "Wow." Well, go tell the Oklahoma folks they do not need them. I respect that. But the idea there is enough for those who qualify and are requesting simply is not true.

We also heard Washington should not dictate local strategy. Well, my response is, we are not dictating local strategy. Nobody has to ask, and only big cities get COPS more dollars. That is also not true. You have got American Fork in Vermont, Carbon County, Duchesne County, Kane, Layton, Logan, Ogden, UT, Salt Lake, South Ogden—you know, the list goes on and on. I did not know they were big cities.

Based on a salary of $65,000 to $70,000, this will not fund 100,000 cops. The truth is, the average salary is $40,000. I reserve the 20 seconds I may have left and yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). Who yields time?

Mr. LEVIN. Mr. President, the Violent Crime Control and Law Enforcement Act of 1994, enacted by the last Congress, contained a $30 billion trust fund for State and local law enforcement programs. That legislation made an important statement of our commitment to stand with our police officers in the war against crime by providing dedicated funding to put 100,000 new cops on the streets.

From 1970 to 1990, we increased Federal spending on lawyers by 200 percent and prison spending by 156 percent, but we increased Federal spending on police officers by only 12 percent. The COPS Program would reverse that trend, without adding to the deficit, and without any new taxes, by cutting thousands of jobs out of the Federal bureaucracy. More police officers, fewer bureaucrats. That is the commitment enacted into law by the last Congress.

Mr. President, there is no more important step that we can take to fight crime and support our law enforcement community than to increase the number of cops on the streets. And that is what the COPS Program has been doing. That law has already funded 25,000 new cops nationwide, including 825 in Michigan.

Unfortunately, the bill before us today would undermine this milestone achievement of the last Congress by cutting in half the funding provided to put new police officers on the street. Instead of the $1.9 billion requested by the administration, and fully paid for out of the violent crime trust fund, this bill would provide only $950 million to put police officers on the street.

This cut in funding would not help reduce the deficit, and it would not help balance the budget. Congress would still spend the same amount of money—we just would not spend it where it is needed, on new police officers. Under the bill before us, the bulk of the funds would be taken from the COPS Program and put into a block grant, which could then be spent on anything from traffic lights to parking meters, without hiring a single new cop.

That is unacceptable. Let me tell you what it would mean for my State of Michigan. We currently have applications pending for more than 200 additional police officer slots around the State. We have applications for two new officers from the city of Alma, for three new officers from the Ann Arbor Police Department, for one new officer from the Barry County Sherriff's Department, for two new police officers from the city of Battle Creek—I could go on and on. I ask unanimous consent that a partial list of pending applications for additional police officers from the State of Michigan be placed in the RECORD at this point.

The point is, each of these communities needs the help. And if we pass this bill, we are not going to provide it. They need the additional police officers to fight a very real war against crime, and if this bill passes in its current form, they are not going to get them.

What is true of Michigan is true of other States as well. Every State in the country has dozens of pending applications for additional police officers under the COPS Program, and if we slash the funding for this program, as proposed in this bill, they are not going to get what they need. If this bill is passed in its present form, the funding for half of those applications will simply disappear.

Mr. President, I urge my colleagues to support the amendment to restore full funding for the COPS Program.

Mr. HARKIN. Mr. President, I urge my colleagues to support this amendment to restore funding to the Community Oriented Policing [COPS] Program. Law enforcement officials from all across the country have told us loud and clear, that the COPS Program is one of the 1994 Crime Act's most effective programs. To those who want to slash the COPS program by 50 percent in favor of a block grant, I have this to say: "If it ain't broke, don't fix it."

Consider this: Serious crime is retreating all across the United States. Nationally, murder rates fell 12 percent in the first 6 months of 1995 and serious

crimes of all kinds dropped 1 to 2 percent. Law enforcement across the United States credit community policing for contributing to these declines. Now is not the time to cut back on our efforts to fight crime.

And more importantly, to my constituents in Iowa, it is rural America that will pay the price if this amendment is not adopted. The COPS Program made a special commitment to include small towns and rural areas. half of all COPS funding goes to agencies serving jurisdictions of under 150,000 in population. Block grant funding favors larger populations so that even small towns with high crime rates would lose out. In 1995, Iowa received over $14 million to hire over 200 officers. Over 70 percent of law enforcement officers surveyed in my State, supported the COPS Program.

Perhaps the most puzzling aspect of the proposal to slash funding for the COPS Program is the loss of local control. Proponents traditionally argue that block grants increase local control. The crime prevention block grant proposed in the continuing resolution does no such thing. This initiative replaces a highly successful program that responds to public desire for an increased police presence with a program that merely gives money to State governments that may keep up to 15 percent before distributing the remainder to local governments. This is a significant departure from the COPS Program which funneled the funding directly to the local law enforcement agencies.

The block grant approach to crime prevention invites the abuse of funds the COPS Program was created to eliminate, as well as doing away with effective crime prevention programs that worked hand in hand with community policing initiatives set up under the COPS Program. The block grant approach is an ineffective response to our Nation's war against crime and a sad departure from the successful efforts started under the 1994 Violent Crime Control Act.

Community policing works. It is a flexible program that is responsive to law enforcement needs. More cops on the beat have an undeniable effect on crime and a community's sense of security. Nationwide, the COPS Program serves 87 percent of America with 33,000 officers. We should heed the advice of the folks that are on the frontlines in the fight against crime. I urge all my colleagues to support this important amendment to restore funding to the COPS Program.

Ms. MIKULSKI. Mr. President, I strongly support the Biden amendment and am proud to be a cosponsor of this important amendment. The amendment would restore $1,788,000 to the COPS Program.

This funding will allow us to keep our promise to the American people to put 100,000 new police officers on our streets. Under the Violent Crime Control Act we passed in 1994, the COPS Program was created to provide our communities with the police they need to fight crime.

COPS stands for community oriented policing services. So far the COPS Program has made possible over 790 new police officers in my State of Maryland, and over 33,000 new officers nationwide.

Through the use of community policing, the COPS Program puts into practice what police chiefs and other experts have been saying for years. They know that police officers fight crime and prevent crime more effectively when they are integral members of the community they serve. They know the fight against crime will be won only when the police work with citizens as full-fledged partners in the battle to take back our streets.

Mr. President, the COPS Program is working. Why would we want to change a law that is working?

If we start taking apart the crime control package we passed in 1994 with bipartisan support, we leave to chance what we know is working now. Let us continue to make it a priority to get more police out on the streets.

By restoring the COPS Program, we are responding to a cry for help, a cry for more police officers on the street. We cannot ignore this cry for help from all of those police departments who need more police.

My constituents are calling for an increase in the number of police officers in their communities. My constituents are calling for more crime prevention programs. The legislation to satisfy these calls has been passed, the programs are now established; why should we dismantle them?

Mr. President, this bill, as reported by the Appropriations Committee, provides no guarantees that even one new police officer will be hired. The 1994 crime bill called for 100,000 new police on the streets of America participating in community policing.

I urge my colleagues to consider this: our failure to fulfill the promise of 100,000 new police officers means less partnership between police and their communities, less work with community residents to detect and supress crime, and a missed opportunity to keep our streets safe for law-abiding citizens.

If we are going to take back our streets, we must empower our communities with the police they need. The concept of community based policing is police officers and citizens forging alliances to combat crime. I strongly oppose any efforts to cut community oriented policing programs.

I urge my colleagues to join me in supporting the Biden amendment. Passage of this amendment will allow our citizens and their partners in law enforcement to continue to combat crime together by delivering more new police officers to the frontline.

Thank you Mr. President.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. How much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator has, on his side, 9 minutes, 8 seconds.

Mr. NICKLES. I yield myself—I see the Senator from Utah. Please notify me in 5 minutes.

The PRESIDING OFFICER. After 5 minutes?

Mr. NICKLES. In 5 minutes.

I rise in opposition to this amendment. I am kind of amused and kind of interested in it as well. This is an amendment that says we want to take whatever money we have available and we want to mandate that it has to be spent in the COPS Program.

Obviously, it is a popular program, as illustrated by the Senator from Delaware, because a lot of people have applied for it. Why would they apply for it? Well, it is Uncle Sam saying, "We will pay for 75 percent of the cost for new policemen in your community for the first year, the second year 50 percent, and the third year, 25 percent, and the fourth year you are on your own."

But a lot of communities, if they see Uncle Sam waving some dollar signs around, they say, "Yes, we want to grab a hold of it." Maybe it is the best way to spend resources in fighting crime, maybe it is not.

I will mention to my colleague there are not just big cities that qualify for this program. We had one community in Oklahoma, Moffett, OK, that applied for money, was eligible to receive the money. Just a couple comments. It is a fairly small town. Unfortunately, they do not have a police force, but yet they qualified. I do not remember exactly the amount. But it was, I think, about $180,000. But they did not have a police force.

As a matter of fact, this little town had volunteer fire and police, but they did not have an organized police force. Yet, they received this money. They did not know what to do with it. To make the story short, when they realized they would have to do the matching, that was a serious problem for this little town, even if they had to match 25 percent the first year, 50 percent the second.

The end of the story is they went through a lot of city managers in a period of about a year or so and finally decided they did not need this grant, they could not afford it. Also kind of humorous, but of interest, they said, "We can do a lot more if we just had a little more leeway in what to do with this money. We need some help." They made that comment. "And we could

use it for"—frankly, I do not think they had a police car. I could go on and on.

But this bill says that the money that we are going to give, we are going to mandate that it go to the COPS Program because we decided in Washington, DC, that is the best way to combat crime. Maybe some of the communities have a particular interest in juvenile crime and might think that a better approach would be an effort to educate juveniles, or maybe they have a problem with drugs and juveniles, or maybe there are problems in other areas. Maybe more police are the answer; maybe they are not. But we are coming up with this amendment that says we are going to take all the money available that is not earmarked and we are going to take the balance of it for the so-called COPS Program. I think it is a serious mistake. I do not think it is a Federal Government prerogative to hire policemen in my hometown.

Does my hometown of Ponca City, OK, need more police? Maybe they do. But I think that is the responsibility of the people of Ponca City, OK. Maybe they have to raise the sales tax to pay for it, or maybe they have to find some other method of paying for local police, but I do not think it should be coming to Washington, DC, on bended knee and saying, "Please give me this money so we can hire another policemen. Oops, in 3 years, we have a big liability."

Uncle Sam starts out pretty generous paying at 75 percent. That is pretty nice. But on the fourth year, they are on their own. And a lot of cities are saying, boy, that is a nice inducement for the first year or two, but after the third or fourth it is a real problem. Maybe we will just do this for a year or two and then let people go, or maybe have some attrition and not replace them in the third or the fourth year. My point being that this is not a Federal responsibility.

I do not want to federalize police, and 100,000 police officers is not a drop in the bucket if you look at the national scheme. I do not doubt that my colleagues who support this program can find somebody that was hired in this program and they did a good job and they saved somebody's life or they stopped crime or something, and I am grateful for that. But I just question the right level of Government.

It is like this issue we had over speed limits. A lot of us decided that the States should set speed limits instead of Washington, DC. Likewise, I would think community policing is a good idea. If communities want to do it, let them do it. Let them do it with their own money, not with Federal bribery or enhancements to pull or encourage the States to do it, and then find that they have such enormous liability.

Local policing is a local matter. That is something that should be under the jurisdiction and control and financing of individual towns and cities, counties and States, not the Federal Government.

Mr. President, that is the reason why I stand in opposition to this amendment. The way we had the bill drafted, we had earmarked $975 million for COPS. That is half of that money. The cities would have latitude to spend a significant amount of money for the COPS Programs. We are not doing away with the COPS Program. If the city wanted to spend more for that, they would have that option. If they wanted to spend more for technology, if they wanted to spend more for juvenile crime prevention, more for cracking down on drugs or surveillance or all kinds of different things, they would have that option, instead of the Federal Government dictating, "We think you should put it all into the COPS Program. We know how best to spend this money. We know you should put it exactly in this program." I think that is a mistake. I urge my colleagues to vote "no" on the underlying amendment.

Mr. HATCH. Mr. President, I think it is a great idea to have cops on the street. Our bill will do that. I think it is an equally great idea to make sure that we block grant some of the funds so the police departments can use them for whatever they need to use them for.

Using the New York illustration, there was not one additional policeman put on the streets by the moneys sent to New York. They used the moneys to deploy police people who were already there or to replace police people who they were already capable of paying for. The fact is, there is nothing in this approach of the 100,000 cops on the street that means they have to be additional police people in addition to those that were on the current police forces and were capable of being paid for by the local communities.

Be that as it may, I agree with the noble goal of having more police on the streets. I think every Republican does. The problem is, why can our friends on the other side not see the value of allowing some flexibility so that the people who really have to solve these problems in the local communities have some flexibility to do so? The real question is whether we provide funds for cops and cops alone, or whether we permit the funds to be used to meet the needs of the local communities and the local law enforcement agencies.

It seems to me that makes sense. It makes every bit of sense that anybody, it seems to me, who thinks seriously about it would agree. If we are going to provide Federal money to local law enforcement agencies, then we should permit those agencies to use the funds as they see fit. We have adequate protections in the bill so they cannot use it for certain exotic reasons that some have criticized in the past.

Now, some of those who have criticized LEAA today are the people who supported it the strongest. These are the kind of things that bother me, just a little bit. Unfortunately, this becomes a political exercise rather than what is best for the local communities. It becomes an exercise of Washington telling the local communities what they should and should not do. We know more, I guess, inside the beltway than the people out there who have to face the problems in their respective communities. We all know that is bunk.

As a matter of fact, I think it is the most surreal and unreal place on Earth sometimes right here within the beltway. These folks who face those criminal problems day in and day out in the local communities know a lot more what they should use their funds for. We should not be dictating it. We provide half the moneys for cops on the street; we provide about half the money for block grants so they can use them to solve their own individual law enforcement needs, which makes sense. Why should we dictate that every dime has to go for the COPS Program? I agree with the COPS Program to the extent that we have granted it here in this bill, but we also have provided flexibility in this bill that makes a lot of sense, it seems to me.

Again, the real question is whether we provide funds for COPS and COPS alone or whether we give the local communities some ability to do the things they think need to be done. The question is whether we fund the COPS Program only and tell the communities like Washington, DC, "Sorry, we have no money for you," or to permit communities to use money for other purposes.

The PRESIDING OFFICER. The Senator from Delaware has 14 seconds.

Mr. BIDEN. Mr. President, I will do something no one will believe—I yield back my time.

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

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. I join with the distinguished Senator from Utah, Senator HATCH, and the Senator from New Hampshire, Senator GREGG, and move to table Biden amendment No. 3483.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—52

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Pressler
Brown	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hatch	Shelby
Chafee	Hatfield	Simpson
Coats	Helms	Smith
Cochran	Hutchison	Snowe
Cohen	Inhofe	Specter
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Dole	Lugar	Warner
Domenici	Mack	
Faircloth	McCain	

NAYS—48

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Heflin	Murray
Breaux	Hollings	Nunn
Bryan	Inouye	Pell
Bumpers	Jeffords	Pryor
Byrd	Johnston	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Kohl	Simon
Exon	Lautenberg	Wellstone
Feingold	Leahy	Wyden

So the motion to lay on the table the amendment (No. 3483) was agreed to.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Delaware.

Mr. BIDEN. I would like to thank my colleagues who supported this effort and say to my good friend, the majority leader, that I liked it better when he was on the campaign trail. We had won until he went back down in the well. This is a singular victory for the leadership. I compliment him, but I am just so sorry that he has now locked up the nomination and will not be out in the field more because it looked like I was winning there until three votes changed at the end. But I wish to congratulate the opposition and tell the cities they are not going to get their cops. I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I move to reconsider the vote.

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

AMENDMENT NO. 3489 TO AMENDMENT NO. 3466

Mr. GREGG. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. GORTON, proposes an amendment numbered 3489 to amendment No. 3466.

Mr. GREGG. Madam 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:

Amend page 113, line 11 by striking the period at the end of the sentence and adding ": *Provided further*, That the FCC shall pay the travel-related expenses of the Federal-State Joint Board on Universal Service for those activities described in the Telecommunications Act of 1996 (47 U.S.C. 254(a)(1))."

Mr. GREGG. Madam President, this is a Gorton amendment allowing expenditures for the FCC. It has no budgetary impact. It has been cleared on both sides.

I urge adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3489) was agreed to.

Mr. GREGG. Madam President, I yield to the Senator from Utah for purposes of a colloquy.

The PRESIDING OFFICER. The Senator from Utah.

CARRIER COMPLIANCE

Mr. HATCH. I am prepared to offer an amendment to establish a fund in the U.S. Treasury to serve as a funding source for carrier compliance under the Communications for Law Enforcement Assistance Act.

I understand the concern that is shared by some members of the Appropriations Committee is that creating this fund implies a subsequent obligation to provide funding for carrier compliance. I also understand that this concern is highlighted by fears on the part of some that carrier compliance may cost more than authorized amounts.

Mr. GRAMM. Madam President, the Senator cannot be heard.

The PRESIDING OFFICER. Senators will please take their conversations off the floor.

Mr. HATCH. Madam President, I would note that carrier compliance under the Communications for Law Enforcement Assistance Act, which we call CLEAA, does not obligate Congress to appropriate any funds in excess of the amounts authorized.

I emphasize that we are losing ground in a important area. We passed a bill last Congress that satisfied the various interests and constituencies involved in this important issue. Now we need to move forward with funding.

In my view, the creation of this fund will not obligate my colleagues on the Appropriations Committee to appropriate funds beyond what the Congress has already promised for this worthy purpose. Specifically, I am prepared to ask for a commitment between now and the time we take up the fiscal year 1997 Commerce, Justice, State appropriations bill that we will try to work this out. I hope that our staffs will establish a series of meetings, the purpose of which would be to reach a resolution of this matter by fiscal year 1997.

It is important; with digital coming into being, we have got to be able to handle this aspect of law enforcement. And it is just going to have to be something we meet.

Mr. GREGG. Madam President, I wish to acknowledge and congratulate the Senator from Utah, the chairman of the Judiciary Committee, for pointing out this concern and this issue, which is a very legitimate concern. I believe that with our staffs working together, we can work out the concerns the Appropriations Committee has relative to how we manage the funding of this issue, and I look forward to having such an agreement worked out and will direct our staffs to work together.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. FORD. Madam President, will the Senator from Utah yield for a question?

The PRESIDING OFFICER. The Chair recognized the Senator from Texas.

Mr. FORD. I am sorry. I apologize.

Mr. GRAMM. I would be willing to yield to my colleague.

Mr. FORD. What are Senators trying to work out? The money you are going to give is grandiose, but I never heard——

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. CLEAA is what we call carrier compliance under the Communications for Law Enforcement Assistance Act. It is to aid our law enforcement agencies to be able to do their work with regard to the new digital age, to be able, with court orders, to tap into digital phones so that they can follow criminals and organized crime.

Mr. FORD. This amendment would add more money than we have already given in the past?

Mr. HATCH. It will not add anything now. We are going to try to work it out in fiscal year 1997.

Mr. FORD. There is no additional funding?

Mr. HATCH. Right.

Mr. FORD. Why do you need the amendment?

Mr. HATCH. Because we need to have funding.

Mr. FORD. I thought there was no funding. This is an authorization?

Mr. HATCH. No. What we are agreeing to in the colloquy is that in the future 1997 budget and appropriations bills we try to find the money to be able to do this law enforcement work, and my colleagues have said they will work with me.

Mr. FORD. Madam President, I thank my colleague.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3490 TO AMENDMENT NO. 3466

(Purpose: To ensure that discretionary spending does not exceed the level agreed to in the FY 1996 Budget Resolution)

Mr. GRAMM. Madam President, 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 Texas [Mr. GRAMM], for himself, Mr. SANTORUM, Mr. MCCAIN, and Mr. NICKLES, proposes an amendment numbered 3490 to amendment No. 3466.

Mr. GRAMM. 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:

At the end of title II of the committee substitute, add the following:

SEC. . (a) Notwithstanding any other provision of this title, none of the amounts provided in this title is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount provided in a nonexempt discretionary spending nondefense account for fiscal year 1996 is reduced by the uniform percentage necessary to offset non-defense discretionary amounts provided in this title. The reductions required by this subsection shall be implemented generally in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. GRAMM. Madam President, this is a very simple amendment. This amendment tries to eliminate the need for an emergency designation in this bill. We are adding $1.2 billion to the Federal budget deficit by declaring an emergency, but by eliminating the need for an emergency designation and cutting other discretionary spending accounts across the board by .53 percent, we have an opportunity to fund these so-called emergencies but do it in a fiscally responsible manner where the deficit does not go up.

Let me try to make my case. Let me make it as succinctly as I can, and then give others an opportunity to respond and oppose as well as to support.

First of all, since 1990, we have passed $80 billion of emergency supplemental appropriation bills. In some cases, like the Persian Gulf, we have been able to come back and offset that with payments from foreign nations. But just to give you an idea of the magnitude of this loophole that we have created by declaring emergencies, in 1994 we declared an emergency for the California earthquake and the Midwest floods, and we spent $11 billion which was added directly to the deficit.

In 1993 we declared an emergency for Midwest floods and added $3 billion to the deficit, with funding also for the drought in the Southeast. In 1993 again we added $1 billion to the deficit with an emergency for Somalia. In 1993 again we declared an emergency for economic stimulus as a supplemental appropriation and added $4 billion to the deficit to extend unemployment benefits.

In 1992 we declared an emergency and spent $9.3 billion for two hurricanes, one on the mainland and one in Hawaii; and then for Typhoon Omar. In 1992 we declared a dire emergency to fund the costs incurred for the Chicago flood and for the riot in Los Angeles. I remember being in the conference and I moved to strike a provision where we were declaring an emergency to fund lawyers to defend the rioters. Fortunately, that provision died because people were shamed out of it. In 1992 we had another dire emergency. I could go on and on, but I think I made my point. My point is we have a lot of emergencies around here.

I want to remind my colleagues that families have emergencies, but I want to go through what happens when a family has an emergency and what happens when the Government has the emergency and explain the difference. Families have emergencies. Let me just offer an example. Johnny falls down the steps and breaks his arm. He is taken to the hospital and it costs $700 to set Johnny's arm with the attendant medical expenditures. The family has had an emergency.

If this family were the Federal Government, the Brown family would say, "Well, look, we have already planned that we are going on vacation this summer. We have already planned that we are buying a new refrigerator. We have already set our monthly budget. This is an emergency, we cannot pay for it, so we are just going to add it on to our spending." That is what we are doing here. But that is not what the Brown family does. What the Brown family does is they go back and say, "Well now, look, we have incurred an expense of $700 because Johnny broke his arm, so we are not going on vacation this year. We had planned it, we had written it in our budget, but now we cannot afford it because we had an emergency. Johnny broke his arm." In fact, the definition of an emergency in this case is something they have to spend money on and so they have to take it away from another purpose. They may decide they are not going to buy a new refrigerator.

It seems to me that we can have a procedure that is exactly analogous to what families have to do, by saying we have an emergency, we are going to provide $1.2 billion for many worthy objectives, but to pay for it we are going to take all the other nondefense appropriated accounts and reduce them across the board —and let me remind my colleagues, we have in the supplemental a defense expenditure. We offset every penny of it. We only have emergencies in nondefense. We do not have an emergency in defense in this bill, though we have had them in the past. We generally do not have them. And we do not have one here.

So, what I want to do is for nondefense accounts, in a simple across-the-board procedure, what we have done with specific accounts in defense. If someone wants to come up with a substitute that cuts specific programs as an alternative, I am willing to look at it. That, basically, is what my amendment does. Let me explain why it is so important.

The American people got the idea that we were trying to do something about the deficit when we passed the Contract With America. The President has vetoed the Contract With America. We are now under a continuing resolution which is a temporary funding measure. We have a bill in front of us that already spends $2.3 billion more than that temporary funding measure spends on an annual basis. So, if we pass this bill, rather than simply rolling over that bill through the end of the year, we are going to spend $2.3 billion more than simply rolling over the continuing resolution would do, in any case.

But let me remind my colleagues that yesterday all but some 16 Members of this body voted to increase spending by $2.6 billion. In fact, we had an interesting occurrence and that is our Democratic colleagues said, "Let us increase spending by $3.1 billion." One of our Republican colleagues said, "No, let us increase spending by $2.6 billion." Congress decided on the $2.6 billion and with great fanfare we had offsets.

The problem is, these offsets have already been counted in the budget. We counted $1.3 billion in savings for the sale of the U.S. Enrichment Corporation. That is basically a corporation that enriches uranium. But the problem is we have already counted that $1.3 billion in deficit reduction in the budget that we adopted. But since that budget and the bill flowing from it has been vetoed by the President, we were able to do that yesterday. To pay for this new spending, $2.6 billion adopted yesterday, we sold off portions of the Strategic Petroleum Reserve. The problem is we had already decided to sell it as part of the budget. So what we really did yesterday is added roughly another $2.6 billion of spending. So we are already talking about spending almost $5 billion more in this bill than if we extend the current short-term continuing resolution.

I think it is important that at some point we stand up and decide to stop spending money we don't have. It is one thing to write a budget setting out good intentions. But it is clear to a blind man that if you look at the pattern that we have followed with these emergency designations, it has turned

into exactly what many of us feared it would when it was put into the 1990 budget summit agreement. It has turned into an agreement whereby the President and the Congress conspire to cheat on the budget; conspire to increase spending above the level we set out in the budget. In the process, we have these budgets that do not look so bad, but when we count how much money is actually spent we end up spending beyond the budget.

What I am offering our colleagues is a great opportunity to save $1.2 billion. Somewhere in the sweet by-and-by there may be a budget that is adopted. The President may accept it. On the other hand, he may not accept it. So we may get through this whole year not having saved a penny anywhere.

I can give you an opportunity tonight to save $1.2 billion. The only person I know who knows how much money that is is Ross Perot. We can save $1.2 billion by doing what the Brown family would have to do if they had an emergency, and that is cut programs we were going to spend money on to fund the emergency. And my proposal is a very simple one. We remove the need for an emergency designation so that it is not an emergency, and we have an across-the-board cut in all other nondefense discretionary accounts by 0.53 percent to pay for it. Let me remind my colleagues, we have spending in the supplemental for defense. We offset every penny of it with cuts. Why should we not do the same in nondefense? That is the purpose of the amendment. It is very simple and it boils down to one question: Do we want to spend money we don't have? Or do we want to move toward a balanced budget? I am giving you an opportunity tonight to save $1.2 billion. I hope we do not miss this opportunity and I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Madam President.

Madam President, I rise in very strong support of Senator GRAMM's amendment. As a cosponsor of that amendment, I think we have a fundamental issue to decide on the floor of the Senate tonight, and that is whether we are going to go back to the old system, prior to last year paying for emergencies, adding it to the interest costs of future generations, or whether we are going to face up to the fact that we have emergencies in this country, that we do not appropriate for them every year as they occur, as we should, and that we need to pay for them out of existing appropriated accounts, not to just declare an emergency every time we have one and pass the bill on to the next generation of Americans.

If we do not and this bill becomes law, the children of America, the people of America are going to be paying interest on this $1.1 billion for the rest of their lives. Now, is that fair to have that happen? I am speaking as someone from the State of Pennsylvania who probably is going to get the lion's share of this benefit.

In Pennsylvania, in January, we had a very serious snowstorm. We had a couple feet of snow in most places, followed by extremely warm weather and a rainstorm which, depending on the area, dumped anywhere from 4 to 7 inches of rain. So we had the combination of 2 feet of snow melting plus 4 to 7 inches of rain in a matter of a 2-day period. It caused floods that were above the 100-year-flood level in many places.

The damage in Pennsylvania is calculated now over $1 billion. There is half a billion dollars in eroded infrastructure, and, even more important, we lost 100 lives. We lost 2,000 businesses and 50,000 homes. We had a very serious disaster. It is one that we should, on the Federal level, help. It is a disaster that qualifies, in fact, all 67 counties eligible for individual assistance. Madam President, 52 of the counties have been declared eligible for public infrastructure assistance.

So there is no doubt we need to spend this money. The question is, are we going to spend it within the existing pot of money that we have to spend this year, or are we going to just add it to the deficit?

Last year, in the rescissions package, we made a decision that we were going to fund emergencies. We provided FEMA with money, $5.5 billion. That is paid for in a rainy day fund. Unfortunately, that money is over at FEMA and some of the extraordinary expenses are in the Small Business Administration, which is not FEMA. So they cannot take that FEMA money, even though it is sitting over there. They cannot use it. Or it is in the Department of Agriculture. Again, it is for disasters, but the money is sitting over in FEMA.

I will have an amendment, if this amendment fails, to take the money from FEMA and put it into those accounts. It is not something I want to do, because I think we should have this fund available to FEMA. I think we should pay for it now.

I have had a history as a House Member of standing up for this. I voted, I think, on four or five occasions against unemployment extensions which were not paid for, which emergencies were declared and we just added on to the deficit. Luckily, in four of the five instances where we extended unemployment benefits, the President at that time, President Bush, insisted that we find offsets, and we did find offsets, and we were able to pass a deficit-neutral unemployment extension.

The only time we did not do that was under President Clinton in his stimulus package. It is the only part of the stimulus package that became law, and we deficit spent to provide unemployment benefits. I voted against it.

I tell you, I was a Congressman at that time, and I represented a district which has probably been as hard hit, if not harder hit, than any district in the country with respect to unemployment. I represented the steel valley of Pittsburgh where we lost over 100,000 jobs in a matter of 10 years—100,000 steel worker jobs in a matter of 10 years. We still have long-term unemployment there.

But I said that it is important to stand up for principle, that we do not spend money today for emergencies, as important as those emergencies are and as needed as the funding is, by penalizing future generations and not making the tough decisions, not setting priorities. That is what this is about. Everybody in this Chamber and everybody in the House Chamber is for this disaster assistance. The President has asked for it, and the appropriators have wisely appropriated the money he has asked for.

The question is, are we going to pay for it now or are we going to make our children pay for it later, forever and ever and ever? I think the answer is pretty clear.

One of the reasons we are here debating this bill—we are into March debating appropriations bills—is because we are trying to balance the budget. We are trying to cut spending. We are trying not to add on to the deficit, and here we are in the middle of this great struggle to put America back on sound financial footing, back on the path to fiscal responsibility and we are saying, "Oops, we have an emergency; we must add to the deficit."

I can tell you, the House of Representatives is not adding to the deficit in their bill. They have an appropriations bill similar to ours. They do not add to the deficit. They are within their caps, and I think that is important to know. I think it is incumbent upon us to act as judiciously as the House in this instance.

Right now there is a special session going on in Pennsylvania, and they are coming up with the funds to pay for the tens of millions—hundreds of millions—of dollars that the State of Pennsylvania is going to have to come up with to fund this, and they cannot declare an emergency. They cannot put it off budget. They cannot add it to their deficit. They have to balance their budget every year, and they are making tough decisions up there right now.

My colleague in the State house and the State senate and the Governor, my former colleague in the House, Tom Ridge, are offering up some pretty tough medicine right now to the people of Pennsylvania. All I am asking is that we take a little bit of the medicine in Washington, that we do the responsible thing.

I do not understand how this body, whether you are a Republican or a Democrat, can go back home and go before the people of this country and say you really are serious about balancing this budget, that you really are serious about cutting spending and setting priorities. We have to set priorities. As Senator GRAMM says, when the refrigerator breaks, you cancel the vacation. Every family does that. Most States do that. This Government and this Congress should do that.

If there is anyone who should be for this bill, whether it spends for emergency and adds on to the deficit, it should be me. But I believe it is so important—so important—that we continue the precedent that we set last year of paying for our disasters, of not bailing out and declaring emergencies that I am prepared to vote against this bill. I am prepared to vote against disaster assistance for my State if we do not offset it over the next few hours.

If the Gramm amendment fails, I have other amendments. I have other amendments to offset other accounts within the purview of this bill and outside the purview of this bill. I have amendments to transfer money from FEMA. I know that is subject to a point of order, but I am prepared to be here tonight, and I am prepared to offer amendments.

I think this is something that we absolutely must do to be able to face the American public with a straight face.

We bail out too often around here. We are always looking for a way to sort of be cute and get around the law, to get around the substance of what we really are talking about here.

Oh, sure, we can legally, under the law, circumvent the Budget Act and declare an emergency and add it on. By and large, you know, it is only $1 billion. No one is going to notice. Well, I notice. I think we have an obligation not just to the process that we are engaged in to balance the budget but for the future generations of Americans who, as I have said before, will pay for this $1 billion of deficit the rest of their lives. Is that fair to do? The answer, I think, is very clear. It is not fair to do.

So I am very hopeful that we can get bipartisan support for a very rational act. I will tell you that an across-the-board cut is probably not the best way to go about paying for this, but I suggest that the principle of saying that we are going to pass a deficit-neutral appropriations bill is important. When we do that and we send it to the conference and we have a deficit-neutral appropriations bill coming out of the House and a deficit-neutral bill coming out of the Senate, then we can sure as heck guess that we are going to get a deficit-neutral bill coming out of the conference.

Is it going to have an across-the-board cut? No, probably not. They will probably set priorities. They will sit down and they will make those decisions within the context of a larger picture, as it should be. But I think we have to set the tone here with this amendment.

So, I am very hopeful that my colleagues who stand up and repeatedly talk about how we have to set priorities and balance the budget and that we did not need a constitutional amendment to balance the budget because we can do it ourselves, we can make these decisions, we can set priorities—it is priority setting time. I cast my priority to spend this money on disaster relief. I am for disaster relief. I want to fund these programs. But I also want to do it within the context of this budget.

I hope my colleagues on both sides of the aisle will support that effort.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, I propound a unanimous-consent time agreement. I ask unanimous consent that there be 1 hour for debate on the pending Gramm amendment—30 minutes under the control of Senator SANTORUM, 5 minutes under the control of Senator GRAMM, 25 minutes under the control of myself—and following the debate, the amendment be laid aside and Senator MIKULSKI be recognized to offer an amendment regarding national service, and that there be 1 hour for debate to be equally divided in the usual form, that no amendments be in order to either amendment, and following the debate, the Senate proceed to vote in relation to the Gramm amendment, to be followed by a vote in relation to the Mikulski amendment. I believe this has been cleared on both sides.

The PRESIDING OFFICER. Is there any objection? Without objection, it is so ordered.

Mr. HATFIELD. Madam President, I think that those votes, as they are being stacked or joined, linked, probably would occur somewhere between 8 and 8:30, assuming all the time is used. I do not plan to use all the time on my side on this matter that is pending.

Madam President, the Gramm amendment proposes to offset the so-called emergency supplemental the President asked for and that was approved by our committee to cover the losses and the damages, in part, that have occurred during the floods in the Northwest and other parts of the country.

I am not sure that we need to have a replay of the suffering and the tragedy that has beset so many people in these types of disasters, whether it is an earthquake or a hurricane or a flood or a fire. I think that is why the budget agreement of 1990 very precisely empowered the Congress of the United States to visit these problems on an ad hoc basis and make a judgment in accordance with the needs created by these disasters and why there is no formula for that, there is no basic criteria. That is within the prerogative and the discretion of the U.S. Congress.

My colleague from Texas tried to compare this to a family disaster of Johnny breaking an arm, and what would they do? I will tell you what they would do. They would go down and get that arm fixed, and they would charge it on their credit card because they did not have the money, cash in hand. They would take an attitude that this is worthy of an indebtedness because we have an emergency that has to be dealt with.

Madam President, I believe that is true with the Nation as a whole and under the very concepts that set up FEMA, the Federal Emergency Act to deal with these emergencies. The Senator from Texas also said why is it we do this only for nondefense programs? Aha, we put the gulf war in an emergency declaration.

Over $20 billion we were willing to march down the aisle to say, "We support the President. We support this war for oil," even in spite of all the propaganda that somehow we were trying to support an emergency of a little country like Czechoslovakia being overrun by the big brutal neighbor, Hitler.

So, the gulf war was an oil war, pure and simple. And we declared an emergency. Why is it that we can find it easy to declare an emergency to make war, but we find it a gnat strangling us in trying to swallow in declaring an emergency related to people in need? I suppose it is a philosophical debate to some degree. I think it is also a value and a priority debate as well.

I think it is poor procedure, in addition. Bear in mind that this amendment says that we reduce appropriations in the nondefense area, both in this bill and already enacted, the legislative branch bill, the Treasury bill, the transportation bill, the agricultural bill, the energy-water bill, the foreign operations bill, all having been passed, and now we are going to go back and reduce those commitments for those programs in spite of the fact that there is a different spendout probably for each one of those accounts in most of those bills. That then is going to fall disproportionately heavily on those that have had a slower spendout in order to recoup that percentage reduction. That kind of fiscal management is irresponsible—irresponsible.

It is an easy way to follow the rules about offsets, but we do not have any consideration as to the impact of that disproportionate reduction in these accounts across the board. It even undoes the action we took yesterday of adding moneys back to the Labor-HHS for educational purposes. We have to revisit that. That may not be a high priority for some. It is a very high priority for me.

But it only means again that there are no sound criteria being used to recover the offset in order to say, oh, I can vote for the disaster relief for those people who drowned, have been drowning, or people whose homes have been drowning or their farms have been drowning or the levees that have broken through that need repair to prevent another storm totally eliminating communities in my State, or the Small Business Administration that had expended or obligated its funds to be replenished in this bill, to give assistance for the reconstruction and the restoration of small enterprise under our great capitalistic system.

We can find lots of help for the big corporations in all sorts of tax breaks, but I do not find that there is that easy access to tax breaks for small enterprises, the small businessperson, which, after all, is the soul of the capitalistic system, not the Fortune 500.

So, consequently, it seems to me that we are being again very inequitable in making these applications. Let me say that on the foreign operations, Israel—Israel, in its time of need—will also be reduced, the Israeli need that exists today that we have voted overwhelmingly to support. I have a strong feeling that we are really almost playing games with people in distress. I heard the recitation of all the times we have adopted the emergency declaration.

Again, Madam President, I do not accept the sins-of-the-fathers-being-visited-upon-the-children concept. I am not saying that every one of those declarations had high support or could be validated by criteria. I can tell you, having visited farms that will take 2 years to restore in my State, at least 2 years for productivity—my colleague, Senator WYDEN and I, had first-hand direct exposure to people who had been absolutely wiped out. Their milk cows stacked in piles waiting to be burned or disposed of, losses that cannot be replaced even if they had the money to do it because there is not that availability. People whose hopes were just washed away, totally washed away and; at the same time, to replace those hopes and to be able to restore those levies to protect them in the future is being threatened by this particular action at this time.

Let me say, we have stretched this every way possible to find offsets for adding through the actions yesterday, and other actions, moneys to increase the level of funding. We have done it for a variety and many different accounts, fitting almost anybody here on the floor in the body, here as a total body, the needs or priorities.

At the same time, the Appropriations Committee is the only committee in the U.S. Congress that has taken specific actions for budget reductions and spending reductions—$22 billion we have taken in the Appropriations Committee. We could not get the reconciliation through the President's veto but I have not seen too many subsequent actions taken by authorizing committees to deal with the problem under the current circumstance we had.

There is no committee that can stand on the floor of the Senate and say they have done something specific to try to move toward a balanced budget by the year 2002, except the Appropriations Committee. We have a record. We have a unique position. Always, I will defend our action. Sure, we can say we can do more, maybe $24 billion instead of $22 billion. It is very interesting when we come to the floor we face a barrage of amendments to add back, add back, add back; and at the same time that we have offset, offset, and offset, there comes a limit to how much you can offset and make viably authentic a plan you have for funding the U.S. Government.

Another thing that had made our problem difficult is we protect the defense spending. That is sacrosanct. That is jobs. That is this. That is the other things. The Russians are not coming any longer, so now perhaps Saddam Hussein is coming. I grew up at a time when Communists were behind every door, according to some politicians, to scare the people into more spending for military; or that the Russians were coming.

As I have said before on this floor, the greatest enemy we face today, externally, is the viruses are coming. The viruses are coming. We better be more defensive of our people against the viruses through medical research than for the so-called hardware buildup.

I can remember when we used to be able to separate people's philosophy because it was easy, oversimplified—a hawk and dove. Doves vote to lessen military spending and the hawks want increased military spending. I can remember when the Republicans controlled the Senate in 1980 and we were faced with a Reagan massive buildup of military weaponry. Do not let anybody try to sell you the proposition that caused the decline of the empire of the Soviets. I will not give them that much credit. Their system was flawed to begin with. It was doomed to failure. It was just a matter of time.

Nevertheless, the point is we justified every kind of dollar at that time, build up, and up, and up and deficit go up, up, up—one of the most conservative Presidents in the United States in modern history building the greatest deficit we have had in modern history. So these labels of conservative and liberal and moderate and fiscal conservatives, all that is a very superficial kind of labeling. All I am saying is we have never found a problem to find more money to spend for military hardware, but when we come to trying to meet the needs of flood victims and people of disasters who have suffered disasters, we are, oh, so concerned about our fiscal future and our fiscal present.

This is a legitimate declaration of emergency. I urge my colleagues—I do not know in what way we will move at this time. We are checking the point of order possibility that exists and we will have to have that confirmed. If it is confirmed, I will make a point of order. Otherwise, I will move to table the amendment.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Texas.

Mr. GRAMM. Mr. President, let me ask our colleague who has the preponderance of time to yield me 5 minutes to respond.

Mr. SANTORUM. I yield 5 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, it seems to me in listening to this argument that our dear colleague from Oregon, who has great intellectual powers, has been forced to strain them to defend his position on this amendment. I am not going to get into a lengthy response on each and every point, but there are some I would like to make.

If every penny that we have cut out of defense since 1985 had gone to deficit reduction, we would have a balanced budget today. Second, no one is proposing that we not provide flood relief. Nobody is making that proposal. What we are saying is, we can provide it, but pay for it. There is no doubt about the fact that a lot of families, when Johnny falls down the steps and breaks his arm, they put it on the credit card. The difference is, 30 days later they get the bill. They have to either pay it or come up with permanent financing. Their ability to get financing, other than rolling it on their credit card at astronomical interest rates, depends on a plan to pay it back. We have not paid back a net penny of borrowing since Eisenhower was President of the United States. That has been a long time. That has been too long.

In terms of the gulf war, we actually collected more money from our allies than we spent—probably the only war in history where that was the case. Obviously, when we are talking about the loss of American life, we are talking about a loss that can never be paid back, but I was not talking about the Persian Gulf war here. I am talking about the fact that in this very bill we increase defense spending, but we offset it by cutting other programs, something we did not do for this $1.2 billion.

In terms of going back and cutting programs across the board, there is no doubt about the fact that if the committee had offset this increase in spending, they could have done it more efficiently than the across-the-board cut. Let me say that without the emergency designation, the law would apply an across-the-board cut. Let me also say this is a procedure that we have used many times. If a better alternative can be found in conference, it can be substituted.

The point still comes back to not whether we should help flood victims, but should we pay for the assistance or should we simply add it to the debt? Do we simply spend more and more money every time something happens? Or do we say, "There has been a tragedy in the country. We have to do something to help. What we are going to do is take money away from programs that we would have spent the money on that were a lower priority so that we can fund this emergency assistance."

The issue here is simply the issue of deficits, and no matter what kind of arguments are made, no matter what specter is held up about helping needy people, no matter what discussion occurs on defense, the bottom line is that we are going to have a vote here on $1.2 billion of additional deficit spending.

Are you for it, or are you against it? I am against it. I want to provide the money to try to help people who have suffered from floods, people who have suffered from fires, people who have suffered from emergency situations that they had no control over. But I want to pay for it, and I want to pay for it by cutting other Government programs. That is the prudent policy. That is the way, ultimately, in the real world, things have to operate. We have been divorced from the real world for too long, and that is why we have not paid off a net penny of national debt in any year since Eisenhower was President of the United States.

It seems to me that if we continue this process, people are going to be here 30 years from now who are going to be making the same statement. So I think the choice is clear, and I hope people will make the choice to pay for it—to help, but pay for it.

I yield the floor.

Mr. HATFIELD. I wonder if the Senator will yield for a question?

Mr. GRAMM. I am very happy to.

Mr. HATFIELD. As the Senator knows, we operate on an October-through-October fiscal year. What would the Senator do if an emergency occurred or disaster of some kind occurred on September 28?

Mr. GRAMM. What would I do if it occurred on that date?

Mr. HATFIELD. Yes.

Mr. GRAMM. What I would do is extend the funds. And for those 2 days I would take the funds out of the funding to be spent on those last 2 days. Then I would take the additional funding—since we are not going to be able to spend it all out in 2 days, I would take the spend-out rate, and for those first 2 days I would take the amount to be spent and take it from the overall Government operations of those 2 days. And then, as it is spent out in the new fiscal year, I would take it from that.

Mr. HATFIELD. Mr. President, I think that is obviously a hypothetical question, but it was not a hypothetical response to that problem because what we are proposing to do today is to meet the emergency at the time.

I think the Senator makes a good point in the matter of how we have handled the emergency declaration. I say to the Senator that I will be happy to work with the him to set up a criteria on how we should apply that emergency declaration. I do not think we ought to do it on an ad hoc basis, on the basis of need today. That is a matter we should deal with in terms of an overall long-term—we can do the job quickly, but it should not be applied on an ad hoc basis of this current emergency.

I think, also, that we realize that the disasters that happen early in the fiscal year—from all practicality, not hypothetically, the disasters that happen early in the fiscal year are going to have more opportunity to be offset than those that happen late in the fiscal year, as to the spend-out we have had during that fiscal year of those accounts that would be taxed or offset.

So, I think, again, the whole principle of offset is unsound at this point in time, unless we add criteria, criteria firmly established that we were going to apply. Let me say that the gulf war was so-called promised on the part of our allies to be paid back. But let us remember we did not have that in hand at the time we made the declaration any more than we had any kind of a payback plan for Somalia and the other programs that we put declarations of emergencies to in order to meet the needs of those people at the moment.

If we are going to have to measure somehow the suffering, or we are going to find some better way to establish the declaration—and the Senator himself was a member of that conference and that so-called summit that adopted the very language of the declaration of emergency, as I was a member of that conference and that summit of that time. So that is sort of ex post facto in terms of the pattern in which we have followed the declarations of emergency and of the conditions that exist today, the call for this declaration of emergency.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I yield myself such time as I may consume. I would like to respond to the distinguished chairman of the Appropriations Committee by suggesting that the timing of the disaster is really less important than the timing of when the money is going to be spent. That is very important. We have a billion dollars' worth of damage in Pennsylvania, but we are not going to spend a billion dollars over the next 6 months in repairing or fixing that problem. We have, for example, $5.5 billion sitting in FEMA right now. That money was originally appropriated for the California earthquake and for the Mississippi floods that happened 3 years ago. It still has not been spent out.

Historically, what we have done when we have declared emergencies is we have put it off budget and appropriated money for the entire emergency, for what we think is going to be the cumulative cost of that emergency, knowing full well they are not going to be able to spend all that money in this fiscal year, whether it was September 28 or October 1. It takes a long time to let contracts and rebuild, as the Senator from Oregon said. It is going to be a couple of years before a lot of these people get it all back together and can use all the money that is available.

So to suggest we should be worried about the timing of disasters really does not reflect how the disasters are paid for. So what we are saying is, look, maybe we should look at, as the Senator suggested, how we appropriate money for disaster assistance because maybe there is money in this request that is not going to be spent this year, that we do not need to put in the budget this year, that we can put in next year when we anticipate it to be spent. That is a real concern.

I think the more fundamental issue here is, how are we going to pay for emergencies? It is interesting for me that if you look at all of these accounts, whether it is the Department of Agriculture, watershed and flood control, or whether it is the Small Business Administration, or the Corps of Engineers, or the National Park Service—all of these agencies that are funded—none of these agencies, to my knowledge, receive any additional funds for emergency purposes. They get funded for their programs, but they are not given sort of a slush fund or a rainy day fund to be able to be used to meet emergencies that they have to deal with when they come. We do not appropriate money—with the exception of a small amount for FEMA every year, usually $200 million or $300 million, which is always exceeded. We appropriate very little money annually for emergencies. Then when they come, as surely they come every year, we step back and say: We do not have any money. We have an emergency we did not anticipate. And whether it is a big one like the California earthquake, or a small one, we say, well, let us just add it to the deficit.

What we are saying is that is just not responsible. The responsible thing is to let us appropriate the money every year and, my goodness, if we do not spend it, and if the Lord shines upon us and we do not have a natural disaster, well, then we keep it for the next year when, probably, the disasters will be worse than what we had planned on. But it is silly for us to not appropriate for emergencies, and when they come along, say: We have all this destruction

and costs and we have to come to these people's aid.

We are coming to these people's aid. We are out there. I have been out there, as have Senator HATFIELD in Oregon, and Senator Wyden, and Senator SPECTER, and Senator GORTON. We have been out there, and we have seen the damage. It is severe, and we need to remedy it, but we need to do it within the confines of rational budgeting. That is what Senator GRAMM said. Every family does it. I hear the credit card analogy all the time, and Senator GRAMM is right that the analogy is not applicable to the Congress, because you have to pay back a credit card. If not, they take you to court and garnish your wages. We are never going to pay this money back. We are going to add this billion dollars to the deficit, and we are going to pay interest on that. Children who are not yet born are going to pay interest on that.

I do not think we have any intention in the near future of doing anything to reduce the national debt. We are hoping to reduce the annual deficit.

But there is no plan that I am aware of to start whittling down the mountain of debt that we have already accumulated. So to suggest that it is equivalent is just not accurate. It is apples and oranges.

I applaud Senator HATFIELD and the Appropriations Committee for, as he said, having cut $22 billion this year. He is absolutely correct. Unfortunately, because we have not been able to get agreement on entitlements and on the budget—the President vetoed the budget that actually does something with entitlements—we have had to rely solely on appropriations. But we have relied on appropriations within the budget caps that we set in the budget resolution. We are not asking them to do anything more than we would have had we done all of the entitlement savings anyway. I appreciate that they have done it. But it is not like we have not worked very hard to get those entitlement savings. Everyone over here, at least, put up the votes to get that bill to the President for him to balance the budget. Unfortunately, the President has vetoed it. But we have done our part. We will continue to do our part to make sure that we reduce all levels of government so we can balance this budget, not just appropriated accounts.

The final point I want to make is just to reemphasize. This is not about helping people in need. We are helping people in need. FEMA teams have been in Pennsylvania for a couple of months. We are doing the job. This is how we pay for it, if we pay for it. I think that is a pretty easy call for most Americans. You would think it is fairly common sense. It is one of the commonsense things that I hear when I go home. "Well, of course, if something comes up that you need more money, you find the money somewhere else. You just do not put it on the deficit forever and over and over for us to pay interest on for generations."

I want to see this bill passed. I want to see the people who are in need feel good about the fact that the Federal Government came in and helped them but also feel good that we did it within the context of a budget, that we did it the right way. I am hopeful that we can get bipartisan support on this and send a resounding vote that we are going to balance this budget and that we are willing to step up to the plate in tough situations and make the tough decisions to move this country to a more responsible fiscal future.

Mr. President, I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the time restraints with respect to the Mikulski amendment just agreed to be vitiated, that following the debate on the pending Gramm amendment, the Senate proceed to vote with respect to that amendment, and following the vote Senator MIKULSKI be recognized.

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

Mr. GRAMM. Mr. President, before Senator HATFIELD leaves, I am through debating. I think we made the points. I do not know if the Senator from Pennsylvania is finished or not. But if he is, perhaps we could go ahead. I would like to have 1 or 2 minutes to sort of sum up, and we could go ahead and vote.

Mr. HATFIELD. I say to my friend that this certainly is a possibility. We have to have a few minutes because of the time designated, or, at least, a time estimate for a vote. We have to get notice to some of our colleagues who perhaps have left the Hill. But I would be willing to yield back all of my time and move to a vote as rapidly as possible.

Mr. GRAMM. Mr. President, on that basis, let me sum up. Again, there are a lot of issues that have been raised here. The provision for the emergency designation was in the 1990 budget summit agreement. I participated in those negotiations. I opposed this provision. I voted against that summit agreement—not that that is of any relevance here.

Here is the point. There are some emergencies under some circumstances that create a situation where there is not a readily available option to finance. We could have funded the Civil War by offsetting expenditures and by raising taxes. We decided not to do it that way. We might have funded World War II that way. We decided not to because of the magnitude of the undertaking. But I remind my colleagues, we are spending $1.6 trillion a year. We are getting ready to add $1.2 billion of new spending declared an emergency. We can avoid that by simply cutting across the board by .53 percent, or a penny for every $2 we spend on nondefense discretionary programs. I am very proud of the fact that in 1995, under the leadership of Senator HATFIELD as our new chairman, we did not have a need for emergency designations. We did not, through supplementals, raise the deficit. In fact, we had rescissions bigger than the new spending we had. It is not as if we have never sinned before, but we were on such a roll from 1995 under the leadership of our great chairman that I was hoping that we might stay on the straight and narrow and avoid this movement back to our old ways.

So, I do not see this as a big amendment in terms of its impact; $1.2 billion for anybody, or any group of people of any reasonable size, that would be an unbelievable amount of money. For the Federal Government, it is basically one penny out of every $2 we spend on nondefense discretionary programs. But why not take a stand here, keep the record of this new Congress with the Republican majority, a perfect record in that we have written a budget. The President vetoed it. But we have lived by it. We have not used an emergency declaration to spend money when we had the alternative to pay for it. It is a record I am proud of. It is one I want to keep. And, most importantly, despite all of the arguments that can be made, it is the right thing to do. This is the right thing to do.

This is a manageable emergency. There is no reason that a country that spends $1.6 trillion a year cannot manage an emergency of $1.2 billion. This is a manageable amount. And what we are doing here is setting a precedent that will be followed, if we set it here.

I would like to stay with our record in 1995, stay with our budget, not declare this emergency, and pay for this modest amount of money as compared to the Federal budget. We are capable of doing it. It is the right thing to do, and I urge my colleagues to do it.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum on my time.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. 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. GREGG. Mr. President, I ask unanimous consent that we set aside the pending amendment.

Mr. GRAMM. Reserving the right to object, I think we are about to work

out an agreement here, Mr. President, that would end our debate, order a rollcall at some time in the future, and finish up this matter. I think we can do that very quickly, and then the Senator could be recognized to offer an amendment, and this would be out of the way.

Mr. GREGG. Mr. President, I ask unanimous consent that we set aside the pending amendment.

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

AMENDMENT NO. 3491 TO AMENDMENT NO. 3466

Mr. GREGG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. BIDEN, proposes an amendment numbered 3491 to amendment No. 3466.

Mr. GREGG. 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 29, line 20, after "*Provided further,*" insert "That not less than $20,000,000 of this amount shall be for Boys & Girls Clubs of America for the establishment of Boys & Girls Clubs in public housing facilities and other areas in cooperation with state and local law enforcement: *Provided further,*"

Mr. BIDEN. Mr. President, the amendment I am proposing today would provide the first $20 million of a 5-year effort to add 1,000 new Boys & Girls Clubs—including 200 more clubs in housing projects—so that 1 million more children can participate in this vital program.

This investment of $100 million in seed money—all to start new clubs—translates to only $100 per additional child who will be served by a Boys & Girls Club.

The Federal Government's contribution is only 10 percent of the total funds needed to complete this project. This is only seed money. The remaining 90 percent of the funding for new clubs will come from private donations.

That is a Federal contribution of only $100 per child to provide 1 million children with a safe, supervised, and challenging place to go after school rather than hanging out on street corners or returning to an empty home.

Fully 40 percent of juvenile crime is committed between 3 and 9 p.m. These are the hours when many children are left unsupervised.

In hundreds of public housing projects across the country, Boys & Girls Clubs give kids a safe place to hang out after school—a place with positive activities and positive role models.

A 1992 evaluation conducted by Columbia University found that housing projects with Boys & Girls Clubs had 13 percent fewer juvenile crimes; 22 percent less drug activity; and 25 percent less presence of crack than housing projects without Boys & Girls Clubs.

Those who study this issue agree that breaking the cycle of violence and crime requires an investment in the lives of our children with support and guidance to help them reject the violence and anarchy of the streets in favor of taking positive responsibility for their lives. And prevention of crime—particularly juvenile crime—is more important now than ever before.

In 1994 more than 2.7 million children under the age of 18 were arrested. Half of these arrests—1.4 million—were children under the age of 16.

There is a fairly simple answer to this problem—provide supervised activities for children during the high-crime hours of the late afternoon and early evening. The key is to keep children off the streets and out of trouble during the times they are most likely to get into trouble.

This is not complicated. We can—indeed we must—recognize this fact and take all the actions necessary to fill the crime-likely hours with supervised activities. Constructive after-school prevention programs like Boys & Girls Clubs are the best way tool we have to stop juvenile crime, juvenile drug use, and juvenile victimization by other youth.

We have a choice. We can work to prevent crime before it happens.

If we don't, we are merely postponing the inevitable—dealing with juveniles after the shots are fired, after the children become addicted to drugs, after more lives are ruined.

When a life about to go wrong is set back on the right track—that is a testament to hope.

We build hope by showing children that they matter and by contrasting the dead end of violence with the opportunity for a constructive life.

This amendment deserves full bipartisan support. This is crime prevention—as far as I know, the Boys & Girls Club is a program everyone on both sides of the aisle has claimed to support.

I urge all of my colleagues to fund this proven prevention program and join me in helping to stem the tide of children who would otherwise be lost to drugs and violence.

Mr. GREGG. Mr. President, this amendment, which is a Biden amendment, would earmark funds for the Boys and Girls Clubs of America. It has no budgetary impact. It has been cleared on both sides.

Mr. President, I ask unanimous consent that this amendment be agreed to.

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

The amendment (No. 3491) was agreed to.

Mr. GREGG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. HELMS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMS. 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. GRAMS. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 3492 TO AMENDMENT NO. 3466

(Purpose: To establish a lockbox for deficit reduction and revenues generated by tax cuts)

Mr. GRAMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. GRAMS], for himself, Mr. MCCAIN, Mr. FAIRCLOTH, Mr. COATS, Mr. INHOFE, and Mr. HELMS, proposes an amendment numbered 3492 to amendment No. 3466.

Mr. GRAMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The text of the amendment is printed in today's RECORD under "Amendments Submitted."

Mr. GRAMS. Mr. President, on behalf of my colleagues, Senator MCCAIN, Senator FAIRCLOTH, Senator COATS, Senator HELMS, and Senator INHOFE, I rise to offer the taxpayer protection lockbox amendment.

Today, as Congress fights to bring down the deficit and set the Nation on the track toward fiscal sanity, President Clinton is continuing his demand for an additional $8 billion in taxpayer money this year to finance even bigger Government. He says he is offsetting the increased spending, but most of his so-called savings are no more than budget gimmicks—increased taxes, fees, and one-time asset sales financed directly by the taxpayers.

Congress wants to eliminate the deficit but President Clinton wants to spend almost 50 cents of every dollar that working Americans have sacrificed toward a balanced budget this year.

The President said in January that "the era of big government is over," but if he has his way big government will only continue to grow, at the expense of taxpayers today and our children tomorrow. If we do not take immediate action to stop this pattern of abuse, we are risking leaving behind a legacy of debts that our kids will be forced to inherit.

While we still have the opportunity, we must do everything possible to

change the rules of the tax-and-spending game and do what is best for taxpayers, for our children and for the Nation as a whole. And for that reason we are offering the Taxpayer Protection Lockbox Act as an amendment to the continuing resolution.

Our amendment would make two important changes to the budget and appropriations process, a process which has served only to encourage abuse of spending and fiscal irresponsibility.

First, this amendment would return honesty to the budget process by ensuring that a cut in spending is truly a cut.

Contrary to popular opinion, under current law, dollars cut from appropriations bills are not returned to the Treasury for deficit reduction purposes as they ought to be. Instead, they are quietly stashed away in a slush fund to be spent later on other programs.

Our amendment would put an end to this practice by locking any appropriations savings into a deficit reduction lockbox and dedicating those dollars to deficit reduction. In other words, if Congress cuts $10 million in an appropriations bill, the taxpayers will save $10 million. It does not get spent somewhere else.

Second, our amendment would create a revenue lockbox which would be used to direct any future revenues that exceed current economic projections toward deficit reduction and/or tax relief.

It would create a fast-track process for Congress and the President to use these funds for tax relief with the remainder going for deficit reduction. At the same time, our amendment would prohibit the Government from simply using those dollars for additional spending. This is only fair, because, after all, these additional funds would become available only because of the hard work and productivity of the American people. So it makes sense then to return those dollars to the taxpayers to encourage even greater productivity on their part rather than allowing Congress to waste money that is not even theirs to begin with.

All in all, our amendment is a simple proposal to restore honesty and common sense to the budget process, allow taxpayers to keep more of what they earn and also place further restrictions on abusive Government spending.

Given the most recent demand on tax dollars from the White House, it certainly cannot have come at a better time.

Mr. President, our legislation has been endorsed by a number of citizens and taxpayer groups including the National Taxpayers Union, Citizens for a Sound Economy, and the National Federation of Independent Businesses. With their support and the support of our colleagues, I am confident that we can win a big victory for the American taxpayer by passing the taxpayer protection lockbox amendment this week.

Mr. President, that is the conclusion of my statement, and I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN addressed chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is my understanding the Senator does not want to push for a vote at this time on his amendment. I assume he expects to get consent to set the vote on the amendment aside until we dispose of the Gramm amendment and maybe other amendments tonight; is that correct?

Mr. GRAMS. That will be fine.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the amendment be set aside.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

AMENDMENT NO. 3490, AS MODIFIED

Mr. GRAMM. Mr. President, I ask unanimous consent to modify my amendment. I send the modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification of the amendment? Without objection, it is so ordered.

The amendment (No. 3490), as modified, is as follows:

At the end of title II of the committee substitute, add the following:

(a) Each amount provided in a nonexempt discretionary spending nondefense account for fiscal year 1996 is reduced by the uniform percentage necessary to offset non-defense discretionary amounts provided in this title. The reductions required by this subsection shall be implemented generally in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. PRYOR. Mr. President, reserving the right to object, reserving the right to object——

Mr. GRAMM. Mr. President, the Chair had already ruled.

If I might say to my colleague, all I did was take out a paragraph that created a point of order. It did not change the nature of the amendment in any way.

Mr. PRYOR. Mr. President, I understand the Chair had previously ruled. Therefore, I have no objection to the Senator's request.

The PRESIDING OFFICER. The amendment is so modified. Who yields time on the amendment?

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, what Senator GRAMM did in his modification is really identical to what the House has done in their bill. The House does actually declare an emergency, but they actually do not exceed their caps. What Senator GRAMM is going to do, the effect of his amendment is to keep the emergency declared and pay for it, so we do not exceed the overall budget cap as opposed to the caps on specific subcommittees. I think that makes perfectly good sense, to make sure that we pay for this within the whole appropriations account as opposed to just targeting specific subcommittees because of these occasionally arcane budget rules that we have to deal with in this body.

I want to reiterate that I hope on this matter we can get a strong vote of support, frankly, from both sides of the aisle, that we are no longer going to continue the practice of previous Congresses—not this Congress, but of previous Congresses—every time that we have a disaster. On an annual basis, we do not appropriate for those. We do not appropriate money. With the exception of a couple of hundred million dollars annually for FEMA, we do not appropriate money for disasters. We wait until they happen, as they surely will, and then we ask for emergency authority to borrow the money and not put it on the budget.

We know there are going to be disasters. We should be able to budget for those disasters, either beforehand or be able to rearrange priorities once they occur. That is what we do here. We arrange priorities.

This is not about whether we are going to provide relief to the victims of fire, relief to the victims of floods or storms. What we are talking about is providing a reasonable, commonsense way to pay for it. That is something that all of us in this body have said we want to do. We want to balance this budget. We want to set priorities.

Many people in this body opposed the balanced budget amendment. When they opposed that balanced budget amendment, they said, "We do not need a balanced budget amendment; we can do it ourselves. We have the ability to set priorities in this body without the hammer of a balanced budget amendment to the Constitution."

It is put-up time. If, in fact, you believe that we should have a balanced budget, then this is the first step to making that happen—to stop this practice of adding tens of billions of dollars. Senator GRAMM articulated that earlier in the debate, that we have added close to $100 billion to the deficit with these emergency declarations.

This is not just a billion dollars. To many people who might be watching this debate who are not Senators, a billion dollars actually is a lot of money, it sounds like a lot of money. Here it

does not sound like a lot of money. But when you add up a billion here and there, we have gotten to $100 billion over the last 6 years. That is a lot of money even for here.

So let us not continue this practice. If anyone has an interest in seeing that this disaster relief is passed, it is the Senator from Pennsylvania. We have had $1 billion in flood damage in our commonwealth. We have had over 100 people killed, 50,000 homes damaged or destroyed, 2,000 businesses washed away. We need that help, but we need to do it responsibly.

This Senator is not going to be a hypocrite and say, "Well, I'm for reducing the deficit except, of course, when the money comes home and then, well, let's just spend it all." I will vote against this measure if we do not adopt this, or something like it. I have several other amendments. I am prepared to stay here all night long offering amendment after amendment, which I will require votes on, to find some way to pay for this disaster that is acceptable to this body.

So I hope that we are in for a good day of votes, whether it is tonight or tomorrow, because if we do not succeed, we are going to have votes and you are going to have to stand up to the American public and say, "This is not the way to do business. The way to do business is to add it on to the deficit. Fine, but we are going to be here."

I am going to be here tonight, tomorrow, the next day, whatever it takes, so we do this responsibly. I hope we do it on a bipartisan basis. Balancing the budget is a bipartisan affair, and it is something I know we all want to do. Let us put into practice tonight what we preach.

Mr. President, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I think this issue has been fully discussed on the floor tonight. I know Senator HATFIELD, when he was here a moment ago discussing the issue, laid out all the reasons why this amendment is not a good idea.

In 1990, there was a long, drawn-out negotiation over procedures in the budget and how appropriations would be made in case of national emergencies and whether or not they were under the same requirements for offsets as routine operating expenses were.

It was decided by the Congress in 1990, in concert with the administration, a Republican administration, that these would be the rules.

This amendment is an effort to legislate a rules change on an appropriations bill. We think it an amendment that ought to be rejected by the Senate. Therefore, I am prepared to yield back the remainder of the time on this side of the amendment and hope others will yield back their time, and I then will move to table the amendment and ask for the yeas and nays.

With that understanding, I yield back all the time on this side on the amendment.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield back his time?

Mr. SANTORUM. I yield back the remainder of my time.

Mr. COCHRAN. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 3490. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—55

Akaka	Dorgan	Levin
Baucus	Exon	Lieberman
Biden	Feinstein	Mikulski
Bingaman	Ford	Moseley-Braun
Boxer	Glenn	Moynihan
Bradley	Graham	Murray
Breaux	Harkin	Nunn
Bryan	Hatfield	Pell
Bumpers	Heflin	Pryor
Byrd	Hollings	Reid
Campbell	Inouye	Robb
Chafee	Jeffords	Rockefeller
Cochran	Johnston	Sarbanes
Conrad	Kempthorne	Simon
Craig	Kennedy	Stevens
D'Amato	Kerrey	Wellstone
Daschle	Kerry	Wyden
Dodd	Lautenberg	
Dole	Leahy	

NAYS—45

Abraham	Gramm	McConnell
Ashcroft	Grams	Murkowski
Bennett	Grassley	Nickles
Bond	Gregg	Pressler
Brown	Hatch	Roth
Burns	Helms	Santorum
Coats	Hutchison	Shelby
Cohen	Inhofe	Simpson
Coverdell	Kassebaum	Smith
DeWine	Kohl	Snowe
Domenici	Kyl	Specter
Faircloth	Lott	Thomas
Feingold	Lugar	Thompson
Frist	Mack	Thurmond
Gorton	McCain	Warner

So the motion to lay on the table the amendment (No. 3490) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote and I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, this is a very critical day in the U.S. Senate. By adopting this omnibus appropriations bill we will be providing critical funding to programs on which many Americans depend. If the President signs this bill, then service providers of every sort will be able to better plan their budgets for the remainder of the year and the upcoming fiscal year.

It is vitally important that we have put together a bill that the President should be able to sign. I wish to thank the distinguished chairman, Senator HATFIELD, for the fine job he has done to try and address the administration's concerns in this bill.

Title I of the Senate-reported omnibus appropriations bill provides $331.9 billion in budget authority and $247 billion in new outlays for the remainder of fiscal year 1996 for the Departments and Agencies funded by the five appropriation bills not yet enacted, including: Labor, Health and Human Services, and Education; Commerce, Justice, and State, the Judiciary, and Related Agencies; Veterans Affairs and Housing and Urban Development and Independent Agencies; Interior; and District of Columbia.

Of this amount, $149.4 billion in budget authority and $78.4 billion in new outlays is for discretionary spending. When outlays from prior-year budget authority and other completed actions are taken into account, the Senate-reported bill totals $163.8 billion in budget authority and $183 billion in outlays for discretionary spending in fiscal year 1996.

The Senate-reported bill is below the 602(b) allocations of all subcommittees by a total of $4 million in BA and $38 million in outlays.

The Senate-reported bill is $23.9 billion in budget authority and $9.2 billion in outlays below the President's budget request of just over a year ago. The Senate bill is $6.4 billion in budget authority and $3.9 billion in outlays below the 1995 level. It is $836 million in BA above the House-passed bill and $99 million in outlays below the House-passed bill.

While I may not agree with all of the priorities established by this bill, I would like to thank the chairman for the $22 million increase above the conference level provided for the Legal Services Corporation. The bill provides $300 million for this purpose, and another $9 million if Congress and the President reach a budget agreement.

We have worked very closely with the House on restructuring the Legal Services Corporation to disengage grantees involvement in controversial litigation, and restrict them to providing traditional legal services for the poor. While some may not like these restrictions, they are necessary to control the controversial activities of some grantees and to protect LSC from the negative perceptions of those who wish to see its termination.

I have been very concerned about the proposed $414 million reduction in title I, education for the disadvantaged. I am thankful to Senator SPECTER for offering an amendment during the Senate committee markup and a further

amendment on the floor that restored $814.5 million to the title I program, $1.3 billion higher than the conference level and $110 million higher than the 1995 level.

I am empathetic to the use of a contingency appropriations to provide additional funding for discretionary priorities. I realize that the discretionary spending caps have been very tight on the Appropriations Committee this year as we seek a balanced Federal budget.

With a broader budget agreement remaining elusive, I can appreciate the frustration of the Appropriations Subcommittee chairmen in trying to live within these tight appropriation caps.

I remain concerned about attempts to use entitlement reforms contained in the Balanced Budget Act to offset discretionary spending included in this bill as contingency funding, and with the possible use of the emergency designation that one could argue in some cases does not fit the traditional definition of such expenditures.

Overall, I believe the committee has done a very good job on this bill. The committee has tried to address significant priorities in the remaining bills.

It provides funding to meet the President's major domestic concerns but continues to pressure both Congress and the President to work toward a budget agreement. It provides disaster aid and support for the United States military mission in Bosnia. I urge the Senate to adopt the bill.

Mr. President, I ask unanimous consent that a Budget Committee table displaying the budgetary effects of this bill be placed in the RECORD at this point.

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

CONSOLIDATED OMNIBUS RESCISSIONS AND APPROPRIATIONS BILL

[Spending totals—Senate-reported bill]

[Fiscal year 1996, in millions of dollars]

	Commerce-Justice		Labor-HHS		Interior		VA–HUD		District of Columbia		Total	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Defense discretionary:												
Outlays from prior-year BA and other actions completed	0	92	.....	.....	.....	.....	0	78	.....	.....	0	170
H.R. 3019, as reported to the Senate	151	125	.....	.....	.....	.....	153	92	.....	.....	304	218
Scorekeeping adjustment	0	0	.....	.....	.....	.....	0	0	.....	.....	0	0
Subtotal defense discretionary	151	217	.....	.....	.....	.....	153	170	.....	.....	304	387
Nondefense discretionary:												
Outlays from prior-year BA and other actions completed	0	6,561	15,297	47,368	148	5,002	−1,113	44,345	0	0	14,332	103,545
H.R. 3019, as reported to the Senate	22,658	17,195	46,776	20,836	12,092	8,210	62,914	29,919	727	727	145,168	76,887
Scorekeeping adjustment	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal nondefense discretionary	22,658	23,756	62,073	68,472	12,239	13,213	61,801	74,265	727	727	159,500	180,431
Violent crime reduction trust fund:												
Outlays from prior-year BA and other actions completed	0	826	32	21	.....	.....	.....	.....	.....	.....	32	847
H.R. 3019, as reported to the Senate	3,956	1,286	21	4	.....	.....	.....	.....	.....	.....	3,977	1,290
Scorekeeping adjustment	0	0	0	0	.....	.....	.....	.....	.....	.....	0	0
Subtotal violent crime reduction trust fund	3,956	2,112	53	25	.....	.....	.....	.....	.....	.....	4,009	2,137
Mandatory:												
Outlays from prior-year BA and other actions completed	2	20	38,687	40,804	0	24	0	133	.....	.....	38,689	40,981
H.R. 3019, as reported to the Senate	503	480	161,850	150,864	59	25	20,043	17,213	.....	.....	182,455	168,583
Adjustment to conform mandatory programs with Budget Resolution assumptions	27	25	4,673	14,012	6	6	−905	341	.....	.....	3,801	14,384
Subtotal mandatory	532	525	205,210	205,680	65	55	19,138	17,688	0	0	224,945	223,948
Adjusted bill total	27,297	26,610	267,336	274,177	12,304	13,268	81,093	92,123	727	727	388,758	406,904
Senate Subcommittee 602(b) allocation:												
Defense discretionary	151	218	0	0	0	0	154	170	.....	.....	305	388
Nondefense discretionary	22,659	23,762	62,074	68,478	12,241	13,215	61,802	74,270	727	727	159,503	180,452
Violent crime reduction trust fund	3,956	2,113	53	44	0	0	0	0	.....	.....	4,009	2,157
Mandatory	532	525	205,210	205,680	65	55	19,138	17,688	.....	.....	224,945	223,948
Total allocation	27,298	26,618	267,337	274,202	12,306	13,270	81,094	92,128	.....	.....	388,035	406,218
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:												
Defense discretionary	0	−1	0	0	0	0	−1	−0	.....	.....	−1	−1
Nondefense discretionary	−1	−6	−1	−6	−2	−2	−1	−5	0	0	−3	−21
Violent crime reduction trust fund	−0	−1	0	−19	0	0	0	0	.....	.....	−0	−20
Mandatory	0	0	0	0	0	0	0	0	.....	.....	0	0
Total allocation	−1	−8	−1	−25	−2	−2	−1	−5	.....	.....	−4	−41

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

THE SPECTER AMENDMENT

Mr. ABRAHAM. Mr. President, I want to take a moment of the Senate's time to discuss the Specter education amendment to the continuing resolution—S. 1594. As you know, the Senate adopted the Specter amendment yesterday by a vote of 84 to 16. This amendment provides $2.7 billion in additional funding for Head Start, job training, title I, and other education programs. Given that these additional funds are fully offset by spending cuts elsewhere, I supported the amendment.

Senator SPECTER offered his amendment in the second degree to the Daschle amendment. Like the Specter amendment, Senator DASCHLE's amendment would have provided additional funding for various Federal education programs. Unlike the Specter amendment, however, the Daschle amendment was not fully offset and violated the Budget Act. In other words, while both amendments provided additional funding for education programs, the Specter amendment provides those funds in a responsible manner that does not bust the budget.

On the other hand, both the Daschle and Specter amendments also provided an additional $60 million for President Clinton's Goals 2000 Program. I want to make clear that my support for the Specter amendment should not be interpreted as support for this program. Instead of funding Goals 2000, I would have preferred to use the funding for education vouchers or charter schools.

TRANSFER OF F-16 AIRCRAFT TO JORDAN

Mrs. HUTCHISON. Mr. President, I rise to speak on a matter which could profoundly affect the U.S. defense industrial base. It is my understanding that the Committee on Appropriations recommends the appropriation of an additional $70 million in fiscal year 1996 funds for the Foreign Military Financing Program. These funds would be joined with $30 million in previously appropriated funds to provide initial

grant funding in support of the transfer of F–16 aircraft to Jordan. Ultimately, 16 F–16 aircraft are to be upgraded and then leased to Jordan in support of its participation in the Middle East peace process.

Mr. President, I have recently received information which suggests that the necessary upgrades will be performed on these aircraft in the United States prior to making them available to Jordan. If that is the case, I will support the committee's recommendation, because I believe the required work will enhance the defense industrial base.

Mr. President, I would ask the junior Senator from Kentucky, who serves as the chairman of the Foreign Operations Subcommittee, who has served on that subcommittee as a champion of U.S. private sector exports and who has insisted that American foreign aid programs serve our national interests, is this what the committee intends by its recommendation? Does the committee intend that engine upgrades and structural upgrades will be made by the U.S. private sector prior to the lease of these F–16's to Jordan?

Mr. McCONNELL. Mr. President, I can answer my colleague's question very directly and without ambiguity. Yes.

Yes, the Subcommittee on Foreign Operations recognizes the commitment that Jordan has made to peace in the Middle East. Jordan has joined with Israel in a treaty of peace. The subcommittee believes that the lease of F–16 aircraft to Jordan, a transfer of military equipment which is supported by Israel, will strengthen Jordan militarily and provide a strong signal of United States support for King Hussein and the people of Jordan as partners with Israel in the quest for peace in the Middle East.

It is the subcommittee's intention that the grant funding which we recommend to finance the required upgrades will be used to support the U.S. private sector and further serve U.S. interests by enhancing the defense industrial base. While third countries may participate in maintenance programs at a later date, the subcommittee believes that, insofar as the upgrades are concerned, the original U.S. manufacturer can best insure quality control, cost management, and interoperability with U.S. Air Force units.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Kentucky. I think that we have clearly established the intent of the Senate. These aircraft are to be provided to Jordan, in support of Jordan's participation in the Middle East peace process. Furthermore, to support U.S. exports and to help preserve the private sector defense industrial base, the required engine, structural, and related upgrades are to be performed in the United States.

PRESERVE TECHNOLOGY INVESTMENTS

Mr. ROCKEFELLER. Mr. President, I strongly endorse the Hollings-Daschle-Kerrey-Lieberman-Bingaman-Rockefeller-Kerry Amendment to H.R. 3019 that was debated last night, and to praise Senator HOLLINGS for offering this amendment that I cosponsored. This amendment would have restored funds for three key Department of Commerce programs: the Advanced Technology Program, National Telecommunications and Information Administration (NTIA) Telecommunications and Information Infrastructure Assistance Program, and Technology Administration as well as funding for Educational and Environmental Technologies. Restoring these funds is essential to making progress in generating more jobs for Americans, a better education system, protecting the environment, and maintaining our Nation's ability to compete and excel in research.

As a nation, we have used the best mix of individual innovation and national cooperative efforts to develop the most advanced and most productive economy in the world. Cooperative government and industry investments have brought us computers, the Internet, new treatments for disease, a better environment, and the moon. And these investments have brought us new industries; high-quality, high-paying jobs; and an improved standard of living.

But today, Americans understand that the ground underneath them is shifting—they have seen their work and workplaces transformed by new technologies and global competition. These changes and their consequences are as profound as the economic shifts that moved us from farms to factories more than a century ago. Now, as then, there is no way to reverse the tide. Now, as then, the fortunes of working people are uncertain as the landscape around them is remade.

Working Americans have reason to be worried, reasons, even, to be angry. They are working harder than ever, but their jobs are less secure, their wages are stagnant, and their benefits and pensions are shrinking. All this when company profits and CEO salaries are rising.

Parents are putting in more hours at the office. Precious time taken from Little League games and PTA meetings and family dinners. And the strain—on families, schools, neighborhoods, on what makes a civil society—is all too apparent.

At the same time, Mr. President, "Reaganomics" can't seem to disappear for good, no matter how clear the evidence is from the 1980's that this is a dangerous course and bad economic policy. The Reagan manifesto might have been written for a Warren G. Harding campaign speech. Big tax breaks for top-income earners and corporations—a trickle from the top will grow jobs and wages. Drop safety standards and environmental safeguards—an invisible hand will protect workers and consumers. Push the disabled, elderly, and poor children off the wagon.

In a trance, Congress cooperated in the eighties when Reagan told them to cut taxes on the rich and corporations. In the last decade tax rates for top-income brackets were lowered from 70 percent to 40 percent. And, the share of the tax burden that corporations pay has been reduced from 15 percent to 10 percent over the last decade.

The minimum wage was stunted. And, domestic spending was cut from nearly 5 percent of the Federal budget to about 3½ percent since 1980.

To what end? Some people benefitted—some a whole lot. Since 1980, more than $800 billion was added to household incomes—but 98 percent of that money went to the richest 20 percent. That means all the rest, 80 percent of American households, shared just 2 percent of the gains. In fact, the average American family is now getting by on less than they had in 1980.

For a fortunate handful of Americans, the transformation from an industrial to an information economy offers unlimited opportunity and fantastic profit. But for most, right now, this new economy demands more and offers less—it demands more education, more skills, more flexibility, more time; but offers less pay, less benefits, and less security. Working families are running faster and losing ground—a raw deal that undermines the crucial link between work and personal progress, and breeds the anger and cynicism that are poisoning our society and our political debate.

I believe there are clear, commonsense, approaches that must be followed to enable all Americans to gain the fruits of our success.

Our trade and monetary policies must work for working people. We need trade agreements based on only giving access when we get exactly that for our products. We have to say no to agreements that push our jobs across our borders. Let's live in the real world, and demand other countries to live up to environmental and labor standards they avoid to get the upper hand.

The Fed should be as aggressive in promoting growth to benefit workers as they are with managing inflation to benefit bondholders.

And we must have investments in education, training, infrastructure, and technology that produce dividends for working people here at home. Investments in people are every bit as important as investment in equipment. But unless that's better known and understood, human investments will keep shriveling through the budget cuts already being made. Behind the banner of a balanced budget, we are in danger of

surrendering what really spreads opportunity in America—the chance to learn, to train, and to excel.

Investments in science and technology are a key part of the solution. As the President's Council of Economic Advisors recently reported, investments in innovation have been responsible for almost one-half of the Nation's economic growth.

This Nation has had a 50-year consensus on investments in science in technology. We have made these investments to expand the basic store of knowledge both because of our exploring, inquisitive nature and because we know the benefits are unpredictable. We have invested in biological research that improves our ability to feed our people and attack disease. And we have invested in new technologies in support of Federal missions, technologies that created new industries and jobs in aviation, electronics, software, and communications.

But those very programs that are key to our technological progress are now under threat. If it had passed, our Hollings-Daschle-Kerry Amendment would have lessened that threat by restoring funds for technology programs that invest in new innovations with broad benefits for the Nation.

Recently, we have realized that with fierce global competition, this Nation must invest in innovation to advance economic growth. We are investing in the Advanced Technology Program with bipartisan support.

President Bush's science advisor, D. Allan Bromley, realized that we can support key technologies without intervening in the market's selection of winners and losers. The Advanced Technology Program was first funded in 1991 under President George Bush. This program is important because it invests in precompetitive or generic technologies, in the neglected zone between pure research and product development. These technologies are essential to technological progress for several industries or companies and are too risky for individual companies to fund on their own. The ATP will help to develop new technologies and new industries before other countries do.

We must keep investing in the Department of Commerce Technology Administration. This is the one office in the Federal Government that is dedicated to advancing national investments in technology in support of economic growth. TA works to develop policies and partnerships that assist industrial innovation. And the office is supporting cooperative technology ventures between United States and Israeli companies that will be a win-win effort for both nations. This commitment is especially crucial now, as Israel reels from a string of devastating terrorist attacks.

We must keep investing in educational technologies, technologies that will improve classroom learning and increase our student's chance to excel and succeed.

And we must invest in connecting schools, libraries, and hospitals to the world of the Internet. Funding grants from the National Telecommunications and Information Administration [NTIA] Telecommunications and Information Infrastructure Assistance Program [TIIAP] will enable these institutions to develop new applications that will increase students skills, improve health care, and extend telephone service in rural areas. This is particularly important to my home State of West Virginia, a heavily rural State. A TIIAP grant to the State library system will give citizens of West Virginia access to information around the globe.

We must keep investing in new, innovative environmental technologies, that will result in higher levels of environmental protection at lower costs for industry. These new technologies offer U.S. companies opportunities for increased exports and more jobs here at home.

These programs are essential investments to our Nation's economic future. They mean new industries and high-quality, high-wage jobs. They mean an improved environment. They mean a better education and greater opportunities for students and workers.

Our Nation must act—if we do not, our competitors are ready to take advantage. While we are considering cutting our investments in nondefense R&D by 30 percent by 2002, Japan is about to double its Government's investments.

We cannot go back and we should not go back—old policies need to change to meet new needs. But we should hold on to what we learned in that earlier era, and carry those lessons into the 1990's and the 21st century. Lessons of hard work and fair play, of balance between business and worker, of investment in people and technology should guide us as we meet the challenges of today and the future.

With the continued leadership of Senator HOLLINGS for America's economic strength and jobs, I will persist as well in pressing the case for the investments that our amendment attempted to rescue. We will not give up, because jobs for our people and the American dream are at stake.

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

The PRESIDING OFFICER (Mr. McCAIN). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent that the following amendments be the only remaining first-degree amendments in order to H.R. 3019, that they be subject to relevant second-degrees, and following the disposition of the amendments, the Senate proceed to vote on the Hatfield substitute, as amended, the bill then be read for the third time, and the Senate proceed to final passage of H.R. 3019, all without any intervening action or debate.

The list of amendments follows:

REPUBLICAN AMENDMENTS

Jeffords—Technical to D.C. provisions.
Jeffords—Technical to D.C. provisions.
Jeffords—Relevant.
Faircloth—Bosnia funding.
Burns—Relevant.
Burns—Relevant.
Burns—Relevant.
Helms—International Family Planning/Abortion.
Helms—N.C. Hospital.
Helms—Waiver of authority.
Helms—Abortion.
Helms—Relevant.
Helms—Relevant.
Coverdell—Relevant.
Brown—Relevant.
Brown—Relevant.
Coats—Abortion accreditation.
McConnell—Mexico City policy.
Gramm—Emergency provisions.
Gramm—Housing.
Gramm—State Welfare Program.
Gramm—Contingency provisions.
Gramm—Legal Services.
Gramm—Community assistance.
Santorum—Emergency provisions.
Santorum—Offset disaster assistance.
Santorum—Offset disaster assistance/conferees.
Santorum—Funding cut in title I.
Santorum—Salary/expense cut in title I.
Hatch—Drug czar.
Craig—Legal Services Corp.
Shelby—Drug czar.
Hatfield—Relevant.
Hatfield—Relevant.
Hatfield—Amalgamated millsite.
Lott—Relevant.
Lott—Relevant.
Lott—Relevant.
Murkowski—Canned salmon.
Murkowski—Salmon.
Murkowski—Greens Creek.
Murkowski—Study.
Cohen—Legal Services.
Stevens—Relevant.
Stevens—Relevant.
Stevens—Sematech.
Stevens—R&D camera.
Stevens—Interior floods.
Gorton—Medical Center—VA.
Gorton—Administrative accounts adjustment.
Gorton—Relevant.
Kempthorne—Interior floods.
Grams—Lockbox.
McConnell—FBI.
Bond—Relevant.
Bond—Relevant.
Bond—Relevant.
Bond—Relevant.
Bond—Relevant.
Cochran—Relevant.
Dole—Relevant.
Dole—Relevant.
Cohen—DOD.
Chafee—Relevant.
McCain—(3)/Relevant.
Warner—Relevant.

DEMOCRATIC AMENDMENTS

Boxer—D.C. abortion funds.
Bradley—Relevant.
Bumpers—Legal Services.
Byrd:
(1) Relevant.
(2) Relevant.
(3) Relevant.
(4) Relevant.
(5) Relevant.
(6) Relevant.
Daschle:
(1) Inhalants.
(2) Crop insurance.
(3) Watertown SD.
(4) Relevant.
(5) Relevant.
(6) Relevant.
(7) Relevant.
(8) Relevant.
Dorgan—Defense (with/Conrad).
Harkin—Health care.
Kennedy—Drug exports.
Lautenberg:
(1) Environment.
(2) Environment.
(3) Relevant.
Mikulski—National service.
Murray—Timber sales.
Pryor—Drugs.
Ried—Relevant.
Simon:
(1) Literacy/longer schoolyear.
(2) National Secondary Education Program.
(3) Relevant.
Wellstone:
(1) SoS Liheap.
(2) Relevant.
Levin—Relevant.
Leahy—Relevant.
Johnston—Water Resources Den. Act.
Breaux—Relevant.
Lautenberg—FAA employee rights.
Baucus—Relevant.
Biden—Relevant.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration, at 9:30, Thursday, of the Murray timber salvage amendment, and there be 2½ hours of debate, equally divided between Senators MURRAY and HATFIELD, or his designee; further, that no second-degree amendments be in order to the amendment, and at the expiration or yielding back of debate time, the Senate proceed to a vote on or in relation to the Murray amendment.

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

Mr. HATFIELD. Mr. President, I yield the floor.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, 4 years ago when I commenced these daily reports to the Senate it was my purpose to make a matter of daily record the exact Federal debt as of the close of business the previous day.

In that first report (February 27, 1992) the Federal debt the previous day stood at $3,825,891,293,066.80, as of close of business. The point is, the Federal debt has since shot further into the stratosphere. As of yesterday at the close of business, a total of $1,191,392,298,843.23 has been added to the Federal debt since February 26, 1992.

This means that as of the close of business yesterday, Tuesday, March 12, 1996, the Federal debt total was exactly $5,017,283,591,910.03. (On a per capita basis, every man, woman, and child in America owes $19,044.03 as his or her share of the Federal debt.)

THE NOMINATION OF COMMANDER ROBERT STUMPF

Mr. THURMOND. Mr. President, the Senate Armed Services Committee agreed on March 13, 1996 to issue the following statement concerning the consideration of the nomination of Commander Robert Stumpf, U.S. Navy.

On March 11, 1994, the President submitted various nominations for promotion in the Navy to the grade of Captain (0-6), including a list containing the nomination of Commander Stumpf. On the same date, the Assistant Secretary of Defense, in the letter required by the committee on all Navy and Marine Corps nominees, advised the committee that none of the officers had been identified as potentially implicated on matters related to Tailhook. The list was reported favorably to the Senate on May 19, 1994, and all nominations on the list were confirmed by the Senate on May 24, 1994.

Subsequent to the Senate's confirmation of the list, but prior to the appointment by the President of Commander Stumpf to the grade of Captain, the committee was advised by the Department of Defense that the March 11, 1994 letter had been in error because the Navy had failed to inform the Office of the Secretary of Defense that Commander Stumpf had been identified as potentially implicated in Tailhook. On June 30, 1994, the committee requested that the Navy withhold action on the promotion until the committee had an opportunity to review the information that had not been made available to the Senate during the confirmation proceedings.

On April 4, 1995, the Navy provided the committee with the report of the investigation and related information concerning Commander Stumpf, and subsequently provided additional information in response to requests from the committee. On October 25, 1995, the committee met in closed session—consistent with longstanding practice—to consider a number of nominations and to consider the matter involving Commander Stumpf. The committee directed the Chairman and Ranking Member to advise the Secretary of the Navy that "had the information regarding Commander Stumpf's activities surrounding Tailhook '91 been available to the committee, as required, at the time of the nomination, the committee would not have recommended that the Senate confirm his nomination to the grade of Captain." The committee also directed that the letter advise the Secretary that: "The committee recognizes that, in light of the Senate having earlier given its advice and consent to Commander Stumpf's nomination, the decision to promote him rests solely with the Executive Branch." A draft letter was prepared, made available for review by all members of the committee, and was transmitted to the Secretary on November 13, 1995. On December 22, 1995, the Secretary of the Navy removed Commander Stumpf's name from the promotion list.

The committee met on March 12, 1996, to review the committee's procedures for considering Navy and Marine Corps nominations in the aftermath of Tailhook. At that meeting, the committee reviewed the proceedings concerning Commander Stumpf.

The committee, in considering the promotion of Commander Stumpf, acted in good faith and in accordance with established rules and procedures, including procedures designed to protect the privacy and reputation of nominees, with appropriate regard for the rights of Commander Stumpf. The Chief of Naval Operations has testified that he believes such confidentiality should be maintained. The committee made its November 13, 1995 recommendation based upon information that was made available by the Navy.

At the present time, no nomination concerning Commander Stumpf is pending before the committee, and the Secretary of the Navy has removed his name from the promotion list. The committee has been advised by the Navy's General Counsel that this administrative action taken by the Secretary of the Navy is final and that the Secretary cannot act unilaterally to promote Commander Stumpf.

The committee notes that much of the material that has appeared in the media about the substantive and procedural issues concerning this matter, is inaccurate and incomplete.

As with any nominee whose name has been removed from a promotion list, Commander Stumpf remains eligible for further nomination by the President. If he is nominated again for promotion to Captain, the committee will give the nomination the same careful consideration it would give any nominee.

MESSAGES FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the Bill (H.R. 1561) to consolidate the foreign affairs agencies of the

United States; to authorize appropriations for the Department of State and related agencies for fiscal year 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2036) to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2064. An act to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia.

H.R. 2276. An act to establish the Federal Aviation Administration as an independent establishment in the executive branch, and for other purposes.

H.R. 2685. An act to repeal the Medicare and Medicaid Coverage Data Bank.

H.R. 2972. An act to authorize appropriations for the Securities and Exchange Commission, to reduce the fees collected under the Federal securities laws, and for other purposes.

H.J.Res. 78. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.

The message further announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 149. Concurrent resolution condemning terror attacks in Israel.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2276. An act to establish the Federal Aviation Administration as an independent establishment in the executive branch, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2685. An act to repeal the Medicare and Medicaid Coverage Data Bank; to the Committee on Finance.

H.R. 2972. An act to authorize appropriations for the Securities and Exchange Commission, to reduce the fees collected under the Federal securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 149. Concurrent resolution condemning terror attacks in Israel, to the Committee on Foreign Relations.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2064. An act to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia.

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-2054. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Program Review of the Economic Development Finance Corporation for Fiscal Year 1994"; to the Committee on Governmental Affairs.

EC-2055. A communication from the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2056. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2057. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2058. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2059. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2060. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2061. A communication from the Secretary of Energy, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2062. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2063. A communication from the Secretary of Labor, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2064. A communication from the Chairman and General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2065. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2066. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2067. A communication from the Office of Special Counsel, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2068. A communication from the Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2069. A communication from the Chairman of the U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2070. A communication from the Chairman of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2071. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2072. A communication from the Director of the U.S. Information Agency, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2073. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2074. A communication from the Chair of the Federal Labor Relations Authority, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2075. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2076. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2077. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2078. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2079. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2080. A communication from the Executive Director of the U.S. National Commission on Libraries and Information Science, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2081. A communication from the Chairman of the U.S. Commission For the Preservation of America's Heritage Abroad, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2082. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2083. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2084. A communication from the Attorney General, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2085. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2086. A communication from the Director of the Morris K. Udall Scholarship and Excellence in National Environment Policy Foundation, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2087. A communication from the Chairperson of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2088. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2089. A communication from the Chairman of the Board of Trustees of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2090. A communication from the Chairman of the U.S. Merit System Protection Board, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–2091. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–2092. A communication from the Chairman of the U.S. Commission For the Preservation of America's Heritage Abroad, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–2093. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–2094. A communication from the Chairman of the African Development Foundation, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–2095. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–2096. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–2097. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–2098. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–2099. A communication from the Comptroller General, transmitting, pursuant to law, the report of General Accounting Office reports for January 1996; to the Committee on Governmental Affairs.

EC–2100. A communication from the Comptroller General, transmitting, pursuant to law, the report of General Accounting Office reports for December 1995; to the Committee on Governmental Affairs.

EC–2101. A communication from the Comptroller General, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2102. A communication from the Assistant Comptroller General (Accounting and Information Management Division), transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2103. A communication from the Director of the Office of Financial Management (General Services and Controller), General Accounting Office, transmitting, pursuant to law; to the Committee on Governmental Affairs.

EC–2104. A communication from the Administrator of the General Services Administration, transmitting, a draft of proposed legislation to amend the Right to Financial Privacy Act of 1978; to the Committee on Governmental Affairs.

EC–2105. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report of the amount of personal property furnished to non-Federal recipients; to the Committee on Governmental Affairs.

EC–2106. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report under the Program Fraud Civil Remedies Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2107. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report on material weaknesses; to the Committee on Governmental Affairs.

EC–2108. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the audit follow-up for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–2109. A communication from the Secretary of Education, transmitting, pursuant to law, a report concerning surplus Federal real property; to the Committee on Governmental Affairs.

EC–2110. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report under the Single Audit Act for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2111. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled "Statistical Programs of the U.S. Government: Fiscal Year 1996"; to the Committee on Governmental Affairs.

EC–2112. A communication from the Executive Director of the National Education Goals Panel, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2113. A communication from the Chairperson of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–2114. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report of the number of appeals submitted during fiscal year 1995; to the Committee on Governmental Affairs.

EC–2115. A communication from the Inspector General, transmitting, pursuant to law, a report relative to lobbying activities by contractors or grantees; to the Committee on Governmental Affairs.

EC–2116. A communication from the Vice Chairman and Chief Financial Officer of the Potomac Electric Power Company, transmitting, pursuant to law, the report of the balance sheet for calendar year 1995; to the Committee on Governmental Affairs.

EC–2117. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the report of the privatization of investigations service through employee stock ownership plan; to the Committee on Governmental Affairs.

EC–2118. A communication from the Manager of the Benefits Communications of the Ninth Farm Credit District Trust Committee, transmitting, pursuant to law, the annual report for the plan year ended December 31, 1994; to the Committee on Governmental Affairs.

EC–2119. A communication from the Chairman of the Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Governmental Affairs.

EC–2120. A communication from the Acting Inspector General of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report under the Inspector General Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2121. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, a report relative to lobbying for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-2122. A communication from the Acting Inspector General of the Federal Communication Commission, transmitting, pursuant to law, a report relative to Federal contracts; to the Committee on Governmental Affairs.

EC-2123. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, a report relative to the procedural schedule; to the Committee on Governmental Affairs.

EC-2124. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the report under the Sunshine Act for calendar year 1995; to the Committee on Governmental Affairs.

EC-2125. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report of the justification of budget estimates for fiscal year 1997; to the Committee on Appropriations.

EC-2126. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93-50; to the Committee on Appropriations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Christopher M. Coburn, of Ohio, to be a Member of the Board of Directors of the United States Enrichment Corporation for a term expiring February 24, 2000.

Charles William Burton, of Texas, to be a Member of the Board of Directors of the United States Enrichment Corporation for a term expiring February 24, 2001.

Alvin L. Alm, of Virginia, to be an Assistant Secretary of Energy (Environmental Management).

Thomas Paul Grumbly, of Virginia, to be Under Secretary of Energy.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. BOND (for himself, Mr. NICKLES, Mr. DOLE, Mr. D'AMATO, Mr. MURKOWSKI, Mr. INHOFE, Mr. LOTT, Mr. GRAMM, and Mr. FRIST):

S. 1610. A bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees; to the Committee on Finance.

By Mr. McCONNELL:

S. 1611. A bill to establish the Kentucky National Wildlife Refuge, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HELMS (for himself, Mr. DOLE, Mr. HATCH, Mr. THURMOND, Mr. FAIRCLOTH, Mr. GRAMM, and Mrs. FEINSTEIN):

S. 1612. A bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. INOUYE (for himself, Mr. D'AMATO, Mr. SIMPSON, Mr. SMITH, Mr. MACK, Mr. CONRAD, Mr. FORD, Mr. McCONNELL, Mr. HELMS, Mr. HEFLIN, Mr. STEVENS, Mr. DOMENICI, Mr. WARNER, Mr. GRAHAM, and Mr. CRAIG):

S. Con. Res. 46. A concurrent resolution to express Congress' admiration of the late Israeli Prime Minister Yitzhak Rabin and his contribution to the special relationship between the United States and Israel, and to express the sense of the Congress that the American Promenade in Israel be named in his memory; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND (for himself, Mr. NICKLES, Mr. DOLE, Mr. D'AMATO, Mr. MURKOWSKI, Mr. INHOFE, Mr. LOTT, Mr. GRAMM, and Mr. FRIST):

S. 1610. A bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees; to the Committee on Finance.

THE INDEPENDENT CONTRACTOR TAX SIMPLIFICATION ACT OF 1996

Mr. BOND. Mr. President, determining worker classification is one of the most important tax issues facing small business today. Indeed, and in fact, it was rated No. 1 by the delegates to the White House Conference on Small Business. They said this is something that must be dealt with because the ambiguity in the current law makes it extremely difficult for business owners to determine whether a worker is an independent contractor or an employee. Today I will be introducing the Independent Contractor Tax Simplification Act on behalf of myself, Senator NICKLES, Senator DOLE, Senator D'AMATO, Senator MURKOWSKI and Senator LOTT.

For years, now, the Internal Revenue Service has used a 20-factor common law test to determine worker status. Frankly, the test is a nightmare of subjectivity and unpredictability for small business owners who often get their tutorial on the subtleties of the issue during an IRS audit—certainly an unfortunate time to be learning how tricky the law is.

IRS agents are required to consider 20 different factors to determine whether an employer/employee relationship exists. The problem is that the small business taxpayer is not able to predict which of the 20 factors is going to be more important to a particular IRS agent, and finding a certain number of these factors present in a case does not always determine the result.

Inevitably, what has been happening is that agents are resolving far too many cases in favor of the IRS and its tendency to find the existence of an employment relationship at the expense and disruption of bona fide independent contractor arrangements.

Let me make perfectly clear, the IRS has every right to obtain information on payments, whether they are made to an employee or to an independent contractor. It is our position that simplifying IRS collection does not warrant the IRS going beyond tax law to determine business organization, so long as the organizations are legitimate structures and the IRS has the information on payments so they may collect appropriate taxes.

This lack of a clear standard in existing law has made some small business owners reluctant to hire independent contractors and put others in great concern and risk of being pursued for back taxes.

In some cases, the concern is so great that it stifles business expansion. As I indicated earlier, the depth of the problem was made clear last summer when the White Conference on Small Business, a nationwide group of almost 2,000 small business delegates, voted the independent contractor issue first on its list for recommended changes.

Today, together with Senator NICKLES and the other Senators whom I mentioned, Senator NICKLES having been a long and consistent supporter of small business legislation, we introduce a bill that solves this problem. Our bill provides a short list of simple, clear objective standards that will allow all taxpayers to understand what the law says about who is an employee and who is an independent contractor. When this law is enacted, IRS agents will have clear direction, small business will have clear direction, but the IRS will no longer have the upper hand in today's confusing independent contractor law, which gives the IRS agent, when they deal with our country's small business taxpayers, advantage in determining their business organization.

I especially thank Senator NICKLES for his willingness to allow us to work on this bill together. Last September at a hearing, I held in the Small Business Committee, Senator NICKLES testified about his personal experience with this issue dating back to the small business that he began while he was a college student. For Senator NICKLES' company, like many startup companies and small businesses, it seemed to make perfect sense to hire

independent contractors in certain situations. More established, larger businesses also need to hire independent contractors to accomplish specific tasks that may require specialized skill. In fact, many of America's entrepreneurs are in business as independent contractors whose livelihood is dependent upon the fact that other companies need their service and expertise. These entrepreneurs have no desire, nor do they have any need, to become employees of the businesses who purchase their services.

Others in our Small Business Committee hearing testified about their experiences with IRS agents regarding worker status, telling us about receiving IRS penalties as high as a quarter of a million dollars. Between these outrageously high penalties and the complexity of the 20-factor test, this issue, understandably, infuriates many small business taxpayers.

Mr. President, the Commissioner of Internal Revenue, the Honorable Margaret Richardson, in a speech to last summer's small business conference delegates, told them the IRS does not care whether someone is an employee or independent contractor, as long as they properly report their income, and that is as it should be. Yet, the IRS continues to pursue this issue fiercely during its audits. It has been reported that in a recent 4-year span, the IRS reclassified 338,000 workers as employees. The same report indicates the IRS prevails in 9 out of 10 worker classification audits. Little wonder when they have the upper hand with a very confusing, very complex 20-factor test.

Just last week, I received a copy of the "Revised Internal Revenue Service Worker Classification Training Materials." This was distributed by Commissioner Richardson. In her memo accompanying the document, she describes the purchase of the document as an attempt to identify, simplify and clarify the factors that should be applied in order to accurately determine worker classification.

There could be no more compelling justification for the importance of our immediate passage of the legislation than this document. We commend Commissioner Richardson for seeking to simplify, but this document is over 100 pages long. If it takes that much paper and that much ink to instruct IRS agents on how to simplify and clarify a small business tax issue, I think we can be pretty sure how simple and clear it is going to seem to the taxpayer sitting across the desk from an IRS agent during an audit.

As those who follow this issue know, what makes this problem especially frustrating is that unlike most interpretive actions of the IRS where they must determine the proper amount of income or deductions so Treasury can collect the amount of tax legally due to it, the independent contractor issue is not about how much tax the Government receives. The classification decision does not alter aggregate tax liability to the Government at all. This problem exists because of IRS's apparent desire to recast economic relationships between private parties that these parties have already determined for themselves. The Independent Contractor Tax Simplification Act will help move the IRS out of its de facto role of setting employment policy and back into its role of revenue collection.

Our bill sets out three simple questions to be asked in determining whether a person providing services is an employee or independent contractor.

First, is there a written agreement between the parties?

Second, does it appear the worker has made some investment, such as incurring substantial unreimbursed expenses or being paid primarily on a commission basis?

Third, does the worker appear to have some independence, such as having his or her own place of business?

In other words, under this bill, if there is a written contract between the parties and if basic investment and independence criteria are met, then the worker is an independent contractor. Plain, simple, predictable. Fine. To take advantage of this simple rule, the party must properly report payments above $600 to the IRS just like under current law. This ensures all taxes properly due to the Treasury can be collected.

The legislation is written to provide immediate clarification and relief to taxpayers undergoing IRS examinations currently. The change, no doubt, would save many businesses from a protracted and expensive battle with IRS. For some, it may even save the business.

When we in Congress find an opportunity to take action in a tax area so strongly supported by many small businesses, and when it is one that does not involve any loss to the Federal Treasury, we should act without delay. I am confident the Finance Committee can find an acceptable revenue offset for this worthy purpose to the extent that any revenue is lost. The revenue estimate for the bill should be fairly simple, reflecting the bill's provisions that assure continued collection of all taxes due the Federal Government.

Small businesses cannot afford to wait any longer for resolution of this problem, and they should not be expected to do so. They have waited for decades. We now have a bill that will solve the problem.

The companion bill has been introduced in the other body. I am told it has over 200 cosponsors. It is time Congress steps up to the plate and delivers for small business. I urge members of the Finance Committee to work with Senator NICKLES and others to report out a bill that provides this much-needed change.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the bill, a section-by-section analysis and copies of some letters of support for the bill we have received.

I also ask unanimous consent that Senators DOLE, D'AMATO, LOTT, MURKOWSKI, and INHOFE be shown as original cosponsors.

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

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

S. 1610

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 "Independent Contractor Tax Simplification Act of 1996".

SEC. 2. FINDINGS.

The Congress finds that:

(1) Simplifying the tax rules with respect to independent contractors was the top vote-getter at the 1995 White House Conference on Small Business. Conference delegates recommended that Congress "should recognize the legitimacy of an independent contractor". The Conference found that the current common law is "too subjective" and called upon the Congress to establish "realistic and consistent guidelines".

(2) It is in the best interests of taxpayers and the Federal Government to have fair and objective rules for determining who is an employee and who is an independent contractor.

SEC. 3. STANDARDS FOR DETERMINING WHETHER INDIVIDUALS ARE NOT EMPLOYEES.

(a) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 (general provisions relating to employment taxes) is amended by adding after section 3510 the following new section:

"SEC. 3511. STANDARDS FOR DETERMINING WHETHER INDIVIDUALS ARE NOT EMPLOYEES.

"(a) GENERAL RULE.—For purposes of this title, and notwithstanding any provision of this title to the contrary, if the requirements of subsections (b), (c), and (d) are met with respect to any service performed by any individual, then with respect to such service—

"(1) the service provider shall not be treated as an employee,

"(2) the service recipient shall not be treated as an employer,

"(3) the payor shall not be treated as an employer, and

"(4) compensation paid or received for such service shall not be treated as paid or received with respect to employment.

"(b) SERVICE PROVIDER REQUIREMENTS WITH REGARD TO SERVICE RECIPIENT.—For the purposes of subsection (a), the requirements of this subsection are met if the service provider, in connection with performing the service—

"(1) has a significant investment in assets, training, or both,

"(2) incurs significant unreimbursed expenses,

"(3) agrees to perform the service for a particular amount of time or to complete a specific result and is liable for damages for early termination without cause,

"(4) is paid primarily on a commissioned basis or per unit basis, or

"(5) purchases products for resale.

"(c) ADDITIONAL SERVICE PROVIDER REQUIREMENTS WITH REGARD TO OTHERS.—For the purposes of subsection (a), the requirements of this subsection are met if—

"(1) the service provider—

"(A) has a principal place of business,

"(B) does not primarily provide the service at the service recipient's facilities,

"(C) pays a fair market rent for use of the service recipient's facilities, or

"(D) operates primarily from equipment not supplied by the service recipient; or

"(2) the service provider—

"(A) is not required to perform service exclusively for the service recipient, and

"(B) in the year involved, or in the preceding or subsequent year—

"(i) has performed a significant amount of service for other persons,

"(ii) has offered to perform service for other persons through—

"(I) advertising,

"(II) individual written or oral solicitations,

"(III) listing with registries, agencies, brokers, and other persons in the business of providing referrals to other service recipients, or

"(IV) other similar activities, or

"(iii) provides service under a business name which is registered with (or for which a license has been obtained from) a State, a political subdivision of a State, or any agency or instrumentality of 1 or more States or political subdivisions.

"(d) WRITTEN DOCUMENT REQUIREMENTS.—For purposes of subsection (a), the requirements of this subsection are met if the services performed by the individual are performed pursuant to a written contract between such individual and the person for whom the services are performed, or the payor, and such contract provides that the individual will not be treated as an employee with respect to such services for purposes of this subtitle.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) FAILURE TO MEET REPORTING REQUIREMENTS.—If for any taxable year any service recipient or payor fails to meet the applicable reporting requirements of section 6041(a), 6041A(a), or 6051 with respect to a service provider, then, unless such failure is due to reasonable cause and not willful neglect, this section shall not apply in determining whether such service provider shall not be treated as an employee of such serviced recipient or payor for such year.

"(2) RELATED ENTITIES.—If the service provider is performing services through an entity owned in whole or in part by such service provider, then the references to 'service provider' in subsections (b) through (d) may include such entity, provided that the written contract referred to in paragraph (1) of subsection (d) may be with either the service provider or such entity and need not be with both.

"(f) DEFINITIONS.—For the purposes of this section—

"(1) SERVICE PROVIDER.—The term 'service provider' means any individual who performs service for another person.

"(2) SERVICE RECIPIENT.—Except as provided in paragraph (5), the term 'service recipient' means the person for whom the service provider performs such service.

"(3) PAYOR.—Except as provided in paragraph (5), the term 'payor' means the person who pays the service provider for the performance of such service in the event that the service recipients do not pay the service provider.

"(4) IN CONNECTION WITH PERFORMING THE SERVICE.—The term 'in connection with performing the service' means in connection or related to—

"(A) the actual service performed by the service provider for the service recipients or for other persons for whom the service provider has performed similar service, or

"(B) the operation of the service provider's trade or business.

"(5) EXCEPTIONS.—The terms 'service recipient' and 'payor' do not include any entity which is owned in whole or in part by the service provider."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding at the end the following new item:

"Sec. 3511. Standards for determining whether individuals are not employees."

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to services performed before, on, or after the date of the enactment of this Act.

SUMMARY OF THE INDEPENDENT CONTRACTOR TAX SIMPLIFICATION ACT

For too long now, businesses have been forced to rely upon complicated and ambiguous IRS guidelines for classifying individual workers as employees or independent contractors. IRS audit determinations of misclassification often result in heavy tax penalties. Clarifying independent contractor rules was considered the top small business priority by conference delegates at the 1995 White House Conference on Small Business.

Instead of trying to define who is an employee (the common law 20-point test), this legislation creates a simple definition of who is not an employee.

GENERAL RULE

If this legislation's requirements are met with respect to any service performed by any individual, then the service provider shall not be treated as an employee, the service recipient shall not be treated as an employer, the payor shall not be treated as an employer, and the compensation paid shall not be treated as paid with respect to employment.

INVESTMENT/TRAINING/RISK

With regard to the service being performed, the service provider must—

(1) have a significant investment in assets and/or training, or

(2) incur significant unreimbursed expenses, or

(3) agree to perform the service for a particular amount of time or to complete a specific result and is liable for damages for early termination without cause, or

(4) be paid primarily on a commissioned or per-unit basis, or

(5) purchase products for resale.

PRINCIPAL PLACE OF BUSINESS/ADVERTISING

With regard to other parties, the service provider must—

(1) have a principal place of business, or

(2) not primarily provide the service in the recipient's facilities unless the provider is paying a fair market rent for this use, or

(3) operate primarily from equipment not supplied by the service recipient, or

(4) not be required to perform service exclusively for the service recipient, and

(a) have recently performed a significant amount of service for other persons, or

(b) have offered to perform service for persons through advertising, individual solicitations, listing with registries, etc, or other similar activities, or

(c) have provided service under a registered or licensed business name.

WRITTEN DOCUMENT REQUIREMENTS

The services of a provider must be performed pursuant to a written contract between such individual and the service recipient stating that the provider will not be treated as an employee.

SPECIAL RULES

If any service recipient fails to meet the applicable IRS reporting requirements with respect to a service provider, then they may not rely upon these simplified independent contractor guidelines and are subject to the existing 20-point common law test.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, March 12, 1996.

Hon. KIT BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I am writing to offer our strong support of the Independent Contractor Simplification Act. The independent contractor issue has been confusing and burdensome for small business owners for decades. As you know, the independent contractor issue was the top recommendation of the 1995 White House Conference on Small Business.

Small businesses are put in a lose-lose situation with the Internal Revenue Service. Under the current law, they are required to classify individuals as independent contractors or employees based on extremely vague and ambiguous IRS guidelines. When a small business owner mistakenly misclassifies a worker based on these vague criteria, the IRS audits the business and levies back tax penalties. Even if the employer fully reported all payments to the independent contractor and the mistake was unintentional, these penalties are still levied. This misunderstanding can put the employer out of business. For small businesses, misinterpreting these nebulous IRS guidelines can be financially devastating.

The Independent Contractor Simplification Act sets forth an alternate set of clear and distinct criteria for businesses to follow when classifying their workers. It solves the independent contractor problem by defining who is not an employee. Most importantly, the legislation puts forth safeguards against abusing this classification by prohibiting both independent contractor and employer from relying on these new rules if all payments for service are not properly reported to the IRS.

We commend you on your legislation which sends much needed relief to our nation's small business owners and the million of budding entrepreneurs who have an interest in being an independent contractor. We look forward to working with you to move the Independent Contractor Simplification Act through the Senate.

Sincerely,

DONALD A. DANNER,
Vice President,
Federal Governmental Relations.

THE INDEPENDENT CONTRACTOR COALITION,
Washington, DC.

Hon. KIT BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: We the undersigned, representing a cross-section of close to one million businesses and individuals, are writing to offer our strong support for the Independent Contractor Tax Simplification Act.

This legislation will bring much needed relief to millions of businesses and budding entrepreneurs in addressing ambiguities in the IRS guidelines for determining independent contractor status.

At a minimum, the current system by which the IRS enforces laws and regulations governing an individual's employment tax status promotes uncertainty and inhibits entry of aspiring entrepreneurs into the free market system as independent contractors. At its worst, the current system is unfairly biased against the use of independent contractors and constrains economic expansion of our nation's free market system.

The Bond/Nickles bill will settle many of the problems associated with the current system. By setting forth a clear set of alternate criteria, this legislation will resolve many of the long standing complaints businesses and individuals have had with the vague and often subjective guidelines the IRS uses to classify workers as employees or independent contractors.

As the leading coalition of businesses and individuals working to clarify independent contractor status, we commend you on your effort and look forward to working with you to move this legislation through the Senate.

Allow the free enterprise system to work for the benefit of our economy.

Sincerely,

NELSON LITTERST,
NFIB, Co-Chair.
JOHN SATAGAJ,
SBLC, Co-Chair.

THE BOND/NICKLES INDEPENDENT CONTRACTOR LEGISLATION—ENDORSEMENT LIST

Agricultural & Industrial Manuf. (AIMRA).
Air Courier Conference of America.
Alliance of Independent Store Owners & Professionals.
American Animal Hospital Association.
American Association of Equine Practitioners.
American Association of Meat Processors.
American Association for Medical Transcription.
American Association of Nurserymen.
American Consulting Engineers Councils.
American Council of Independent Laboratories.
American Rental Association.
American Society of Interior Designers.
Associated Builders & Contractors.
Associated Landscape Contractors of America.
American Society of Travel Agents.
American Warehouse Association.
Bureau of Wholesale Sales Representatives.
Business Advertising Council, Inc.
Computer Software Industry Association.
Council of Growing Companies.
Direct Selling Association.
Electronics Representatives Association.
Expedited Package Independent Contractor Council.
FTD Association.
Health Industry Representatives Association.
Helicopter Association International.
Home Food Service of Colorado.
Independent Computer Consultants Association.
Independent Distributors Association.
Independent Medical Distributors Association.
Institute of Electrical and Electronics Engineers-U.S. Activities.
International Association for Financial Planning.
International Taxi Cab and Livery Association.
International Television Association Inc.
Marine Retailers Association of America.
McNair Law Firm.
Messenger Courier Association of the Americas.
Metal Treating Institute.
National Association of Computer Consultant Businesses.
National Association of Orchestra Leaders.
National Association of the Remodeling Industry.
National Association for the Self-Employed.
National Electrical Manufacturers Representative Association.
National Federation of Independent Business.
National Fire Sprinkler Association.
National Home Furnishings Association.
National Moving & Storage Association.
National Restaurant Association.
National Tooling & Machining Association.
National Tour Association.
Nurse Brokers and Contractors of America.
Power-Motion Technology Representative Association.
Promotional Products Association International.
Rich Plan Corporation.
Securities Industry Association.
Small Business Legislative Council.
SMC Business Councils.
Society of American Florists.
The Management Association of Illinois.
World Floor Covering Association.

SMALL BUSINESS LEGISLATIVE COUNCIL,
Washington, DC, March 4, 1996.

Hon. CHRISTOPHER BOND,
Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATORS BOND AND NICKLES: On behalf of the Small Business Legislative Council (SBLC), I wish to express our strong support for your legislation to establish clear and objective rules for the purposes of determining whether an individual is an independent contractor or employee.

This is a long-time concern of the SBLC. Indeed, one of the founding principles of the organization, when it was established in the mid-1970s, was to work to encourage individuals to pursue the American Dream—owning and managing their own business. Becoming an independent contractor is both the means and the end to that goal.

As you know, the delegates to the 1995 White House Conference on Small Business made this one of their priority recommendations. Indeed, while there was no official ranking, this was the top vote-getter in the final balloting.

Congratulations on this initiative! We look forward to working with you towards the passage and enactment.

The Small Business Legislative Council (SBLC) is a permanent, independent coalition of nearly one hundred trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views. For your information, a list of our members is enclosed.

Sincerely,

GARY F. PETTY,
Chairman of the Board.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

Air Conditioning Contractors of America.
Alliance for Affordable Health Care.
Alliance for American Innovation.
Alliance of Independent Store Owners and Professionals.
American Animal Hospital Association.
American Association of Equine Practitioners.
American Association of Nurserymen.
American Bus Association.
American Consulting Engineers Council.
American Council of Independent Laboratories.
American Gear Manufacturers Association.
American Machine Tool Distributors Association.
American Road & Transportation Builders Association.
American Society of Interior Designers.
American Society of Travel Agents, Inc.
American Subcontractors Association.
American Textile Machinery Association.
American Trucking Associations, Inc.
American Warehouse Association.
AMT–The Association for Manufacturing Technology.
Architectural Precast Association.
Associated Builders & Contractors.
Associated Equipment Distributors.
Associated Landscape Contractors of America.
Association of Small Business Development Centers.
Automotive Service Association.
Automotive Recyclers Association.
Bowling Proprietors Association of America.
Building Service Contractors Association International.
Business Advertising Council.
Christian Booksellers Association.
Council of Fleet Specialists.
Council of Growing Companies.
Direct Selling Association.
Electronics Representatives Association.
Florists' Transworld Delivery Association.
Health Industry Representatives Association.
Helicopter Association International.
Independent Bankers Association of America.
Independent Medical Distributors Association.
International Association of Refrigerated Warehouses.
International Communications Industries Association.
International Formalwear Association.
International Franchise Association.
International Television Association.
Machinery Dealers National Association.
Mail Advertising Service Association.
Manufacturers Agents National Association.
Manufacturers Representatives of America, Inc.
Mechanical Contractors Association of America, Inc.
National Association for the Self-Employed.

National Association of Catalog Showroom Merchandisers.
National Association of Home Builders.
National Association of Investment Companies.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of Private Enterprise.
National Association of Realtors.
National Association of RV Parks and Campgrounds.
National Association of Small Business Investment Companies.
National Association of the Remodeling Industry.
National Chimney Sweep Guild.
National Electrical Contractors Association.
National Electrical Manufacturers Representatives Association.
National Food Brokers Association.
National Independent Flag Dealers Association.
National Knitwear & Sportswear Association.
National Lumber & Building Material Dealers Association.
National Moving and Storage Association.
National Ornamental & Miscellaneous Metals Association.
National Paperbox Association.
National Shoe Retailers Association.
National Society of Public Accountants.
National Tire Dealers & Retreaders Association.
National Tooling and Machining Association.
National Tour Association.
National Wood Flooring Association.
NATSO, Inc.
Opticians Association of America.
Organization for the Protection and Advancement of Small Telephone Companies.
Petroleum Marketers Association of America.
Power Transmission Representatives Association.
Printing Industries of America, Inc.
Professional Lawn Care Association of America.
Promotional Products Association International.
The Retailer's Bakery Association.
Small Business Council of America, Inc.
Small Business Exporters Association.
SMC Business Councils.
Society of American Florists.
Turfgrass Producers International.

NATIONAL HOME FURNISHINGS ASSOCIATION,
Washington, DC, March 4, 1996.

Hon. CHRISTOPHER BOND,
Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATORS BOND AND NICKLES: On behalf of the National Home Furnishings Association (NHFA), I would like to offer our endorsement of your bill to establish criteria for the determination of individuals as independent contractors or employees for federal employment tax purposes.

Our retailers engage independent contractors to provide a variety of services including design, installation, and delivery. This has been a long-standing practice in our industry.

The unsettled nature of the law in this area has been the cause for concern in our industry and, therefore, we support your efforts.

The NHFA represents approximately 2,800 retailers of home furnishings throughout the United States.

We look forward to working with you towards passage of this important legislation.

Sincerely,

PATRICIA BOWLING,
Executive Vice President.

WORLD FLOOR COVERING ASSOCIATION,
Washington, DC, March 4, 1996.

Hon. CHRISTOPHER BOND,
Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATORS BOND AND NICKLES: On behalf of the World Floor Covering Association (WFCA), and our member floorcovering retailers, I would like to express our strong support for your bill to establish realistic criteria for the classification of individuals as independent contractors or employees for federal employment tax purposes.

Our retailers engage independent contractors to provide installation services. This has been a long-standing practice in our industry and is fundamental to the way we do and have done business for many years.

Over the years, we and our members have discussed this matter with the IRS on numerous occasions. The only thing we can say about the discussions is it is apparent to us that Congress must step in and establish a clear and objective set of rules. That is why we support your bill. We also believe Congress should establish once and for all, that encouraging individuals to become independent contractors is a good thing for the nation and the economy.

We look forward to working with you towards passage of this important legislation.

Sincerely,

D. CHRISTOPHER DAVIS,
Chief Executive Officer.

PROMOTIONAL PRODUCTS ASSOCIATION INTERNATIONAL,
Irving, TX, March 4, 1996.

Hon. CHRISTOPHER BOND,
Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATORS BOND AND NICKLES: On behalf of the Promotional Product Association International (PPA), I would like to offer our support for your bill to establish rules for the classification of individuals as independent contractors or employees.

Historically, our industry has engaged independent contractors to sell its products and services. We feel our industry practice is the epitome of the American tradition of selling products and services through independent sales representatives.

We strongly believe clear and objective rules that will put the ongoing battle between the IRS and small business over this issue behind us are needed and welcomed. Therefore, we support your efforts.

The promotional products industry is the advertising, sales promotion, and motivational medium employing useful articles of merchandise imprinted with an advertiser's name, logo, or message. Our industry sales are over $6 billion and PPA members are manufacturers and distributors of such goods and services.

We look forward to working with you towards passage of this important legislation.

Sincerely,

G. STEPHEN SLAGLE,
President.

Mr. NICKLES. Mr. President, one of the most fundamental concepts in our free enterprise economy is the ability of any American to use talent, intelligence, and hard work to start a business. The small, independent business is the engine which drives innovation, job creation, and increased economic activity in this country.

For many small, start-up companies, independent contractor status is the best way, and sometimes the only way, they can do business. Similarly, many larger, established businesses find that using independent contractors is the most effective way of handling projects that require special talents. There are five million independent contractors in America according to the Small Business Administration, and almost one-third of all companies use independent contractors to some degree. Independent contractor status gives both the service provider and the service recipient the flexibility needed to be competitive in today's economic environment.

Before coming to the U.S. Senate, I had first hand experience with these issues; both working as and employing independent contractors. The janitorial service I began as a student at Oklahoma State University could not have existed if I had been required to work as an employee, and it never would have expanded if I could not have hired other students as independent contractors to handle specific jobs.

Despite the obvious importance of independent contractors to our economy, Congress has amazingly failed to give workers or businesses adequate guidance as to who is an employee and who is an independent contractor. Unfortunately, this lack of decisive congressional action combined with aggressive dislike of independent contractors by the Internal Revenue Service has subjected many businesses to abusive audits and unfair penalties. In effect, our Government is killing the independent contractor.

Mr. President, I rise today with my colleague from Missouri, Senator BOND, to introduce the Independent Contractor Tax Simplification Act. This legislation is the Senate companion of a H.R. 1972, a bill introduced last year by Congressman Jon Christensen which now has 215 cosponsors. Our bill, which is supported by over 50 trade and industry associations, cuts through the horrendously complicated and ambiguous current law rules and provides relief and confidence to independent contractors and service recipients alike.

Why is congressional action needed, Mr. President? In the mid-1970's, the IRS undertook a major initiative to reclassify workers as employees. In response to the tremendous outcry from business owners, Congress in 1978 enacted what was intended to be a temporary solution, the section 530 safe harbor provisions. Section 530 prohibited the IRS from reclassifying workers as employees if the employer had a reasonable basis for treatment of the workers as independent contractors, or if a past IRS audit did not dispute the workers' classification.

So for two decades, independent contractor status has been controlled by this temporary solution, related IRS rulings, judicial precedent, and legislation targeted at specific industries. Those contractors and businesses who are unable to rely upon section 530 are subjected to a 20-point command law test which attempts to define an employer's control over workers. This common law test is the bane of employers and workers across the country, and is at the heart of the problems my legislation intends to address. The General Accounting Office calls the common law test "unclear and subject to conflicting interpretations". Even the Treasury Department has testified that "applying the common law test in employment tax issues does not yield clear, consistent, or even satisfactory answers, and reasonable persons may differ as to the correct classification".

The horror stories surrounding this issue are numerous and disturbing, Mr. President. Last year, "NBC Nightly News" ran a story on two business owners who are facing hundreds of thousands of dollars in back taxes and penalties because the IRS decided to reclassify their independent contractors as employees. One of these citizens, who owns a travel agency, received a bill for almost $200,000 in back taxes, penalties, and interest, despite the fact that his independent contractors had already paid their taxes. Mr. President, a $200,000 tax bill will close the doors of most small businesses.

According to the NBC report, the IRS has used these worker classification audits to collect more than three-quarters of a billion dollars from business owners over the last 7 years in disputed employment taxes, even though many of the independent contractors had already paid these taxes.

The Independent Contractor Tax Simplification Act replaces the complicated and arbitrary common law test with a simple definition of who is not an employee.

To qualify for independent contractor status, my legislation requires the service provider to have a significant investment in assets and/or training, or incur significant unreimbursed expenses, or agree to perform the service for a particular amount of time or to, complete a specific result and is liable for damages for early termination without cause, or be paid primarily on a commissioned or per-unit basis, or purchase products for resale.

Further, under my legislation the service provider must have a principal place of business, or not primarily provide the service in the recipient's facilities unless the provider is paying a fair market rent for their use, or operate primarily from equipment not supplied by the service recipient or not be required to perform service exclusively for the service recipient, and have recently performed a significant amount of service for other persons, or have offered to perform service for other persons through advertising, individual solicitations, listing with registries, et cetera, or other similar activities, or have provided service under a registered or licensed business name.

Finally, Mr. President, my legislation requires businesses and independent contractors to enter into a written contract and comply with all applicable IRS reporting requirements to ensure that payments to independent contractors are properly reported in order to prevent taxpayer arbitrage.

I would like to stress, Mr. President, that this legislation is not a comprehensive rewrite of all independent contractor law. It is very difficult to address all worker classification issues in one bill, because there is an unlimited number of employment situations and each one presents different challenges. Further, many individuals, businesses, and trade associations have resolved their problems with the IRS, and they fear that a comprehensive change in the law will force them to renew old arguments with the Government or impose unwanted conditions on their employment practices, such as tax withholding. The Independent Contractor Tax Simplification Act will benefit those businesses and contractors who have not resolved their status with the IRS, while preserving current law for those who are satisfied with it.

Mr. President, it is not fair to business, nor is it conducive to the entrepreneurial spirit of this country, to leave the question of worker classification up to the whim of the IRS. The importance and timeliness of this issue was made clear last summer when delegates to the White House Conference on Small Business made clarifying independent contractor rules their No. 1 small business priority. I believe Congress should act decisively to recognize the importance of independent contractors, and I invite my colleagues to join me in this initiative.

By Mr. McCONNELL:

S. 1611. A bill to establish the Kentucky National Wildlife Refuge, and for other purposes; to the Committee on Environment and Public Works.

THE KENTUCKY NATIONAL WILDLIFE REFUGE AUTHORIZATION ACT

• Mr. McCONNELL. Mr. President, I introduce a bill to establish the Kentucky National Wildlife Refuge. The designation will give Kentucky something that 49 other States have enjoyed for a long time: its own national wildlife refuge. What this means to my State is new tourism opportunities and a pristine environmental preserve that will be part of our legacy to future generations.

Nearly 100 years ago, President Theodore Roosevelt established the National Wildlife Refuge System to protect our Nation's open lands, water, and wildlife for the future. It was one of the first Federal environmental programs in our history.

Today, the National Wildlife Refuge System is made up of 571 refuges in 49 States and U.S. Territories, totaling nearly 92 million acres of the Nation's best wildlife habitat. Until now, Kentucky has been the only State without its own independently managed refuge.

The legislation I am proposing will authorize the U.S. Fish and Wildlife Service to purchase up to 20,000 acres in western Kentucky located in the east fork of the Clarks River. This site, located near Benton, is the only major bottomland hardwood area remaining in western Kentucky.

Once established, the Kentucky National Wildlife Refuge will showcase a unique ecosystem, protecting wildlife and offering a variety of educational opportunities for the public. This refuge will also provide recreational activities, including bird-watching, hiking, hunting, and the fishing.

The refuge area is situated on an important migratory fly-way and breeding area for a variety of waterfowl. A large number of migratory birds including wood ducks, song birds, and the threatened bald eagle make their home here. The hardwood forests make an ideal habitat for numerous woodpeckers, hawks, and the eastern wild turkey. Other wildlife which would thrive in this area include deer, beavers, otters, and bobcats.

For visitors, the refuge is conveniently located near Paducah, Mayfield, Murray, and Benton, and is just 15 miles from Land Between the Lakes, which draws nearly 2 million visitors a year. This refuge is ideally suited to serve surrounding schools, recreational hikers, and hunters. The Clarks River will also appeal to those who enjoy canoeing and fishing as well.

In addition to the environmental and educational benefits, the designation of the Kentucky Wildlife Refuge will also provide a significant economic boost to the area. The creation of Kentucky's first refuge will help keep tourist dollars in the State. A perfect example of this is a trip, planned by the Louisville Zoo, to a National Wildlife Refuge in Tennessee. This trip is for Kentuckians who are interested in eagle-watching. By creating a Kentucky wildlife refuge, people who are interested in outdoor activities would have an opportunity here in Kentucky—something that nature lovers and the State would benefit from.

I have worked hard to ensure that my proposal is fair in protecting the rights of individual landowners, while preserving this important habitat. Contained in my bill is language to ensure that the acquisition of refuge lands will be from willing sellers, donations, or exchanges only.

I am sensitive to the property rights and concerns of local landowners; and

for this reason I will closely follow the project to ensure that their rights are protected.

I have also worked closely with the Kentucky Farm Bureau to guarantee that the management of the refuge will not impact surrounding farmers or unduly restrict agricultural activities. I am confident that both agricultural interests and conservation interests can exist side-by-side in this region.

Finally, it is deeply gratifying to have such a broad array of support for my proposal, including State and local public officials, conservation groups, and sportsmen. I would like to commend Tom Bennett, commissioner of the Kentucky Department of Fish and Wildlife Resources, and his staff, for their efforts to establish consensus among the various groups. This refuge could never have been established without the strong support of people like Tom, as well as the cooperation we have received from the surrounding communities.

It has been 92 years since Teddy Roosevelt created the National Wildlife Refuge System. The time is long overdue for Kentucky to join that system at last.

Mr. President, I ask unanimous consent that a text of the bill be printed in the RECORD and a list of organizations and individuals who have endorsed the creation of the wildlife refuge also be printed in the RECORD.

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

S. 1611

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 "Kentucky National Wildlife Refuge Authorization Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the area known as the Clarks River Basin, consisting of 20,000 acres of bottomland hardwood and associated wetlands along the Clarks River and the East Fork of the Clarks River in Graves, Marshall, and McCracken Counties, Kentucky, is of critical importance to a variety of migratory and resident waterfowl, neotropical migratory birds, forest wildlife, and riverine species, and a wide array of other species associated with bottomland communities;

(2) the area is the only major, natural (unchannelized) bottomland hardwood wetland ecosystem remaining in western Kentucky and attracts wintering migratory waterfowl, neotropical migratory birds, and an array of raptors;

(3) the area provides extraordinary recreational, research, and educational opportunities for students, scientists, birdwatchers, wildlife observers, hunters, anglers, hikers, and nature photographers;

(4) the area is an internationally significant environmental resource that is unprotected and requires active management to prevent vegetative encroachment and to otherwise protect and enhance the value of the area as fish and wildlife habitat;

(5) the Clarks River Basin has been identified in the preliminary project proposal plan for the establishment of the Kentucky National Wildlife Refuge, prepared by the United States Fish and Wildlife Service (Southeast Region), as an area deserving permanent protection; and

(6) since agriculture and silviculture are essential to the economies of Graves, Marshall, and McCracken Counties and can contribute to healthy ecosystems for wildlife, the refuge should not restrict agricultural and silvicultural activities on private lands.

SEC. 3. PURPOSE.

The purpose of this Act is to establish the Kentucky National Wildlife Refuge to be managed—

(1) to conserve fish and wildlife populations and the habitats of the populations, including habitats of bald eagles, golden eagles, Indiana bats, wood ducks, neotropical migratory birds, shorebirds, and other migratory birds;

(2) to preserve and showcase the concepts of biodiversity and ecosystem management;

(3) to enhance and provide a vital link to public areas containing habitat managed for waterfowl and other migratory birds;

(4) to fulfill international treaty obligations of the United States with regard to fish and wildlife and the habitats of the fish and wildlife;

(5) to restore and maintain the physical and biological integrity of wetlands and other waters within the refuge;

(6) to conserve species known to be threatened with extinction; and

(7) to provide opportunities for scientific research, environmental education, and fish- and wildlife-associated recreation (including hunting, trapping, and fishing) and access to the extent compatible with the management purposes specified in paragraphs (1) through (6).

SEC. 4. DEFINITIONS.

In this Act:

(1) LAND.—The term "land" includes an interest in land.

(2) REFUGE.—The term "refuge" means the Kentucky National Wildlife Refuge established under section 5.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(4) WATER.—The term "water" includes an interest in water.

SEC. 5. ESTABLISHMENT OF REFUGE.

(a) ESTABLISHMENT.—In accordance with this Act, the Secretary shall establish a staffed and fully functional national wildlife refuge to be known as the "Kentucky National Wildlife Refuge".

(b) BOUNDARY DESIGNATION.—The Secretary shall—

(1) consult with appropriate State and local officials, private conservation organizations, and other interested parties in designating the boundaries of the refuge, which shall comprise approximately 20,000 acres;

(2) prepare a detailed map depicting the boundaries designated under paragraph (1), which shall be on file and available for public inspection at offices of the United States Fish and Wildlife Service; and

(3) include in the boundaries of the refuge the lands, aquatic systems, wetlands, and waters depicted on the maps prepared under paragraph (2).

(c) BOUNDARY REVISIONS.—The Secretary may make such minor revisions in the boundaries designated under subsection (b) as are necessary to carry out the purpose of the refuge and to facilitate the acquisition of property within the refuge.

(d) ACQUISITION.—To the extent authorized under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.), the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901 et seq.), and other laws, the Secretary may acquire for inclusion in the refuge, by purchase from willing sellers, donation, or exchange, lands and waters (including permanent conservation easements) within the boundaries designated under subsection (b). All lands and waters so acquired shall become part of the refuge.

(e) OPERATION AND MAINTENANCE.—The Secretary shall construct such office, maintenance, and support facilities as are necessary for the operation and maintenance of the refuge.

SEC. 6. ADMINISTRATION.

(a) GENERAL ADMINISTRATIVE AUTHORITY.—The Secretary shall administer all lands and waters acquired under section 5 in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(b) OTHER ADMINISTRATIVE AUTHORITY.—Consistent with subsection (a) and to carry out the purpose of the refuge, the Secretary may use such additional authority as is available to the Secretary for the conservation and development of fish, wildlife, and natural resources, the development of outdoor recreational opportunities (including hunting, trapping, and fishing), and interpretative education.

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall prepare a comprehensive management plan for the development and operation of the refuge that shall include—

(A) refuge management priorities and strategies;

(B) the planning and design of observation points, trails, and access points, including parking and other necessary facilities; and

(C) such provisions as are necessary to ensure that—

(i) no activity carried out in the refuge will result in the obstruction of the flow of water so as to affect any private land adjacent to the refuge; and

(ii) no buffer zone regulating any land use (other than hunting and fishing) is established.

(2) PUBLIC PARTICIPATION.—

(A) IN GENERAL.—The Secretary shall provide opportunity for public participation in developing the management plan.

(B) LOCAL ENTITIES.—The Secretary shall give special consideration to means by which the participation and contributions of local public and private entities in developing and implementing the management plan can be encouraged.

(d) OUTREACH AND EDUCATION.—The Secretary shall work with, provide technical assistance to, provide community outreach and education programs for or with, or enter into cooperative agreements with private landowners, State and local governments or agencies, and conservation organizations to further the purpose for which the refuge is established.

SEC. 7. GIFTS.

As soon as practicable after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service shall request that the National Fish and Wildlife Foundation established under the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.) take such measures as the Foundation considers appropriate

to encourage, accept, and administer private gifts of property or funds to further the purpose of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

ORGANIZATIONS THAT HAVE ENDORSED THE CREATION OF THE KENTUCKY NATIONAL WILDLIFE REFUGE

Appalachia Science in the Public Interest.
Association of Chenoweth Run Environmentalists.
Audubon Society of Kentucky.
Bell County Beautification Association.
Berea College Biology Club.
Brushy Fork Water Watch.
Community Farm Alliance.
Daviess County Audubon Society & Kentucky Ornithological Society.
Department of Parks
Eastern KY University Wildlife Society.
Elkhorn Land & Historic Trust Inc.
Floyds Fork Environmental Association.
Friends of Mill Creek.
Gun Powder Creek Water Watch.
Harlan County Clean Community Association.
Hart County Environmental Group.
Highlands Group Cumberland Chapter Sierra Club.
Ky Academy of Science.
Ky Association for Environmental Education.
Ky Audubon Council.
Ky Citizens Accountability Project.
Ky Conservation Committee.
Ky Fish & Wildlife Education & Resource Foundation.
Ky Houndsmen Association.
Ky Native Plant Society.
Ky Society of Natural History.
Ky State Nature Preserve Commission.
Lake Cumberland Water Watch.
Land & Nature Trust of the Bluegrass.
League of Ky Sportsman.
League of Women Voters of Kentucky.
Leslie County KAB System.
Litter River Audubon Society.
Louisville Audubon Society.
Louisville Chapter 476 of Trout Unlimited.
Louisville Nature Center.
Madison County Clean Community Committee.
Madison Environment.
Mall Interiors.
Midway Area Environmental Committee.
National Wild Turkey Federation.
Oldham Community Center & Nature Preserve, Inc.
Petersen's Fault Farm.
Pleasant Hill Recreation Association.
Pride Inc.
Quail Unlimited
Rockcastle River Rebirth.
Rocky Mountain Elk Foundation.
Ruddles Mill Conservation Project.
Scenic Kentucky.
Shelby Clean Community Program.
Shelby County Clean Community Council.
Sierra Club Cumberland Chapter.
Steve & Janet Kistler.
The Nature Conservancy/Kentucky Chapter.
The Wildlife Connection.
Trout Unlimited/KYOUA Chapter.
Mikeal E. Joseph.
Paul Garland.
Paul C. Garland.
Kathy Zajac.
William S. Bryant.
Frances Williams.
The Black Family.•

By Mr. HELMS (for himself, Mr. DOLE, Mr. HATCH, Mr. THURMOND, Mr. FAIRCLOTH, Mr. GRAMM, and Mrs. FEINSTEIN):

S. 1612. A bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes; to the Committee on the Judiciary.

MANDATORY MINIMUM SENTENCING LEGISLATION

Mr. HELMS. Mr. President, a drug trafficker who in 1992 was convicted in the U.S. District Court for the Eastern District of North Carolina was released from prison 2 days ago, Monday, March 11, as the tragic result of an unfortunate and unwise Supreme Court decision.

Although the drug trafficker had 5 more years to serve, the U.S. Supreme Court, using the flimsiest of reasoning, set this convicted drug trafficker free. So, Mr. President, the bill I am introducing today will prevent future criminals from being set free. I am advised that my bill is being numbered S. 1612.

Mr. President, S. 1612 provides that a 10-year minimum mandatory sentence shall be imposed upon any criminal possessing a gun during and in relation to the commission of a violent or drug trafficking crime. This, of course, does not apply to lawful possession of a gun.

This bill will obviously crack down on gun-toting thugs who commit violent felonies and drug trafficking offenses and other felonies. Moreover, it will ensure that criminals possessing a firearm while committing a violent or drug trafficking felony shall receive a stiff punishment.

This is just common sense, Mr. President; violent felons who possess firearms are more dangerous than those who do not.

Current Federal law provides that a person who, during a Federal crime of violence or drug trafficking crime, uses or carries a firearm shall be sentenced to 5 years in prison. That law has been used effectively by Federal prosecutors across the country to add 5 additional years to the prison sentences of criminals who use or carry firearms.

However, a recent U.S. Supreme Court decision threatens to undermine the efforts of prosecutors to use this statute effectively. The Supreme Court's decision, Bailey versus United States, interpreted the law to require that a violent felon actively employ a firearm as a precondition of receiving an additional 5 year sentence. The Court in Bailey held that the firearm must be brandished, fired or otherwise actively used before the additional 5 year sentence may be imposed. So if a criminal merely possesses a firearm, but does not fire or otherwise use it, he gets off without the additional 5 year penalty.

Mr. President, this Supreme Court decision poses serious problems for law enforcement. It weakens the Federal criminal law; it is leading to the early release of hundreds of violent criminals. Before this Supreme Court's error of judgment, in the Bailey versus U.S. decision, armed criminals committing violent or drug trafficking felonies were jailed for an additional 5 years, regardless of whether they actively employed their weapons. Now, as a result of the Court's decision, the prison revolving door is in full swing. Yet another roadblock has been erected between a savage criminal act and swift, certain punishment.

Mr. President, now that the word is out, prisoners already are preparing and filing motions to get out of jail as fast as they can write. U.S. attorneys are receiving petitions from criminals every day—for example consider the case of Lancelot Martin, who ran a drug trafficking operation out of Raleigh, NC: In 1992, Martin had attempted to use the U.S. Postal Service to receive and sell drugs. Martin was arrested by a Raleigh crime task force. The authorities obtained a warrant, searched his apartment, seized his drugs and recovered a 9 mm. semi-automatic pistol that Martin used to protect his drug business.

Martin was convicted of drug trafficking charges and received a 5 year sentence for using the gun. But Monday, well before his sentence expired, Martin walked free, simply because his gun and a hefty supply of drugs were found—but the Court somehow held that the gun was not actively employed during his drug trafficking crime.

So, Mr. President, my bill will ensure that future criminals possessing guns, like Lancelot Martin, serve real time when they use a gun in furtherance of a violent or drug trafficking crime. There are many other examples similar to the episode involving Lancelot Martin.

As a result of the Court's decision, any thug who hides a gun under the back seat of his car, or who stashes a gun with his drugs, may now get off with a slap on the wrist. Or if a criminal stores a sub-machinegun in a crack-house where he runs a drug trafficking operation, he can now avoid the additional penalty. The fact is, Mr. President, that firearms are the tools of the trade of most drug traffickers. Weapons clearly facilitate the criminal transactions and embolden violent thugs to commit their crimes.

I believe that mere possession of a firearm, during the commission of a violent felony—even if the weapon is not actively used—should nonetheless be punished—because of the heightened risk of violence when firearms are present. In its opinion, the Supreme Court observed, "Had Congress intended possession alone to trigger liability . . . it easily could have so provided." That, Mr. President, is precisely the intent of this legislation—to make clear that "possession alone" does indeed "trigger liability."

This legislation will increase the mandatory—repeat, mandatory—sentences for violent armed felons from 5 to 10 years—and if the firearm is discharged, the term of imprisonment is 20 years. This legislation also increases to 25 years the mandatory sentences for second and subsequent offenses.

Mr. President, this bill is a necessary and appropriate response to the Supreme Court's judicial limitation of the mandatory penalty for gun-toting criminals. According to Sentencing Commission statistics, more than 9,000 armed violent felons were convicted from April, 1991, through October, 1995. In North Carolina alone, this statute was used to help imprison over 800 violent criminals. We must strengthen law enforcement's ability to use this strong anticrime provision.

Fighting crime is, and should be, a top concern in America. It has been estimated that in the United States one violent crime is committed every 16 seconds. And with youth-related violent crime at an all-time high, we must fight back with the most severe punishment possible for those who terrorize law-abiding citizens.

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. 1612

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

SECTION 1. INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS POSSESSING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended to read as follows:

"(c)(1)(A) Except to the extent a greater minimum sentence is otherwise provided 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, possesses a firearm shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(i) be punished by imprisonment for not less than 10 years;

"(ii) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(iii) if the death of a person results, be punished by the death penalty or by imprisonment for not less than life.

"(B) If the firearm possessed by a person convicted under this subsection is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, such person shall be sentenced to imprisonment for not less than 30 years.

"(C) In the case of a second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for not less than 25 years, and if the firearm is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, to life imprisonment without release.

"(D) 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 possessed.".

ADDITIONAL COSPONSORS

S. 581

At the request of Mr. FAIRCLOTH, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 942

At the request of Mr. BOND, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 942, a bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes.

S. 948

At the request of Mr. DORGAN, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 948, a bill to encourage organ donation through the inclusion of an organ donation card with individual income refund payments, and for other purposes.

S. 953

At the request of Mr. DOLE, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

At the request of Mr. CHAFEE, the names of the Senator from Georgia [Mr. COVERDELL], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 953, supra.

S. 1483

At the request of Mr. KYL, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1483, a bill to control crime, and for other purposes.

SENATE CONCURRENT RESOLUTION 43

At the request of Mr. THOMAS, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Concurrent Resolution 43, a concurrent resolution expressing the sense of the Congress regarding proposed missile tests by the People's Republic of China.

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of Senate Resolution 226, a resolution to proclaim the week of October 13, through October 19, 1996, as "National Character Counts Week."

SENATE CONCURRENT RESOLUTION 46—RELATIVE TO THE LATE ISRAELI PRIME MINISTER RABIN

Mr. INOUYE (for himself, Mr. D'AMATO, Mr. SIMPSON, Mr. SMITH, Mr. MACK, Mr. CONRAD, Mr. FORD, Mr. MCCONNELL, Mr. HELMS, Mr. HEFLIN, Mr. STEVENS, Mr. DOMENICI, Mr. WARNER, Mr. GRAHAM, and Mr. CRAIG) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 46

Whereas the late Prime Minister Rabin was an outstanding Ambassador during his service in the United States;

Whereas the late Israeli Prime Minister Yitzhak Rabin was a chief architect of the military and nonmilitary ties between the United States and Israel;

Whereas the late Prime Minister Rabin was one of the leading and more consistent and reliable friends of the United States in the world;

Whereas the late Prime Minister Rabin was a cornerstone of the alliance between the United States and Israel in the face of terrorism and radicalism;

Whereas the late Prime Minister Rabin strengthened the values of democracy, pluralism, and market economy, which are at the foundation of both the United States and Israel;

Whereas the late Prime Minister Rabin, the courageous warrior, dedicated most of his life to Israel's independence and security;

Whereas the late Prime Minister Rabin devoted the latter part of his life to the pursuit of lasting peace between Israel and its neighbors;

Whereas the American Promenade in Israel is a privately funded project, expressing Israel's appreciation toward the United States and commemorating the unique bonds of friendship between the two countries;

Whereas the American Promenade had earned the bipartisan support of the top Israeli leadership, including the late Prime Minister Rabin, Prime Minister Shimon Peres, former Prime Minister Yitzhak Shamir, and Likud Chairman Benjamin Netanyahu, as well as the leadership of the United States Congress;

Whereas the American Promenade will consist of 50 marble, 20 foot high monuments bearing the flags and the official seals of the 50 States of this country and the United States-Israel Friendship Botanical Garden, featuring biblical and State trees and flowers; and

Whereas the late Prime Minister Rabin served as the Honorary Chairman of the American Promenade: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress expresses its admiration of the legacy of the late Israeli Prime Minister Yitzhak Rabin and his contribution to the special relationship between the United States and Israel; and

(2) it is the sense of the Congress that the American Promenade in Israel be named in memory of Prime Minister Yitzhak Rabin as an extraordinary leader who served the cause of peace and who furthered the special relationship between the United States and Israel.

AMENDMENTS SUBMITTED

THE 1996 BALANCED BUDGET DOWN PAYMENT ACT, II

McCONNELL (AND OTHERS) AMENDMENT NO. 3480

Mr. DOLE (for Mr. McCONNELL for himself, Mr. DOLE, Mr. BENNETT, Mrs. HUTCHISON, Mr. FAIRCLOTH, Mr. McCAIN, Mr. D'AMATO, and Mr. BURNS) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes; as follows:

No funds may be provided under this Act until the President certifies to the Committee on Appropriations that:

(1) The Federation of Bosnia and Herzegovina is in full compliance with Article III, Annex 1A of the Dayton Agreement; and

(2) Intelligence cooperation between Iranian officials and Bosnian officials has been terminated.

McCONNELL (AND OTHERS) AMENDMENT NO. 3481

Mr. DOLE (for Mr. McCONNELL for himself, Mr. DOLE, Mrs. HUTCHISON, Mr. FAIRCLOTH, Mr. McCAIN, Mr. D'AMATO, and Mr. BURNS) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 751, section entitled "Agency for International Development, Assistance for Eastern Europe and the Baltics," insert at the appropriate place, the following: "*Provided further*, That funds appropriated by this Act may only be made available for projects, activities, or programs within the sector assigned to American forces of the NATO military Implementation Force (IFOR) and Sarajevo: *Provided further*, That Priority consideration shall be given to projects and activities designated in the IFOR "Task Force Eagle civil military project list": *Provided further*, That No funds made available under this Act, or any other Act, may be obligated for the purposes of rebuilding or repairing housing in areas where refugees or displaced persons are refused the right of return due to ethnicity or political party affiliation: *Provided further*, That No funds may be made available under this heading in this Act, or any other Act, to any banking or financial institution in Bosnia and Herzegovina unless such institution agrees in advance, and in writing, to allow the United States General Accounting Office access for the purposes of audit of the use of U.S. assistance: *Provided further*, That effective ninety days after the date of enactment of this Act, none of the funds appropriated under this heading may be made available for the purposes of economic reconstruction in Bosnia and herzegovina unless the President determines and certifies in writing to the Committees on Appropriations that the bilateral contributions pledged by non-U.S. donors are at least equivalent to the U.S. bilateral contributions made under this Act and in the FY 1995 and FY 1996 Foreign Operations, Export Financing and Related Programs Appropriations bills.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 3482

Mr. LAUTENBERG (for himself, Ms. MIKULSKI, Mr. DASCHLE, Mr. LIEBERMAN, Mr. KENNEDY, Mr. LEVIN, Mr. WELLSTONE, Mrs. BOXER, and Mr. LEAHY) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 781, between lines 4 and 5, insert the following:

TITLE V—ENVIRONMENTAL INITIATIVES

CHAPTER 1—RESTORATIONS FOR PRIORITY ENVIRONMENT PROGRAMS

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

In addition to funds provided elsewhere in this Act, $72,137,000, to remain available until December 31, 1996.

DEPARTMENT OF AGRICULTURE

STATE AND PRIVATE FORESTRY

An additional $14,500,000 for the stewardship incentive program.

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

In addition to funds provided elsewhere in this Act, $75,000,000, to remain available until expended.

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

An additional $5,000,000 for the Agricultural Research Service for the purpose of carrying out additional research related to a replacement for methyl bromide.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

In addition to funds provided elsewhere in this Act, $37,000,000, to remain available until September 30, 1997.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

In addition to funds provided elsewhere in this Act, $148,000,000, to remain available until September 30, 1997.

BUILDINGS AND FACILITIES

In addition to funds provided elsewhere in this Act, $50,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, EPA is authorized to establish and construct a consolidated research facility at Research Triangle Park, North Carolina, at a maximum total construction cost of $232,000,000, and to obligate such monies as are made available by this Act, and hereafter, for this purpose.

HAZARDOUS SUBSTANCE SUPERFUND

In addition to funds provided elsewhere in this Act, $50,000,000, to remain available until expended, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101-508.

STATE AND TRIBAL ASSISTANCE GRANTS

In addition to funds provided elsewhere in this Act, $440,000,000, to remain available until expended, of which $365,000,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing, and $75,000,000 shall be for making grants for the construction of wastewater treatment facilities for municipalities discharging into Boston Harbor in accordance with the terms and conditions specified for Boston Harbor grants in the Conference Report accompanying H.R. 2099: *Provided*, That of the additional $365,000,000 for capitalization grants for State revolving funds, $175,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by June 1, 1996, these funds shall immediately be available for making capitalization grants under Title VI of the Federal Water Pollution Control Act, as amended.

CHAPTER 2—SPENDING OFFSETS

Subchapter A—Debt Collection

SEC. 5101. SHORT TITLE.

This subchapter may be cited as the "Debt Collection Improvement Act of 1996".

SEC. 5102. EFFECTIVE DATE.

Except as otherwise provided in this subchapter, the provisions of this subchapter and the amendments made by this subchapter shall be effective on the date of enactment of this Act.

PART I—GENERAL DEBT COLLECTION INITIATIVES

Subpart A—General Offset Authority

SEC. 5201. ENHANCEMENT OF ADMINISTRATIVE OFFSET AUTHORITY.

(a) Section 3701(c) of title 31, United States Code, is amended to read as follows:

"(c) In sections 3716 and 3717 of this title, the term 'person' does not include an agency of the United States Government, or of a unit of general local government.".

(b) Section 3716 of title 31, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b) Before collecting a claim by administrative offset, the head of an executive, legislative, or judicial agency must either—

"(1) adopt regulations on collecting by administrative offset promulgated by the Department of Justice, the General Accounting Office and/or the Department of the Treasury without change; or

"(2) prescribe independent regulations on collecting by administrative offset consistent with the regulations promulgated under paragraph (1).";

(2) by amending subsection (c)(2) to read as follows:

"(2) when a statute explicitly prohibits using administrative 'offset' or 'setoff' to collect the claim or type of claim involved.";

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following new subsection:

"(c)(1)(A) Except as provided in subparagraph (B) or (C), a disbursing official of the Department of the Treasury, the Department

of Defense, the United States Postal Service, or any disbursing official of the United States designated by the Secretary of the Treasury, is authorized to offset the amount of a payment which a payment certifying agency has certified to the disbursing official for disbursement by an amount equal to the amount of a claim which a creditor agency has certified to the Secretary of the Treasury pursuant to this subsection.

"(B) An agency that designates disbursing officials pursuant to section 3321(c) of this title is not required to certify claims arising out of its operations to the Secretary of the Treasury before such agency's disbursing officials offset such claims.

"(C) Payments certified by the Department of Education under a program administered by the Secretary of Education under title IV of the Higher Education Act of 1965, as amended, shall not be subject to offset under this subsection.

"(2) Neither the disbursing official nor the payment certifying agency shall be liable—

"(A) for the amount of the offset on the basis that the underlying obligation, represented by the payment before the offset was taken, was not satisfied; or

"(B) for failure to provide timely notice under paragraph (8).

"(3)(A) Notwithstanding any other provision of law (including sections 207 and 1631(d)(1) of the Act of August 14, 1935 (42 U.S.C. 407 and 1383(d)(1)), section 413(b) of Public Law 91–173 (30 U.S.C. 923(b)), and section 14 of the Act of August 29, 1935 (45 U.S.C. 231m)), all payments due under the Social Security Act, Part B of the Black Lung Benefits Act, or under any law administered by the Railroad Retirement Board shall be subject to offset under this section.

"(B) An amount of $10,000 which a debtor may receive under Federal benefit programs cited under subparagraph (A) within a 12-month period shall be exempt from offset under this subsection. In applying the $10,000 exemption, the disbursing official shall—

"(i) apply a prorated amount of the exemption to each periodic benefit payment to be made to the debtor during the applicable 12-month period; and

"(ii) consider all benefit payments made during the applicable 12-month period which are exempt from offset under this subsection as part of the $10,00 exemption.

For purposes of the preceding sentence, the amount of a periodic benefit payment shall be the amount after any reduction or deduction required under the laws authorizing the program under which such payment is authorized to be made (including any reduction or deduction to recover any overpayment under such program).

"(C) The Secretary of the Treasury shall exempt means-tested programs when notified by the head of the respective agency. The Secretary may exempt other payments from offset under this subsection upon the written request of the head of a payment certifying agency. A written request for exemption of other payments must provide justification for the exemption under thestandards prescribed by the Secretary. Such standards shall give due consideration to whether offset would tend to interfere substantially with or defeat the purposes of the payment certifying agency's program.

"(D) The provisions of sections 205(b)(1) and 1631(c)(1) of the Social Security Act shall not apply to any offset executed pursuant to this section against benefits authorized by either title II or title XVI of the Social Security Act.

"(4) The Secretary of the Treasury is authorized to charge a fee sufficient to cover the full cost of implementing this subsection. The fee may be collected either by the retention of a portion of amounts collected pursuant to this subsection, or by billing the agency referring or transferring the claim. Fees charged to the agencies shall be based only on actual offsets completed. Fees charged under this subsection concerning delinquent claims may be considered as costs pursuant to section 3717(e) of this title. Fees charged under this subsection shall be deposited into the 'Account' determined by the Secretary of the Treasury in accordance with section 3711(g) of this title, and shall be collected and accounted for in accordance with the provisions of that section.

"(5) The Secretary of the Treasury may disclose to a creditor agency the current address of any payee and any data related to certifying and authorizing such payment in accordance with section 552a of title 5, United States Code, even when the payment has been exempt from offset. Where payments are made electronically, the Secretary is authorized to obtain the current address of the debtor/payee from the institution receiving the payment. Upon request by the Secretary, the institution receiving the payment shall report the current address of the debtor/payee to the Secretary.

"(6) The Secretary of the Treasury is authorized to prescribe such rules, regulations, and procedures as the Secretary of the Treasury deems necessary to carry out the purposes of this subsection. The Secretary shall consult with the heads of affected agencies in the development of such rules, regulations, and procedures.

"(7)(A) Any Federal agency that is owed by a named person a past-due legally enforceable non-tax debt that is over 180 days delinquent (other than any past-due support), including non-tax debt administered by a third party acting as an agent for the Federal Government, shall notify the Secretary of the Treasury of all such non-tax debts for purposes of offset under this subsection.

"(B) An agency may delay notification under subparagraph (A) with respect to a debt that is secured by bond or other instruments in lieu of bond, or for which there is another specific repayment source, in order to allow sufficient time to either collect the debt through normal collection processes (including collection by internal administrative offset) or render a final decision on any protest filed against the claim.

"(8) The disbursing official conducting the offset shall notify the payee in writing of—

"(A) the occurrence of an offset to satisfy a past-due legally enforceable debt, including a description of the type and amount of the payment otherwise payable to the debtor against which the offset was executed;

"(B) the identity of the creditor agency requesting the offset; and

"(C) a contact point within the creditor agency that will handle concerns regarding the offset.".

Where the payment to be offset is a periodic benefit payment, the disbursing official shall take reasonable steps, as determined by the Secretary of the Treasury, to provide the notice to the payee not later than the date on which the payee is otherwise scheduled to receive the payment, or as soon as practical thereafter, but no later than the date of the offset. Notwithstanding the preceding sentence, the failure of the debtor to receive such notice shall not impair the legality of such offset.

"(9) A levy pursuant to the Internal Revenue Code of 1986 shall take precedence over requests for offset received from other agencies.".

(c) Section 3701(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(8) 'non-tax claim' means any claim from any agency of the Federal Government other than a claim by the Internal Revenue Service under the Internal Revenue Code of 1986.".

SEC. 5202. HOUSE OF REPRESENTATIVES AS LEGISLATIVE AGENCY.

(a) Section 3701 of title 31, United States Code, is amended by adding at the end the following new subsections:

"(e) For purposes of subchapters I and II of chapter 37 of title 31, United States Code (relating to claims of or against United States Government), the United States House of Representatives shall be considered to be a legislative agency (as defined in section 3701(a)(4) of such title), and the Clerk of the House of Representatives shall be deemed to be the head of such legislative agency.

"(f) Regulations prescribed by the Clerk of the House of Representatives pursuant to section 3716 of title 31, United States Code, shall not become effective until they are approved by the Committee on Rules of the House of Representatives.".

SEC. 5203. EXEMPTION FROM COMPUTER MATCHING REQUIREMENTS UNDER THE PRIVACY ACT OF 1974.

Section 552a(a) of title 5, United States Code, is amended in paragraph (8)(B)—

(1) by striking "or" at the end of clause (vi);

(2) by inserting "or" at the end of clause (vii); and

(3) by adding after clause (vii) the following new clause:

"(viii) matches for administrative offset or claims collection pursuant to subsection 3716(c) of title 31, section 5514 of this title, or any other payment intercept or offset program authorized by statute;".

SEC. 5204. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Title 31, United States Code, is amended—

(1) in section 3322(a), by inserting "section 3716 and section 3720A of this title, section 6331 of title 26, and" after "Except as provided in";

(2) in section 3325(a)(3), by inserting "or pursuant to payment intercepts or offsets pursuant to section 3716 or 3720A, or pursuant to levies executed under section 6331 of the Internal Revenue Code of 1986 (26 U.S.C. 6331)," after "voucher"; and

(3) in sections 3711, 3716, 3717, and 3718, by striking "the head of an executive or legislative agency" each place it appears and inserting instead "the head of an executive, judicial, or legislative agency".

(b) Subsection 6103(l)(10) of title 26, United States Code, is amended—

(1) in subparagraph (A), by inserting "and to officers and employees of the Department of the Treasury in connection with such reduction" adding after "6402"; and

(2) in subparagraph (B), by adding "and to officers and employees of the Department of the Treasury in connection with such reduction" after "agency".

Subpart B—Salary Offset Authority

SEC. 5221. ENHANCEMENT OF SALARY OFFSET AUTHORITY.

Section 5514 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by adding at the end of paragraph (1) the following: "All Federal agencies to which debts are owed and are delinquent in repayment, shall participate in a computer match at least annually of their delinquent debt

records with records of Federal employees to identify those employees who are delinquent in repayment of those debts. Matched Federal employee records shall include, but shall not be limited to, active Civil Service employees government-wide, military active duty personnel, military reservists, United States Postal Service employees, and records of seasonal and temporary employees. The Secretary of the Treasury shall establish and maintain an interagency consortium to implement centralized salary offset computer matching, and promulgate regulations for this program. Agencies that perform centralized salary offset computer matching services under this subsection are authorized to charge a fee sufficient to cover the full cost for such services.";

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(C) by inserting after paragraph (2) the following new paragraph:

"(3) The provisions of paragraph (2) shall not apply to routine intra-agency adjustments of pay that are attributable to clerical or administrative errors or delays in processing pay documents that have occurred within the four pay periods preceding the adjustment and to any adjustment that amounts to $50 or less, provided that at the time of such adjustment, or as soon thereafter as practical, the individual is provided written notice of the nature and the amount of the adjustment and a point of contact for contesting such adjustment."; and

(D) by amending paragraph (5)(B) (as redesignated) to read as follows:

"(B) For purposes of this section 'agency' includes executive departments and agencies, the United States Postal Service, the Postal Rate Commission, the United States Senate, the United States House of Representatives, and any court, court administrative office, or instrumentality in the judicial or legislative branches of government, and government corporations.";

(2) by adding at the end of subsection (b) the following new paragraphs:

"(3) For purposes of this section, the Clerk of the House of Representatives shall be deemed to be the head of the agency. Regulations prescribed by the Clerk of the House of Representatives pursuant to subsection (b)(1) shall be subject to the approval of the Committee on Rules of the House of Representatives.

"(4) For purposes of this section, the Secretary of the Senate shall be deemed to be the head of the agency. Regulations prescribed by the Secretary of the Senate pursuant to subsection (b)(1) shall be subject to the approval of the Committee on Rules and Administration of the Senate."; and

(3) by adding after subsection (c) the following new subsection:

"(d) A levy pursuant to the Internal Revenue Code of 1986 shall take precedence over requests for offset received from other agencies.".

Subpart C—Taxpayer Identifying Numbers

SEC. 5231. ACCESS TO TAXPAYER IDENTIFYING NUMBERS; BARRING DELINQUENT DEBTORS FROM CREDIT ASSISTANCE.

Section 4 of the Debt Collection Act of 1982 (Public Law 97-365, 96 Stat. 1749, 26 U.S.C. 6103 note) is amended—

(1) in subsection (b), by striking "For purposes of this section" and inserting instead "For purposes of subsection (a)"; and

(2) by adding at the end thereof the following new subsections:

"(c) FEDERAL AGENCIES.—Each Federal agency shall require each person doing business with that agency to furnish to that agency such person's taxpayer identifying number.

"(1) For purposes of this subsection, a person is considered to be 'doing business' with a Federal agency if the person is—

"(A) a lender or servicer in a Federal guaranteed or insured loan program;

"(B) an applicant for, or recipient of—

"(i) a Federal guaranteed, insured, or direct loan; or

"(ii) a Federal license, permit, right-of-way, grant, benefit payment or insurance;

"(C) a contractor of the agency;

"(D) assessed a fine, fee, royalty or penalty by that agency;

"(E) in a relationship with a Federal agency that may give rise to a receivable due to that agency, such as a partner of a borrower in or a guarantor of a Federal direct or insured loan; and

"(F) is a joint holder of any account to which Federal benefit payments are transferred electronically.

"(2) Each agency shall disclose to the person required to furnish a taxpayer identifying number under this subsection its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such persons's relationship with the government.

"(3) For purposes of this subsection:

"(A) The term 'taxpayer identifying number' has the meaning given such term in section 6109 of title 26, United States Code.

"(B) The term 'person' means an individual, sole proprietorship, partnership, corporation, nonprofit organization, or any other form of business association, but with the exception of debtors owing claims resulting from petroleum pricing violations does not include debtors under third party claims of the United States.

"(d) ACCESS TO SOCIAL SECURITY NUMBERS.—Notwithstanding section 552a of title 5, United States Code, creditor agencies to which a delinquent claim is owed, and their agents, may match their debtor records with the Social Security Administration records to verify name, name control, Social Security number, address, and date of birth.".

SEC. 5232. BARRING DELINQUENT FEDERAL DEBTORS FROM OBTAINING FEDERAL LOANS OR LOAN GUARANTEES.

(a) Title 31, United States Code, is amended by adding after section 3720A the following new section:

"§ 3720B. Barring delinquent Federal debtors from obtaining Federal loans or loan guarantees

"(a) Unless waived by the head of the agency, no person may obtain any Federal financial assistance in the form of a loan or a loan guarantee if such person has an outstanding Federal non-tax debt which is in a delinquent status, as determined under the standards prescribed by the Secretary of the Treasury, with a Federal agency. Any such person may obtain additional Federal financial assistance only after such delinquency is resolved, pursuant to these standards. This section shall not apply to loans or loan guarantees where a statute specifically permits extension of Federal financial assistance to borrowers in delinquent status.

"(b) The head of the agency may delegate the waiver authority described in subsection (a) to the Chief Financial Officer of the agency. The waiver authority may be redelegated only to the Deputy Chief Financial Officer of the agency.

"(c) For purposes of this section, 'person' means an individual; or sole proprietorship, partnership, corporation, non-profit organization, or any other form of business association.".

(b) The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720A the following new item:

"3720B. Barring delinquent Federal debtors from obtaining Federal loans or loan guarantees.".

Subpart D—Expanding Collection Authorities and Governmentwide Cross-Servicing

SEC. 5241. EXPANDING COLLECTION AUTHORITIES UNDER THE DEBT COLLECTION ACT OF 1982.

(a) Subsection 8(e) of the Debt Collection Act of 1982 (Public Law 97-365, 31 U.S.C. 3701(d) and 5 U.S.C. 5514 note) is repealed.

(b) Section 5 of the Social Security Domestic Employment Reform Act of 1994 (Public Law 103-387) is repealed.

(c) Section 631 of the Tariff Act of 1930 (19 U.S.C. 1631), is repealed.

(d) Title 31, United States Code, is amended—

(1) in section 3701—

(A) by amending subsection (a)(4) to read as follows:

"(4) 'executive, judicial or legislative agency' means a department, military department, agency, court, court administrative office, or instrumentality in the executive, judicial or legislative branches of government, including government corporations."; and

(B) by inserting after subsection (c) the following new subsection:

"(d) Sections 3711(f) and 3716-3719 of this title do not apply to a claim or debt under, or to an amount payable under, the Internal Revenue Code of 1986.";

(2) by amending section 3711(f) to read as follows:

"(f)(1) When trying to collect a claim of the Government, the head of an executive or legislative agency may disclose to a consumer reporting agency information from a system of records that an individual is responsible for a claim if notice required by section 552a(e)(4) of title 5, United States Code, indicates that information in the system may be disclosed to a consumer reporting agency.

"(2) The information disclosed to a consumer reporting agency shall be limited to—

"(A) information necessary to establish the identity of the individual, including name, address and taxpayer identifying number;

"(B) the amount, status, and history of the claim; and

"(C) the agency or program under which the claim arose."; and

(3) in section 3718—

(A) in subsection (a), by striking the first sentence and inserting instead the following: "Under conditions the head of an executive, legislative or judicial agency considers appropriate, the head of an agency may make a contract with a person for collection service to recover indebtedness owed, or to locate or recover assets of, the United States Government. No head of an agency may enter into a contract to locate or recover assets of the United States held by a State government or financial institution unless that agency has established procedures approved by the Secretary of the Treasury to identify and recover such assets."; and

(B) in subsection (d), by inserting ", or to locate or recover assets of," after "owed".

SEC. 5242. GOVERNMENTWIDE CROSS-SERVICING.

Section 3711 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) At the discretion of the head of an executive, judicial or legislative agency, referral of a non-tax claim may be made to any executive department or agency operating a debt collection center for servicing and collection in accordance with an agreement entered into under paragraph (2). Referral or transfer of a claim may also be made to the Secretary of the Treasury for servicing, collection, compromise, and/or suspension or termination of collection action. Non-tax claims referred or transferred under this section shall be serviced, collected, compromised, and/or collection action suspended or terminated in accordance with existing statutory requirements and authorities.

"(2) Executive departments and agencies operating debt collection centers are authorized to enter into agreements with the heads of executive, judicial, or legislative agencies to service and/or collect non-tax claims referred or transferred under this subsection. The heads of other executive departments and agencies are authorized to enter into agreements with the Secretary of the Treasury for servicing or collection of referred or transferred non-tax claims or other Federal agencies operating debt collection centers to obtain debt collection services from those agencies.

"(3) Any agency to which non-tax claims are referred or transferred under this subsection is authorized to charge a fee sufficient to cover the full cost of implementing this subsection. The agency transferring or referring the non-tax claim shall be charged the fee, and the agency charging the fee shall collect such fee by retaining the amount of the fee from amounts collected pursuant to this subsection. Agencies may agree to pay through a different method, or to fund the activity from another account or from revenue received from Section 701. Amounts charged under this subsection concerning delinquent claims may be considered as costs pursuant to section 3717(e) of this title.

"(4) Notwithstanding any other law concerning the depositing and collection of Federal payments, including section 3302(b) of this title, agencies collecting fees may retain the fees from amounts collected. Any fee charged pursuant to this subsection shall be deposited into an account to be determined by the executive department or agency operating the debt collection center charging the fee (hereafter referred to in this section as the 'Account'). Amounts deposited in the Account shall be available until expended to cover costs associated with the implementation and operation of government-wide debt collection activities. Costs properly chargeable to the Account include, but are not limited to—

"(A) the costs of computer hardware and software, word processing and telecommunications equipment, other equipment, supplies, and furniture;

"(B) personnel training and travel costs;

"(C) other personnel and administrative costs;

"(D) the costs of any contract for identification, billing, or collection services; and

"(E) reasonable costs incurred by the Secretary of the Treasury, including but not limited to, services and utilities provided by the Secretary, and administration of the Account.

"(5) Not later than January 1 of each year, there shall be deposited into the Treasury as miscellaneous receipts, an amount equal to the amount of unobligated balances remaining in the Account at the close of business on September 30 of the preceding year minus any part of such balance that the executive department or agency operating the debt collection center determines is necessary to cover or defray the costs under this subsection for the fiscal year in which the deposit is made.

"(6)(A) The head of an executive, legislative, or judicial agency shall transfer to the Secretary of the Treasury all non-tax claims over 180 days delinquent for additional collection action and/or closeout. A taxpayer identification number shall be included with each claim provided if it is in the agency's possession.

"(B) Subparagraph (A) shall not apply—

"(i) to claims that—

"(I) are in litigation or foreclosure;

"(II) will be disposed of under the loan sales program of a Federal department or agency;

"(III) have been referred to a private collection contractor for collection;

"(IV) are being collected under internal offset procedures;

"(V) have been referred to the Department of the Treasury, the Department of Defense, the United States Postal Service, or a disbursing official of the United States designated by the Secretary of the Treasury for administrative offset;

"(VI) have been retained by an executive agency in a debt collection center; or

"(VII) have been referred to another agency for collection;

"(ii) to claims which may be collected after the 180-day period in accordance with specific statutory authority or procedural guidelines, provided that the head of an executive, legislative, or judicial agency provides notice of such claims to the Secretary of the Treasury; and

"(iii) to other specific class of claims as determined by the Secretary of the Treasury at the request of the head of an agency or otherwise.

"(C) The head of an executive, legislative, or judicial agency shall transfer to the Secretary of the Treasury all non-tax claims on which the agency has ceased collection activity. The Secretary may exempt specific classes of claims from this requirement, at the request of the head of an agency, or otherwise. The Secretary shall review transferred claims to determine if additional collection action is warranted. The Secretary may, in accordance with section 6050P of title 26, United States Code, report to the Internal Revenue Service on behalf of the creditor agency any claims that have been discharged within the meaning of such section.

"(7) At the end of each calendar year, the head of an executive, legislative, or judicial agency which, regarding a claim owed to the agency, is required to report a discharge of indebtedness as income under the 6050P of title 26, United States Code, shall either complete the appropriate form 1099 or submit to the Secretary of the Treasury such information as is necessary for the Secretary of the Treasury to complete the appropriate form 1099. The Secretary of the Treasury shall incorporate this information into the appropriate form and submit the information to the taxpayer and Internal Revenue Service.

"(8) To carry out the purposes of this subsection, the Secretary of the Treasury is authorized—

"(A) to prescribe such rules, regulations, and procedures as the Secretary deems necessary; and

"(B) to designate debt collection centers operated by other Federal agencies.".

SEC. 5243. COMPROMISE OF CLAIMS.

(a) Section 3711(a)(2) of title 31, United States Code, is amended by striking out "$20,000 (excluding interest)" and inserting in lieu thereof "$100,000 (excluding interest) or such higher amount as the Attorney General may from time to time prescribe.

(b) This section shall be effective as of October 1, 1995.

Subpart E—Federal Civil Monetary Penalties

SEC. 5251. ADJUSTING FEDERAL CIVIL MONETARY PENALTIES FOR INFLATION.

(a) The Federal Civil Penalties Inflation Adjustment Act of 1990 (Public Law 101-410, 104 Stat. 890; 28 U.S.C. 2461 note) is amended—

(1) by amending section 4 to read as follows:

"SEC. 4. The head of each agency shall, not later than 180 days after the date of enactment of the Debt Collection Improvement Act of 1996, and at least once every 4 years thereafter, by regulation adjust each civil monetary penalty provided by law within the jurisdiction of the Federal agency, except for any penalty under title 26, United States Code, by the inflation adjustment described under section 5 of this Act and publish each such regulation in the Federal Register.";

(2) in section 5(a), by striking "The adjustment described under paragraphs (4) and (5)(A) of section 4" and inserting "The inflation adjustment"; and

(3) by adding at the end the following new section:

"SEC. 7. Any increase to a civil monetary penalty resulting from this Act shall apply only to violations which occur after the date any such increase takes effect.".

(b) The initial adjustment of a civil monetary penalty made pursuant to section 4 of Federal Civil Penalties Inflation Adjustment Act of 1990 (as amended by subsection (a)) may not exceed 10 percent of such penalty.

Subpart F—Gain Sharing

SEC. 5261. DEBT COLLECTION IMPROVEMENT ACCOUNT.

(a) Title 31, United States Code, is amended by inserting after section 3720B the following new section:

"§ 3720C. Debt Collection Improvement Account

"(a)(1) There is hereby established in the Treasury a special fund to be known as the 'Debt Collection Improvement Account' (hereinafter referred to as the 'Account').

"(2) The Account shall be maintained and managed by the Secretary of the Treasury, who shall ensure that programs are credited with the amounts described in subsection (b) and with allocations described in subsection (c).

"(b)(1) Not later than 30 days after the end of a fiscal year, an agency other than the Department of Justice is authorized to transfer to the Account a dividend not to exceed five percent of the debt collection improvement amount as described in paragraph (3).

"(2) Agency transfers to the Account may include collections from—

"(A) salary, administrative and tax referral offsets;

"(B) automated levy authority;

"(C) the Department of Justice; and

"(D) private collection agencies.

"(3) For purposes of this section, the term 'debt collection improvement amount' means the amount by which the collection of delinquent debt with respect to a particular program during a fiscal year exceeds the delinquent debt baseline for such program for such fiscal year. The Office of Management and Budget shall determine the baseline from which increased collections are measured over the prior fiscal year, taking into account the recommendations made by the

Secretary of the Treasury in consultation with creditor agencies.

"(c)(1) The Secretary of the Treasury is authorized to make payments from the Account solely to reimburse agencies for qualified expenses. For agencies with franchise funds, payments may be credited to subaccounts designated for debt collection.

"(2) For purposes of this paragraph, the term 'qualified expenses' means expenditures for the improvement of tax administration and agency debt collection and debt recovery activities including, but not limited to, account servicing (including cross-servicing under section 502 of the Debt Collection Improvement Act of 1996), automatic data processing equipment acquisitions, delinquent debt collection, measures to minimize delinquent debt, asset disposition, and training of personnel involved in credit and debt management.

"(3) Payments made to agencies pursuant to paragraph (1) shall be in proportion to their contributions to the Account.

"(4)(A) Amounts in the Account shall be available to the Secretary of the Treasury to the extent and in the amounts provided in advance in appropriation Acts, for purposes of this section. Such amounts are authorized to be appropriated without fiscal year limitation.

"(B) As soon as practicable after the end of third fiscal year after which appropriations are made pursuant to this section, and every 3 years thereafter, any unappropriated balance in the account as determined by the Secretary of the Treasury in consultation with agencies, shall be transferred to the Treasury general fund as miscellaneous receipts.

"(d) For direct loan and loan guarantee programs subject to title V of the Congressional Budget Act of 1974, amounts credited in accordance with subsection (c) shall be considered administrative costs and shall not be included in the estimated payments to the Government for the purpose of calculating the cost of such programs.

"(e) The Secretary of the Treasury shall prescribe such rules, regulations, and procedures as the Secretary deems necessary or appropriate to carry out the purposes of this section.".

(b) The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720B the following new item:

"3720C. Debt Collection Improvement Account.".

Subpart G—Tax Refund Offset Authority

SEC. 5271. OFFSET OF TAX REFUND PAYMENT BY DISBURSING OFFICIALS.

Section 3720A(h) of title 31, United States Code, is amended to read as follows:

"(h)(1) The term 'Secretary of the Treasury' may include the disbursing official of the Department of the Treasury.

"(2) The disbursing official of the Department of the Treasury—

"(A) shall notify a taxpayer in writing of—

"(i) the occurrence of an offset to satisfy a past-due legally enforceable non-tax debt;

"(ii) the identity of the creditor agency requesting the offset; and

"(iii) a contact point within the creditor agency that will handle concerns regarding the offset;

"(B) shall notify the Internal Revenue Service on a weekly basis of—

"(i) the occurrence of an offset to satisfy a past-due legally enforceable non-tax debt;

"(ii) the amount of such offset; and

"(iii) any other information required by regulations; and

"(C) shall match payment records with requests for offset by using a name control, taxpayer identifying number (as defined in 26 U.S.C. 6109), and any other necessary identifiers.".

SEC. 5272. EXPANDING TAX REFUND OFFSET AUTHORITY.

(a) Section 3720A of title 31, United States Code, is amended by adding after subsection (h) the following new subsection:

"(i) An agency subject to section 9 of the Act of May 18, 1933 (16 U.S.C. 831h) may implement this section at its discretion.".

(b) Section 6402(f) of title 26, United States Code, is amended to read as follows:

"(f) FEDERAL AGENCY.—For purposes of this section, the term 'Federal agency' means a department, agency, or instrumentality of the United States, and includes a government corporation (as such term is defined in section 103 of title 5, United States Code).".

SEC. 5273. EXPANDING AUTHORITY TO COLLECT PAST-DUE SUPPORT.

(a) Section 3720A(a) of title 31, United States Code, is amended to read as follows:

"(a) Any Federal agency that is owed by a named person a past-due, legally enforceable debt (including past-due support and debt administered by a third party acting as an agent for the Federal Government) shall, in accordance with regulations issued pursuant to subsections (b) and (d), notify the Secretary of the Treasury at least once a year of the amount of such debt.".

(b) Section 464(a) of the Social Security Act (42 U.S.C. 664(a)) is amended—

(1) in paragraph (1), by adding at the end thereof the following: "This subsection may be implemented by the Secretary of the Treasury in accordance with section 3720A of title 31, United States Code."; and

(2) in paragraph (2)(A), by adding at the end thereof the following: "This subsection may be implemented by the Secretary of the Treasury in accordance with section 3720A of title 31, United States Code.".

Subpart H—Definitions, Due Process Rights, and Severability

SEC. 5281. TECHNICAL AMENDMENTS TO DEFINITIONS.

Section 3701 of title 31, United States Code, is amended—

(1) by amending subsection (a)(1) to read as follows:

"(1) 'administrative offset' means withholding money payable by the United States (including money payable by the United States on behalf of a State government) to, or held by the United States for, a person to satisfy a claim.";

(2) by amending subsection (b) to read as follows:

"(b)(1) The term 'claim' or 'debt' means any amount of money or property that has been determined by an appropriate official of the Federal Government to be owed to the United States by a person, organization, or entity other than another Federal agency. A claim includes, without limitation, money owed on account of loans insured or guaranteed by the Government, non-appropriated funds, over-payments, any amount the United States is authorized by statute to collect for the benefit of any person, and other amounts of money or property due the Government.

"(2) For purposes of section 3716 of this title, the term 'claim' also includes an amount of money or property owed by a person to a State, the District of Columbia, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Commonwealth of Puerto Rico where there is also a Federal monetary interest or in cases of court ordered child support."; and

(3) by adding after subsection (f) (as added in section 5202(a)) the following new subsection:

"(g) In section 3716 of this title—

"(1) 'creditor agency' means any entity owed a claim that seeks to collect that claim through administrative offset; and

"(2) 'payment certifying agency' means any Federal department, agency, or instrumentality and government corporation, that has transmitted a voucher to a disbursing official for disbursement.".

SEC. 5282. SEVERABILITY.

If any provision of this title, or the amendments made by this title, or the application of any provision to any entity, person, or circumstance is for any reason adjudged by a court of competent jurisdiction to be invalid, the remainder of this title, and the amendments made by this title, or its application shall not be affected.

Subpart I—Reporting

SEC. 5291. MONITORING AND REPORTING.

(a) The Secretary of the Treasury, in consultation with concerned Federal agencies, is authorized to establish guidelines, including information on outstanding debt, to assist agencies in the performance and monitoring of debt collection activities.

(b) Not later than three years after the date of enactment of this Act, the Secretary of the Treasury shall report to the Congress on collection services provided by Federal agencies or entities collecting debt on behalf of other Federal agencies under the authorities contained in section 3711(g) of title 31, United States Code.

(c) Section 3719 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by amending the first sentence to read as follows: "In consultation with the Comptroller General, the Secretary of the Treasury shall prescribe regulations requiring the head of each agency with outstanding non-tax claims to prepare and submit to the Secretary at least once a year a report summarizing the status of loans and accounts receivable managed by the head of the agency."; and

(B) in paragraph (3), by striking "Director" and inserting "Secretary"; and

(2) in subsection (b), by striking "Director" and inserting "Secretary".

(d) Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to consolidate all reports concerning debt collection into one annual report.

PART II—JUSTICE DEBT MANAGEMENT

Subpart A—Private Attorneys

SEC. 5301. EXPANDED USE OF PRIVATE ATTORNEYS.

(a) Section 3718(b)(1)(A) of title 31, United States Code, is amended by striking the fourth sentence.

(b) Sections 3 and 5 of the Federal Debt Recovery Act (Public Law 99-578, 100 Stat. 3305) are hereby repealed.

Subpart B—Nonjudicial Foreclosure

SEC. 5311. NONJUDICIAL FORECLOSURE OF MORTGAGES.

Chapter 176 of title 28 of the United States Code is amended by adding at the end thereof the following:

"SUBCHAPTER E—NONJUDICIAL FORECLOSURE

"Sec.

"3401. Definitions.

"3402. Rules of construction.

"3403. Election of procedure.
"3404. Designation of foreclosure trustee.
"3405. Notice of foreclosure sale; statute of limitations.
"3406. Service of notice of foreclosure sale.
"3407. Cancellation of foreclosure sale.
"3408. Stay.
"3409. Conduct of sale; postponement.
"3410. Transfer of title and possession.
"3411. Record of foreclosure and sale.
"3412. Effect of sale.
"3413. Disposition of sale proceeds.
"3414. Deficiency judgment.

"§ 3401. Definitions

"As used in this subchapter—

"(1) 'agency' means—

"(A) an executive department as defined in section 101 of title 5, United States Code;

"(B) an independent establishment as defined in section 104 of title 5, United States Code (except that it shall not include the General Accounting Office);

"(C) a military department as defined in section 102 of title 5, United States Code; and

"(D) a wholly owned government corporation as defined in section 9101(3) of title 31, United States Code;

"(2) 'agency head' means the head and any assistant head of an agency, and may upon the designation by the head of an agency include the chief official of any principal division of an agency or any other employee of an agency;

"(3) 'bona fide purchaser' means a purchaser for value in good faith and without notice of any adverse claim who acquires the seller's interest free of any adverse claim;

"(4) 'debt instrument' means a note, mortgage bond, guaranty or other instrument creating a debt or other obligation, including any instrument incorporated by reference therein and any instrument or agreement amending or modifying a debt instrument;

"(5) 'file' or 'filing' means docketing, indexing, recording, or registering, or any other requirement for perfecting a mortgage or a judgment;

"(6) 'foreclosure trustee' means an individual, partnership, association, or corporation, or any employee thereof, including a successor, appointed by the agency head to conduct a foreclosure sale pursuant to this subchapter;

"(7) 'mortgage' means a deed of trust, deed to secure debt, security agreement, or any other form of instrument under which any interest in real property, including leaseholds, life estates, reversionary interests, and any other estates under applicable law is conveyed in trust, mortgaged, encumbered, pledged or otherwise rendered subject to a lien, for the purpose of securing the payment of money or the performance of any other obligation;

"(8) 'of record' means an interest recorded pursuant to Federal or State statutes that provide for official recording of deeds, mortgages and judgments, and that establish the effect of such records as notice to creditors, purchasers, and other interested persons;

"(9) 'owner' means any person who has an ownership interest in property and includes heirs, devisees, executors, administrators, and other personal representatives, and trustees of testamentary trusts if the owner of record is deceased;

"(10) 'sale' means a sale conducted pursuant to this subchapter, unless the context requires otherwise; and

"(11) 'security property' means real property, or any interest in real property including leaseholds, life estates, reversionary interests, and any other estates under applicable State law that secure a mortgage.

"§ 3402. Rules of construction

"(a) IN GENERAL.—If an agency head elects to proceed under this subchapter, this subchapter shall apply and the provisions of this subchapter shall govern in the event of a conflict with any other provision of Federal law or State law.

"(b) LIMITATION.—This subchapter shall not be construed to supersede or modify the operation of—

"(1) the lease-back/buy-back provisions under section 1985 of title 7, United States Code, or regulations promulgated thereunder; or

"(2) The Multifamily Mortgage Foreclosure Act of 1981 (chapter 38 of title 12, United States Code).

"(c) EFFECT ON OTHER LAWS.—This subchapter shall not be construed to curtail or limit the rights of the United States or any of its agencies—

"(1) to foreclose a mortgage under any other provision of Federal law or State law; or

"(2) to enforce any right under Federal law or State law in lieu of or in addition to foreclosure, including any right to obtain a monetary judgment.

"(d) APPLICATION TO MORTGAGES.—The provisions of this subchapter may be used to foreclose any mortgage, whether executed prior or subsequent to the effective date of this subchapter.

"§ 3403. Election of procedure

"(a) SECURITY PROPERTY SUBJECT TO FORECLOSURE.—An agency head may foreclose a mortgage upon the breach of a covenant or condition in a debt instrument or mortgage for which acceleration or foreclosure is authorized. An agency head may not institute foreclosure proceedings on the mortgage under any other provision of law, or refer such mortgage for litigation, during the pendency of foreclosure proceedings pursuant to this subchapter.

"(b) EFFECT OF CANCELLATION OF SALE.—If a foreclosure sale is canceled pursuant to section 3407, the agency head may thereafter foreclose on the security property in any manner authorized by law.

"§ 3404. Designation of foreclosure trustee

"(a) IN GENERAL.—An agency head shall designate a foreclosure trustee who shall supersede any trustee designated in the mortgage. A foreclosure trustee designated under this section shall have a nonjudicial power of sale pursuant to this subchapter.

"(b) DESIGNATION OF FORECLOSURE TRUSTEE.—

"(1) An agency head may designate as foreclosure trustee—

"(A) an officer or employee of the agency;

"(B) an individual who is a resident of the State in which the security property is located; or

"(C) a partnership, association, or corporation, provided such entity is authorized to transact business under the laws of the State in which the security property is located.

"(2) The agency head is authorized to enter into personal services and other contracts not inconsistent with this subchapter.

"(c) METHOD OF DESIGNATION.—An agency head shall designate the foreclosure trustee in writing. The foreclosure trustee may be designated by name, title, or position. An agency head may designate one or more foreclosure trustees for the purpose of proceeding with multiple foreclosures or a class of foreclosures.

"(d) AVAILABILITY OF DESIGNATION.—An agency head may designate such foreclosure trustees as the agency head deems necessary to carry out the purposes of this subchapter.

"(e) MULTIPLE FORECLOSURE TRUSTEES AUTHORIZED.—An agency head may designate multiple foreclosure trustees for different tracts of a secured property.

"(f) REMOVAL OF FORECLOSURE TRUSTEES; SUCCESSOR FORECLOSURE TRUSTEES.—An agency head may, with or without cause or notice, remove a foreclosure trustee and designate a successor trustee as provided in this section. The foreclosure sale shall continue without prejudice notwithstanding the removal of the foreclosure trustee and designation of a successor foreclosure trustee. Nothing in this section shall be construed to prohibit a successor foreclosure trustee from postponing the foreclosure sale in accordance with this subchapter.

"§ 3405. Notice of foreclosure sale; statute of limitations

"(a) IN GENERAL.—

"(1) Not earlier than 21 days nor later than ten years after acceleration of a debt instrument or demand on a guaranty, the foreclosure trustee shall serve a notice of foreclosure sale in accordance with this subchapter.

"(2) For purposes of computing the time period under paragraph (1), there shall be excluded all periods during which there is in effect—

"(A) a judicially imposed stay of foreclosure; or

"(B) a stay imposed by section 362 of title 11, United States Code.

"(3) In the event of partial payment or written acknowledgement of the debt after acceleration of the debt instrument, the right to foreclosure shall be deemed to accrue again at the time of each such payment or acknowledgement.

"(b) NOTICE OF FORECLOSURE SALE.—The notice of foreclosure sale shall include—

"(1) the name, title, and business address of the foreclosure trustee as of the date of the notice;

"(2) the names of the original parties to the debt instrument and the mortgage, and any assignees of the mortgagor of record;

"(3) the street address or location of the security property, and a generally accepted designation used to describe the security property, or so much thereof as is to be offered for sale, sufficient to identify the property to be sold;

"(4) the date of the mortgage, the office in which the mortgage is filed, and the location of the filing of the mortgage;

"(5) the default or defaults upon which foreclosure is based, and the date of the acceleration of the debt instrument;

"(6) the date, time, and place of the foreclosure sale;

"(7) a statement that the foreclosure is being conducted in accordance with this subchapter;

"(8) the types of costs, if any, to be paid by the purchaser upon transfer of title; and

"(9) the terms and conditions of sale, including the method and time of payment of the foreclosure purchase price.

"§ 3406. Service of notice of foreclosure sale

"(a) RECORD NOTICE.—At least 21 days prior to the date of the foreclosure sale, the notice of foreclosure sale required by section 3405 shall be filed in the manner authorized for filing a notice of an action concerning real property according to the law of the State where the security property is located or, if none, in the manner authorized by section 3201 of this chapter.

"(b) NOTICE BY MAIL.—

"(1) At least 21 days prior to the date of the foreclosure sale, the notice set forth in

section 3405 shall be sent by registered or certified mail, return receipt requested—

"(A) to the current owner of record of the security property as the record appears on the date that the notice of foreclosure sale is recorded pursuant to subsection (a);

"(B) to all debtors, including the mortgagor, assignees of the mortgagor and guarantors of the debt instrument;

"(C) to all persons having liens, interests or encumbrances of record upon the security property, as the record appears on the date that the notice of foreclosure sale is recorded pursuant to subsection (a); and

"(D) to any occupants of the security property. If the names of the occupants of the security property are not known to the agency, or the security property has more than one dwelling unit, the notice shall be posted at the security property.

"(2) The notice shall be sent to the debtor at the address, if any, set forth in the debt instrument or mortgage as the place to which notice is to be sent, and if different, to the debtor's last known address as shown in the mortgage record of the agency. The notice shall be sent to any person other than the debtor to that person's address of record or, if there is no address of record, to any address at which the agency in good faith believes the notice is likely to come to that person's attention.

"(3) Notice by mail pursuant to this subsection shall be effective upon mailing.

"(c) NOTICE BY PUBLICATION.—The notice of the foreclosure sale shall be published at least once a week for each of three successive weeks prior to the sale in at least one newspaper of general circulation in any county or counties in which the security property is located. If there is no newspaper published at least weekly that has a general circulation in at least one county in which the security property is located, copies of the notice of foreclosure sale shall instead be posted at least 21 days prior to the sale at the courthouse of any county or counties in which the property is located and the place where the sale is to be held.

"§ 3407. Cancellation of foreclosure sale

"(a) IN GENERAL.—At any time prior to the foreclosure sale, the foreclosure trustee shall cancel the sale—

"(1) if the debtor or the holder of any subordinate interest in the security property tenders the performance due under the debt instrument and mortgage, including any amounts due because of the exercise of the right to accelerate, and the expenses of proceeding to foreclosure incurred to the time of tender;

"(2) if the security property is a dwelling of four units or fewer, and the debtor—

"(A) pays or tenders all sums which would have been due at the time of tender in the absence of any acceleration;

"(B) performs any other obligation which would have been required in the absence of any acceleration; and

"(C) pays or tenders all costs of foreclosure incurred for which payment from the proceeds of the sale would be allowed; or

"(3) for any reason approved by the agency head.

"(b) LIMITATION.—The debtor may not, without the approval of the agency head, cure the default under subsection (a)(2) if, within the preceding 12 months, the debtor has cured a default after being served with a notice of foreclosure sale pursuant to this subchapter.

"(c) NOTICE OF CANCELLATION.—The foreclosure trustee shall file a notice of the cancellation in the same place and manner provided for the filing of the notice of foreclosure sale under section 3406(a).

"§ 3408. Stay

"If, prior to the time of sale, foreclosure proceedings under this subchapter are stayed in any manner, including the filing of bankruptcy, no person may thereafter cure the default under the provisions of section 3407(a)(2). If the default is not cured at the time a stay is terminated, the foreclosure trustee shall proceed to sell the security property as provided in this subchapter.

"§ 3409. Conduct of sale; postponement

"(a) SALE PROCEDURES.—Foreclosure sale pursuant to this subchapter shall be at public auction and shall be scheduled to begin at a time between the hours of 9:00 a.m. and 4:00 p.m. local time. The foreclosure sale shall be held at the location specified in the notice of foreclosure sale, which shall be a location where real estate foreclosure auctions are customarily held in the county or one of the counties in which the property to be sold is located or at a courthouse therein, or upon the property to be sold. Sale of security property situated in two or more counties may be held in any one of the counties in which any part of the security property is situated. The foreclosure trustee may designate the order in which multiple tracts of security property are sold.

"(b) BIDDING REQUIREMENTS.—Written one-price sealed bids shall be accepted by the foreclosure trustee, if submitted by the agency head or other persons for entry by announcement by the foreclosure trustee at the sale. The sealed bids shall be submitted in accordance with the terms set forth in the notice of foreclosure sale. The agency head or any other person may bid at the foreclosure sale, even if the agency head or other person previously submitted a written one-price bid. The agency head may bid a credit against the debt due without the tender or payment of cash. The foreclosure trustee may serve as auctioneer, or may employ an auctioneer who may be paid from the sale proceeds. If an auctioneer is employed, the foreclosure trustee is not required to attend the sale. The foreclosure trustee or an auctioneer may bid as directed by the agency head.

"(c) POSTPONEMENT OF SALE.—The foreclosure trustee shall have discretion, prior to or at the time of sale, to postpone the foreclosure sale. The foreclosure trustee may postpone a sale to a later hour the same day by announcing or posting the new time and place of the foreclosure sale at the time and place originally scheduled for the foreclosure sale. The foreclosure trustee may instead postpone the foreclosure sale for not fewer than 9 nor more than 31 days, by serving notice that the foreclosure sale has been postponed to a specified date, and the notice may include any revisions the foreclosure trustee deems appropriate. The notice shall be served by publication, mailing, and posting in accordance with section 3406 (b) and (c), except that publication may be made on any of three separate days prior to the new date of the foreclosure sale, and mailing may be made at any time at least 7 days prior to the new date of the foreclosure sale.

"(d) LIABILITY OF SUCCESSFUL BIDDER WHO FAILS TO COMPLY.—The foreclosure trustee may require a bidder to make a cash deposit before the bid is accepted. The amount or percentage of the cash deposit shall be stated by the foreclosure trustee in the notice of foreclosure sale. A successful bidder at the foreclosure sale who fails to comply with the terms of the sale shall forfeit the cash deposit or, at the election of the foreclosure trustee, shall be liable to the agency on a subsequent sale of the property for all net losses incurred by the agency as a result of such failure.

"(e) EFFECT OF SALE.—Any foreclosure sale held in accordance with this subchapter shall be conclusively presumed to have been conducted in a legal, fair, and commercially reasonable manner. The sale price shall be conclusively presumed to constitute the reasonably equivalent value of the security property.

"§ 3410. Transfer of title and possession

"(a) DEED.—After receipt of the purchase price in accordance with the terms of the sale as provided in the notice of foreclosure sale, the foreclosure trustee shall execute and deliver to the purchaser a deed conveying the security property to the purchaser that grants and conveys title to the security property without warranty or covenants to the purchaser. The execution of the foreclosure trustee's deed shall have the effect of conveying all of the right, title, and interest in the security property covered by the mortgage. Notwithstanding any other law to the contrary, the foreclosure trustee's deed shall be a conveyance of the security property and not a quitclaim. No judicial proceeding shall be required ancillary or supplementary to the procedures provided in this subchapter to establish the validity of the conveyance.

"(b) DEATH OF PURCHASER PRIOR TO CONSUMMATION OF SALE.—If a purchaser dies before execution and delivery of the deed conveying the security property to the purchaser, the foreclosure trustee shall execute and deliver the deed to the representative of the purchaser's estate upon payment of the purchase price in accordance with the terms of sale. Such delivery to the representative of the purchaser's estate shall have the same effect as if accomplished during the lifetime of the purchaser.

"(c) PURCHASER CONSIDERED BONA FIDE PURCHASER WITHOUT NOTICE.—The purchaser of property under this subchapter shall be presumed to be a bona fide purchaser without notice of defects, if any, in the title conveyed to the purchaser.

"(d) POSSESSION BY PURCHASER; CONTINUING INTERESTS.—A purchaser at a foreclosure sale conducted pursuant to this subchapter shall be entitled to possession upon passage of title to the security property, subject to any interest or interests senior to that of the mortgage. The right to possession of any person without an interest senior to the mortgage who is in possession of the property shall terminate immediately upon the passage of title to the security property, and the person shall vacate the security property immediately. The purchaser shall be entitled to take any steps available under Federal law or State law to obtain possession.

"(e) RIGHT OF REDEMPTION; RIGHT OF POSSESSION.—This subchapter shall preempt all Federal and State rights of redemption, statutory, or common law. Upon conclusion of the public auction of the security property, no person shall have a right of redemption.

"(f) PROHIBITION OF IMPOSITION OF TAX ON CONVEYANCE BY THE UNITED STATES OR AGENCY THEREOF.—No tax, or fee in the nature of a tax, for the transfer of title to the security property by the foreclosure trustee's deed shall be imposed upon or collected from the foreclosure trustee or the purchaser by any State or political subdivision thereof.

"§ 3411. Record of foreclosure and sale

"(a) RECITAL REQUIREMENTS.—The foreclosure trustee shall recite in the deed to the

purchaser, or in an addendum to the foreclosure trustee's deed, or shall prepare an affidavit stating—

"(1) the date, time, and place of sale;

"(2) the date of the mortgage, the office in which the mortgage is filed, and the location of the filing of the mortgage;

"(3) the persons served with the notice of foreclosure sale;

"(4) the date and place of filing of the notice of foreclosure sale under section 3406(a);

"(5) that the foreclosure was conducted in accordance with the provisions of this subchapter; and

"(6) the sale amount.

"(b) EFFECT OF RECITALS.—The recitals set forth in subsection (a) shall be prima facie evidence of the truth of such recitals. Compliance with the requirements of subsection (a) shall create a conclusive presumption of the validity of the sale in favor of bona fide purchasers and encumbrancers for value without notice.

"(c) DEED TO BE ACCEPTED FOR FILING.—The register of deeds or other appropriate official of the county or counties where real estate deeds are regularly filed shall accept for filing and shall file the foreclosure trustee's deed and affidavit, if any, and any other instruments submitted for filing in relation to the foreclosure of the security property under this subchapter.

"§ 3412. Effect of sale

"A sale conducted under this subchapter to a bona fide purchaser shall bar all claims upon the security property by—

"(1) any person to whom the notice of foreclosure sale was mailed as provided in this subchapter who claims an interest in the property subordinate to that of the mortgage, and the heir, devisee, executor, administrator, successor, or assignee claiming under any such person;

"(2) any person claiming any interest in the property subordinate to that of the mortgage, if such person had actual knowledge of the sale;

"(3) any person so claiming, whose assignment, mortgage, or other conveyance was not filed in the proper place for filing, or whose judgment or decree was not filed in the proper place for filing, prior to the date of filing of the notice of foreclosure sale as required by section 3406(a), and the heir, devisee, executor, administrator, successor, or assignee of such a person; or

"(4) any other person claiming under a statutory lien or encumbrance not required to be filed and attaching to the title or interest of any person designated in any of the foregoing subsections of this section.

"§ 3413. Disposition of sale proceeds

"(a) DISTRIBUTION OF SALE PROCEEDS.—The foreclosure trustee shall distribute the proceeds of the foreclosure sale in the following order—

"(1)(A) to pay the commission of the foreclosure trustee, other than an agency employee, the greater of—

"(i) the sum of—

"(I) 3 percent of the first $1,000 collected, plus

"(II) 1.5 percent on the excess of any sum collected over $1,000; or

"(ii) $250; and

"(B) the amounts described in subparagraph (A)(i) shall be computed on the gross proceeds of all security property sold at a single sale;

"(2) to pay the expense of any auctioneer employed by the foreclosure trustee, if any, except that the commission payable to the foreclosure trustee pursuant to paragraph (1) shall be reduced by the amount paid to an auctioneer, unless the agency head determines that such reduction would adversely affect the ability of the agency head to retain qualified foreclosure trustees or auctioneers;

"(3) to pay for the costs of foreclosure, including—

"(A) reasonable and necessary advertising costs and postage incurred in giving notice pursuant to section 3406;

"(B) mileage for posting notices and for the foreclosure trustee's or auctioneer's attendance at the sale at the rate provided in section 1921 of title 28, United States Code, for mileage by the most reasonable road distance;

"(C) reasonable and necessary costs actually incurred in connection with any search of title and lien records; and

"(D) necessary costs incurred by the foreclosure trustee to file documents;

"(4) to pay valid real property tax liens or assessments, if required by the notice of foreclosure sale;

"(5) to pay any liens senior to the mortgage, if required by the notice of foreclosure sale;

"(6) to pay service charges and advancements for taxes, assessments, and property insurance premiums; and

"(7) to pay late charges and other administrative costs and the principal and interest balances secured by the mortgage, including expenditures for the necessary protection, preservation, and repair of the security property as authorized under the debt instrument or mortgage and interest thereon if provided for in the debt instrument or mortgage, pursuant to the agency's procedure.

"(b) INSUFFICIENT PROCEEDS.—In the event there are no proceeds of sale or the proceeds are insufficient to pay the costs and expenses set forth in subsection (a), the agency head shall pay such costs and expenses as authorized by applicable law.

"(c) SURPLUS MONIES.—

"(1) After making the payments required by subsection (a), the foreclosure trustee shall—

"(A) distribute any surplus to pay liens in the order of priority under Federal law or the law of the State where the security property is located; and

"(B) pay to the person who was the owner of record on the date the notice of foreclosure sale was filed the balance, if any, after any payments made pursuant to paragraph (1).

"(2) If the person to whom such surplus is to be paid cannot be located, or if the surplus available is insufficient to pay all claimants and the claimants cannot agree on the distribution of the surplus, that portion of the sale proceeds may be deposited by the foreclosure trustee with an appropriate official authorized under law to receive funds under such circumstances. If such a procedure for the deposit of disputed funds is not available, and the foreclosure trustee files a bill of interpleader or is sued as a stakeholder to determine entitlement to such funds, the foreclosure trustee's necessary costs in taking or defending such action shall be deducted first from the disputed funds.

"§ 3414. Deficiency judgment

"(a) IN GENERAL.—If after deducting the disbursements described in section 3413, the price at which the security property is sold at a foreclosure sale is insufficient to pay the unpaid balance of the debt secured by the security property, counsel for the United States may commence an action or actions against any or all debtors to recover the deficiency, unless specifically prohibited by the mortgage. The United States is also entitled to recover any amount authorized by section 3011 and costs of the action.

"(b) LIMITATION.—Any action commenced to recover the deficiency shall be brought within 6 years of the last sale of security property.

"(c) CREDITS.—The amount payable by a private mortgage guaranty insurer shall be credited to the account of the debtor prior to the commencement of an action for any deficiency owed by the debtor. Nothing in this subsection shall curtail or limit the subrogation rights of a private mortgage guaranty insurer.".

Subchapter B—Sale of Governors Island, New York

SEC. 6021. SALE OF GOVERNORS ISLAND, NEW YORK.

(a) IN GENERAL.—Subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Administrator of General Services shall dispose of by sale at fair market value all rights, title, and interests of the United States in and to the land of, and improvements to, Governors Island, New York.

(b) RIGHT OF FIRST REFUSAL.—Before a sale is made under subsection (a) to any other parties, the State of New York and the city of New York shall be given the right of first refusal to purchase all or part of Governors Island. Such right may be exercised by either the State of New York or the city of New York or by both parties acting jointly.

(c) PROCEEDS FROM SALE.—Amounts received by the Administrator from the sale shall be—

(1) made available to pay for costs associated with moving Coast Guard vessels, equipment, and facilities presently sited at Governors Island to a different site, the cost of renovation or construction of appropriate facilities at such site, and the costs of environmental clean-up activities on Governors Island undertaken by the Coast Guard; and

(2) deposited as miscellaneous receipts in the general account of the United States Treasury.

CHAPTER 3—SPENDING DESIGNATION

SEC. 5501. EMERGENCY DESIGNATION.

Congress hereby designates all amounts in this entire title as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That these amounts shall only be available to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to Congress.

BIDEN (AND OTHERS) AMENDMENT NO. 3483

Mr. BIDEN (for himself, Mr. KERRY, Mr. WELLSTONE, Mr. DASCHLE, Mr. LAUTENBERG, Mr. LEVIN, Ms. MIKULSKI, Mr. HARKIN, and Mrs. FEINSTEIN) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 3, line 8, add after "basis.":

COMMUNITY ORIENTED POLICING SERVICES

For public safety and community policing grants pursuant to Title I of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) and related administrative costs, $1,788,000,000, to remain available until expended, which shall be derived

from the Violent Crime Reduction Trust Fund.

On page 29, line 2, strike all after "('the 1990 Act');" through "That" on page 29, line 18 and insert in lieu thereof: "$1,217,200,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which".

SANTORUM AMENDMENT NOS. 3484–3488

(Ordered to lie on the table.)

Mr. SANTORUM submitted five amendments intended to be proposed by him to the amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

AMENDMENT NO. 3484

SEC. . SENSE OF THE SENATE REGARDING THE BUDGET TREATMENT OF FEDERAL DISASTER ASSISTANCE.

SENSE OF THE SENATE.—It is the Sense of the Senate that the Conference on S. 1594, making Omnibus Consolidated Rescissions & Appropriations for Fiscal Year ending September 30, 1996, and for other purposes, shall find sufficient funding reductions to offset the costs of providing any federal disaster assistance.

AMENDMENT NO. 3485

SEC. . SENSE OF THE SENATE REGARDING THE BUDGET TREATMENT OF FEDERAL DISASTER ASSISTANCE.

SENSE OF THE SENATE.—It is the Sense of the Senate that the Congress and the relevant committees of the Senate shall examine the manner in which federal disaster assistance is provided and develop a long-term funding plan for the budgetary treatment of any federal assistance, providing for such funds out of existing budget allocation rather than taking the expenditures off budget and adding to the federal deficit.

AMENDMENT NO. 3486

Beginning on page 730, strike line 1 and all that follows through page 750, line 14, and insert the following:

TITLE II—EMERGENCY SUPPLEMENTAL EXPENDITURES AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996

CHAPTER 1

DEPARTMENT OF AGRICULTURE

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to waterways and watersheds resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, and other natural disasters, the Director of the Federal Emergency Management Agency shall use $107,514,000, to the extent funds are available to the Director as of the date of enactment of this Act: *Provided*, That if the Secretary determines that the cost of land and restoration of farm structures exceeds the fair market value of certain affected cropland, the Secretary may use sufficient amounts from funds provided under this heading to accept bids from willing sellers to provide conservation easements for the cropland inundated by floods as provided for by the wetlands reserve program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.).

CONSOLIDATED FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) for expenses resulting from floods in the Pacific Northwest and other natural disasters, the Director of the Federal Emergency Management Agency shall use $30,000,000, to the extent funds are available to the Director as of the date of enactment of this Act, as authorized by section 404 of the Act (16 U.S.C. 2204).

RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural Housing Insurance Fund Program Account" for the cost of direct loans to assist in the recovery from floods in the Pacific Northwest and other natural disasters, the Director of the Federal Emergency Management Agency shall use $5,000,000, to the extent funds are available to the Director as of the date of enactment of this Act, for the cost of direct loans under section 502 of the Housing Act of 1949 (42 U.S.C. 1472), and $1,500,000 for the cost of housing repair loans under section 504 of the Housing Act of 1949 (42 U.S.C. 1474).

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for "Very Low-Income Housing Repair Grants" to make housing repairs needed as a result of floods and other natural disasters, pursuant to section 504 of the Housing Act of 1949 (42 U.S.C. 1474), the Director of the Federal Emergency Management Agency shall use $1,100,000, to the extent funds are available to the Director as of the date of enactment of this Act.

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for the "Rural Utilities Assistance Program" for the cost of direct loans and grants to assist in the recovery from floods in the Pacific Northwest and other natural disasters, the Director of the Federal Emergency Management Agency shall use $11,000,000, to the extent funds are available to the Director as of the date of enactment of this Act: *Provided*, That such funds may be available for emergency community water assistance grants as authorized by section 306B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926b).

ADMINISTRATIVE PROVISION

With the prior approval of the House and Senate Committees on Appropriations, funds made available to the Department of Agriculture under this chapter may be transferred by the Secretary of Agriculture between accounts of the Department of Agriculture included in this Act to satisfy emergency disaster funding requirements.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for emergency expenses resulting from flooding in the Pacific Northwest, the Director of the Federal Emergency Management Agency shall use $15,000,000, to the extent funds are available to the Director as of the date of enactment of this Act, for grants and related expenses pursuant to the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.); and, in addition, $1,500,000 for administrative expenses which may be transferred to and merged with the appropriations for "Salaries and Expenses".

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding in the Pacific Northwest and other natural disasters, the Director of the Federal Emergency Management Agency shall use $10,000,000, to the extent funds are available to the Director as of the date of enactment of this Act.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account", the Director of the Federal Emergency Management Agency shall use $69,700,000 for the cost of direct loans, to the extent funds are available to the Director as of the date of enactment of this Act: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a); and for administrative expenses to carry out the direct loan program, $30,300,000, to the extent funds are available to the Director as of the date of enactment of this Act.

CHAPTER 3

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", the Director of the Federal Emergency Management Agency shall use $30,000,000, to the extent funds are available to the Director as of the date of enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", the Director of the Federal Emergency Management Agency shall use $135,000,000, to the extent funds are available to the Director as of the date of enactment of this Act.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

For an additional amount for the "Construction Program", the Director of the Federal Emergency Management Agency shall use $18,000,000, to the extent funds are available to the Director as of the date of enactment of this Act.

CHAPTER 4

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION AND ACCESS

For an additional amount for "Construction and Access", the Director of the Federal Emergency Management Agency shall use $5,000,000, to the extent funds are available to the Director as of the date of enactment of this Act, to repair roads, culverts, bridges, facilities, fish and wildlife protective structures, and recreation sites, damaged because of the Pacific Northwest flooding.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California Grant Lands", the Director of the Federal Emergency Management Agency shall use $35,000,000, to the extent funds are available to the Director as of the date of enactment of this Act, to repair roads, culverts, bridges, facilities, fish and wildlife protective structures, and recreation sites, damaged because of the Pacific Northwest flooding.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction", the Director of the Federal Emergency Management Agency shall use $32,000,000, to the extent funds are available to the Director as of the date of enactment of this Act, to repair damage caused by hurricanes, floods, and other acts of nature.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", the Director of the Federal Emergency Management Agency shall use $47,000,000, to the extent funds are available to the Director as of the date of enactment of this Act, to repair damage caused by hurricanes, floods, and other acts of nature.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", the Director of the Federal Emergency Management Agency shall use $2,000,000, to the extent funds are available to the Director as of the date of enactment of this Act, for costs related to hurricanes, floods, and other acts of nature.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", the Director of the Federal Emergency Management Agency shall use $500,000, to the extent funds are available to the Director as of the date of enactment of this Act, for emergency operations and repairs related to winter floods.

CONSTRUCTION

For an additional amount for "Construction", the Director of the Federal Emergency Management Agency shall use $16,500,000, to the extent funds are available to the Director as of the date of enactment of this Act, for emergency repairs related to winter floods.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

For an additional amount for "Assistance to Territories", the Director of the Federal Emergency Management Agency shall use $13,000,000, to the extent funds are available to the Director as of the date of enactment of this Act, for recovery efforts from Hurricane Marilyn.

DEPARTMENT OF AGRICULTURE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", the Director of the Federal Emergency Management Agency shall use $26,600,000, to the extent funds are available to the Director as of the date of enactment of this Act, to repair damage caused by hurricanes, floods, and other acts of nature, including $300,000 for the costs associated with emergency removal and remediation, including access repairs, at the Amalgamated Mine site in the Willamette National Forest, containing sulphur-rich and other mining tailings, in order to prevent contamination of Battle Ax Creek, and the Little North Fork of the Santiam River, from which the city of Salem, Oregon, obtains its municipal water supply.

CONSTRUCTION

For an additional amount for "Construction", the Director of the Federal Emergency Management Agency shall use $60,800,000, to the extent funds are available to the Director as of the date of enactment of this Act.

CHAPTER 5

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

The first proviso under the heading "PAYMENTS TO AIR CARRIERS" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104–50; 109 Stat. 437), is amended to read as follows: "*Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of $22,600,000 from the Airport and Airway Trust Fund for the Payments to Air Carriers program in fiscal year 1996:".

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

For the emergency fund authorized by section 125 of title 23, United States Code, to cover expenses arising from the January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States and other disasters, the Director of the Federal Emergency Management Agency shall use $300,000,000, to the extent funds are available to the Director as of the date of enactment of this Act: *Provided*, That section 125(b)(1) of title 23, United States Code, shall not apply to projects relating to the January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States.

FEDERAL RAILROAD ADMINISTRATION

LOCAL RAIL FREIGHT ASSISTANCE

For expenses pursuant to chapter 221 of title 49, United States Code, to repair and rebuild rail lines of other than class I railroads (as defined by the Surface Transportation Board) or railroads owned or controlled by a class I railroad, having carried 5,000,000 gross ton miles or less per mile during the prior year, and damaged as a result of the floods of 1996, the Director of the Federal Emergency Management Agency shall use $10,000,000, to the extent funds are available to the Director as of the date of enactment of this Act: *Provided*, That for the purposes of administering this emergency relief, the Secretary of Transportation shall have authority to make funds available notwithstanding subsections (a)(1), (a)(3), and (d) of section 22101, sections 22102 through 22104, section 22105(a), and subsections (a) and (b) of section 22108, of title 49, United States Code, as the Secretary considers appropriate and shall consider the extent to which the State has available unexpended local rail freight assistance funds or available repaid loan funds: *Provided further*, That, notwithstanding chapter 221 of title 49, United States Code, the Secretary may prescribe the form and time for applications for assistance made available under this heading.

FEDERAL TRANSIT ADMINISTRATION

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

For an additional amount for payment of obligations incurred in carrying out section 5338(b) of title 49, United States Code, administered by the Federal Transit Administration, the Director of the Federal Emergency Management Agency shall use $375,000,000, to the extent funds are available to the Director as of the date of enactment of this Act.

CHAPTER 6

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community Development Grants", the Director of the Federal Emergency Management Agency shall use $100,000,000, to the extent funds are available to the Director as of the date of enactment of this Act, for emergency expenses and repairs related to recent presidentially declared disaster areas, including up to $10,000,000 which may be made available for rental subsidy contracts under the housing certificate program and the housing voucher program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), except that such amount shall be available only for temporary housing assistance, not in excess of 1 year in duration, and shall not be subject to renewal.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Relief", the Director of the Federal Emergency Management Agency shall use $150,000,000, to the extent funds are available to the Director as of the date of enactment of this Act, which, in whole or in part, may be transferred to the Disaster Assistance Direct Loan Program Account for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184): *Provided*, That such transfer of funds may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $170,000,000 under that section: *Provided further*, That any such transfer of funds shall be made only on certification by the Director of the Federal Emergency Management Agency that all requirements of that section will be complied with.

On page 756, strike lines 8 through 10 and insert the following:

SEC. 1102. It is the sense of Congress that Congress should appropriate, during the period consisting of fiscal years 1997 through 2001, a total of not less than $1,250,000,000 to the Federal Emergency Management Agency to reimburse the Agency for the expenditures required under chapters 1 through 6.

AMENDMENT NO. 3487

At the end of title II of the committee substitute, add the following:

SEC. .(a) Notwithstanding any other provision of this title, none of the amounts provided in this title is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount provided in a nonexempt discretionary spending nondefense account covered by title I is reduced by the uniform percentage necessary to offset nondefense discretionary amounts provided in this title. The reductions required by this subsection shall be implemented generally in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 3488

At the end of title II of the committee substitute, add the following:

Sec. .(a) Notwithstanding any other provision of this title, none of the amounts provided in this title is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount provided for 'Salaries and Expenses' and 'Administrative Expenses' within Title I are reduced by the uniform percentage necessary to offset nondefense discretionary amounts provided in this title, except for—

(A) Amounts Provided Under the Heading:

(1) "Federal Emergency Management Agency;"

(i) "Salaries and Expenses."

The reductions required by this subsection shall be implemented generally in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

GORTON AMENDMENT NO. 3489

Mr. GREGG (for Mr. GORTON) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

Amend page 113, line 11 by striking the period at the end of the sentence and adding ": *Provided further*, That the FCC shall pay the travel-related expenses of the Federal-State Joint Board on Universal Service for those activities described in the Telecommunications Act of 1996 (47 U.S.C. 254(a)(1))."

GRAMM (AND OTHERS) AMENDMENT NO. 3490

Mr. GRAMM (for himself, Mr. SANTORUM, Mr. MCCAIN, and Mr. NICKLES) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

At the end of title II of the committee substitute, add the following:

SEC. . (a) Notwithstanding any other provision of this title, none of the amounts provided in this title is designated by Congress as an emergency requirement pursuant to section 25(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount provided in a nonexempt discretionary spending nondefense account for fiscal year 1996 is reduced by the uniform percentage necessary to offset non-defense discretionary amounts provided in this title. The reductions required by this subsection shall be implemented generally in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

BIDEN AMENDMENT NO. 3491

Mr. GREGG (for Mr. BIDEN) proposed an amendment to amendment No. 2466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 29, line 20, after "*Provided further*," insert "That not less than $20,000,000 of this amount shall be for Boys & Girls Clubs of America for the establishment of Boys & Girls Clubs in public housing facilities and other areas in cooperation with state and local law enforcement: *Provided further*,"

GRAMS (AND OTHERS) AMENDMENT NO. 3492

Mr. GRAMS (for himself, Mr. MCCAIN, Mr. FAIRCLOTH, Mr. INHOFE, Mrs. HUTCHISON, and Mr. HELMS) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

At the end of the amendment (before the short title), add the following new title:

TITLE V—DEFICIT REDUCTION LOCK-BOX

SEC. 501. SHORT TITLE.

This title may be cited as the "Deficit Reduction Lock-box Act of 1996".

SEC. 502. DEFICIT REDUCTION LOCK-BOX LEDGER.

(a) ESTABLISHMENT OF LEDGER.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"DEFICIT REDUCTION LOCK-BOX LEDGER

"SEC. 314. (a) ESTABLISHMENT OF LEDGER.—The Director of the Congressional Budget Office (hereafter in this section referred to as the "Director") shall maintain a ledger to be known as the "Deficit Reduction Lock-box Ledger". The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three parts: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

"(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

"(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Director shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

"(2) The Director shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

"(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance, plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

"(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance, plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill.

"(3) For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

"(d) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

"Sec. 314. Deficit reduction lock-box ledger.".

SEC. 503. TALLY DURING HOUSE CONSIDERATION.

There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

SEC. 504. DOWNWARD ADJUSTMENT OF 602(a) ALLOCATIONS AND SECTION 602(b) SUBALLOCATIONS.

(a) ALLOCATIONS.—Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

"(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 314(c)(2). The revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.".

(b) SUBALLOCATIONS.—Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the chairman of the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.".

SEC. 505. PERIODIC REPORTING OF LEDGER STATEMENTS.

Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 314(a).".

SEC. 506. DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.

The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 602(a)(5) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: "As required by section 6 of the Deficit Reduction Lock-box Act of 1995, for fiscal year [insert appropriate fiscal year] and each outyear, the adjusted discretionary spending limit for new budget authority shall be reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays shall be reduced by $ [insert appropriate amount of reduction] for the budget year and each outyear." Notwithstanding section 904(c) of the

Congressional Budget Act of 1974, section 306 of that Act as it applies to this statement shall be waived. This adjustment shall be reflected in reports under sections 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 507. ADJUSTMENT FOR STIMULATIVE EFFECT OF REVENUE REDUCTIONS.

(a) AMOUNT OF ADJUSTMENT.—

(1) OMB.—Effective in 1997 and not later than October 15 of each year, the Director of OMB shall estimate the amount of the stimulative economic effect of any provisions enacted beginning with calendar year 1997 reducing revenues with respect to increasing revenues in the fiscal year ending in the year of the estimate. The Director of OMB shall calculate stimulative effect by determining the amount by which actual revenues exceed the projected level of revenues and then estimating the amount of the excess (fiscal dividend excess) attributable to enacted revenue reduction provisions.

(2) CBO CERTIFICATION.—Not later than October 20, the Director of the CBO shall certify the estimates and projections of the Director of OMB made under this subsection. If the Director of CBO cannot certify the estimates and projections, the Director shall notify Congress and the President of the disagreement and submit revised estimates.

(b) REDUCTION OF DEFICIT.—If the Director of OMB determines that a fiscal dividend excess exists under subsection (a) and on November 1, the President may—

(1) direct the Secretary of the Treasury to pay an amount not to exceed the level of excess to retire debt obligations of the United States; or

(2) submit a legislative proposal to Congress for reducing taxes by the amount of excess not dedicated to deficit reduction to be considered by Congress as provided in subsection (c).

(c) EXPEDITED PROCEDURE.—

(1) INTRODUCTION.—Not later than 3 days after the President submits a legislative proposal under subsection (b)(2), the Majority Leaders of the Senate and the House of Representatives shall introduce the proposal in their respective Houses as a bill. If the bill described in the preceding sentence is not introduced as provided in the preceding sentence, then, on the 4th day after the submission of the legislative proposal by the President, any Member of that House may introduce the bill.

(2) REFERRAL TO COMMITTEE.—A bill described in paragraph (1) introduced in the House of Representatives shall be referred to the Committee on Ways and Means of the House of Representatives. A bill described in paragraph (1) introduced in the Senate shall be referred to the Committee on Finance of the Senate. If more than 1 bill is introduced as provided in paragraph (1), the committee shall consider and report the first bill introduced. Amendments to the bill in committee may not reduce revenues in the bill below the amount proposed by the President. Such a bill may not be reported before the 8th day after its introduction.

(3) DISCHARGE OF COMMITTEE.—If the committee to which is referred a bill described in paragraph (1) has not reported such bill at the end of 15 calendar days after its introduction, such committee shall be deemed to be discharged from further consideration of such bill and such bill shall be placed on the appropriate calendar of the House involved.

(4) FLOOR CONSIDERATION.—

(A) IN GENERAL.—When the committee to which a bill is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a bill described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the bill, and all points of order against the bill (and against consideration of the bill) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the bill is agreed to, the bill shall remain the unfinished business of the respective House until disposed of.

(B) DEBATE.—Consideration of the bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the bill is not in order. A motion to reconsider the vote by which the bill is agreed to or disagreed to is not in order. Debate on amendments to the bill shall be limited to 30 minutes equally divided. Amendments to the bill may not reduce revenues in the bill below the amount proposed by the President.

(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a bill described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the bill shall occur.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a bill described in paragraph (1) shall be decided without debate.

(5) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a bill of that House described in paragraph (1), that House receives from the other House a bill described in paragraph (1), then the following procedures shall apply:

(A) The bill of the other House shall not be referred to a committee.

(B) With respect to a bill described in paragraph (1) of the House receiving the bill—

(i) the procedure in that House shall be the same as if no bill had been received from the other House; but

(ii) the vote on final passage shall be on the bill of the other House.

(6) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(d) DEFICIT REDUCTION IF TAX REDUCTIONS NOT ENACTED.—If tax reductions are not enacted by December 31 of the year of the submission of a legislative proposal under subsection (b)(2), the President shall pay an amount equal to the amount by which revenues are not reduced to deficit reduction as provided in subsection (b)(1).

(e) DEFINITION.—For purposes of this section, the term "stimulative economic effect of any laws reducing revenues" refers to laws that have the effect of stimulating savings, investment, job creation, and economic growth.

NOTICE OF HEARING

SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. STEVENS. Mr. President, I would like to announce that the Subcommittee on Post Office and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on March 18, 1996, on "USPS Reform—Conversations With Customers."

The hearing is scheduled for 2 p.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Pat Raymond, staff director, at 224-2254.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, March 13, 1996, in closed/open session, to receive testimony on the Department of Energy atomic energy defense programs—Nuclear stockpile stewardship and management.

The hearing will begin with the closed portion and attendance will be restricted to those with a "Q" clearance.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to receive testimony regarding S. 1605, a bill to amend and extend certain authorities in the Energy Policy and Conservation Act which either have expired or will expire June 30, 1996.

The hearing will be held on Thursday, March 21, 1996. It will begin at 2 p.m., and will take place in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker or Betty Nevitt at (202) 224-0765.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be

granted permission to meet during the session of the Senate on Wednesday, March 13, 1996, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

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

COMMITTEE ON ARMED SERVICES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 13, 1996, in open session, to receive testimony on the Defense authorization request for fiscal year 1997 and the future years defense plan.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 13, 1996, at 2 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Wednesday, March 13, 1996 at 10 a.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 13, 1996, at 9:30 a.m., to hold a hearing on campaign finance reform.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 13, 1996, at 1 p.m., SH-219, to hold a closed hearing on intelligence matters.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 13, 1996, at 9:30 a.m. to hold an open hearing on intelligence matters.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 13, 1996, to hold hearings on the Global Proliferation of Weapons of Mass Destruction, part II.

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

SUBCOMMITTEE ON PERSONNEL

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet at 10 a.m. on Wednesday, March 13, in open session, to receive testimony regarding the manpower, personnel, and compensation programs of the Department of Defense in review of the National Defense authorization request for fiscal year 1997.

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

ADDITIONAL STATEMENTS

COMMENDING THE TEACHERS AND ORGANIZERS OF THE NEW HAMPSHIRE PUBLIC TELEVISION KNOWLEDGE NETWORK'S NATIONAL TEACHER TRAINING INSTITUTE

• Mr. SMITH. Mr. President, I would like to commend New Hampshire's Public Television "Knowledge Network" for organizing the April National Teacher Training Institute for Math, Science and Technology in Waterville, NH. Granite State teachers participating in the April Institute will learn interactive methods for using television and technology in math and science instruction. Technology is a vital tool in the future of education, and this institute will prove valuable to the teachers and students in New Hampshire. The more we can use technology in the classroom and the more we can teach our students how to effectively use the information highway, the brighter and wiser our students will be.

The National Teacher Training Institute was launched in 1990 and has expanded rapidly from 10 sites in 1991 to 26 for the 1995–96 school year. Teachers attend 2 days of workshops in the interactive use of instructional video, on-line telecommunications networks, and other new technologies. Approximately 100 teachers from every grade level will attend the Institute. According to a Columbia University study, 94 percent of the teachers that attend pass along the information they acquire to their colleagues. Teachers teaching teachers is a crucial facet in the educational community and is proudly supported at the Institute.

The instruction provided by the National Teacher Training Institute is outstanding. Even more notable is the fact that so much of what is taught is passed on to other teachers who were not able to attend. I am proud that the Public Television Knowledge Network has organized such a valuable educational program, and am also pleased to see so many New Hampshire teachers taking advantage of these important workshops. As a former teacher, I congratulate the participating educators for their active role in furthering the opportunities for New Hampshire students. Helping students to understand math and science through technology provides them with the tools to be very successful in the future.

I commend New Hampshire Public Television and our distinguished teachers for their outstanding contribution to our educational system in New Hampshire and the Nation.•

HOW FAR TO SUPPORT TAIWAN?

• Mr. SIMON. Mr. President, there are times when diplomacy should leave messages unclear.

But today the message to China ought to be crystal clear: If they invade or have missile attacks on Taiwan, the United States will intervene militarily. We do not need to spell out how we intervene. My own feeling is that it can include weapons to Taiwan, the use of air power, and other options that can be effective but do not involve United States troops.

I welcome the steps that have been taken, but I don't want any Chinese leader, during this period of leadership uncertainty, to gamble on what will take place.

An article that I call to the attention of my colleagues appeared recently and merits careful reflection. It appeared in the New York Times, written by David Shambaugh, titled "How Far to Support Taiwan?" I ask that it be printed in the RECORD.

The article follows:

[From the New York Times, Mar. 10, 1996]

HOW FAR TO SUPPORT TAIWAN?

(By David Shambaugh)

By firing ballistic missiles within Taiwan's territorial waters, China is sending political and military messages to both the United States and Taiwan. Unless the Clinton Administration delivers a demonstrably tough response—both diplomatically and militarily—the exercises could escalate dangerously and Beijing will be convinced it can act with impunity.

The military exercises are but the latest in a long list of irritants, including Beijing's human rights violations and its sale of international arms. The Clinton Administration has bent over backwards to engage China constructively and help it integrate into the world order.

But Beijing's crude tactics are provocative and irresponsible for a country seeking international recognition as a great power. They also potentially force the United States into choosing between its relationship with China and its longstanding ties with Taiwan. America understandably does not want war with the largest nation on earth, but it is time to lay down markers and protect American national interests.

Washington should begin by sending clear and unambiguous warnings to Beijing about

its coercive behavior toward Taiwan. The Administration's condemnation of the missile tests does not go far enough. President Clinton should publicly restate America's commitment under the Taiwan Relations Act to assist the island in defending itself. He should reiterate that America's entire relationship with China—since President Richard Nixon's visit in 1972—has been premised on the peaceful resolution of the Taiwan issue. President Clinton must clearly state that China's recent actions call the entire relationship into question.

Words are important, but China respects power and action. The United States Navy should dispatch the carrier Independence (which has been cruising north of Taiwan) through the Taiwan Strait—an international passage through which Navy ships pass regularly to insure freedom of navigation.

China's decision to fire missiles into the two "impact zones" within 20 miles of Taiwan's two largest ports, Keelung and Kaohsiung, constitutes a de facto blockade. Seventy percent of the island's trade and all of its oil imports pass through these ports. Such a partial blockade may be an act of war under international law and thus a matter for the United Nations Security Council. China must not be allowed to close Taiwan's harbors, as it will bring the island's economy to its knees.

The missiles are just the beginning. Leading up to Taiwan's first-ever free presidential election, on March 23, China will conduct the largest military maneuvers in its history. More than 150,000 troops have been mobilized. The exercises will involve mock bombing runs, simulated naval blockades and amphibious assaults on islands north of Taiwan.

The exercises may be an attempt to provoke a military response from Taiwan, which Beijing could then use as a pretext for "retaliation." Clearly the exercises are intended to intimidate the Taiwanese electorate and to quell the rising sentiment for autonomy and independence.

Most China analysts are confident that the exercises will cease soon after the elections. Taiwanese diplomats are already putting out the word that Taiwan's President, Lee Teng-hui, who is almost certain to be re-elected, will call for a truce and seek to establish direct trade, shipping and air services.

But for China the essence of the problem is Taiwan's quest for international recognition. It is likely to continue its military harassment until Taipei officially abandons its aspirations for statehood. But Mr. Lee is unlikely to do so, giving the United States a stark choice between supporting the forces of freedom and self-determination on the island or those of suppression and belligerence on the mainland.

This is a choice America needs to avoid. By standing firm against Beijing and counseling Taipei to be cautious, America may be able to bring both sides to the negotiating table.

Given China's current hypernationalistic atmosphere and the struggle to succeed Deng Xiaoping, it is doubtful that it will show restraint on Taiwan if left unchecked. It is up to the United States, with the support of its Asian and European partners, to deter China's aggression. The alternative is escalating tension and possibly war over Taiwan.•

TRIBUTE TO SP4C MICHAEL FITZMAURICE—VIETNAM VETERAN FROM SOUTH DAKOTA

• Mr. PRESSLER. Mr. President, I would like to pay tribute today to Michael Fitzmaurice, a South Dakotan and fellow Vietnam veteran who went far beyond the call of duty during his service for our country. Michael is a native of Cavour, SD, and served as an Army specialist [SPC] 4th Class. Michael's singular accomplishment in Vietnam came when he singlehandedly saved the lives of three of his fellow soldiers. These reminders of his heroism couldn't be more appropriately timed given the presence of our brave troops currently stationed in and around Bosnia. Recently, the Sioux Falls Argus Leader and the Hartford Area News published articles about Michael.

Leaping onto a grenade and saving the lives of three soldiers; tossing two live grenades back at the enemy; charging North Vietnamese troops—weaponless in the midst of combat—these are all accounts of SPC Michael Fitzmaurice's courage during battle. Michael's actions fill me with a sense of respect and pride. Americans can rest easy knowing men and women such as Specialist Fitzmaurice defend the values for which our country stands. I commend Specialist Fitzmaurice's example of commitment and bravery. He is truly a worthy recipient of the prestigious Congressional Medal of Honor for bravery.

Mr. President, part of what makes a soldier fight to the finish lies in the sense of dignity and respect for humanity our parents and communities instill within us. Having grown up not far from Specialist Fitzmaurice, I can vouch for the family-oriented atmosphere in which we were raised. The Golden Rule was not just an adage, but words by which we were taught to live by each and every day. Michael's heroic actions were premised by years of being taught respect for one's country, community, and fellow man.

Courage. Bravery. Selflessness. These are the things of which heroes like SPC Michael Fitzmaurice are made. I would like to extend my deepest gratitude for the example set by Michael and the thousands of brave men and women who similarly have fought or even died so that others might experience freedom. Time and again, people like Michael Fitzmaurice demonstrate to us the interminable vigor of the human spirit. Mr. President, I ask that articles which recently appeared in the Sioux Falls Argus Leader and the Hartford Area News, be printed in the RECORD.

The articles follow:

HARTFORD MAN TO BE HONORED FOR HEROISM

PIERRE.—Michael John Fitzmaurice of Hartford will receive a unique honor later this year for heroism while serving in Vietnam 25 years ago.

Legislation providing the Hartford man with the state's only set of Congressional Medal of Honor license plates is nearing the end of its Statehouse journey.

The bill was approved 66–1 Tuesday in the House; it had cleared the Senate earlier but must be returned there because of changes made by the House.

Fitzmaurice received the Medal of Honor for bravery in 1971. When three North Vietnamese hand grenades were lobbed into the bunker where Fitzmaurice and four fellow soldiers hid, he pitched two of them out and dropped on the third one.

"He absorbed the blast, shielded his fellow soldiers," said Rep. Hal Wick, R-Sioux Falls, "and although suffering from serious multiple wounds and partial loss of sight, he charged out of the bunker, engaged the enemy until his rifle was damaged by the blast of an enemy hand grenade, and then while in search of another weapon, encountered an enemy in hand-to-hand combat."

MEDAL OF HONOR HERO

(By Pat Smith)

Michael Fitzmaurice is South Dakota's only resident Congressional Medal of Honor Hero. He lives quietly on Second Street and you will find him at church on Sunday, perhaps a basketball or volleyball game on Friday. He helps with softball, Jamboree Days, kids games, the parade (of which he was marshal this year) and many other activities in our town. A quiet man with a loving spirit. Overwhelmed by the fact that he received the Medal of Honor and will tell you that he was just in the wrong place at the wrong time . . . but he was doing the right thing.

This quiet man will be honored by the South Dakota Legislature with a distinctive license plate. Senate Bill #98 has passed the Senate and House and will be sent for the governor's signature this week.

Michael received his Congressional Medal of Honor the same day as Leo Thorsness at the White House from then president, Richard Nixon in 1973. He received it for saving the lives of his comrades during a battle in Vietnam. He threw two enemy hands grenades up in the air and fell on the remaining one to save their lives. The results were eye damage, shrapnel wounds and broken ear drums, but saved lives.

This is a story like something you might see on television. A real life hero living in a small town, going about his life, volunteering to serve his country, saving lives, then going back to living his life in a small town again. And the reason this is such a great story is, although Michael Fitzmaurice is a Congressional Medal of Honor hero, he puts on no airs. He is a hero going to work each day, helping put up and take down chairs at meetings, supporting his town, school and church and just being a friend and neighbor. If the media didn't bring it up, you would never know. Maybe that is what a real hero is . . . doing what must be done and then just going on.•

INDICTING CHINA'S TERRORISM

• Mr. SIMON. Mr. President, A.M. Rosenthal has a thoughtful column on the situation regarding China in the New York Times, and I ask that it be printed in the RECORD.

I am not as certain as he is that the case should be brought to the United Nations because I'm not sure what the other countries would do. But at the very least, that possibility should be explored.

A firmness is needed in this present situation. The Rosenthal column, among other things, cites a sentence from the recent State Department

human rights report: "The experience of China in the past few years demonstrates that while economic growth, trade and social mobility create an improved standard of living they cannot by themselves bring about greater respect for human rights in the absence of a willingness by political authorities to abide by the fundamental international norms."

There are times when the international situation demands clear-cut policies. This is one of them.

The column follows:

[From the New York Times, Mar. 12, 1996]

INDICTING CHINA'S TERRORISM—BRING THE CASE TO THE UNITED NATIONS

(By A.M. Rosenthal)

By firing missiles into the waters off Taiwan, Communist China is committing open, deliberate international terrorism of enormous danger.

Americans count on Beijing's survival instincts to stop the terrorism short of the disaster of war with the U.S. That may happen—this time.

But every day that Washington fails to bring the missile blackmail and blockade of Taiwan before the U.N. increases the chances it will happen again, or something worse, until the disaster does take place.

The Communists' rage and fear at the example of Taiwan's democracy off their shores will not let them rest unless the Taiwanese give it up.

That is not likely. If any pro-democracy majority is elected in the March 20 voting, before long there will be another round of terrorism.

That may include some Chinese military landings on Taiwan. U.S. vessels will have to move in to live up to American word and legislation that the Taiwan-China relationship will not be changed by force.

So far, the U.S. has had to act alone. The Japanese do not have the political courage to make any strong public protest against the terrorism. I have not heard our European allies warn the Chinese that if it comes to it, they will immediately line up with the U.S.

U.S. failure to bring the Chinese before the U.N. will destroy a basic purpose of the U.N. The U.N. was not created simply to end wars but to stop them before they begin. Article 34 of its charter authorizes the Security Council to take up any matter that might lead to "international friction or dispute."

Any member of the U.N.—or the Secretary General—can bring a threat to the peace before the Council. China's veto power cannot be used to prevent putting a threat to peace on the Council agenda.

Separately, the U.S. and any country that considers itself a friend both of peace and America can condemn Chinese terrorism. Together they can present a resolution speaking for the U.N.

China will veto that. But if Beijing is so out of control as to threaten more terrorism in the face of a U.N. condemnation prevented only by a veto, we should know it as soon as possible.

Meantime, President Clinton should consider one sentence that tells how his Administration got to this point.

"The experience of China in the past few years demonstrates that while economic growth, trade and social mobility create an improved standard of living they cannot by themselves bring about greater respect for human rights in the absence of a willingness by political authorities to abide by the fundamental international norms."

The sentence in itself is not remarkable. It sums up the message of human rights victims around the world: strengthening our oppressors empowers them to torture us further. But it comes from the latest report on human rights of the State Department. It took courage by those officials who wrote or agreed to it.

Since 1993, the Administration has based its China policy on a contrary vision of morality and history. It insisted that economic growth in China would create a willingness by the dictatorship to live up to those "fundamental international norms." Beijing would give Chinese more human rights. It would stick to agreements against selling nuclear weapon technology. It would allow the people of territories it claims as its own, such as Tibet and Taiwan, to live in peace and dignity.

China's economy certainly has grown, stimulated nicely by $40 billion more that it sells to America than it buys from America.

So: Torture and political repression have increased. And so have oppression of religion, and forced abortion. The choke-leash around Tibet tightens. The chief economic beneficiary of the trade that led to economic growth has been the Communist army, which owns vast parts of the economy, including the forced-labor camps.

The new, richer China has sold nuclear technology to Pakistan and has become the missile salesman to the world's dictatorships.

President Clinton promised to struggle for human rights in China. He did not.

Now his China policy lies adrift in the Strait of Taiwan. He owes us a new one. Its moral principle and historic reality were written for him by the meaning of that sentence in the State Department report: enrichment of dictators enchains their victims.•

ADMINISTRATION EFFORTS TO COMBAT INTERNATIONAL BRIBERY

• Mr. FEINGOLD. Mr. President, most of us believe that a key factor in America's economic growth will be an increase of U.S. exports overseas, and accordingly, we have concentrated our efforts on overcoming obstacles which U.S. businesses face overseas. One of the real problems which has not received enough attention, though, is bribery and corruption.

Bribery as a way of doing business is widespread. But it is inefficient: it skews international markets, it discriminates against the honest, and it taints the overall image of a company. No one benefits in the long-term from contracts based on bribery.

U.S. business is prohibited from engaging in bribery under the Foreign Corrupt Practices Act [FCPA]. I am proud of this law, and believe that it promotes good business. But, in a perverse irony, our businesses are disadvantaged in the international marketplace because they can't pay bribes. Some have suggested repealing the FCPA, which is very short-sighted. Rather, a more constructive alternative is to work for international acceptance of the principles of the FCPA. In light of the corruption scandals that have rocked Taiwan, France, and NATO, to name a few, there are serious moves afoot on the national level as well as among the grassroots to do so.

This is a sensitive topic because it involves moral, financial, and intellectual concerns with, in many cases, our friends. But that sensitivity cannot deter us from addressing the subject seriously. U.S. businesses cannot afford their Government avoiding the issue.

For these reasons, I am very pleased that the U.S. Trade Representative, Mickey Kantor, has made the countering of bribery and corruption a high priority in U.S. trade policy. Last week he gave an encouraging speech which identified bribery as the triple obstacle that it is: a barrier to U.S. exports; a burden to developed countries seeking to do business; and an obstacle to the establishment of sound governments in developing nations.

The full remarks of Ambassador Kantor are unfortunately too extensive to include in the RECORD, so alternatively, I ask to have printed in the RECORD an editorial which appeared in Sunday's Washington Post applauding Ambassador Kantor's initiative, and encouraging the administration to maintain the pressure.

The editorial follows:

[From the Washington Post, Mar. 10, 1996]

TRADING ON BRIBES

Ever since 1977, when the United States barred U.S. corporations from paying bribes overseas, U.S. executives have complained that enforced honesty was costing them business. European and Asian competitors were beating them out all over the world—and then going home and deducting the bribes from their taxes.

How much of this lost business was real, and how much involved sour grapes, has never been clear. Some studies have shown only marginal losses to U.S. business. Some U.S. firms have found ways around the Foreign Corrupt Practices Act, as the 1977 law is called. And many executives agree that the act has also helped them at times, by giving them an excuse not to pay costly bribes that might in any case bring small or no returns.

Still, no one denies that the act can handicap U.S. firms. And with trade now accounting for 30 percent of our total economy and a sizable number of domestic jobs, any such impediment has to be taken seriously.

U.S. Trade Representative Mickey Kantor this week identified bribery and corruption in overseas business as significant and unfair barriers to trade. Rather than softening the U.S. law, he said, Washington will now press other nations to deal more honestly.

Fat chance, you may say. And of course corruption will never be entirely uncoupled from international business, any more than the influence of money can be entirely leached out of politics.

But in two areas a full-court press would not be entirely quixotic. The first is to press other developed countries to play more by our rules. The Organization of Economic Cooperation and Development, which includes the nations of western Europe, North America and Japan, is moving toward adoption of a policy barring tax-deductibility of overseas bribes. That policy should be encouraged as a bare minimum, with criminalization of bribery to follow.

The second goal is to persuade developing countries to adopt fair rules for government

procurement contracts in telecommunications, energy and other, dollar-rich sectors. The more open such processes are, the less opportunity is provided for bribery.

Such a campaign would be as much in the interest of the developing countries themselves as it would benefit U.S. firms. Widespread corruption usually enriches a small elite while discouraging foreign investment and impoverishing the economy as a whole. Even many of our competitors would welcome a clearer set of rules, if they knew everyone was playing by the same ones.

Clinton administration officials have raised these issues before. This time they should maintain the pressure. Pushing for honest trade is not an unfair trade practice.•

TRIBUTE TO STU CARMICHAEL ON HIS RETIREMENT

• Mr. SMITH. Mr. President, I rise today to honor a dear friend and faithful staffer in my Portsmouth Congressional office—Stu Carmichael. Stu has worked for me since I first entered politics in 1980, over 16 years ago. He is retiring next week and we will all miss him dearly.

Stu Carmichael joined the Air Force in 1950 upon graduation from East Providence High School in Rhode Island, and served for 4 years as a radio operator in the Korean war. Occasionally, he still proudly wears his flight jacket into the office and asks the staff to take note of a special shiny pen in the left sleeve. He quickly yanks at this writing utensil and proceeds to show everyone how it was made to write upside down. "Something every astronaut cannot live without" he always notes.

We all know Stu for his delightful sense of humor and his wit. He impresses everyone he meets with a new anecdote or joke that usually leaves his friends laughing long after he has gone. Many of my staff can still recount some of his original stories and humorous incidents he concocted. We love him for that. That is Stu's legacy—one we will fondly remember for years to come.

When Stu graduated in 1958 from the University of Rhode Island with a bachelor's degree in business, he quickly went on to pursue an extensive career in the benefit management business. Several actuarial firms sent him all over the country and he ended up on the west coast. In 1980, he returned to New England and purchased the Kingston Country Store in Kingston, NH. It was there in 1980, that I met Stu and we began to talk about politics. In fact, it was Stu Carmichael and his good friends, Louis and Lois Beaulieu and other early supporters, who encouraged me to run for Congress in 1980. That year, Stu served as my first finance manager. As our mutual friend, Lois Beaulieu, remembers, "Stu was a motivator, hard worker and loyal to Senator SMITH. He has been with BOB SMITH through the worst and the best. Our motto during that first campaign was 'Fake it until we make it' and with many thanks to Stu, our loyal grassroots people and the Good Lord, we made it."

In 1985, after I was elected on my third attempt, Stu joined my congressional staff and has served me in a variety of capacities both when I was a Congressman and now as a Senator.

Over the years, Stu has also unselfishly served the people of New Hampshire by helping countless veterans with their benefits and working on a variety of other cases for constituents who need assistance cutting through Government bureacracy. He also was instrumental in establishing a veterans cemetery in Boscawen, NH.

I am truly indebted to such a hard working and admirable friend. Stu helped me with my start in politics, and stayed with me all these years until his retirement. Every Senator wishes for commitment like this and I am sorry to see him go.

The Granite State will feel a void with Stu's absence. New Hampshire's loss is South Carolina's gain. In fact, if Stu wanted to start another career, he could always work for STROM THURMOND for another 20 years.

Our Portsmouth, NH, staff, his other fellow coworkers, and the citizens of New Hampshire whom Stu has helped will miss this character we have come to love. My sincere appreciation to you Stu, for all the years of friendship and for your service to the people of New Hampshire, especially your fellow veterans.

As a dedicated father, husband and grandfather, Stu Carmichael will now have plenty of time to spend with his family and grandchildren. He and his wonderful wife, Priscilla, have carefully built a special new home in Pickens, SC and plan to enjoy their retirement there. As an avid golfer, Stu will undoubtedly be a consant sight on the golf courses he has yet to discover in South Carolina.

And Stu, remember, "Golf is a love affair; if you don't take it seriously its no fun; if you do take it seriously it breaks your heart."

May all your putts be swift, stable, and accurate, and may all the greens rise to meet you whether you are in New Hampshire or in South Carolina.

Stu, you are one of the very best and I wish you every happiness as you embrace retirement. •

SALUTING IDAHO'S NATIONAL CHAMPIONS

• Mr. KEMPTHORNE. Mr. President, I rise to offer my congratulations to Coach Marty Holly and his Albertson College of Idaho basketball team.

Last night, the Coyotes won the National Association of Intercollegiate Athletics Division II men s national basketball championship. The 'Yotes beat Whitworth College in a thrilling overtime game, 81–72.

Albertson College of Idaho was founded in Caldwell in 1891 as the College of Idaho and is the State's oldest 4-year institution of higher learning. Six hundred students attend the private liberal arts college. The school has been recognized by U.S. News and World Report as one of the best small colleges in the country.

Mr. President, this victory is more than the school's first national title. It is a testament to the outstanding talents of head coach and athletic director Marty Holly. In his 15 years as coach at Albertson College, Marty Holly has compiled a record of 345 wins and only 113 losses, for a winning percentage of 75 percent. For all his success, this year may have been his best.

Everyone expected the 'Yotes to be good this year. They were highly ranked in the polls all season. Expectations were high. And as my colleagues know, when expectations are high, the pressure to meet those expectations is great. So Marty and his team were under a tremendous amount of pressure to win it all. Despite that pressure, Albertson College turned out its best season in school history. They finished 31–3, the best winning percentage in school history. They won a record 12 games in a row. All this while maintaining their high standards in the classroom.

Last night's game was a classic. Albertson trailed by 3 at halftime before tournament Most Valuable Player Damon Archibald got hot. He scored 23 of his game-high 29 points after intermission, including 15 in an 8-minute stretch in the second half.

Still, to their credit, Whitworth fought back and forced the game to overtime. There, the Coyotes took over and seized the victory. After the game Coach Holly said every player "stepped it up." They did indeed.

Jimmy Kolyszko and Jared Klassen joined Archibald on the all-tournament team, and each did step it up in the title game. Kolyszko pulled down 19 rebounds, and Klassen scored 20 points and grabbed 12 rebounds.

Mr. President, Idaho should be proud of the student-athletes at Albertson College and their dedicated coaches, who have helped bring the community together in support of the team. In fact, all of Canyon County was able to celebrate this achievement since the NAIA National Tournament was hosted by Northwest Nazarene College in nearby Nampa.

This championship season was truly a team effort and I join all Idahoans in saluting those involved. We are very proud of these fine young men and their coaches. I ask to have printed in the RECORD the names of the players, coaches and staff of the Albertson College of Idaho Coyotes, who have brought tremendous honor to their school and their State.

The names follow:

Nate Miller, a senior from Middleton, ID, Todd Williams, a senior from Pasadena, CA, Steve Kramer, a senior from Santa Rosa, CA, Jimmy Kolyszko, a senior from Scottsdale, AZ, Taylor Ebright, a junior from Boise, ID, Taran Hay, a sophomore from Boise, Rob Smith, a freshman from Boise, David Baker, a sophomore from Blackfoot, ID, Damon Archibald, a senior from Tempe, AZ, Rob Sheirbon, a sophomore from Woodburn, OR, Greg Blacker, a junior from Caldwell, ID, Jared Klaassen, a senior from Coeur d'Alene, ID, Head Coach Marty Holly, Assistant Coaches Mark Owen and George Scott, Trainer Linda Gibbens, Sports Information Director Dave Hahn, and Albertson College President Robert Hendren, Jr.●

SAVING BURUNDI

Mr. SIMON. Mr. President, two items I have read on Burundi recently suggest that continued interest and support for peacemaking endeavors and positive solutions really can be of help.

The one is an article in the New York Times by two distinguished Americans, former Secretary of State Cyrus Vance and David Hamburg, who heads the Carnegie Foundation. They co-chair the Carnegie Commission on Preventing Deadly Conflict.

The other article, written by Jonathan Frerichs, appeared in the Christian Century.

Both articles, which I ask be printed in the RECORD, suggest that anarchy and needless death can be avoided if we pay attention to this troubled land.

I urge my colleagues and their staffs to read these two articles.

The articles follow:

AVOIDING ANARCHY IN BURUNDI

(By Cyrus R. Vance and David A. Hamburg)

WASHINGTON.—A world grown accustomed to human disaster in the face of diplomatic failure has more to hope for in the coming days. Next Saturday, a meeting of African leaders in Tunis, brokered by former President Jimmy Carter, will test the proposition that breaking the cycle of mass violence in Central Africa may at last be possible. They need the international community's help.

Burundi is pivotal. The right mix of political pressures can sustain the balance of power in a country on the brink of repeating the slaughter that tore apart Rwanda. Maintaining that balance could spare thousands of lives. It would also reduce the risk of the United Nations being forced into another crisis without the mandate, materials and money needed to be effective.

Burundi's government, a coalition of moderate Tutsi and Hutu leaders, is fragile. Tutsi extremists have recently attempted to close down the capital, Bujumbura, with labor strikes and blockades. Attacks by Hutu guerrillas in the countryside raise fears of genocide among the Tutsi minority.

But there is some reason for hope. Moderate Tutsi and Hutu leaders are committed to a national debate, open to all political factions. The goal is to settle the terms of power-sharing and guarantees for minority rights before any further elections.

To reinforce this process we must be clear not only about the differences between Burundi and Rwanda but also about who must take primary responsibility for a peace plan.

Rwanda and Burundi are both poor, isolated countries. Their colonizers' divide-and-rule policies left seemingly insoluble conflict between the agrarian Hutu, who make up about 85 percent of each country, and the Tutsi, who predominate in business, government and the military.

The Belgians left the Tutsi elite in control of Burundi, but gave way to the Hutu majority in Rwanda. Since then demagogues in both countries have exploited ethnic fear and pride.

This spiral of hate climaxed in 1994, when Hutu and Rwanda shot or hacked to death at least 500,000 people, primarily Tutsi. When Tutsi exiles from Uganda overthrew the Hutu government, more than two million Hutu fled to nearby countries, where 1.7 million remain.

In Burundi, the core question is whether the country's citizens can avoid Rwanda's tragedy by devising a power-sharing formula that offers enough security for the Tutsi to open the way for majority democratic rule.

Outsiders can help in several ways. First, there must be diplomatic efforts to persuade extremists in both ethnic groups of the futility and dreadful consequences of violence. Killings in Bujumbura rose to more than 100 a week, and anarchy threatens. The United States and European governments should impose an arms embargo, block international financial transactions by Burundi's extremist leaders and threaten to halt trade other than humanitarian relief.

Second, African leaders should be given help in securing a power-sharing agreement in Bujumbura and the return of refugees to both Burundi and Rwanda. In November, Mr. Carter arranged a meeting of the Presidents of Burundi, Rwanda, Tanzania, Uganda and Zaire. It is these talks that resume next week.

Third, donor governments and the World Bank should draw up a "road map" linking political progress in Burundi and the other countries of Central Africa to the restoration of development assistance.

For the moment, however, everything depends on reaching an agreement to contain the cancer of ethnic conflict. What is learned from this experience can help prevent mass violence elsewhere.

[From the Christian Century, Mar. 6, 1996]

CAUSES FOR HOPE—SAVING BURUNDI

(By Jonathan Frerichs)

If we hear anything at all about Burundi, it is that this small African country is Rwanda in slow motion. There is, indeed, justification for seeing Burundi as a catastrophe in the making. It has a vicious cycle of intergroup violence, with militias preempting politics and crowds of refugees on the move.

Approximately 800 people are dying there each month, according to a United Nations estimate. Like its neighbor, Rwanda, Burundi has a population of about 85 percent Hutu and 15 percent Tutsi. Tutsi militias operate with help from Burundi's army, an army that has usually taken its orders from ethnic leaders rather than from the moderate civilian government. The actions of Hutu guerrillas puts the majority population at risk of reprisal. The countryside, like the capital, is increasingly balkanized. A fragile national "convention," an agreement on power-sharing, barely merits being called a government.

Yet to equate Burundi with Rwanda is inaccurate and dangerously self-defeating. In Burundi there is still scope for remedial action, for taking steps largely untried in Rwanda—as certain Burundian Christians and aid partners are demonstrating. The balance of power, the course of events and the rule of the churches in Burundi differ significantly from those in Rwanda.

There is no "final solution" underway in Burundi, as there was in Rwanda. Because they are a minority, Burundi's Tutsi extremists cannot implicate a whole population in the perpetration of genocide, as Rwanda's Hutu majority did in 1994. The 1.5 million Rwandans still encamped outside their country today fled not genocide but fear of reprisal for the slaughter they had allowed to happen in their name. In Rwanda the majority Hutus had the arms. In Burundi most of the arms are still in the hands of the minority Tutsis.

The Tutsi-dominated national army is searching for Hutu insurgents and punishing the Hutu majority for allegedly sheltering them. Tutsi militia with names like "The Undefeated" and "The Infallibles" operate in the capital, Bujumbura, and in the northern provinces. When these extremists have targeted a community for a "ville mort" (dead city) campaign, the army sometimes has stood by without intervening or has even helped. These campaigns force Hutus out of Tutsi areas.

The Hutu guerrillas opposing these tactics are not well organized, according to aid workers in Bujumbura, but they were strong enough to mount an attack on the capital in early December. One day members of one community are killed, next day members of the other. A rough balance of power and fear prevails, a legacy of a century of national and colonial political practices. As extremists within both ethnic groups undermine the convention government, the army is forced to choose between trying to re-establish Tutsi supremacy and maintaining some version of the status quo. An incident in January may indicate a shift in the army's position. When Tutsi militia declared a "ville mort" in Bujumbura, hoping to force out the Hutu president, the army actually blocked the campaign in some quarters of the city. Since then, the militia cannot count on army support, say aid officials. Two Tutsi extremist leaders were actually arrested recently. Some local observers suggest that the army may merely want to improve its image abroad while deflecting talk of international intervention. However, it may also fear that militia politics will end in collective suicide.

Burundi's government wants to do what is right for the public at large, but it is not in control, according to Susanne Riveles, Africa director of Lutheran World Relief. In contrast, in early 1994 the Rwandan government was in control but wanted to do the wrong thing. That there are moderates at the highest levels of Burundi's government makes it possible to keep humanitarian issues in focus.

A second cause for hope in Burundi is that its churches are not swept up in the conflict, as happened in Rwanda. Some church leaders are increasingly willing to oppose the violence. But they need support. In Rwanda, certain religious leaders were linked so closely to the government that, even during the genocide, they did not dissociate themselves from that government. Some even went abroad to engage in damage control. When the old regime fell and fled, such people fled with it—which eliminated all doubt

about where they had stood. Some are still not willing to return home. In contrast, the bishops and archbishops of Burundi do not sit on permanent councils of state.

"In the last four or five months, there is a feeling among the Protestant churches that they have to gather people across ethnic lines to protest and to work together," says Eliane Duthoit-Privat of Christian Aid in Bunumbura. Church programs include humanitarian and peace initiatives. One example is local peace committees of Hutu, Tutsi and Twa (who constitute about 1 percent of the population). Citizens gather to air grievances, clarify information and address the kill-or-be-killed mentality. "In these meetings, participants can say: 'I don't have to kill the person in front of me so that he won't kill me,'" notes Duthoit-Privat.

Some of the groups are moving from words to deeds. Several Tutsi and Hutu families may join hands to repair the damage done by raiding militia or soldiers—rebuilding a house for a vulnerable neighbor, for example, or a local dispensary. These pioneering "Discussion sur La Paix" are led by local Quakers with support from the Mennonite Central Committee. Other Protestants are considering them as a model for standing up to the spread of violence. Protestants number about 15 percent of the population, and include Anglicans and Pentecostals (the two largest non-Catholic groups), varieties of Methodists, plus Baptists, Quakers and Kimbanguists (an indigenous African body).

The Roman Catholic Church (84 percent of the population) is also beginning to mobilize for national reconciliation, says Annemarie Reilly, Burundi program director of Catholic Relief Services. Drawing on the church's experience in Latin America, it has brought people of different ethnic and economic backgrounds together for work and worship. A pilot phase has been completed in three dioceses and is ready to be expanded across the country.

Some prominent churchpeople are risking their lives for peace. University teacher Adrian Ntabona, who heads the reconciliation project, strongly condemned a recent killing before a student group that included members of the Tutsi militia widely assumed to be responsible. In Babanza, the northern province where foreign church and relief workers have been withdrawn because of the violence, and where some priests have been killed and others made virtual prisoners in their own compounds, Catholic Bishop Evariste Ngoyagoye works as a one-person relief agency and keeper of peace. Though recently the archbishop of Gitega was ambushed and a priest in his party was killed, the incident has not stopped the archbishop from traveling in his region.

Churches are providing food and other supplies to people forced to flee from their homes. The Burundian Council of Churches purchases and distributes seeds, tools, soap and non-food items, and the Episcopal Church brings food to camps of displaced people. The Evangelical Friends Church, which formed the peace committees, also runs mobile health clinics. Christian Aid, a British agency, maintains a stockpile of emergency supplies for 10,000 families. The agency is the focus for an international, interchurch aid coalition called ACT (Action by Churches Together). All church programs are hobbled by restrictions on movement. In relatively secure areas, ACT has plans for agricultural rehabilitation, the rebuilding of houses and small income projects for women.

We can do much to help Burundi avert disaster. A colossal sin of omission was committed against Rwanda. The cost of preventing another disaster in Burundi is negligible compared to the expense of a major emergency rescue operation. "Burundi needs our eyes and ears. It needs a solid, multilateral outside presence," says Riveles. "Burundi needs international civilians inside the country, not foreign troops at the border.

John Langan, S.J., argued in these pages (January 24) for a new rule of intervention that would involve massive and early deployment with a cautious use of force. The UN recently discussed positioning a force in Zaire for possible Burundi intervention. Massive and early civilian rather than military deployment seems the best prescription for Burundi. Human rights observers are urgently needed, as is strong support for existing Burundian peace initiatives.

Another key area for international observers and personnel is the judicial system. Riveles suggests that foreign aid and human rights workers may be able to "bring to bear insights on truth-finding and reconciliation from the apartheid experience and from the Holocaust." Through personal diplomacy, Anglican Archbishop Desmond Tutu has been making a similar point. Now head of South Africa's Truth Commission, he is also active in peace initiatives for the Great Lakes region of Africa.

In Rwanda, extremist media propaganda was used to support political and militia coercion. In Burundi, such propaganda must be stopped—whether by international political pressure or by jamming or other technical means. The UN Security Council recently called on member states to identify and dismantle any mobile stations operating outside Burundi that broadcast Hutu extremist propaganda into the country.

To regard African countries like Burundi as hopeless or to dismiss its problems as a case of unsolvable "ethnic conflict" is to trap ourselves. Rather than debate past holocausts, we can calculate how to stop a new round of death.•

PORTUGAL'S NEW PRESIDENT

• Mr. PELL. Mr. President, this weekend, I had the honor of leading a congressional delegation to Lisbon for the inauguration of Portugal's new president. I was pleased to participate in this event marking the passing of the torch from Mario Soares to Jorge Sampaio, which was a strong signal of Portugal's continued commitment to democracy.

The delegation's presence at the inauguration contributed to continued good relations between Portugal and the United States. Portuguese-United States relations remain solid. The new government, headed by Prime Minister Antonio Guterres, has demonstrated his continued commitment to a strong United States-Portuguese relationship. The new agreement on cooperation and defense providing for United States access to the Lajes Base in the Azores and Portuguese-United States cooperation in the implementation force in Bosnia are also important signs of the strong ties between our two countries.

President Sampaio delivered a truly inspirational inaugural speech in which he described a Portugal firmly rooted in Europe and committed to a foreign policy that places a priority on good relations with Portuguese-speaking countries throughout the world. He paid tribute to his predecessor Mario Soares as the symbol of the constant struggle for freedom and democracy both at home and abroad. President Sampaio called on the Portuguese people to work for a more cohesive Portugal, and pledged to do his part to encourage consensus in Portuguese society. Ever aware of Portugal's past political experiences, President Sampaio underscored that he will respect the wishes of the Portuguese people and to exercise his constitutional powers with impartiality.

Mr. President, I commend President Sampaio's speech to my colleagues, and ask that it be printed in the RECORD.

The speech follows:

Mr. President of the Assembly of the Republic, Heads of State, Prime Ministers and High Representatives of Friendly States and Peoples, Prime Minister, Members of the Government and High Portuguese Authorities, His Eminence the Cardinal of Lisbon, Members of Parliament, Ladies and Gentleman:

After twenty years of democracy and a decade of European integration, Portugal has completed a cycle in her contemporary history. The democratic regime has been consolidated. Accession to the European Community has proved to be the right choice and has provided the country with conditions for development and structural changes which would otherwise have been impossible.

Such major conditions for Portugal's modernization may seem obvious and even natural to the new generations coming of age today. It is good that it should be so. However, it required several generations to fight for Freedom and Democracy, generations whose courage and determination gave the example to be followed. The 25 of April Revolution, which I would feelingly like to remember here, represents the end of a long journey during which people paid for their dedication to the cause of democracy with their freedom and their lives.

Being elected President of the Republic represents an incomparable responsibility and honour in a politician's life. Circumstances have contrived, however, to give me the added pleasure of receiving the badge of office from that outstanding figure of Portuguese democracy; the outgoing President, Mario Soares.

Dr. Mario Soares is the symbol of the constant struggle for Freedom and Democracy both at home and abroad. A struggle which knew no vacillations or concessions.

The political cycle which coincidentally closes with the end of his term of office will forever be linked to his name. In the last decades no-one has marked Portuguese political life so persistently and profoundly.

Today, as President of the Republic, I would like to say how deeply grateful our country is to you, Dr. Mario Soares, for a lifetime dedicated to seeking the best for Portugal and the Portuguese.

Owing to the many areas in which you left your mark it is difficult to sum up your life in one word. There is one word however, which stands out above all others. You are a man of Freedom. It was essential that my first gesture as President should be to award you the Grand Collar of the Order of Freedom, at another ceremony which will take place today.

Mr. President of the Assembly of the Republic. I would like to thank you most feelingly for the warm word you addressed to me in your eloquent speech. This is the seat that represents the sovereign will of the Portuguese people. I know this house well, having survived intense years of parliamentary activity here, believe me, Mr. President, the Assembly of the Republic may always rely on the solidarity and institutional cooperation of the President of the Republic.

I would like to say how honoured I am by the presence today at this inauguration of Heads of State, Prime Ministers and high representatives of friendly countries. I would like to welcome you all warmly and to thank you for your distinguished presence at this ceremony.

Mr. President of the Assembly of the Republic, Ladies and Gentlemen, the coming years are decisive for Portugal's future. The country faces the challenge of ensuring important modernization efforts without causing political and social breaches which may undermine national cohesion.

Our national strategy must encompass the firmness of Portugal's participation in the European Union, the achievement of a sustained effort to modernize the productive sections and constant attention to social policies.

I regard Portugal's future with confidence. We are a quasimillenary country. We are possessed of a culture which, century after century, has maintained its diversity and richness. Our language was spread by the Portuguese "to the seven corners of the world" and today is spoken by over two hundred million.

It was our people's courage and determination that created the wealth of our history, our culture and our language. It is that courage that will always give me faith in the future.

I have acquired and developed a profound knowledge of the Portuguese and this is without any doubt the heritage that I most value in a political career which began more than thirty five years ago.

I know that the Portuguese people will always be able to find the energy and means required to guarantee Portugal's future. I also know that this new political cycle goes hand in hand with the Portuguese people's more demanding attitude in their relationship with the political system, particularly with the need for greater transparency and renewed capacity to provide concrete answer to the expectations and concerns in people's day-to-day lives.

The Portuguese know how I conceive the presidential function. It is built on a concern to which I will pay the greatest attention. In a world and a time increasingly subject to massification, to violent desegregating tensions and to the loss of the collective memory, the values of identify must be reinforced. It is necessary to exercise a magistrature that will defend, guarantee and strengthen national cohesion.

I feel that there are factors nowadays in Portugal which are affecting that cohesion. There are unequivocal signs that social inequalities are on the increase. The profound regional asymetries in national development and the phenomena of minorities' exclusion and marginalization have accumulated and increased to worrying levels. There is an increased loss of solidarity between generations. The role of the family, even its articulation with the educational system, require profound thought.

One of the indications of the loss of national cohesion is the growing signs of insecurity, increased factors of discord, accumulated inter-regional tensions, intolerance and intransigence that I see with concern to evolve.

The strengthening of national cohesion requires far-reaching reforms both to achieve policies of decentralization and to adjust educational and social policies. Also both to restore citizens' trust in the political system and to guarantee the effectiveness of the State's role.

The strengthening of national cohesion signifies that a solution must be found to strengthen municipal and local institutions as well as organized forms of society representation. In the search for that solution the unity of the State must never be questioned.

However, the strengthening of national cohesion also means finding an institutionally stable solution of consensus for the problem of formulating the Continent's political and administrative decentralization. This problem has been awaiting a solution for far too long.

I would like to welcome the organs of the autonomous Regions and give them my assurance that I will cooperate with them wholeheartedly. The regional autonomies were decisive in transforming the lives of the populations of the Azores and Madeira archipelagos. The model of regional autonomy has given proof of its legitimacy and all our efforts must be to ensure its improvement and consolidation.

National cohesion also depends on how we respect our acquired social rights, guaranteeing some level of security for families; and their expectations for retirement, particularly for the underprivileged, outcast and jeopardized by a process of modernization which is often pursued with total disregard for the values of solidarity.

As President of the Republic I will do all I can to encourage the consensuses in Portuguese society. Only these that can pave the way for a new strategic concentration, able to meet the demands of national cohesion at a time of accelerated change and accelerated national mobilization.

The mandate I received from the Portuguese people is very clear. The President of the Republic must be a guarantor of political and institutional stability and perform his office in such a way as to ensure institutional balances.

I am, of course, aware that it is my duty to respect the democratically expressed wish of the Portuguese and to see that it is respected. Just as I will also faithfully respect the spheres of competence of the other organs of sovereignty. I shall commit myself to create the required conditions to ensure that Parliament and the Government carry out their duties and fulfill their mandates. Loyalty and institutional cooperation by contributing to political stability will also play a decisive role in allowing the Portuguese to see themselves mirrored in the institutions of the Republic.

The Government led by Mr. António Guterras, which emerged from elections which gave it the unequivocal vote of the Portuguese people, can naturally rely on my institutional cooperation.

I will exercise my constitutional powers with impartiality. It is incumbent upon me to work with all majorities and all legitimate governments.

The principle of institutional cooperation cannot be synonymous with unanimity. Normal functioning of the political institutions demands that all of us: President, Assembly and Government, must exercise their powers with rigour, and respect the manifestation of reciprocal competences.

I will remain constant to the form of my institutional cooperation with the government. I will also be firm in the exercise of the powers vested in me by the Constitution.

With the Assembly of the Republic, the centre "par excellence" of national democratic life, I will uphold a relationship of respect and solidarity and will maintain a constant dialogue with all parties. The opposition will have in me an attentive observer, responsive to the protection of its important constitutional rights as a means of preserving conditions in which the democratic alternatives can freely be chosen.

I would like here to greet the Portuguese Armed Forces, the guarantor of national defence and security, whose institutional loyalty was decisive in consolidating the democratic regime which emerged after the 25 of April revolution.

On becoming, by reason of office, the Supreme Commander of the Armed Forces I would like to reiterate my total commitment to the success of the peace mission in Bosnia and Hercegovina, on which the stability of Europe at the end of the millennium partly depends.

Mr. President of the Assembly of the Republic, Ladies and Gentlemen, the essence of Portugal's destiny is played out in Europe. This, today, is an incontrovertible factor of the country's international position. It is not moved by apprehensive and defensive policies but rather counsels firm political policies upheld by the clear determination of our national interests.

Both the difficulties of recent years and the demands of this new phase of European construction require the reinforcement of suitable internal consensuses which can withstand the permanent demands of the Portuguese strategy for Europe.

That strategy can no longer be based on secretiveness and the "fait accompli", factors which undermined previous consensuses. Today it will invariably have to depend on, transparent policy about the options to be made and their requirements. Today it will have to be based on the enlarged participation of the social and political forces and on the citizens' opinion. Only thus will the Portuguese understand that the European Union is a community of sovereign states, from which we cannot, therefore, just merely wish to reap benefits without having to share responsibilities.

The challenges facing the European Union at the turn of the century—the intensification of economic integration within a framework of international cohesion, and the expansion of the Union's borders to embrace the new European democracies—present challenges for Portugal. The answer to these challenges lies not in hesitation but in the identification of pre-eminent objectives for the establishment of national consensuses and for a firm, determined Portuguese foreign policy.

A strong, united Europe will be a Europe which is open to the outside world, ready to guarantee a framework of regional stability. This condition is important for the continuance of the transatlantic community, namely the alliance between the United States and Europe. The North Atlantic Treaty Organization continues to be the cornerstone of our security, although present circumstances demand the emphatic development of the European pillar as sign of the European allies' real capacity to assume added responsibilities in collective defence.

Naturally, the relations with Portuguese-speaking countries have a special position in

our foreign policy. Those relations represent a link with our own extensive history which is shared with the peoples of Angola, Brazil, Cape Verde, Guinea. Mozambique, Sao Tome and Principe and of course with the people of East Timor. The language, the rich variety of cultures expressed in that same language, history and the effective solidarity between the peoples of these seven states and of the territory of East Timor make it necessary to form a Community of Portuguese-Speaking States and Peoples. I shall dedicate great attention to this project.

Unfortunately, East Timor will not be able to take part in this project as a free and self determined State.

Portugal has an unalienable historical responsibility towards East Timor and the Timorese community. As the territory's administrating power Portugal has a clear political duty vis-a-vis the international community: it must guarantee the completion of the decolonization process through a free and democratic referendum supervised by the United Nations in which the Timorese may, with dignity, exercise their right to self-determination. To fulfill this objective the competent organs of sovereignty must always seek the ways and means which are best suited to the evolution of international circumstances.

Portugal must continue to fight for the cause of East Timòr in all international fora and to support the efforts of the UN Secretary-General in fulfilling his mandate, seeking a just and internationally accepted solution for the question of East Timor, with the participation of all the interested parties.

National commitment to this issue is, in fact, provided in consonance with an essential reference value of the Portuguese state's foreign actions: the defence of peoples freedom peoples and the defence of human rights.

The President of the Republic has particular responsibilities with Macao, I believe that there must be close agreement with the Government both for the administration of the territory and the framework of our relations with the People's Republic of China.

The Portuguese policy is very clear: guarantee the stability and prosperity of the territory of Macao as well as the protection of the rights and interests of its inhabitants, never forgetting that Portugal has an unalienable responsibility to protect the rights of all Portuguese citizens in Macao.

Mr. President of the Assembly of the Republic, Ladies and Gentleman, the modern evolution of societies and political systems implies a new perception of relations between the citizen and the political power. This relation must be based on information and on the proximity of the political decision, implying new forms for citizens' democratic participation and the enlargement of their rights.

Unless such new demands are incorporated within the political system it will not be possible to adapt representative democracy to the complexity of social relations at the end of the millennium.

The tendency in modern societies is to develop a culture of civic intervention and of salutary intransigence when protecting the citizen's legitimate rights in relation to the state.

The pressure on the Portuguese political system is already great, due to the fact that a persistent centralizing policy has postponed the natural development of institutional reforms to decentralize power.

Guaranteeing the stability of democracy signifies a constant commitment to defend the prestige of the representative institutions and the citizens' political participation. I have and assume the obligation to encourage a culture of democratic demand. But I also believe that it is essential to ensure respect for the rule of law and the defence of the prestige of the institutions which define and apply such rule of law, as a means to guarantee the trust citizens place in the institutions of the Republic. The respect for the state of law is a fundamental basis of the democratic regime. On this there can be no compromise.

As President I will be close to the people. This intention will be the mark of my term of office. I will listen carefully to the Portuguese. To all Portuguese, I will be particularly attentive, however, to those who are excluded from the system and policies and who, because of the way in which the modernization process in this country has occurred, have been relegated to the statute of expendability. There are no expendable Portuguese. The very idea is intolerable.

I will pay particular attention to the problems of Portuguese families. I am aware of the multiple issues affecting them and cannot fail here to express my concern with all forms of family violence—in which women and children are the principal victims. Within the competencies of my office I will support all efforts which contribute to finding ways for parents to invest increasingly in their children's education as well as to conciliate mothers' and fathers' careers with family life, for I am fully aware of the growing importance of affectivity in the construction of our individual lives.

Solidarity must be a fundamental value of Portuguese society. It must be present during the formulation of the policies of modernization, employment and the reform of social security. It is the only way to modernize the country whilst maintaining national cohesion and the sense of sharing a collective future. The most worrying expression of the loss of solidarity is the evolution in recent years of increasing signs of political, social and even religious intolerance.

Portugal, which is a cohesive country with no ethnic, regional, linguistic or religious issues, must know how to preserve this unique asset without which (as we have seen in many countries) everything would be at peril: civic peace, progress, solidarity, prestige and our position before the world. The Portuguese are well aware of this fact.

A strong patriotism conspicuously based on democratic values, culturally enlightened and civically assumed, is the best protection we have against aggressive nationalism, xenophobia and racism and is also the most efficient reply to insecurity and fear of the future.

I would like here and now to express with great fervour how proud I am to be Portuguese and to declare my love for Portugal which I want to serve with all my capabilities, honouring the mandate I have received from the Portuguese.

Our culture, which is both rich and varied in its popular and erudite forms and so strong in its characteristic traits, is the manifestation of a great People (accessible to others, to the universe, to all that is new, to the unknown) and of a nation that for five centuries united the human species and globalized communication; a nation which, although small, was able to travel to the ends of the seas and the Earth, where it left its marks, the greatest of which is the language and the memories which endure, and of which we constantly receive grateful signs.

Today I would like to encourage the Portuguese—and particularly the young Portuguese—to study and become acquainted with our history, our culture, our heritage, both natural and created, our geography, the roots and foundations of our identity. We must provide our new generations with an exigent education which will prepare them to face the challenges of the open market. But we must also provide them with prospects for the future, with opportunities, with the capacity to look hopefully to the start of their professional and family life. Without all this it will be difficult to solve many of the problems which affect young people in Portugal today.

It is by strengthening our identity that we can procure the energy and the trust to set off boldly on the adventure of the future, fearless and with audacity, in the firm conviction that we were great whenever we put aside the small-minded, petty issues which divide and diminish us. We performed great feats and took our place as a People and a Nation whenever we were able to unite and concentrate on the essentials, opening up to modernity, to the values of freedom and universalism, practising a culture of tolerance towards and curiosity for all that was different, in a way, which is peculiar to us, of affection and human closeness.

It is a lesson for our times. Now, more than ever, they must assume such values. That is precisely why this is the unique contribution we can give to the construction of a Europe of solidarity and citizenship, to the edification of a World of peace and liberty.

When I stood for office I stated unequivocally: there are no presidential majorities. I will be President of all the Portuguese. Of all, without exception.

Long live Portugal.•

S. 1494, HOUSING OPPORTUNITY PROGRAM EXTENSION ACT OF 1995

• Mr. BOND. Mr. President, I applaud the Senate for passing S. 1494, the Housing Opportunity Program Extension Act of 1995. I also want to thank my cosponsors, including Senators D'AMATO, MACK, and SARBANES. This legislation provides critical authority for a number of community development and affordable housing programs and activities which are strongly supported by the American public. This bill also is an important step in reforming HUD's housing and community development programs, and is consistent with a number of significant reforms which were initiated in the VA/HUD fiscal year 1996 appropriations bill, which was vetoed by the President.

Most importantly, this legislation adopts the reformed low-income housing preservation program which was contained in the VA/HUD fiscal year 1996 appropriations bill vetoed by the President. There are approximately 75,000 to 100,000 low-income units in the preservation pipeline that are eligible for prepayment but also remain eligible candidates for preservation funding. These units have been in the preservation processing pipeline for some time, often years, and include a mix between equity take-out deals for owners which are financed through long-term

section 8 assistance, and the financing of purchases by tenant groups and nonprofits. This reform would replace the existing preservation program, with its long-term dependence on expensive project-based section 8 assistance, with a capital loan—or capital grant in the case of purchasers, that ensures low-income use at the minimum cost to the Federal Government.

S. 1494 also would provide clear statutory guidance to empower PHA's and assisted property owners with the tools to screen out and evict from public and assisted housing persons who illegally use drugs or whose abuse of alcohol is a risk to other tenants. I cannot emphasize enough the need to take responsible and meaningful action to preserve our low-income housing from criminal and destructive activities.

In addition, this legislation addresses the problem of mixed housing where the elderly and the disabled, including persons with drug and alcohol disabilities, are warehoused in the same public housing projects. This does not work, and I am particularly troubled by some horror stories I have heard where elderly tenants have been harassed and frightened by young tenants with significant drug abuse problems. This provision would provide PHA's with clear authority to establish elderly- and disabled-only housing.

Moreover, S. 1494 would extend a number of other key housing programs which need affirmative legislation to operate: permit the renewal of expiring section 8 moderate rehabilitation contracts; permit CDBG homeownership assistance; extend the Home Equity Conversion Mortgage [HECM] Program; extend the FHA multifamily mortgage risk-sharing programs; and reauthorize the National Cities in School Program and the National Community Development initiative.

This bill also would establish a new loan guarantee program for rural multifamily housing which terminates after 1 year and is supported by a $1-million credit subsidy under the Agriculture fiscal year 1996 appropriation bill, as enacted. This program is needed in rural areas where there is a critical need to develop affordable low-income rental housing.

Finally, the legislation would establish a new Habitat for Humanity initiative. Habitat for Humanity is one of the best models in this country for the development of affordable low-income housing through sweat equity. Since 1976, Habitat has constructed over 40,000 homes worldwide, in every U.S. State and in 45 other countries. As a consequence, some 250,000 people are living in decent, safe, and affordable housing.

Mr. President, this legislation is bipartisan, simple, straightforward and necessary. I look forward to this measure becoming law.•

• Mr. KERRY. Mr. President, I am pleased to rise in support of S. 1494, the Housing Opportunity Program Extension Act of 1996. Mr. President, this bill is important to the country and particularly important to the Commonwealth of Massachusetts. I thank the other Members of the Senate for their support of this legislation.

S. 1494 extends several housing authorizations that expired at the end of the last fiscal year. Among these are the Community Development Block Grant direct homeownership assistance provisions which have proven useful to the city of Boston and other communities in my home State, and the Federal Housing Administration's multifamily risk-sharing program in which the Massachusetts State Housing Finance Agency is an important participant. The bill also extends the Home Equity Conversion Mortgage Program, that provides elderly homeowners with the ability to use the equity in their home without having to sell the house. This bill also extends the section 515 rural rental housing program and two important set-asides within the program—a set-aside for nonprofit developers and a set-aside for underserved areas. Mr. President, the section 515 program is one of the few Federal housing programs providing much needed affordable housing assistance in rural areas.

The passage of this bill also sends to the President provisions from an amendment that I cosponsored with Senator GRAMS in the Banking Committee. This amendment would limit access to public housing by drug abusers and alcohol abusers. We need to make sure that our federally assisted housing provides a decent, safe, and peaceful living environment for its residents. The final version of this bill addresses one of my principal concerns with earlier versions: it makes it clear that a public housing authority should look at a person's pattern of drug or alcohol abuse—rather than their history of drug or alcohol abuse—when screening candidates for admission. S. 1494 also enacts provisions that will streamline the process that public housing authorities must follow to designate a building as elderly-only or disabled-only housing. I would like to thank the managers of this legislation for also including language I recommended to authorize vouchers for people who may be adversely affected by a PHA's designation decision.

I would like to mention that this bill includes an extremely helpful provision that extends the timetables for processing and approving sales to nonprofits under the low-income housing preservation program. Many residents of HUD-assisted housing around the country—and especially in Massachusetts—have been working very hard to purchase their buildings under the preservation program. Extending the deadline will ensure that these people's efforts will have time to come to fruition.

Finally, Mr. President, S. 1494 allows the HUD Secretary to transfer up to $60 million in support of national nonprofit housing and community development organizations. The bill authorizes $25 million for Habitat for Humanity, $15 million for other similar self-help housing programs, $10 million for the National Community Development Initiative—which includes the Local Initiatives Support Corporation and the Enterprise Foundation—and $10 million for National Cities in Schools. These are all excellent organizations and I am pleased to lend my support for this authorization.•

Mr. D'AMATO. Mr. President, I rise to express strong support for The Housing Opportunity Program Extension Act of 1995 (S. 1494). I wish to express my thanks to Senators MACK, BOND, SHELBY, BENNETT, and DOMENICI for their cosponsorship of this important legislation. In addition, I would like to offer thanks to Senator SARBANES, Senator KERRY, and all members of the committee for their dedication to this bill.

The Housing Opportunity Program Extension Act of 1995 represents a bipartisan effort which would: provide short-term extensions of housing authority which have expired; preserve assisted housing; protect elderly tenants in public and assisted housing; and promote self-help housing and community development programs.

This legislation originally passed the Senate on January 24, 1996. The House of Representatives passed a House amendment in the nature of a substitute to S. 1494 on February 27, 1996. The House amendment represents a bicameral effort to gain consensus on an immediate direction for Department of Housing and Urban Development [HUD] housing programs.

To that end, the bill protects the needy recipients of various housing programs that have lapsed authority. For instance, S. 1494 extends the HUD Home Equity Conversion Mortgage Demonstration [HECM] Program through September 2000. Last November I introduced legislation, S. 1409, to provide a 5-year extension of this successful and much needed program. The HECM Program offers elderly homeowners the opportunity to borrow against the equity in their homes. Without this program, senior citizens with low incomes might be forced to sell their homes and spend their golden years elsewhere. In addition, S. 1494 extends the following programs until September 1996: the HUD community development block grant homeownership program; the Rural Housing Service section 515 multifamily loan program; and the Federal Housing Administration multifamily housing risk-sharing programs.

The legislation provides authority to the HUD Secretary to operate the preservation program as passed in title II

of the fiscal year 1996 VA/HUD appropriations legislation, H.R. 2099, on December 7, 1995. This provision is needed to protect existing tenants in HUD insured projects, to preserve the existing housing stock, and to recognize the rights of owners.

Further, S. 1494 would provide greater safety and security for our Nation's elderly tenants in public and assisted housing. The bill would streamline procedures for public housing authorities to designate public housing facilities as "elderly only," "disabled only," or "elderly and disabled families only." Public housing authorities would be authorized to evict residents in these designated facilities whose pattern of drug or alcohol abuse would jeopardize the safety of elderly and disabled residents. In addition, housing authorities would be required to provide occupancy standards and an expedited grievance procedure for the eviction of tenants who have a pattern of drug or alcohol abuse.

The Housing Opportunity Program Extension Act would encourage self-help and community development programs which require little or no HUD regulation. HUD would be authorized to provide grants to capable nonprofit organizations, such as Habitat-for-Humanity. In addition, the bill would permit HUD the discretion to utilize reprogrammed funds for the Cities in Schools Program. The Cities in Schools Program is our country's largest and most successful student dropout prevention network. It serves as a model of how effective a public/private partnership organization can be in serving our national goals.

The legislation would also provide an authorization of commitment authority to the Government National Mortgage Association of $110 billion for fiscal year 1996 and increase the HUD section 108 loan guarantee aggregate limit from $3.5 billion to $4.5 billion.

The Banking Committee and its Housing Subcommittee continue to analyze proposals for the reorganization and elimination of the Department of Housing and Urban Development. After the opportunity for further debate and hearings on existing HUD and Department of Agriculture housing programs, housing reform legislation will be introduced this Spring. Until passage of more comprehensive legislation, the Housing Opportunity Program Extension Act of 1995 is essential for the continued operation of our Nation's housing delivery system. I thank my colleagues for their support for passage of S. 1494.

Mr. MACK. Mr. President, I rise in strong support of S. 1494, which I was pleased to cosponsor with Senators D'AMATO and BOND. This legislation extends certain critical HUD and USDA housing programs whose authorizations have expired. It also makes certain other changes in housing policy to reflect priorities of the Congress as well as the administration.

When S. 1494 originally passed the Senate on January 24, 1996, it was limited in scope to only those provisions that needed affirmative legislative authority to continue to operate, such as the Home Equity Conversion Mortgage Demonstration program for the elderly (HECM), the CDBG home ownership program, the FHA multifamily risk-sharing demonstration, and the Section 515 rural rental housing program.

The other body passed S. 1494 as amended on February 27, and the House-passed version contains changes that were negotiated between the House and the Senate. The amended bill we are considering today thus contains some positive additions to the bill the Senate initially approved.

Most notably, S. 1494 now includes provisions that make it easier to evict from public housing tenants who are engaged in criminal activities or who have a pattern of alcohol or drug abuse, and it gives public housing authorities access to criminal records for the screening and eviction of public housing tenants. These provisions aid in the implementation of what the President calls a "one strike and you're out" policy for public housing, and they were part of S. 1260, the Public Housing Reform and Empowerment Act, which this body approved on January 10, and which is awaiting action in the other body.

The bill also streamlines procedures for public housing authorities to designate public housing facilities as "elderly only," "disabled only," or "elderly and disabled families only." S. 1494 provides the authority to evict from these designated facilities those whose pattern of drug or alcohol abuse would jeopardize the safety and security of the elderly and disabled residents. These provisions reflect concerns raised by advocates for the elderly about the mixing of elderly and disabled populations, but they provide a balanced policy that will help provide access to affordable housing for both of these special needs populations. Again, these provisions are similar to those contained in the Public Housing Reform and Empowerment Act.

S. 1494 also extends the Home Equity Conversion Mortgage Demonstration for the elderly through September 30, 2000, instead of the 1-year extension originally passed by the Senate.

The bill provides authority for the HUD Secretary to operate the low-income housing preservation program passed by Congress in the vetoed fiscal year 1996 VA–HUD appropriation bill. These provisions are necessary to prevent large-scale mortgage prepayments of FHA-insured mortgages and thus preserve the existing supply of affordable low-income housing.

In addition, S. 1494 creates a self-help housing program under which HUD will provide grants to capable nonprofit organizations, like Habitat for Humanity. Grand funds must be used for the payment of land acquisition and infrastructure costs. These funds will supplement donations and contributions of products, volunteer labor and sweat equity, on which groups like Habitat now depend.

Finally, S. 1494 authorizes only through September 30, 1996, the section 515 rural rental housing program administered by USDA's Rural Housing Service [RHS]. Before the program is authorized beyond the current fiscal year, oversight hearings should be held and reforms implemented to guard against waste, abuse, and misuse of funds. The RHS has taken significant steps to correct problems in the section 515 program which have been identified by the USDA IG and the GAO. However, legislative action is required to assure that program funds are allocated properly and that the program is not abused by developers, owners, or tenants. The Banking Subcommittee on Housing Opportunity and Community Development, which I chair, will hold hearings on the section 515 program early this spring.

• Mr. SARBANES. Mr. President, I rise in support of S. 1494, the Housing Opportunity Program Extension Act. This bill addresses some important and time-sensitive matters in the housing area. S. 1494 extends program authorities that have expired and makes some other needed changes in authorizing statutes. Finally, it provides HUD with the authority to support several national nonprofit organizations that are making a huge difference in America's communities. I thank the other members of the Senate for their support of this legislation.

S. 1494 extends several housing authorizations that expired October 1, 1995. Among these are the Community Development Block Grant direct homeownership assistance provisions, the Federal Housing Administration [FHA] multifamily insurance risk-sharing programs, and the Home Equity Conversion Mortgage program. Each of these programs is a valuable tool in our efforts to make sure that Americans remain the best-housed people in the world.

The program extensions on this bill also include the section 515 rural rental housing program and the set-asides within the program for nonprofit developers and for funding to underserved areas. This authorization is necessary because the Rural Housing Service at the Department of Agriculture has been unable to utilize its $150 million appropriation until an authorization passed. Section 515 provides valuable, low-interest credit to support affordable rental housing in rural areas.

The bill also includes authority for the HUD Secretary to spend up to $60 million supporting local nonprofit

housing and community development activities. I would like to express my enthusiastic support for these provisions. The bill authorizes $25 million for Habitat for Humanity, $15 million for other similar self-help housing programs, $10 million for the National Community Development Initiative, and $10 million for National Cities in Schools. Habitat for Humanity affiliates have been operating in my State for years and creating homeowners among low-income families. The National Community Development Initiative combines Federal funds with funds from foundations to support capacity building for community-based nonprofits. Two terrific national nonprofit intermediaries—the Enterprise Foundation which is based in Columbia, MD, and the Local Initiatives Support Corporation—are key participants in the NCDI program and are factors in the NCDI program's success. The community-based nonprofit sector is an important and growing part of our delivery system of assistance to distressed communities. I am pleased with the recognition that this bill provides to these efforts.

Finally, Mr. President, I would like to highlight the language in the bill that permits HUD to renew expiring Section 8 moderate rehabilitation contracts. This provision overturns language passed on the continuing resolution that prohibited HUD from renewing moderate rehabilitation contracts. Clearly, HUD should not renew contracts on housing that is not decent, safe, and sanitary. Likewise, we are working with HUD to identify ways to reduce the cost of Section 8 contracts where rent levels are excessive. However, HUD needs to take a closer look at all of the developments assisted with project-based rental assistance and make decisions about their futures on a case-by-case basis. Before converting project-based assistance to vouchers, HUD should consider the future viability of the development, the ability of the project to support its existing financing, the availability of affordable housing for voucher holders, and the desirability of retaining long-term, affordable housing in that location.●

ORDER OF BUSINESS

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

A BATTLE OVER THE PROMOTION OF NAVY COMMANDER ROBERT STUMP

Mr. GRASSLEY. Mr. President, I want to take a moment to speak about a battle that is raging over the promotion of Navy Comdr. Robert Stump. The battle is raging within the Senate Armed Services Committee, and it is being discussed, as well, in the press.

I have had my differences with this committee in the past, but I want to set the record straight. In this particular case, I think the committee is getting a bum rap. I think the Senate Armed Services Committee is doing the right thing.

Commander Stump's promotion to the rank of captain has been denied by the Senate Armed Services Committee. It was denied because of his suspected involvement in the inappropriate behavior at the Tailhook convention.

I support the committee's decision to deny the promotion, and I support it 100 percent.

Unfortunately, Commander Stump believes that promotion is an inalienable right. Sadly, he believes that the Senate should not sit in judgment of his character, or even make judgments about his character. So he has hired a lawyer and has been conducting a very ugly lobbying campaign.

The committee is getting hammered with bad publicity. His supporters argue that Commander Stump has been cleared of criminal wrongdoing. They argue that he is an innocent man, and they argue that he has been treated unfairly and that the flagging procedure should be abolished.

Being cleared of criminal charges does not tell me that Commander Stump is ready for promotion. Mr. President, this is a negative standard of judgment. A negative standard of judgment will not help to nurture the kind of topnotch leadership that the Navy so badly needs.

To decide whether he is ready for promotion to captain, we need unambiguous answers to at least 5 questions:

No. 1, has he demonstrated excellence in the performance of his duties?

Two, has he demonstrated excellence in leadership and discipline?

Three, does he always set a good example?

Four, does he care for and respect the men and women who serve under him in the Navy?

Five, and above all, is he a man of integrity?

In my mind, Mr. President, Commander Stump's activities at Tailhook raise questions about his ability to exert moral leadership. I personally like the controversial "flagging" procedures. This procedure was instituted by the Armed Services Committee. It is a procedure for identifying the files of promotion candidates suspected of inappropriate behavior at Tailhook.

There is a good reason for doing this. The committee does not want to get bushwhacked on the floor by Senators like me, and other Senators, who may be waiting for an inappropriate person to be advanced to the floor for confirmation when they should not be that far along in the process anyway.

If we discover that a prospective nominee has engaged in misconduct at Tailhook, or anywhere else, they know that certain Senators on this floor, including myself, will raise questions and maybe hold it up.

Too many Navy nominees have slipped through the Senate confirmation net when damaging information about them lay hidden in Government files. It usually leaks out to the press after the fact. If that information had been exposed to public debate, some of the nominations would have died. "Flagging" helps to fix this problem.

Mr. President, the only way to solve the Navy's leadership problem is to promote men and women who measure up to a standard of excellence.

I think it is clear that the Senate Armed Services Committee has done the right thing in this particular nomination.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TELECOMMUNICATIONS

Mr. PRESSLER. Mr. President, the Telecommunications Act of 1996, which passed on February 1 and was signed into law February 8, is only the first step in my reform agenda for national telecommunications policy. As comprehensive as the new Telecommunications Act is, there are a number of profile and policy issues we were not able to adequately address, which need our attention.

Over the coming months, the Commerce Committee will be examining the Federal Communication Commission's regulatory structure. The key issue is whether the FCC, a regulatory agency devised in the 1930's, based on the ICC model from the turn of the last century, makes sense today as we prepare for the 21st century. We also need to ensure that Federal regulation does not become a roadblock to the deregulatory policy changes engineered by the Congress with enactment of the Telecommunications Act of 1996.

We also will move forward with national spectrum policy reform. I plan to chair four Commerce Committee hearings on spectrum policy reform, covering a broad range of issues concerning the management of the electromagnetic radio frequency spectrum. Although the issue of the broadcast advanced television spectrum captured headlines, there are a number of spectrum policy reform issues we need to

address that are far more important. I intend to move the spectrum policy debate firmly back on the ground to the communications policy rather than the budgetary process which, to date, unfortunately, has dictated the terms of the spectrum reform debate.

Mr. President, the electromagnetic radio frequency spectrum is an important physical phenomenon—a natural, national resource. An increasing number of telecommunications enterprises depend on access to this resource. These enterprises include radio and television broadcasting, communications satellites, the complex air-to-ground systems needed to manage aviation, the wireless systems upon which law enforcement and public safety depend, and the burgeoning mobile radio telephone business—cellular phones and personal communications services [PCS].

Simply put, the spectrum is to the information age what oil and steel were to the industrial age.

Today, there is a limited supply of available spectrum and an almost limitless demand for its use. In other words, the spectrum is an enormously valuable yet finite natural resource. This is the crux of the problem with our current spectrum policy structure. Unless a reformation plan is developed that will create a more effective and efficient use of the spectrum, as well as a more stable supply of spectrum for private sector use, a vast array of new spectrum-based products, services, and technologies will go unrealized for the American people.

This is particularly disheartening when one considers the benefits that are derived from current spectrum-based technology. For example, direct broadcast satellite [DBS] has become a viable competitor to cable. High powered DBS satellites have the ability to process and transmit as many as 216 video and audio channels simultaneously.

Cellular is another spectrum-based technology that is worth mentioning. In 1962, AT&T was operating its first experimental cellular telephone system. It was not until 20 years later that the first cellular licenses were handed out. Today, the cellular industry generates about $14.2 billion in revenues a year and provides service to nearly 35 million customers.

From its very beginning, wireless communication has played a vital role in protecting lives and property and, subsequently, through the development of radio and television broadcasting, in delivering information and entertainment programming to the public at large. More recently, wireless, spectrum-based telecommunications services, products and technologies have proven to be indispensable enablers and drivers of productivity and economic growth, as well as international competitiveness.

Wireless technology can deliver telecommunications and information services directly: First, to individuals on the move, away from the office desk or factory floor, thereby increasing their personal productivity; and second, to fixed locations that cannot be served economically by wireless facilities because of physical infeasibility or prohibitively high costs. Wireless services are also critically important in bringing competition to the wireline telephone network, one of the key goals of the Telecommunications Act.

The use of this economic resource is largely determined through administrative licensing procedures first developed in the 1920's. Compared to that of most other countries, the U.S. spectrum management system allows for a broad degree of private sector involvement in spectrum. Yet, the system still involves a large degree of central government planning by federal regulators.

To a large extent, it is electromagnetic industrial policy.

The FCC must determine which services should be provided, the frequencies on which they will be provided, the conditions under which they will be provided, and often the specific technology to be used.

As with other systems of central planning, the spectrum management system currently utilized in the U.S. tends to result in inefficient use of the spectrum resource. Federal regulators—rather than consumers—decide whether taxis, telephone services, broadcasters, or foresters are in greatest need of spectrum. It is a highly politicized process. Most importantly, new services, products, and technologies are delayed or, worse yet, denied. This obviously harms consumers.

It typically takes years to get a new service approved by the FCC. The lengthy delay in making cellular telephone service available, noted earlier, imposed tremendous cost on the economy. One study estimated that the delay cost the economy $86 billion. As important, American consumers were denied a new productivity and security tool for many years.

Equally troubling, the system constrains competition. One of the most important determinants of a competitive industry is the ability of new firms to enter the business. The bureaucratic allocation process typically provides for a set number of licenses for each service, precluding additional competitors. Only two cellular franchises, for instance, are allowed in each market.

These problems have long been the focus of criticisms by economists and other expert analysts. Changes in new communications technologies, especially the digitization phenomenon, are making the system even more unworkable. New wireless communications technologies, services and products are being developed at an accelerated rate. Even if the FCC were able to weigh accurately the needs and merits of the relatively few spectrum-based services that existed in the 1930's, it is simply not able to do so today. Even if it could, the lengthy delays associated with the allocation and assignment processes, while perhaps acceptable in a slow changing world, are seriously out of step with the fast-changing world of today.

Pressures on the traditional radio frequency management structure are increasing. This is because demand for channels is outstripping supply. Some of the major issues which have arisen in recent years include:

GOVERNMENT USE

Many believe the Federal Government occupies too much of the radio spectrum resource today. They argue for reducing the government spectrum inventory in order to get this resource into the hands of the private sector where they believe it will be used more effectively and efficiently. Some also contend the traditional division of responsibilities between the FCC and NTIA is obsolete. Establishing a single radio spectrum manager for the United States, they argue, would be a significant improvement. Still others see the Government spectrum inventory as a potential source of revenues. They argue that the Government should be required to relinquish frequencies which could then be auctioned. They believe spectrum auctions would return billions of dollars to the Treasury.

SPECTRUM FLEXIBILITY

Many contend the Government should liberalize rules governing use of the spectrum. The prevailing radio frequency management system limits the uses that can be made of particular bands and channels. The channels allocated to broadcasting and assigned to broadcast stations thus cannot legally be used for cellular phone service today. Many of these frequency use limitations are grounded on traditional analog radio transmission technology. Many engineers and technical experts contend that the trend toward digital transmission renders these traditional limitations on channel use obsolete. Organizations including the Progress & Freedom Foundation have argued in favor of according frequency users broad flexibility to use their channels as they choose, subject to a no-interference requirement. Such a change would greatly empower individual licensees. It would also eliminate the scarcity of radio channels upon which much government regulation is now based.

SELF-MANAGED REGULATION

At present, the FCC controls which entities receive licenses and what they can do with them. Much of the radio frequency engineering associated with this regulatory system is conducted by the FCC in-house.

In some instances, the FCC has delegated some of its engineering and routine licensing functions to user cooperatives called frequency coordinator groups. Legislation passed by Congress in 1981 authorized this approach. Some believe the FCC should expand this approach to encompass virtually all radio-based communications. This would reduce the administrative burden on the agency, they maintain, while speeding up the overall process. Some have suggested that the FCC should make block grants of the spectrum to the States. Governors could then apportion channels among various State law enforcement, public service, and other users. This also would significantly reduce FCC costs, they argue, and could ensure more responsive frequency management.

The radio frequency management and use reforms outlined above hold significant promise. None represent a truly fundamental change in Federal policy. All would reduce regulatory burdens while fostering important public policies including advances in technology and innovation, greater choice and more customer options, and more effective, efficient, and responsive use of this resource.

A SPECTRUM POLICY REFORM PROPOSAL—GOVERNMENT USE

Several approaches have been advanced which, if adopted, would significantly improve the effectiveness and efficiency of Federal use of the radio frequency spectrum, and with no discernible adverse impact on the performance of the many Federal programs that now rely heavily on radiocommunications.

First, legislation should build on the 1993 Omnibus Budget Reconciliation law, which directed the Government within a specified period of time to relinquish control over a predetermined amount of radio frequency spectrum. This spectrum has been retroceded, in part, and should prove the basis for a variety of new private sector communications offerings.

Now, legislation requiring the Government to privatize a set percentage of its spectrum—20 to 25 percent—makes sense. A special temporary congressional commission could be established to carry out this task much like the Base Realignment and Closures Commission [BRAC]. Congress also has created special or temporary commissions in the past to examine problems like the 1981 temporary Commission on Alternative Financing for Public Telecommunications.

Mr. President, the proposal here is that there would be either the Base Closure Commission or something like it to look at the spectrum that the Defense Department and the CIA has to see if that could not be released in part or shared in part as new technology develops. Indeed, one of our hearings that we are going to hold in the Commerce Committee will be an off-the-record hearing on that subject. We certainly want our national defense to meet its requirements with spectrum, but we need to take a look at it. It may well take an extension of the Base Realignment and Closure Commission to look at the spectrum that the military has.

If enacted, this initiative would have several positive consequences. To begin with, it would give Federal agencies a powerful incentive to modernize their communications facilities—to derive more communications capacity from the same or less channel bandwidth. Reducing the amount of spectrum used by Government would also create a powerful economic engine that could help drive the deployment of common user wireless communications systems generally.

At present, there are a number of private sector alternatives to the Government providing its own radio communications. These include cellular radiotelephones as well as the new PCS services which are developing nationwide. As cellular radio moves from the conventional analog to more advanced digital transmission techniques, the number of cellular channels—system capacity—may increase by five- or six-fold.

That is important to repeat. As cellular radio moves from the conventional analog to more advanced digital transmission techniques, the number of cellular channels—system capacity—may increase by five- or six-fold. In other words, we may have five or six times as much capacity on some of the same spectrum. Do not let me overstate this matter because that is only true of certain types of spectrum. But we may have five or six times as much use of that same band of beachfront spectrum in some instances.

That large-capacity increase, plus the proliferation of additional wireless systems, hold the promise of significantly lower customer costs. Such costs could be even lower, if the volume of communications handled by these wireless systems grows. Here, as in other cases, cost per message, and thus price to users, is highly dependent upon volume.

Not all Government radio communications requirements can necessarily be fully satisfied by private-sector commercial mobile service [CMS] providers. Through the standard Government procurement process, however, agencies could negotiate with CMS providers for special services and capabilities. There is little reason to assume, at this time, that an effectively competitive wireless communications business could not adequately meet many Government radio communications requirements. In the final analysis, the cost to the Government of relying on private sector supplies would be lower than the posted price because of the private sector's tax liabilities.

Second, legislation should be passed to consolidate U.S. frequency management responsibilities under the FCC. The current practice of splitting functions between the FCC and NTIA is a historical anachronism. The frequency management functions of NTIA, together with the IRAC Secretariat and associated support activities—including NTIA's electromagnetic compatibility analysis operations—should be transferred to the FCC. In order to take into account critical national defense, law enforcement, and security concerns, the law should provide for limited review of FCC decisions on Federal frequency management by the President or his designee. At present, NTIA frequency allocation decisions are reviewable by the Director of the Office of Management and Budget, acting pursuant to delegation from the President. No appeal from an NTIA frequency decision apparently has ever been taken.

Such a consolidation makes sense. The FCC's engineering and routine radio frequency management chores can, for the most part, be assumed by private sector frequency coordinator groups. As Government users increasingly rely on the private sector to meet communications needs, and the dimensions of the Government change as well, the NTIA workload is likely to shrink as well. It makes little sense for taxpayers to fund two separate, Federal agencies both responsible for the effective and efficient use of the same resource.

SPECTRUM FLEXIBILITY

Radio frequency management traditionally has limited the permissible uses of allocated bands and assigned channels. This, in part, has been a function of technology, as well as the technical characteristics associated with particular frequencies.

For example, channels allocated to the Forest Products Service have traditionally been quite low frequencies, because those frequencies have been shown to have the greatest ability to penetrate underbrush, leaves, etc. In general, the higher the frequency range, the more the transmission resembles visible light in terms of the phenomena that cause interference. Hence, at very high frequency ranges, fog, air pollution, and rain cause interference which would not arise if lower frequencies were used. New digital communications technologies, however, lessen this challenge. This is because digital technology includes error correction and other features which lessen interference.

"Spread spectrum" and "digital overlay" techniques make it possible for multiple communications pathways to be established within the same radio frequency channel. Using this technology, broadcasters could transmit other communications in addition to video and sound signals. Radio broadcast channels today already are providing local links for paging operations.

Government policy should encourage multiple, more intensive use of radio frequency resources where there is no perceptible adverse technical impact. Among other things, allowing radio frequency licensees greater flexibility could facilitate equipment and systems modernization and upgrading. For example, many public safety communications systems today are in need of modernization, to meet the demand for more cost-effective and responsive law enforcement, fire safety, and emergency medical services. The financial resources available to many public safety communications organizations are limited today, however, as a consequence of the fiscal austerity imperatives arising at virtually all levels of government.

If local police forces were permitted greater flexibility in use of their channels, however, this challenge would be less severe. Switching to new digital communications techniques typically achieves a significant increase in the total number of channels available—in some cases, by a factor of four or more. A local police department, therefore, could increase the number of channels available to support its operations and, at the same time, have capacity available which it could lease or barter with private communications organizations. Such arrangements could generate the funds needed to finance modernization. Greater flexibility is a public interest win-win situation—an option that benefits all involved and affords the general public both better service and more communications options.

The FCC and NTIA have already taken steps to allow some radio licensees more flexible use. The FCC's cellular radiotelephone rules, for example, place few constraints on permissible communications. The same is true in the case of the new PCS services. What is needed, however, is far greater application of this fundamental principle of flexible spectrum use.

SELF-MANAGED REGULATION

One of the more promising options for radio frequency management reform is expanded use of self-managed regulation—the use of private sector radio frequency coordinator groups to handle routine engineering, frequency coordination, and other functions which, in the past, had typically been undertaken by FCC staff.

At present, the FCC relies on frequency coordinators to handle many of the routine chores associated with private mobile radio systems. Organizations such as the National Association of Business & Educational Radio [NABER], the Associated Public-Safety Communications Officers [APCO], and the Special Industrial Radio Service Association [SIRSA] process applications, conduct engineering surveys, and otherwise facilitate licensing and channel usage in these specific private radio services. The FCC does not generally rely on frequency coordinators, however, with regard to broadcast services.

The task of being a frequency coordinator depends, in large part, upon access to computerized data bases, and having some radio frequency engineering expertise. Access to data bases today, of course, is routine. The number of individuals with substantial radio frequency management expertise is growing, moreover, in part because of Federal Government, and Defense Agency, downsizing. There is, in short, no good reason to assume that multiple frequency coordinators could not be sanctioned by the FCC. This would have the effect of broadening user's options. Competition among and between frequency coordinator groups, moreover, should have the effect of ensuring efficient charges and effective, responsive operations. That has been true in virtually every market where competition has been introduced, and should prove true in this case as well. The FCC should be directed to expand substantially the Agency's use of private sector frequency coordinator groups.

Let me say something about the public safety spectrum and begin to conclude by saying, at this time, the FCC should be directed to assess the feasibility and desirability of making some spectrum block grants to States. In lieu of processing, issuing, and renewing tens of thousands of public safety communications licenses—at significant cost to licensees, as well as the FCC—the agency would issue 55 block grants to the chief executive officer of each State, including Guam, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia. It would then be the responsibility of State Governors to determine eligibility, to ensure compliance with standard FCC—and other—operating rules, and to resolve disputes among public safety licensees within the jurisdiction.

This would reduce delays and heighten responsiveness to actual user requirements, while also lessening substantially the burdens of traditional regulation now borne by the FCC. Most importantly, it would tend to ensure more and better public safety communications for State residents. Again, while States today have substantial radio frequency engineering expertise, such expertise is readily available in the competitive marketplace.

In conclusion, the radio frequency management and use reforms outlined above hold significant promise. All would reduce regulatory burdens while fostering important public policies including advances in technology and innovation, greater choice and more customer options, and more effective, efficient, and responsive use of this valuable national resource. I look forward to receiving comment on these and other spectrum reform proposals as part of our comprehensive hearing process in the Commerce Committee.

Mr. President, as I look about the Chamber and in the galleries, I feel as I did some months ago. I addressed our State Chamber of Commerce. I was our last speaker after a whole series of speakers. Toward the end of my speech I noticed everyone was nodding their heads. Either they agreed with me or they were falling asleep.

I thank my colleagues for letting me make this speech on spectrum management policy. Some of my basic thinking is we need to take a new look at this spectrum. It is a national natural resource. We need to look at what the Government has and what private areas have. We need to look at what the broadcasters have; if they are going to migrate, if we are sure we are going to auction what they migrate from.

We have to look at giving authority to the States. If we find that there is more spectrum to use, we need to consider the possibility of auctioning it or, if it is used for public use, letting some of the State Governors decide how to allocate it rather than have it be allocated here within the beltway.

Those are some things we need to think about.

ORDERS FOR THURSDAY, MARCH 14, 1996

Mr. PRESSLER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Thursday, March 14; that immediately following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved, and the Senate then resume the omnibus appropriations bill.

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

Mr. PRESSLER. Mr. President, I further ask unanimous consent that, at the hour of 1:30 p.m. on Thursday, the Senate lay aside the pending business and there be 30 minutes for debate prior to the Whitewater cloture vote, to be equally divided in the usual form.

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

PROGRAM

Mr. PRESSLER. For the information of all Senators, the Senate will resume the pending omnibus appropriations bill at 9:30 a.m. Thursday. A number of amendments are remaining, therefore votes will occur. Also, a cloture vote will occur at 2 p.m. with respect to the Special Committee To Investigate Whitewater.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. PRESSLER. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:45 p.m., recessed until Thursday, March 14, 1996, at 9:30 a.m.

EXTENSIONS OF REMARKS

AFTERMATH OF THE MARC TRAIN CRASH; HONORING THE CREW AND THE JOB CORPS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. HORN. Mr. Speaker, a few short weeks ago, many Americans were shocked by the loss of life in the Amtrak/Maryland Commuter Rail [MARC] railroad tragedy. Among those who died were eight outstanding young people who were turning their lives around: Dante Swain, 18, Baltimore; Michael Woodson, 26, Philadelphia; Diana Hanvichid, 17, Woodbridge, Virginia; Lakeisha Marshall, 17, Capitol Heights, Maryland; Carlos Byrd, 17, Baltimore; Claudius Kessoon, 20, Landover, Maryland; Thomas Loatman, 23, Vienna, Virginia; and Karis Rudder, 17, Elmhurst, New York. Three fine MARC train crew members also died while heroically trying to save the passengers instead of themselves: Richard Orr, James Quillen, James Majors, all of Maryland.

The young people were enrolled in the Job Corps at the time of their deaths. They were participants in one of the oldest and most successful Federal programs that gives at-risk youth a chance to build positive lives for themselves. They were striving to create the kind of lives that the MARC train crew members had made for themselves—responsible, productive, and hard working. The ideals of the Job Corps represent the dreams of these young people and the lives of the MARC train crewmen.

The Job Corps was born in 1964, during the Great Society of Lyndon Johnson. It is one of that era's most productive and effective offsprings. As the Nation's largest and most comprehensive residential job training and education program for at-risk youth, the Job Corps has provided more than 1.6 million disadvantaged youth with a pathway to prosperity and productivity. Some Job Corps graduates have become millionaires, Ph.D.s, judges, psychologists—even a World Heavyweight Boxing champion [George Foreman].

The Job Corps was established as a public-private partnership. Under a contract with the U.S. Department of Labor, private industry operates almost 80 percent of the Job Corps centers. The remaining centers are managed through contracts with such Government agencies as the Forest Service, the U.S. Fish and Wildlife Service, and the National Park Service.

Job Corps students are young people between the ages of 16 and 24 who are making a determined effort to achieve a productive, responsible life. Job Corps statistics show that their determination pays off: Seven out of ten Job Corps students go on to full-time employment, enlistment in the military, or further education at the college level.

The return on the financial investment in the Job Corps brings impressive results. A 1983 study showed that the Job Corps yields a 46-percent return to society on every dollar invested in it. The average cost per Job Corps student is $15,426 over a 7.5 month period—the average length of stay—This translates into $67 per student per day. The cost-benefit ratio of the Job Corps is dramatic when you compare this expenditure to the yearly per student cost at a public university—$17,246—or the average cost to incarcerate a juvenile for 1 year—$38,000—or the cost per cadet for 1 year at the U.S. Military Academy at West Point—$62,250.

The young people who perished were students at the Harpers Ferry Job Corps site in West Virginia. It is one of 110 centers nationwide, including Puerto Rico, where approximately 60,000 young people are turning their lives around. A residential center, the Harpers Ferry Job Corps Center, provides basic education and the chance to earn a high school equivalency degree, training in life skills, as well as medical services and vocational counseling. The 210 students enrolled there are preparing to enter the construction trades, and business, clerical, and health occupations.

The loss of the admirable young Harpers Ferry Job Corps members and the brave MARC train crew cannot be replaced. However, we can celebrate their hopes, dreams, and successes through the Job Corps.

CAMPAIGN TO PREVENT TEENAGE PREGNANCY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. PASTOR. Mr. Speaker, I would like to take this opportunity to call to your attention a bipartisan effort to prevent teenage pregnancy. The National Campaign to Prevent Teenage Pregnancy proposes to garner support from State and local governments, as well as the media to encourage activities that would "reduce teenage pregnancy by supporting values and stimulating actions that are consistent with a pregnancy free adolescence."

The ever-increasing number of teenage mothers poses economic and moral dilemmas for the Nation. Out-of-wedlock births to American teenagers rose 150 percent between 1970 and 1990. Of these pregnancies 82 percent were unintended. This rise in unintended pregnancies has the potential to negatively impact the economic future of the United States. It is therefore imperative that we work together to decrease the number of teenage pregnancies before they reach epidemic proportions.

As it stands, nearly half of teen mothers are on AFDC within 5 years of the birth of their first child. It has been estimated that 53 percent of AFDC benefits go to families that began as a result of a teenage pregnancy. The effect on the children born to these young girls is devastating. Eighty percent of these children live in poverty, as opposed to 8 percent of children born to women over the age of 20.

The National Campaign to Prevent Teenage Pregnancy proposes to use national and community based organizations—including religious organizations—to encourage concerted efforts to educate ourselves on teenage pregnancy. By involving State and local organizations, we ensure that each community develops a program that reflects its particular set of values.

The success of this initiative would not only lighten the burden on the Federal Government, but also allow for a brighter future for millions of our Nation's youth.

RICHARD C. LEE ON HIS 80TH BIRTHDAY MARCH 14, 1996

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Ms. DELAURO. Mr. Speaker: On March 12, 1996 the Honorable Richard C. Lee celebrated his 80th birthday. Today he is being honored by Albertus Magnus College. It is with tremendous pleasure that I rise today to salute this incredible individual, who means so much to me and has contributed so much to the city of New Haven.

Dick's dedication to the city of New Haven is illustrated by a lifetime of public service. His career began as a reporter and later a wire editor for the New Haven Journal Courier. He later became editor of the Yale News Digest and director of the Yale University News Bureau. Dick then went on to a career as a public servant. After twice running and losing, he became New Haven's youngest mayor in 1953. He served for 6 years, longer than any mayor since.

There was an historic dimension to Dick Lee's administration. During his tenure as mayor, he was deeply involved with and dedicated to issues of urban renewal. He initiated an economic revitalization plan, marking a turning point in New Haven's history. He was particularly interested in the human side of urban redevelopment. He incorporated community outreach into the public school system, and added staff to the public schools to facilitate relationships between faculty members and students, and developed job training programs. He also served as president of the U.S. Conference of Mayors. Dick's success in New Haven and solid reputation led to his becoming the principal adviser on urban affairs

during the Kennedy and Johnson administrations, where he led the way for similar programs throughout the country.

After retiring as mayor, Dick continued to serve his community by serving as executive director of the United Way of Greater New Haven from 1975 to 1980. Dick's later achievements include an appointment to the Committee on Judicial Review in 1976 and chairing the State Library Board from 1984 till 1986. In 1987 he was appointed to the Judicial Review Council. He later joined Union Trust as the chairman's representative in New Haven.

On a personal and political level, the DeLauro and Lee families have been close for years. I witnessed firsthand his knowledge, insight, and caring for the New Haven community. My mother, Luisa DeLauro, served on the Board of Aldermen under Dick's administration. I fondly remember Dick's relationship with my father, Ted DeLauro. They were great friends and worked together on numerous projects for the betterment of the New Haven community. Throughout my life, Dick has been both a mentor and a friend to me.

On September 13, 1987, Dick was inducted into the Knights of St. Gregory, a papal honor for "exemplary conduct as a citizen living up to his full measure of influence and creativity in the community." It is exactly this commitment to community that distinguishes the life of Richard Lee and it is with great pleasure that I commend him for a lifetime of achievement and service to our community. I join his wife Ellen, his children, Sally, David, and Tara, and his many friends and family members in wishing Dick a very happy 80th birthday.

TRIBUTE TO TUSKEGEE UNIVERSITY SCHOOL OF VETERINARY MEDICINE ON ITS 50TH ANNIVERSARY

HON. GLEN BROWDER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. BROWDER. Mr. Speaker, I rise today to call the attention of the House to the Tuskegee University School of Veterinary Medicine and its 50 years of service to the State of Alabama and to the United States of America.

A 12-month observance of the school's founding in 1945 will culminate this weekend with a special celebration in Alabama on Sunday, March 17.

Tuskegee Institute, which was renamed Tuskegee University in 1984, is one of the outstanding educational institutions in the Third Congressional District of Alabama, which I have the privilege to represent.

Tuskegee's school of veterinary medicine was the first in the southeastern region of the United States that would give African-Americans an opportunity to obtain an education in veterinary medicine. In this capacity, the Tuskegee University School of Veterinary Medicine fulfilled an urgent health manpower need during the 1940's and 1950's by educating African-Americans who provided significant service to the rapidly growing livestock industry in the southeast.

Even after the legal desegregation of the United States in 1964, the school continued to serve as a national resource for training of minority veterinarians. It has the distinction of having educated over 72 percent of all African-American veterinarians educated in the United States since 1945. In the last 5 years, 10 percent of all Hispanic-American veterinarians educated in the United States and 59 percent of all African-American veterinarians have come from the Tuskegee school.

The Tuskegee University School of Veterinary Medicine, which continues to be the only school of veterinary medicine on the campus of a historically black college/university, is also the most racially, culturally, ethnically, and geographically diverse school of veterinary medicine in North America.

The Tuskegee school was accredited by the American Veterinary Medical Association before its first class of five students were awarded the degree of doctor of veterinary medicine in 1945. It has maintained that accreditation every year since then.

Since its founding, The Tuskegee University School of Medicine has graduated 1,376 men and women. Most of them still maintain productive careers in various specialties and subspecialties in clinical and non-clinical practices in 43 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and 17 foreign countries.

Ten years ago, on May 14, 1986, the school established an International Center of Tropical Animal Health. It was the first center of its kind in the United States to offer the combination of education, research, and consultation services to Third World countries.

Graduates of the Tuskegee University School of Veterinary Medicine have contributed significantly to the betterment of their State and Nation. For 50 years, they not only have ministered to the medical and surgical needs of the pets and livestock of Alabamians, but they served on the frontlines of the war against disease, malnutrition, and animal and human suffering. They have worked to safeguard human and animal health and the environment through their knowledge of medicine and surgery, veterinary public health, food safety, epidemiology, and the human-animal interdependent relationship.

Tuskegee University School of Veterinary Medicine truly is a national resource for veterinary medical education and a leader in minority veterinary medical education. And for this, we salute the Tuskegee University School of Veterinary Medicine and congratulate it on 50 years of service.

HONORING SERGIO ZILLI

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. POMBO. Mr. Speaker, today I would like to congratulate my uncle, Mr. Sergio Zilli, on the celebration of his 60th birthday. Uncle Serge has been an invaluable source of advice to me, in particular since I was sworn in to Congress.

Serge is a happily married family man. He and Carol have raised three wonderful children. he has a successful business career, and his outgoing nature has won him hundreds of friends through California.

His adventures in politics, however, have produced mixed results. Serge had a promising beginning when he was elected student body president at Jefferson Grammar School in Tracy, CA, and he has always been active in civic affairs.

In the early 1970's, he made a run for the congressional seat held by a former member of this body, the Honorable John J McFall. Serge made a mighty effort, but the incumbent held on.

Nearly 20 years later, with Serge's support, I was elected to essentially the same seat. Thank you for your support, Uncle Serge, and best wishes on your 60th birthday.

BASIC RIGHTS SWEPT ASIDE IN RUSH TO FIGHT TERRORISM

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Ms. LOFGREN. Mr. Speaker, when I was elected to Congress in the fall of 1994, I was extremely honored to represent the people of the 16th District of California, and I was also deeply honored to succeed one of the great legislators in the history of this body, Congressman Don Edwards. As the longtime chairman of the House Judiciary Committee's Subcommittee on Civil and Constitutional Rights, Mr. Edwards is widely respected as one of the foremost protectors of our Constitution and civil liberties.

He recently published an analysis of the House antiterrorism bill in our hometown newspaper, the San Jose Mercury News, and I wanted to share his expert insight with my colleagues and his former colleagues.

[From the San Jose Mercury News, Mar. 8, 1996]

BASIC RIGHTS SWEPT ASIDE IN RUSH TO FIGHT TERRORISM

(By Don Edwards)

Once again, in the name of a worthy objective, Congress is considering legislation that aims straight at the heart of the Constitution. The concern is fighting terrorism. The proposed solution, however, is a comprehensive death penalty and anti-terrorism bill that would do nothing to strengthen the nation's defenses against terrorism. What it would do is undermine fundamental rights enshrined in our Constitution. The right to confront your accusers is one of those basic rights. Our very concept of due process assumes that a person cannot be punished by the government on the basis of secret evidence. As the great Supreme Court Justice Felix Frankfurter observed, "Fairness can rarely be obtained by secret, one-sided determination of facts."

Yet the pending legislation would allow the government to deport legal aliens, including long-term residents, through Star Chamber proceedings where the evidence is made known to a judge, but is kept from the accused and his or her lawyer. Imagine defending yourself against this charge: "We are going to deport you because we think you are a terrorist but we won't tell you why."

Another provision in the bill would give Cabinet officials the power to label a foreign

group "terrorist" and make it a crime for American citizens to support the lawful, peaceful activities of that group. It should be—and already is—a crime to support violent activity, but Americans have always been free to support political and humanitarian activities of foreign groups, from the African National Congress to the Nicaraguan Contras.

Another step backward in the pending terrorism bill is the repeal of a modest provision I sponsored to keep the FBI from investigating political activities of domestic groups. Some will remember the FBI's worthless investigations in the 1980s of U.S. citizens opposed to our foreign policy in Central America. In the name of fighting international terrorism, the FBI monitored peaceful demonstrations against U.S. military aid to El Salvador, spied on groups housed in churches, and interviewed travelers to Nicaragua. After the FBI finally admitted that the whole exercise was a waste of resources, I added a small provision to the 1994 crime bill saying that the FBI could not open an investigation of "support for terrorism" solely on the basis of political activities protected under the First Amendment. Repealing my amendment would send precisely the wrong message to the FBI, encouraging the Bureau to investigate U.S.-based groups that express lawful political views in a violent struggle abroad.

A terrorism bill already passed by the Senate contains all of these provisions plus others that would allow FBI agents to obtain private records without a court order, permit the use of illegally seized wiretap evidence, and expand federal jurisdiction over state crimes.

Worse yet, the terrorism bill has become a legislative Christmas tree, on which an assortment of amendments are being hung. Most distressingly, an amendment has been added that would gut the historical right of habeas corpus, under which federal courts have insisted that the U.S. Constitution be followed in state court proceedings.

Groups from across the political spectrum—from the ACLU to the National Rifle Association—oppose the bill. Worried Congressional leaders have offered what they call a compromise bill, but they have left untouched the most odious provisions dealing with secret evidence, criminal penalties for support of political and humanitarian activities, and habeas corpus.

It's not as if the United States has been defenseless against terrorism. To the contrary, the current legal authorities have proven quite sufficient. In two successful prosecutions in New York, the Justice Department won convictions for the World Trade Center bombing and for a planned series of attacks against the United Nations, tunnels and other landmarks. The FBI promptly arrested suspects in the Oklahoma City bombing. In December, federal agents arrested two men for attempting to bomb an IRS building in Nevada, and FBI agents reached across the Pacific to arrest a man in the Philippines plotting attacks on U.S. aircraft.

The success of law enforcement in responding to terrorism without this legislation should be evidence enough that there is no need for new government powers. Nonetheless, the legislative process grinds on, as both parties fear political fallout for appearing to do nothing about terrorism. Congress should take note of the near total absence of public support for this legislation. It is time for Congress to show restraint and reject this latest legislative assault on the Constitution.

FEDERAL AGENCY ANTI-LOBBYING ACT

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. CLINGER. Mr. Speaker, I am pleased to introduce today with 51 of my distinguished colleagues, the Federal Agency Anti-Lobbying Act. I am also pleased that Senator STEVENS will be introducing this legislation in the Senate.

For those of us who have been in Washington for a few years now, no matter how many times you think you've seen it all, you can rest assured you haven't. Washington wonders never cease. You can only scratch your head and ask yourself—Is this really happening? That is exactly why I am here—I have some unbelievable examples of what Federal bureaucrats are doing with our tax money.

Initially it was just a trickle—and then a flood of Members, who came to see me loaded down with examples of lobbying materials prepared by Federal agencies. Not just a single agency, but several agencies all across the Government. How can taxpayer money be used by Federal agencies to prepare materials expressly for the purpose of assisting outside groups in order to stir up grassroots support or opposition for legislative proposals pending before Congress? Often these materials are under the guise of being informational or educational fact sheets—but clearly they are not. In other cases, they are a lot more blatant such as invitations to briefings for lobbyists to educate them on the agency's view of a particular piece of legislation. They are clearly political materials created for the specific purpose of influencing Congress on the outcome of legislation.

As they say, the proof is in the pudding and there are numerous examples that have been brought to my attention. These include an employee check stub from the Department of Veterans Affairs opposing the House budget plan, Secretary Ron Brown's invitation to attend a briefing to oppose the Mica commerce legislation, and a letter from the National Spa and Pool Institute complaining about receiving lobbying materials from an agency that regulates their industry, EPA.

You might ask, as I did, isn't there already a law on the books that covers this activity. How can this be happening? The law on the books, the Anti-Lobbying Act, was passed in 1919 and is a criminal statute. The law itself is unclear, and has been the subject of numerous opinions, often conflicting, on what it means. During the last 75 years, no one has ever been prosecuted under the law. Having DOJ as the enforcing agency is like the fox guarding the chicken coop. Existing law needs to be clarified—and we need a civil statute. The most recent interpretation of the law is so narrow that unless there is an explicit request by an agency to contact Members of Congress, then there is no violation of the law.

This bill is modeled after a provision that has been included in the Interior Appropriations bill since 1978. The amendment covers only Federal agencies and provides that no funds would be used for any activity that is intended to promote public support or opposition to any legislative proposal including preparation of pamphlets, kits, booklets, etc. However, Federal officials can continue to communicate directly with Members of Congress, and provide information, and respond to requests from Members. In addition, the President, Vice President, Senate-confirmed appointees, and other White House officials would be able to continue to communicate positions to the public. The Comptroller General would enforce the provision if funds have been expended in violation; in addition, the GAO must report on the implementation of the legislation 1 year after enactment.

This is a balanced bill that would still allow the administration to effectively communicate its views. At the same time, this provision will eliminate and even protect the GS–12 career employee from lobbying or being forced to lobby grassroots organizations. Federal employees should be administering programs passed by Congress—not campaigning with taxpayer dollars.

This bill is endorsed by a number of national organizations including the National Taxpayers Union, NFIB, Chamber of Commerce, Competitive Enterprise Institute, National Association of Wholesaler-Distributors, Citizens Against Government Waste, Chamber of Commerce, and others.

The bottom line is that this is good Government reform. Taxpayer dollars should not be used for lobbying by Government bureaucrats. I urge support of this legislation by all my colleagues.

TRIBUTE TO STEVE COHEN, INTERNATIONAL BASEBALL COACH OF THE YEAR

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. RAMSTAD. Mr. Speaker, I rise today to praise a man from the Third District of Minnesota who exemplifies the unconquerable spirit of America, a man who overcame tremendous personal pain and, through outstanding dedication, perseverance and leadership, coached the U.S.A. Junior Baseball team to the world title.

As a result, he has been recognized by his peers around the world as the best in his field for 1996.

Steve Cohen of Plymouth, MN, recently was named International Baseball Coach of the Year by the International Baseball Association.

Steve is the son of a longtime and close personal friend of mine, Phil Cohen. Many of you in this Chamber and the other know Phil Cohen, who for many years worked for Senator David Durenberger of Minnesota. His son, Steve, is the baseball coach at North Hennepin Community College in Brooklyn Park, MN, in Minnesota's Third Congressional District.

But I want to talk about more than what happened on the field of every ballplayer's dreams. For Steve Cohen was also living out any son's worst nightmare, all at the same time.

Steve Cohen's impressive accomplishments are made all the more inspiring by the personal courage and fortitude he showed last

year as coach of Team USA. Steve led his players to a 10–0 victory over the Chinese Taipei squad in the final game of the World Junior Baseball Championship at historic Fenway Park in Boston on August 20. It was the first title for Team USA since 1989.

Fenway Park is known for its left field wall, the Green Monster, which rises high above the park. That wall is not far from home, but it is a difficult task, even for a player with the biggest heart, to hit the ball over the Monster with the swing of the bat.

Steve Cohen could have succumbed to the wall of pain and disappointment he was facing. He was far from home, too, far from his mother, Bev Cohen. Bev was suffering from terminal cancer back in Minnesota. Steve did not know if he would make it home in time to see his mother before she passed away.

But Steve Cohen showed the heart of a champion, leading his Team USA to the world title.

Mr. Speaker, Steve Cohen put his personal trauma behind him and focused his remarkable baseball mind and superior teaching skills on his young players. And he successfully scaled that wall climbed only by champions with real heart.

Thankfully, Steve made it home in time to present his mother Bev the gold medal before she passed on. Wearing his Team USA uniform, Steve Cohen gave his mother a tremendous lift.

In her typical style, Bev Cohen told her son: "If you hadn't won that gold medal, I'd have booted you out of the house."

Bev Cohen died on Labor Day, 1995, shortly after Steve Cohen got back home. Steve Cohen called his mother "a real war horse" during that awful time when Bev was suffering so greatly.

Mr. Speaker, Steve Cohen is a war horse, too, with a heart the size of a stallion's. Combining his inspiring leadership, courage, teaching skills, and keen baseball eye, Steve Cohen brought Team USA the world championship.

And then Steve Cohen brought his mother back home one final, joyous gift, the gift only a child raised so lovingly and so well could give.

So, we will all rise together later this year when, on September 14, in Lausanne, Switzerland, the International Baseball Association presents Steve Cohen with his award as International Baseball Coach of the Year.

Steve Cohen scaled a wall that few are capable of climbing, putting aside personal pain of the worst kind to lead his team past such talented teams as those from Cuba, Australia, and Taipei.

Mr. Speaker, this honor is truly well deserved. And we all know Bev Cohen's smile will be shining like a lighthouse out in left when Steve receives his award.

The people of Minnesota are proud of Steve Cohen, the courageous, compassionate person and outstanding coach. Steve Cohen represents the spirit of Minnesota and is a real credit to our State and Nation.

Baseball fans everywhere thank you, Coach Cohen, and salute you on being named International Baseball Coach of the Year.

ADDITIONAL SUPPORT FOR H.R. 1020

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. UPTON. Mr. Speaker, I am proud to be the sponsor of H.R. 1020, the Integrated Spent Nuclear Fuel Management Act of 1995, a bill that will make the Federal Government live up to its promise of building and operating a high-level nuclear waste repository by January 31, 1998. While nearly 200 of my colleagues have cosponsored H.R. 1020, there are several that were unable to do so after the bill was put on the House calendar. I would like to acknowledge the following Members as supporters of doing what is right, making the Government live up to its promises: CHARLES BASS, HELEN CHENOWETH, BARBARA CUBIN, JAY DICKEY, VAN HILLEARY, MARGE ROUKEMA, MAC THORNBERRY.

PRESIDENTIAL PRIMARIES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 13, 1996, into the CONGRESSIONAL RECORD.

REFORMING THE PRIMARY PROCESS

One of my interests is to make government work better. I have tried to contribute to that goal in a number of areas, including the reform of Congress and the Federal Reserve, among others. Lately, my attention has been drawn to the way we select presidents.

HOW THE PROCESS WORKS

Presidential nominees are chosen at their respective party's national conventions by delegates who were elected, either directly or indirectly, in the primaries, caucuses, or conventions of each state. The delegate selection process is governed by a combination of state laws and national and state party rules. In general, delegates are committed to certain candidates before they get to the party convention. The primaries now produce the nominee and the convention merely crowns him.

Most states, including Indiana, use the primary system to vote for presidential candidates. Under the primary system, an individual will vote, by secret ballot, for a candidate, who will be represented at the national convention by a certain number of delegates. In some states, the winner of the primary will take all the delegates available in that primary; in other states, including Indiana, delegates are awarded based on the candidates' proportion of the vote. The primary season begins in New Hampshire in late February, and most of the major primaries are held in March.

PROBLEMS WITH THE CURRENT SYSTEM

The primary system, while more open and democratic than the old convention system, has its drawbacks. The early primary states have an extraordinary influence on the outcome and that's one reason states are scrambling to vote earlier each year. It is far from clear that voters in the early primaries are representative of a national party, much less a national electorate. The present system in a sense violates the one-man one-vote principle. If you vote in the New Hampshire primary, your vote is probably worth 10 or 15 times as much in determining the outcome than the people who vote in Indiana. That bothers me. The low turnout in primaries is also worrisome. The average for all primaries is only about 30% of registered voters.

The front loading of the calendar is the most important single change to the American primary system in recent years. Campaigning starts earlier than ever before, costing millions of dollars. The schedule is so compressed that by the first of April almost all the delegates will have been selected. The vital primaries come thick and fast. It is very difficult to pause or regroup between them. If you do badly in one primary, you don't have much time to recover. Voters may not have enough time to consider which candidate is best for the party or the nation.

Candidates essentially nominate themselves for our consideration and they have to be a bit obsessed to go through the present primary selection system. My impression is that the media performs the screening role formerly done by party leaders and professionals. The media can be an important conduit of information about candidates, but they also tend to be more interested in the horse race aspects of a primary rather than fundamental questions, such as whether a candidate can govern or what is the candidate's vision.

REFORM PROPOSALS

There have been several proposals for reforming the current system. One proposal would involve selecting convention delegates on the first Tuesdays of March, April, May and June of each election year. Any state could choose any of those four dates, but the probable result would be a mixture of states from various regions on each of the four dates. The gap between the primary dates would allow voters and the media to examine the candidates with care, and the candidates would get a chance to catch their breath and have time for more thoughtful speeches.

Another suggestion is a national primary in which registered voters of all parties could vote on a single day. Such a primary would require an orgy of nationwide television advertising by all the candidates that would last for months and put more power in the hands of the party bosses, less in the hands of the people.

Still others want to reserve a third of the national convention seats for party professionals in order to postpone until the last moment the decision on who will get the presidential nomination. This approach would enhance the role for professional politicians in judging who has the right stuff to be president. I would not support such a proposal because it is inherently less democratic than the current primary system.

CONCLUSION

No single decision is more important to the United States than choosing a president. Primaries tell us whether or not a candidate can discern the issues that are on the minds of the American people and can frame a message and present it effectively to a variety of constituencies around the country. They also tell us whether he has the physical and emotional capabilities to sustain a campaign under high stress and assemble an effective political team and raise the money to support it.

The great advantage of the primary is that it allows ordinary Americans to pick their candidates for president. In the end the system has worked reasonably well. Nominees are usually picked who are widely known and widely approved. Money matters, but it's not everything.

I am inclined to think it is the kind of system that we can approve but we should not discard. I do have the uneasy feeling that we've separated the presidential nominating process from the governing process. A person can be very good at getting nominated. He may not necessarily be a very good president. I'm not sure primaries give us a candidate's core of political values or tell us if he has a firm sense of the direction in which he wants to lead the nation or whether he is secure with himself and with his own convictions and conscience.

Among our goals in reforming the primary system would be to assure wider participation in the selection process and cut the cost of a primary campaign. I am attracted to the idea of interregional primaries. We could set six dates between March and June for a series of interregional primaries. On each date a group of states of various sizes from different regions of the country would hold primary contests. The order could rotate.

Some say primaries are not efficient. They probably are not as efficient as the smoke filled convention. But they are less corruptible and the result is accepted. That's important in a democracy. It is the very democratic quality of the primary that makes it a little messy and a struggle.

CONGRATULATIONS BETH SHALOM OF WILMINGTON, DELAWARE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. CASTLE. Mr. Speaker, I rise today to commend Congregation Beth Shalom from my home State of Delaware. Two years ago, Congregation Beth Shalom, located in Wilmington, initiated what is known as "Mitzvah Day", a day when congregation members of all ages devote their time and energy to assist others in the community who are less fortunate and are in need. Mitzvah is the Hebrew word for commandments, and signifies righteous acts by individuals that are considered to be virtuous, kind, and considerate. In the Jewish faith, individuals are expected to carry out a mitzvah every day. In fact, in the Torah, which is the first of five books of Moses, some 613 mitzvot are listed to which Jews can aspire. Mitzvah Day is Congregation Beth Shalom's way of reminding the faithful of their obligations to their fellow man.

This Sunday, March 17, 1996, will mark the third annual Mitzvah Day, and I am pleased to join the good people of Congregation Beth Shalom for ceremonies signaling the start of another day when people will reach out to their neighbors to say they care and want to make life a bit more enjoyable for all. Those who will participate this Sunday and those who have helped others in previous years are known as mitzvah mavens; people who are concerned about their fellow human beings every day.

Before Mitzvah Day is over, they will have collected and sorted thousands of food items for the Food Bank in Newark; they will have baked bread and cookies for the families at the Ronald McDonald House in Wilmington; they will have cooked and served lunch to the clients at the Sojourners Place in Wilmington, who are overcoming drug and alcohol dependency; they will have visited and played bingo with the assisted living or nursing care residents at the Kutz Home and Parkview Nursing Home in Wilmington; and, they will have conducted numerous visits or had meals with congregation members who are homebound because of sickness or disability.

Mr. Speaker, on Sunday, the mitzvah mavens will have done all of this, and by Sunday evening, when the sun goes down, hundreds of Delawareans will feel just a bit better about themselves, some will have enjoyed one more meal than they thought they might, and Delaware will have had its quality of life improved that much more. All of this because the Congregation Beth Shalom in Wilmington, DE, encourages and supports kindness toward others and actions which can truly improve people's lives.

BELLFLOWER CHAMBER OF COMMERCE AND THE CITY OF BELLFLOWER

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. HORN. Mr. Speaker, I rise today to salute an institution and a community in California's 38th Congressional District whose history is a model of how the citizens of America's small towns—through their values, their hard work, and, in particular, their strong civic spirit—have made America strong. This year, the Bellflower Chamber of Commerce celebrates its 75th year of leadership. It is fitting that on this occasion, its history and the history of the city it has so diligently served be celebrated for what they have accomplished—and for what they can teach the world.

Bellflower was built by people of many backgrounds. Its early history began in 1784, as one of the first Spanish land grants conferred in California. Governor Pedro Fages rewarded Spanish leathercoat soldier Manuel Nieto with the largest of these grants. After the Spanish were ousted in the Mexican Revolution, Nieto's land grant was divided into five small ranchos which were distributed among his heirs. Bellflower would later be founded where the boundaries of three of these ranchos—Santa Gertrudes, Los Coyotes, and Los Cerritos—met.

The three ranchos prospered through California's Golden Age of the Ranchos, from the gold rush of the 1840's into the 1860's, when a terrible drought brought the rancho way of life to an end.

The ranchos were sold at auction to purchasers who, in addition to ranching, subdivided parts of them for small farming operations. The section that was to become Bellflower was subjected annually to terrible flooding from the San Gabriel River. If also had dense growth—willow, black berries, and bamboo—which meant that only the hardiest of farmers could settle here. And they did. Within a few years, the area was renowned for its large-sized crops. Fueled by the hard work and commitment of the early settlers, Bellflower's poultry, dairy, horticultural, and farming industries steadily grew. Hispanic and American farmers were soon joined by Dutch, Swiss, Belgian, Japanese, and Portuguese families.

With the establishment by the Pacific Electric Railway of the Somerset Station in 1902, Bellflower farmers were able to get their crops to markets and visitors were able to come to the Bellflower area via the "Big Red Cars." Soon after, land developers began laying out streets and selling parcels of land near the Somerset Station. Soon a town grew up. Though the area was still unnamed—some called it the New River Colony, others Somerset Acres—the residents were determined to build a town.

Following California's tradition of strong support for education, the first thing these residents did was to petition for a school district. That was in 1908. In the next year, they asked for a post office. They quickly received both.

The residents first asked for a post office under the name of Somerset. But postal authorities, wishing to prevent confusion, rejected the name because there already was a Somerset in Colorado. Another subdivision in the area was known as Bellflower Acres, and its proponents championed that name for the new community. Although it is not known precisely how the selection was made by the area's residents, it was the one registered by postal officials.

It is not certain how the name Bellflower came into the picture in the first place. The most common explanation links the name with the orchard of Bellefleure apples grown by pioneer settler William Gregory.

By 1910, the business district began to develop. In 1913, Southern California Edison installed electric lines. In 1914, gas lines were brought into Bellflower. Up to 50 trains ran through the area each day to and from Los Angeles. The town was on its way. The only thing Bellflower lacked was a government.

In 1912, Los Angeles County had adopted a charter covering the government of the unincorporated towns. Bellflower—with its unincorporated status—lived under county government for the next 45 years.

But the civic pride of Bellflower's citizens was too strong to rely solely on Los Angeles County. Unable to form their own government, they organized the Bellflower Improvement Association in 1921 to serve as a representative body for all of the town's organizations and interests. The improvement association has 12 members. The following year—indicating the enthusiasm and civic spirit that has always been the hallmark of Bellflower—the association's membership had swelled to 80. That year—1922—it became known as the Bellflower Chamber of Commerce with R.J. Parsonson as president and a board consisting of Vice President Bruce Guernsey, Secretary J.C. Hertel, Treasurer C.A. Conrad, and Sergeant at Arms George McCormick.

Under the county's governing of unincorporated communities, there was no local body officially charged with looking after the affairs of the town. The chamber quickly filled his

vacuum, "governing" for over 30 years through an unofficial town hall.

Since the Chamber had no legislative authority to make its decision binding, its effectiveness depended upon how well it served the community. Those early chamber members worked hard to gain the trust and respect of the residents. This tradition continues today.

It was during the years of unincorporation—1921 to 1957, when Bellflower became California's 348th city—that the area experienced impressive growth. Through the guidance of the chamber, Bellflower quickly became a highly respected and admired community.

One example of the chamber's determination to keep Bellflower strong and vital was the erection of the "52 Day Miracle Building" in 1938. At that time, the Los Angeles County Building Department offices were located in Bellflower. However, the administrators were considering a move to Downey where rent was cheaper. The Bellflower chamber spearheaded a drive to keep the county's offices in their town. With the chamber in the lead, local merchants provided funded to erect a new building. Incredibly, the project was completed—from idea to opening ceremonies—in just 52 days.

By the 1950's, the population of Bellflower became so large and varied that it could no longer be adequately governed under the old county charter system. With the chamber leading the way, Bellflower received its certification of incorporation on September 3, 1957.

Today, the Bellflower Chamber of Commerce remains a vital, contributing member of our area. Its history reminds us that a city is not built with bricks, mortar, and asphalt alone. It comes to life and remains vibrant and healthy through the commitment, dedication, hard work, and strong values of its residents. The history of the Bellflower community and the leadership provided by the Bellflower Chamber of Commerce are models of these values. California and the United States are indeed fortunate to have Bellflower and the commitment of its citizens.

HONORING SILVESTRE S. HERRERA

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. PASTOR. Mr. Speaker, I rise today to salute Silvestre S. Herrera, of Phoenix, AZ, who earned the Congressional Medal of Honor 51 years ago by assaulting a German gun position on March 15, 1945.

On that day, Pfc. Silvestre Herrera, an acting squad leader/automatic rifleman, and Company E, 142d Infantry of the 36th (Texas) Infantry Division, was the lead element as it moved into German-held territory somewhere near Merrwiller, France.

Private First Class Herrera and other soldiers were moving along a wooded road when they were stopped by heavy enemy machinegun fire. As the rest of the platoon took cover from incoming fire, Private First Class Herrera moved forward and shot three German soldiers. Eight others surrendered.

As the platoon continued forward, they were stopped by more machinegun fire. Herrera ran toward some large rocks, intending to take cover. Instead, he stepped on a landmine and it blew him into the air. When he came down, he hit another land mine. He had lost both legs just below the knee.

Private First Class Herrera somehow managed to hold onto his M–1 rifle. He applied a bandage to his leg and dragged himself to the rocks. He braced himself and began firing at the enemy. He hit at least one of the Germans and forced the others to stop shooting and take cover.

Under Herrera's covering fire, his platoon moved in and killed the German machinegun crew. The platoon found a path through the minefield and located a bleeding and injured Herrera. They rushed him back to an aid station. Later, Herrera was sent to France and remained in a hospital until the war ended.

Herrera was decorated by President Truman on August 23, 1945, at the White House and in March 1946, he was discharged from the Army as a sergeant.

Although no books or films have been written about his heroics, Herrera's deeds are heralded. In 1956, the Phoenix Elementary School District named an elementary school after him. Herrera's own elementary school district, the Pendergast School District, also erected a bust to honor the Congressional Medal winner. The bust was unveiled at Pendergast School in Phoenix during a February reception. The bust, created by Zarco Guerrero, is part of the World War II Commemorative Community Program sponsored by the Department of Defense.

Fundraising for the bust was organized and initiated by the Pendergast family, who have known Herrera since childhood.

The American G.I. Forum also formed a Silvestre Herrera Chapter on June 23, 1995. On March 15 of this year, the G.I. Forum will salute Herrera on the 51st anniversary of that fateful day in 1945.

I urge my colleagues to join me in saluting and thanking Mr. Herrera for his service to the country and his heroism under fire.

HONORING ROBERT LEENEY ON HIS 80TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Ms. DELAURO. Mr. Speaker, on May 10, 1996, Mr. Robert Leeney will celebrate his 80th birthday. He is being honored by the board of Albertus Magnus College on March 14, 1996. It is with great pleasure that I rise today to salute this incredible individual, who has contributed so much to the city of New Haven.

Bob retired in 1981 as editor of the New Haven Register after a 50-year career with the paper including 11 years as executive editor and 9 years as editor. He had been awarded the New England Associated Press News Editor Yankee Quill Award for excellence in writing. His long tenure at the paper is distinguished by extensive community involvement. Bob grew up in the Fair Haven area and remained devoted to the improvement of the New Haven area throughout his career. In September 1994, Bob was awarded the New Haven Colony Historical Society Seal of the City Award. The seal is awarded to those whose ideas or activities contributed to the quality of life, prosperity, or improvement of the New Haven region. He has also received the Trinity Council Knights of Columbus Community Service Award and the Chamber of Commerce Community Service Award, which is their highest honor.

Bob's early career in newspaper began as a theatre critic and he frequently reviewed plays at the Shubert Theatre. He was a member of the Drama Critics Outer Circle. He maintained his interest in theatre throughout his life and served on the board of Long Wharf Theatre. His service on the boards of local hospitals and colleges serves as a testament to his interest in and concern for all aspects of New Haven life. After his retirement, Bob served on the State Freedom of Information Commission.

Finally, Bob continues to write for the New Haven Register with a weekly column entitled "Editor's Note." It is here that he continues to contribute his ideas and thoughts on a range of issues from his boyhood memories of New Haven to recent world events. He remains one of the most prominent representatives of the New Haven Register and an important link between the city's past and present. I wish Bob a very happy 80th birthday and it is my deepest hope that we will have the benefit of his wisdom and kindness for many more years to come.

TRIBUTE TO MICHAEL R. MULDERIG

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. QUINN. Mr. Speaker, I rise today to recognize the distinguished community service of Michael R. Mulderig, a distinguished civil servant and Democratic Party leader, on the occasion of being named the First Ward and South Buffalo Democratic Association 1996 Irishman of the Year.

Mr. Mulderig has served the city of Buffalo in several capacities under former mayor, the Honorable James D. Griffin. To that end, Mr. Mulderig served as the confidential aide to the mayor, license director for the city of Buffalo, and assistant director of stadium operations at the city's ballpark.

In addition to these remarkable duties, Mike Mulderig has served western New York as a former president of the South Buffalo Democratic Association. Currently, Mr. Mulderig is the chairman of the second zone for the Democratic Party.

As a fellow American of Irish descent, I truly appreciate the contributions Mike Mulderig has made on behalf of the city of Buffalo, and offer my thanks and commendation to both he and the association for recognizing the efforts of Irish-Americans in our communities.

Mr. Speaker, today I join with the Mulderig family, his colleagues, friends, the First Ward

and South Buffalo Democratic Association, and indeed, the entire western New York community to honor Mr. Michael R. Mulderig for his dedication, hard work, and commitment to western New York, the city of Buffalo, and the Irish-American community on his being named the 1996 Irishman of the Year.

DRUGS AND GUNS: A LETHAL COMBINATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. GOODLING. Mr. Speaker, today I am introducing legislation which would ensure that drug abusers who break the law do not have access to firearms. My legislation, which was part of the 103d Congress' Republican crime bill, would impose strict penalties and fines for misdemeanor during crimes such as use or possession of an illegal substance when a firearm is present. Similar to legislation I have introduced in past years, my bill has had the endorsement of the Pennsylvania State Chiefs of Police and the National Association of Chiefs of Police.

Under current Federal law, a person convicted of a felony crime involving drugs and firearms faces increased criminal penalties and is also prohibited from legally owning a firearm. This is not the case, however for individuals convicted of less serious drug offenses.

My legislation is simple: It expands current law to treat individuals who commit less-serious drug offenses in the same manner as people involved in other drug crimes, such as drug-trafficking. Any person found guilty of a drug crime not currently classified as a felony, including simple possession of a controlled substance, and who possesses a firearm at the time of the offense, will face mandatory jail time and/or substantial fines in addition to any penalty imposed for the drug offense. For second or subsequent offenses, jail time and fines are mandated.

Furthermore, the guilty party will be prohibited from owning a firearm for 5 years. Exceptions to this rule can be made, however, depending upon the circumstances surrounding each individual's case. Present law states that a person convicted of a drug crime can petition to the Secretary of the Treasury for an exemption to the firearms prohibition if they can prove "that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest."

Certainly the time has come for serious efforts to convince people who use drugs that the cost of engaging in this activity is prohibitive. If my bill becomes law, individuals owning firearms for legitimate purposes (hunting, target-shooting, collecting, or personal protection) and who also engage in the use of illicit drugs, will think twice before participating in their drug-related endeavors, facing the prospect of enhanced penalties and the loss of their firearms.

This legislation will not affect a law-abiding citizen's right to own a firearm. By imposing stiff penalties on people convicted of lesser drug offenses where a firearm is present, we will send a serious message that the cost of engaging in this activity far outweighs the benefit. Drugs and guns are a lethal combination, exacting a terrible toll on this Nation.

TEEN COURT

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. KOLBE. Mr. Speaker, I rise today to make my colleagues aware of a phenomenal program for youth that has had a huge impact in Casa Grade, AZ—Teen Court. This is a program that can and should be replicated across the country.

The American Legion Auxiliary's National President's Special Project, Teen Court, was the community service project that Fred A. Humphreys Unit 8 member LaVerne Rowe adopted. She called and received information from the Odessa, TX, Teen Court coordinator. Then she contacted Pinal County Juvenile Court Judge William O'Neil—a former first grade student of hers—and arranged for him to meet with members of Casa Grande 2000, a group organized to address community concerns about education and youth issues, to discuss the merits of bringing a Teen Court to Casa Grande. The response was overwhelming and Teen Court was on the road to becoming a reality.

Mrs. Rowe took the next step by conducting initial interviews of Teen Court coordinator candidates. Judge O'Neil and Frank Sanders, director of Juvenile Court Services in Pinal County, ultimately chose Michelle Kmetz out of five finalists. Since October 5, 1994, Ms. Kmetz has done an outstanding job of making Teen Court a success in Casa Grande.

Let me take a moment to say that it is very encouraging to see the American Legion take such an interest in our youth and work to make an investment in the future of our country.

I would ask that the following newspaper articles be included in the RECORD. I urge my colleagues to read them and take this message back home. Our youth are worth it.

[From the Casa Grande (AZ) Dispatch, Oct. 13, 1994]

PINAL TEEN COURT SUBJECTS OFFENDERS TO JURY OF THEIR CASA GRANDE PEERS

(By Shannon L. Pantelis)

The promise of trial by a jury of peers will now extend to some juvenile offenders in Casa Grande.

Teen Court made its Pinal County debut Wednesday night. The new program is available to first- and second-time offenders, ages 9 to 17. Eligible offenses include shoplifting, criminal damage, theft, assault, disorderly conduct, alcohol and traffic violations.

Michelle Kmetz, a probation officer with Pinal County Juvenile Court Services who was hired to coordinate the program, said it uses what is sometimes a negative influence to make a positive difference.

"The premise that I believe in is that peer pressure works both ways," she said. "It can be both negative and positive.

"We know peer pressure works negatively, we see that every day. Now it's time to turn it around to work for us."

Patterned after a typical adult trial, Teen Court is an official legal proceeding and the sentences are enforceable. Presiding Pinal County Juvenile Court Judge William O'Neil and Casa Grande City Judge Judy Ferguson will take turns trying the cases.

The defendant must admit guilt and agree to accept whatever "constructive" sentence is determined by a group of six jurors. The defendant's attorney pleads the case, while the prosecutor argues the crime. Meanwhile the clerk and bailiffs are busy doing their jobs of keeping order.

The difference in Teen Court is that all involved—except the judge—are teens themselves.

The attorneys aren't high-paid counselors with law degrees hanging on posh office walls. The bailiffs might be worrying about homework or a math quiz the next day.

The juries eventually will have past-offenders serving part of their sentence on the panel, trying other kids.

The current jury, attorneys, bailiffs and clerks are all Casa Grande Union High School juniors and seniors who volunteered to take part in the program.

The program is meant to take some of the intimidation and alienation out of the courtroom, while giving teens a chance to take responsibility for their actions and those of their peers.

"It is time that another generation started making decisions for themselves," O'Neil said about the concept of his Pinal County Juvenile Court Services program.

Last week the crew went through a mock trial in front of family, friends and people involved in bringing Teen Court to Casa Grande. It will be the last time anyone outside of the participants will be allowed to see Teen Court in action, except the parents of those on trial.

Confidentiality is stressed to participants. Before each case, the clerk swears in everyone in the courtroom, committing them to silence about everything and everyone involved in the trial.

Defendants and Teen Court participants are forbidden to discuss the proceedings, testimony or sentences outside the courtroom. Parents and friends are included in the gag order.

At the mock trial, teens trained as Teen Court attorneys acted as defendants, acting out real cases.

Sentences are meant to be constructive, not just punitive. Community service hours, tutoring, Teen Court jury duty, letters of apology, attending workshops or paying a fine or damages are among the jury's options.

Many of the Teen Court participants are interested in law careers themselves. Kmetz said that when she chose the kids to participate in the first semester of Teen Court, she did not exclude teens who had been in trouble themselves.

She said she was most impressed with one applicant's answer when she asked why he wanted to be a part of Teen Court.

"It's about time we (teens) got a chance to bring honor back to our name," she said he responded.

"That's what it's all about, giving them the chance to prove themselves and make it," she said.

[From the Casa Grande (AZ) Dispatch, Oct. 13, 1994]

JUDGE COULDN'T REFUSE

William O'Neil did not really have much choice about Teen Court.

Even now as the presiding Pinal County juvenile court judge, he still listens to his teacher.

"When my first-grade teacher called me to tell me about this, she said this was something we needed and have to have," he said starting Teen Court.

Retired teacher LaVerne Rowe had heard about the program, which was started in Texas several years ago. She told her now-influential pupil and told him to get going with it.

At the same time, the education-support group Casa Grande 2000 was learning about Teen Court and trying to get the program started in Casa Grande.

Once the two groups got together, it was only months before Teen Court was a reality in Casa Grande.

O'Neil said the program was on his five-year plan of programs to implement. He said his schedule was pushed up about 4 years at the urging of Rowe and the interest of Casa Grande 2000.

With at least 3,000 juveniles being referred to Pinal County Juvenile Court Services each year, alternatives were needed.

Juvenile Court Services Director Frank Sanders said the area is in a "state of crisis."

"Business is booming" he said about the juvenile justice system.

He said the Teen Court program in Casa Grande, which is expected to eventually expand to other areas in the county, was funded through the Arizona Supreme Court.

The $40,000 went toward hiring director Michelle Kmetz, training and contracting with Project Hope's Project YES, which will be used to run the community service hours ordered.

The Casa Grande Teen Court has been patterned closely on a similar program that has been working in Globe for about six years.

HONORING ELLA MILLER

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to Mrs. Ella Miller for her tireless efforts in working with the children of Fairfax County in the 11th Congressional District of Virginia. She will be honored on March 16, 1996, at the Hunter Mill District Republican Committee's recognition dinner for African-American community-based organizations.

Mrs. Miller was born in 1880, a mere 15 years after the end of the Civil War to parents who were former slaves in rural southern Tennessee. She was unable to attend school, but recognized the value of education and gained what knowledge she could at night from her siblings who did attend school.

After leaving Tennessee, Mrs. Miller relocated to Cincinnati, OH, where she worked as a domestic for two families until she reached the age of 107, after which time she decided to retire and moved to Vienna, VA, where she lives with her niece. She is now 115 years of age and continues to be active.

Mrs. Miller, expressing a desire to share her life's experiences, visits with students at elementary schools in Fairfax County, VA, where she has become a symbol of "Living History" to all of the fortunate children she has touched through her reflections on history, famous people she has met, and her messages about faith, obedience, caring for others, and belief in oneself. She is a living example that you are never too old to learn.

Mr. Speaker, I know my colleagues join me in honoring Mrs. Ella Miller for all she has done for our children and wish her the best of luck for her future endeavors.

CONCERT FOR DEMOCRACY: TRIBUTE TO PRESIDENT LEE TENG-HUI, REPUBLIC OF CHINA

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. HINCHEY. Mr. Speaker, on March 17, 1996, Representative and Mrs. Benjamin Lu of the Taipei Economic and Cultural Representative Office in Washington, DC, will host the Music for Democracy Concert at the Kennedy Center. This concert is a celebration of the Republic of China's long journey toward complete democratization.

The Republic of China's democratization has been rapid and total. Over the last 8 years, President Lee Teng-hui has presided over economic and political liberalization, the free election of the National Assembly, three elections of the Legislative Yuan, the Republic of China's Parliament, and the election of the Governor of Taiwan Province and mayors of Taipei and Kaohsiung, culminating in the Republic of China's free and direction election of the President of the Republic of China on March 23, 1996.

President Lee Teng-hui is one of four Presidential candidates on the March 23 ballot. Regardless of the outcome of this election, President Lee Teng-hui must be complimented and respected for his unwavering determination to bring total democracy to his country. He alone has brought to fulfillment the dreams and aspirations of the Chinese people for a free and open society.

I wish to extend our best wishes to Representative and Mrs. Lu and to all the Chinese people living in the Republic of China. These are indeed trying times for them, but democracy, as always, will most certainly prevail over any adversity.

THE IMPORTANCE OF BIODIVERSITY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. VENTO. Mr. Speaker, important new research by University of Minnesota ecologist David Tilman has confirmed what many know instinctively—biodiversity is a critical element of environmental and ecological health. Dr. Tilman worked in conjunction with botanist David Wedin and Johannes Knops, and recently published the results of an important plant study in the scientific journal Nature.

In Dr. Tilman's recent study, researchers in Bethel, MN planted 1, 2, 4, 6, 8, 12, or 24 species of prairie plants in plots measuring 3 meters square. The plots received equal watering and weeding. The results showed that the more diverse a given plot was in terms of species the more productive the plants were. The plants in diverse plots were also better able to withstand stresses such as extreme weather or drought. The bottom line, according to Dr. Tilman, is that regional and global ecosystems must be diverse in order to thrive and produce benefits such as filtering water, enriching the soil, and purifying our air.

We in Congress must recognize the important policy implications of this significant plant study. If Congress superimposes clearcutting and similar harvest practices in our forests and public lands and permits replanting of limited species, the forests will lose their biodiversity and our forest ecosystems will become less and less productive. The current moratorium on the listing of new species under the Endangered Species Act could have a further devastating effect on available biodiversity, and ecosystems will become less durable and productive. Those policy actions, which disregard science, could have severe consequences for us and future generations. We need to follow good science and stewardship today for tomorrow.

I am including with this statement a copy of a recent article printed in the Minneapolis Star Tribune describing Dr. Tilman's research and its implications. I urge all my colleagues to read this informative article.

[From the Minneapolis Star Tribune]

BIODIVERSITY IS ROOT OF ENVIRONMENTAL GROWTH

(By Tom Meersman)

University of Minnesota ecologist David Tilman just keeps growing things. And he just keeps learning more about the inner workings of nature in the process.

His latest findings, published today in the international scientific journal Nature, indicate that growing a variety of plants and grasses in a given area is much better for the environment than having only a few species.

While prevailing wisdom might dictate that one or two types of plants in an area would thrive because of minimal competition, Tilman's research shows the opposite: Different plants don't compete so much as they complement each another and function as a community.

Tilman has been studying native Minnesota grasslands for the past 13 years on university land at the Cedar Creek Natural History Area near Bethel, about 35 miles north of the Twin Cities. It's one of 18 sites in the nation where scientists conduct long-term ecological research.

In his latest study, Tilman worked with botanist David Wedin, of the University of Toronto, and Johannes Knops, an adjunct faculty member in ecology at the University of Minnesota.

In 1994 the researchers and their summer interns planted 147 plots, each 3 meters square, with one, two, four, six, eight, 12 or 24 different prairie plants, chosen randomly from a pool of 24 species. The plots had homogeneous soils, were watered equally and were weeded from elevated boardwalks at regular intervals. Last summer the team measured how productive the plants were in various plots and what had happened to the soil chemistry.

The results, Tilman said, show that "plots that are more diverse can hold more of the

nutrients and sustain the fertility of the soils." Plots that had few species were not as productive, he said, and their soil lost important nutrients.

What this means, he said, is that diversity—having a large number of different plants—is critical to maintaining environmental quality. "It strongly suggests that we could have more productive forests and grasslands if, for example, forests weren't cut and replanted with just one species," Tilman said.

One of the reasons why diversity is important, Tilman said, is because different plants have particular niches in the ecosystem. They capture nutrients at different times of the growing season, they have different kinds of root systems, and they bloom and mature at different stages.

In turn, that produces a true community of plants that is productive, efficient and able to withstand extreme weather and other natural stresses, Tilman said. Two years ago he showed, in a different experiment at Cedar Creek, that species-rich grasslands were able to recover more rapidly from drought than species-poor plots.

On a regional and even global scale, Tilman said, ecosystems must be diverse if we expect them to continue filtering water, producing food, decomposing waste, enriching soil and purifying air.

"If we simplify nature by destroying habitat or by subdividing land into little fragments, we lose these species. We lost what they're best at doing in the ecosystem, and it shows through a loss of productivity," he said.

Samual McNaughton, an ecology professor at Syracuse University, said Tilman's work is particularly significant. "Many authoritative people say the Earth is now going through this 'extinction spasm' because of man's activities," he said, and people are asking what is going to happen to the functioning of the biosphere.

"One of the important questions is: 'Do species matter?'" McNaughton said. "Tilman's work shows that the number of species does matter. And if the way ecosystems function is tied to biodiversity, we need to know it."

TRIBUTE TO OUR NATION'S JEWISH WAR VETERANS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to salute America's Jewish war veterans as they celebrate their 100th anniversary. As one of our Nation's oldest and most active veterans organizations, the Jewish War Veterans have served our country with honor and distinction. We certainly owe them our praise and acknowledgment for their bravery and patriotism as they gather to celebrate this most significant event.

I have always admired our Jewish veterans for fearlessly guarding the interests of our great Nation and defending democratic principles worldwide. Thousands of Jewish-American service men and women have risked their lives for the sake of freedom and stability in foreign lands. Not only have they fought bravely, but they have also tended to the sick, hopeless, and disabled in hospitals and clinics. Their leadership has been instrumental in guiding our country in times of strife. America's Jewish veterans have certainly done much to improve the lives of people everywhere and will continue to do so in times ahead.

I urge all my colleagues to join me in saluting this important group as they celebrate their 100th anniversary. I wish them continued peace, good health, and success in all of their future endeavors.

IN HONOR OF DR. MICHAEL DEBAKEY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. BENTSEN. Mr. Speaker, I want to commend Dr. Michael DeBakey of Houston for his induction into the Health Care Hall of Fame on March 10, 1996. I am proud to represent Dr. DeBakey, who is director of the DeBakey Heart Center at Methodist Hospital in Houston and chancellor emeritus of the Baylor College of Medicine, also in Houston.

Dr. DeBakey first emerged as a medical legend in 1964 when he performed the first successful coronary bypass surgery. However, this distinguished achievement is just one of the many remarkable achievements during Dr. DeBakey's career.

Through six decades of research, Dr. DeBakey has fought the most indiscriminate of killers: heart disease. He has operated on patients from international statesmen to indigent people for whom he donated his services. The doctor's patients have traveled from more than 80 countries to be healed by his expertise. All told, his talent has mended more than 80,000 human hearts.

Dr. DeBakey is a perfectionist for whom a 17- to 18-hour day is typical. The doctor's medical expertise as well as these extremely long days have led to more than 40 prestigious medical awards.

Dr. DeBakey's career truly has been medical history in the making. Back in 1932, while still in Tulane Medical School, he developed the roller pump, an instrument that became the pumping system for the open-heart surgery used around the world. Following services as a surgical consultant to the U.S. Army Surgeon General during World War II, he returned to Tulane as an assistant professor of surgery.

In 1948, he was selected chairman of the newly formed department of surgery at Baylor. When Dr. DeBakey first arrived, Baylor did not have an affiliated hospital so he suggested that Harris County's public hospital, Jefferson Davis Hospital, serve as Baylor's teaching hospital. It was at Jefferson Davis Hospital that Dr. DeBakey performed the first abdominal aortic aneurysm replacement in the United States and the first heart valve replacement in Houston. In 1952, Dr. DeBakey again made history by developing the first Dacron artificial grafts that would later serve as replacements for diseased arteries. One year later, he performed the first successful endarterectomy; a procedure in which the lesion is peeled away from an artery wall. This treatment helped reduce a major cause of strokes.

Before long, Houston was home to the world's largest cardiovascular center in terms of heart surgeries performed.

Dr. DeBakey has played a role in nearly every aspect of health care. He has been an adviser to almost every President and was influential in some of the most important milestones of health policy. He was instrumental in establishing the National Library of Medicine, mobile army surgical hospitals [MASH], and the Department of Veterans Affairs hospital system.

The Greater Houston area is proud of Dr. DeBakey's accomplishments and grateful for all that he has contributed to our community. That gratitude is shared by millions of people around the world who have benefited either personally from his medical care or from products and knowledge derived from his medical research. Dr. Michael DeBakey has improved all of our lives.

TRIBUTE TO WILLIAM J. FLYNN

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to the 1996 grand marshal of the New York City St. Patrick's Day Parade, William J. Flynn, chairman of the board of Mutual of America Life Insurance Co.

The New York City St. Patrick's Day Parade is the oldest and largest parade in the history of New York. This year, the parade will be led by Grand Marshal William J. Flynn, a remarkable business leader and philanthropist who has excelled in all of his undertakings.

Mr. Flynn is a leader in this church, the business community and the peace movement in Northern Ireland. He has served as a significant architect of the peace process in Northern Ireland, and is steadfast in his commitment to a just and lasting peace in all of Ireland.

Mr. Speaker, William Flynn is also an active leader and participant in numerous church, charitable, political, and social organizations. Mr. Flynn answers to the title of husband, father, grandfather, chairman, president, Knight of Malta and now grand marshal. But perhaps the most fitting and worthy title for William J. Flynn is that of peacemaker.

Scripture tells us that "Blessed are the peacemakers, for they shall be called the sons of God." William J. Flynn is truly a peacemaker.

Mr. Speaker, I am proud to recognize the achievements of William J. Flynn, and I ask my colleagues to join me in honoring him as we prepare to celebrate the feast of Saint Patrick, the patron saint of Ireland.

DO NOT IMPERIL OUR CHILDREN'S FUTURE

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. MARTINEZ. Mr. Speaker, I rise to protest the new majority's plans for education. The appropriations legislation put forth before the House last week would make the largest cut in education in our history. My home State of California stands to lose almost $400 million. Programs that serve the neediest children were not even spared. A large share of the cut in funding for California—$122.3 million—is a reduction in education for disadvantaged children. Both the safe and drug-free schools and bilingual education programs are cut by 60 percent.

Members on the other side of the aisle argue that we must balance our budget for the future of our children and our children's children. However, how can we guarantee them any future if we cut education to do this? This is not just talk from a politician trying to save a bureaucracy, as some alleged that my colleagues were doing during debate last Thursday. Students, parents, educators, and local school officials have called upon us to protect the Federal investment in education and our children.

Dr. Gary Rapkin, superintendent of the Mountain View School district in El Monte asserted that:

> Federal education programs are strongly supported by the very people responsible for implementing local control, including school board members, school administrators, teachers, and other education employees, parents, and students. The loss of these funds cannot be easily replaced, either by local tax increases, tuition increases or private efforts. Please support America's students by opposing cuts in Federal education programs and providing students and schools the resources they need to extend educational and economic opportunity to every American.

Miss Clyle J. Alt, president of the Montebello Teachers Association, recently stated:

> Cuts that hurt education, and therefore children are misguided. The budget should not be balanced on the backs of children. I urge you to oppose any proposal, whether regular appropriations or continuing resolutions, that would cut education in fiscal year 1996.

Dr. Terry J. Larsen, the K–12 special projects coordinator for the Alhambra School district, wrote:

> I understand that education is facing a cut of $3 billion or 20 percent—the largest in history. That is unacceptable. A strong educational system is the backbone of a strong nation. These cuts must not stand.

Mr. Ronald W. Johnson, the director of financial aid at UCLA, attested that:

> In this era of increased technology, that will usher in the new millennium, the educational preparation for our precollege youth must be supported as a critical funding priority. The inappropriateness of funding reductions to elementary and secondary schools is exacerbated by the dramatic increases in expenditures for prisons in many States across the Nation. The cost for incarcerating one felon is approximately $23,000 a year. It is inexcusable that such expenditures would be considered a priority, rather than the proactive investment to K–12 education, higher education, health care systems, and human resource systems. Your continued support for educational funding will provide economic opportunity and inclusive participation in our society, which is vitally important to our national interest.

Finally, I am including in the RECORD this resolution adopted by the Los Angeles City Board of Education last December. It expresses the board's "opposition to reductions in Federal education assistance" and, I believe graphically illustrates the impact that proposed education appropriations will have on one of the largest school districts in the Nation.

I urge my colleagues to heed their consciences and do what is right for America's children.

OPPOSITION TO REDUCTIONS IN FEDERAL EDUCATION ASSISTANCE

(Adopted by the Los Angeles City Board of Education, December 4, 1995)

Whereas, The United States Congress is cutting Federal support for local education programs in an unprecedented manner, with the deepest reductions affecting California schools;

Whereas, These cuts may result in the Los Angeles Unified School District (LAUSD) losing over $72 million in assistance for disadvantaged students, the single largest cut in funding to Los Angeles schools since Federal support for education began 30 years ago;

Whereas, The poverty rate among students in LAUSD averages about 60 percent and Title I, a Federal program which helps low-income students learn basic reading and math skills, may be cut in Los Angeles by over $24 million;

Whereas, 57 percent of students who attend LAUSD schools speak English as a second language, and Federal assistance to help students learn English may be cut by the Congress by $104 million nationwide; and

Whereas, Additional cuts to Federal programs which help reduce drug abuse and dropout rates, prevent violence in schools, and help provide students with vocational skills have already been made by the House of Representatives: Now, therefore, be it

Resolved, That the Board of Education of the City of Los Angeles oppose Federal cuts in education assistance, and urge our Congressional delegation to vote against any education reductions; and be it

Resolved further, That the Board urge the President of the United States to oppose these cuts and veto any legislation that reduces the Federal government's obligation to provide education assistance to the country's neediest students.

IN HONOR OF JEFFREY WHARFF

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the U.S. House of Representatives to pay tribute to a student of outstanding academic achievement, Jeffrey Wharff. It is my deepest pleasure to bring to your attention good news. Mr. Jeffrey Craig Wharff of Rochester Hills, MI, was conferred the honor of a Doctorate of Philosophy in the discipline of economics by The American University on January 28, 1996.

Mr. Wharff graduated from Rochester Adams High School in 1980. He then went on to attend Oakland Community College in Auburn Hills, MI. After four semesters he, encouraged by his success, applied and earned entrance to the American University in Washington, DC. Immediately, Jeffrey found his intellectual passion for economics. Following completion of his undergraduate degree in 1987, he swiftly earned his Masters of Arts and has now demonstrated his devotion to the field with a Ph.D.

On behalf of his parents, Mr. and Mrs. Donovan Wharff of Rochester Hills, MI; brother Bradley Wharff of Rochester Hills, MI, wife Terri; James Lambert and Mary Matson, his close friends; and Uncle and Aunt, Dr. and Mrs. Robert Richard of Bloomfield Hills, MI, I am pleased to convey their pride and deepest contentment of his outstanding achievement.

We must commend not only Jeffrey's private endeavor but, also, those Michigan educators, elementary through post-secondary, for their interest and commitment which shaped a bright young mind into perpetual curiosity and tenacity of purpose, and provided him with the foundation to find delight in the complex. His accomplishment is a testament to their success and the success of the public educational system.

Mr. Speaker, it is indeed an honor and pleasure for me to rise today to pay tribute to this outstanding student. I know that Jeffrey Wharff will pursue his interests with the same zeal as he did his academic achievements. I wish him well in his future endeavors.

TRIBUTE TO ROBERTA CALVERT HEYER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1996

Mr. FILNER. Mr. Speaker, and colleagues, I rise today to honor a great friend and community leader who passed away recently—Roberta Calvert Heyer.

Roberta Heyer was an accomplished painter, landscape artist, educator, civil rights activist, and civic leader.

A San Diego State University graduate with a master of arts degree in art history, Roberta taught elementary school in the 1950's, and art history at Cuyamaca and Mesa Community Colleges from 1976 to 1989. Her knowledge and expertise in art and historical architecture led to her appointment to the Old Town Planned District Review Board, where she served for 5 years.

A resident of the Encanto community since 1958, Roberta organized workshops at her neighborhood school, Encanto Elementary School, to provide art education to students.

In the 1960's, Roberta served as vice president of the local Citizens for Racial Equality. Her work in establishing human relations programs in San Diego schools to foster racial

harmony and understanding was recognized by an appointment as the city of San Diego's representative to the County Human Relations Commission.

Roberta won the respect and admiration of her friends, family, and community for her sense of humor, her community involvement, and her dedication to our democratic principles and values.

In this lifetime, we come across a small number of special people—those who touch our minds, hearts, and souls with their activism, optimism, and dedication to making everyone's life richer. Roberta was one of those chosen few. My thoughts and prayers go out to her husband, Warren, and her family, friends, and the community. This world needs more people like Roberta Calvert Heyer—she will be missed.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 14, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 15

9:30 a.m.
Armed Services
Airland Forces Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense, focusing on tactical aviation programs.
SR–222

Labor and Human Resources
To hold hearings on S. 581, to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment.
SD–430

10:00 a.m.
Armed Services
Acquisition and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense plan, focusing on emerging battlefield concepts for the 21st century and the implications of these concepts for technology investment decisions.
SR–232A

MARCH 19

9:00 a.m.
Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on the Department of the Navy expeditionary warfare programs.
SR–232A

9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on activities of the Federal Communications Commission.
SR–253

10:00 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on the unified commands military strategies and operational requirements.
SR–222

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine the asset forfeiture program, focusing on issues relating to the Bicycle Club Casino.
SD–342

Judiciary
To hold hearings on proposed legislation authorizing funds for programs of the Hate Crimes Statistic Act.
SD–226

2:30 p.m.
Environment and Public Works
To hold hearings to examine comparative risk assessment.
SD–406

MARCH 20

9:30 a.m.
Armed Services
Acquisition and Technology Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense plan, focusing on technology base programs.
SR–232A

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine global proliferation of weapons of mass destruction.
SD–342

Labor and Human Resources
Business meeting, to mark up S. 1578, Individuals With Disabilities Education Act, H.R. 849, Age Discrimination in Employment Amendments, and proposed legislation authorizing funds for the Older Americans Act.
SD–430

Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Congressional Research Service.
SR–301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on the ballistic missile defense program.
SD–192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for foreign assistance programs.
SD–138

Armed Services
Personnel Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense and the future years defense plan, focusing on manpower, personnel, and compensation programs.
SR–222

Budget
To hold hearings on the President's fiscal year 1997 budget proposals.
SD–608

Veterans' Affairs
To resume hearings to examine the reform of health care priorities.
SR–418

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1077, to authorize research, development, and demonstration of hydrogen as an energy carrier, S. 1153, to authorize research, development, and demonstration of hydrogen as an energy carrier, and a demonstration-commercialization project which produces hydrogen as an energy source produced from solid and complex waste for on-site use fuel cells, and H.R. 655, to authorize the hydrogen research, development, and demonstration programs of the Department of Energy.
SD–366

MARCH 21

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 305, to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, H.R. 1091, to improve the National Park System in the Commonwealth of Virginia, S. 1225, to require the Secretary of the Interior to conduct an inventory of historic sites, buildings, and artifacts in the Champlain Valley and the upper Hudson River Valley, including the Lake George area, S. 1226, to require the Secretary of the Interior to prepare a study of battlefields of the Revolutionary War and the War of 1812, and to establish an American Battlefield Protection Program, and S.J. Res. 42, designating the Civil War Center at Louisiana State University as the United States Civil War Center, making the center the flagship institution for planning the sesquicentennial commemoration of the Civil War.
SD–366

10:30 a.m.
Small Business
To hold hearings on HUBZones: Revitalizing inner cities and rural America.
SR–428A

2:00 p.m.
Energy and Natural Resources
To hold hearings on S. 1605, to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively.
SD–366

MARCH 26

2:00 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on the proposed budget request for fiscal year 1997 for the National Aeronautics and Space Administration (NASA), and to examine recent developments in the Space Station program.

SR-253

MARCH 27

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine Spectrum's use and management.

SR-253

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine global proliferation of weapons of mass destruction.

SD-342

Rules and Administration

To hold hearings to review certain issues with regard to the Government Printing Office.

SR-301

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I, AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Order of the Purple Heart.

345 Cannon Building

MARCH 28

9:00 a.m.

Indian Affairs

To hold oversight hearings on the recent settlement and accommodation agreements concerning the Navajo and Hopi land dispute.

SR-485

APRIL 17

9:30 a.m.

Rules and Administration

To resume hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns.

SR-301

APRIL 18

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings to examine Spectrum's use and management.

SR-253

MAY 1

9:30 a.m.

Rules and Administration

To resume hearings on issues with regard to the Government Printing Office.

SR-301

SEPTEMBER 17

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

335 Cannon Building

POSTPONEMENTS

MARCH 14

9:30 a.m.

Labor and Human Resources

Business meeting, to mark up S. 1477, to improve the Federal regulation of food, drugs, devices, and biological products.

SH-216