the definition of ''any governmental entity''?

Mr. DOLE. Yes, that is the intent.

Mr. GRASSLEY. Are any other offices headed by a person with final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of employment of an employee of the House of Representatives or the Senate covered by the definition of ''any governmental entity''?

Mr. DOLE. Yes, that is correct.

Mr. GRASSLEY. Finally, are the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, and the Office of the Attending Physician also included in the definition of ''any governmental entity''?

Mr. DOLE. Yes. The intent of the term ''any governmental entity'' is to cover every level of government—in effect, Federal State, or local government; and, to cover every branch of government—in effect, executive, legislative, judicial, or administrative.

Mr. GRASSLEY. I thank the leader for this clarification.

I would not want Congress to pass a law with such far-reaching effects without the requirements applying equally to Members as well.

MESSAGE FROM THE HOUSE

At 12:39 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House had passed the bill (S. 895) to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes, with amendments; that it insists upon its amendments and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mrs. MEYERS of Kansas, Mr. TORKILDSEN, Mr. LONGLEY, Mr. LAFALCE, and Mr. POSHARD as the managers of the conference on the part of the House.

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–1412. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Imported Vehicle Safety Compliance Act for calendar year 1994; to the Committee on Commerce, Science, and Transportation.

EC–1413. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report under the Marine Mammal Protection Act of 1972 for calendar year 1992; to the Committee on Commerce, Science, and Transportation.

EC–1414. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of the implementation of the Waste Isolation Pilot Plant Land Withdrawal Act for fiscal year 1994; to the Committee on Energy and Natural Resources.

EC–1415. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, the report of royalty management and delinquent account collection activities during fiscal year 1994; to the Committee on Energy and Natural Resources.

EC–1416. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report of the annual energy review for calendar year 1994; to the Committee on Energy and Natural Resources.

EC–1417. A communication from the Assistant Comptroller General of the Resources, Community, and Economic Development Division, General Accounting Office, transmitting, a report entitled ''The Department of Energy: A Framework for Restructing DOE and Its Missions'', to the Committee on Energy and Natural Resources.

EC–1418. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on voluntary supply commitment efforts; to the Committee on Energy and Natural Resources.

EC–1419. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the Energy Efficiency Commercialization Ventures Program Plan; to the Committee on Energy and Natural Resources.

EC–1420. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the status of technologies for combining coal with other materials; to the Committee on Energy and Natural Resources.

EC–1421. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Strategic Petroleum Reserve for the period April 1 through June 30, 1995; to the Committee on Energy and Natural Resources.

EC–1422. A communication from the Secretary of Energy, transmitting, pursuant to law, the report for the Demonstration and Commercial Application of Renewable Energy and Energy Efficiency Technologies Program; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Appropriations, with amendments:

H.R. 2099. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104–140).

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. COCHRAN:

S. 1235. A bill to amend the Federal Crop Insurance Act to authorize the Secretary of Agriculture to provide supplemental crop disaster assistance under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HOLLINGS (for himself, Mr. JEFFORDS, Mr. KOHL, Mr. BRYAN, Mr. SANTORUM, Mr. KYL, Mr. BUMPERS, Mrs. BOXER, Mr. LUGAR, Mr. SIMPSON, and Mr. KERRY):

S. 1236. A bill to establish a commission to advise the President on proposals for national commemorate events; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. ABRAHAM, Mr. GRASSLEY, and Mr. THURMOND):

S. 1237. A bill to amend certain provisions of law relating to child pornography, and for other purposes; to the Committee on the Judiciary.

By Mr. GREGG:

S. 1238. A bill to amend title XVIII of the Social Security Act to provide greater flexibility and choice under the Medicare Program; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. FORD, and Mr. HOLLINGS):

S. 1239. A bill to amend title 49, United States Code, with respect to the regulation of interstate transportation by common carriers engaged in civil aviation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. FEINSTEIN (for herself, Mr. BROWN, Mr. LIEBERMAN, and Mr. PELL):

S. Res. 171. A resolution expressing the sense of the Senate with respect to the second anniversary of the signing of the Israeli-Palestinian Declaration of Principles; to the Committee on Foreign Relations.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN:

S. 1235. A bill to amend the Federal Crop Insurance Act to authorize the Secretary of Agriculture to provide supplemental crop disaster assistance under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FEDERAL CROP INSURANCE ACT AMENDMENT ACT OF 1995

● Mr. COCHRAN. Mr. President, over the last 2 months cotton crops in many counties in Mississippi have suffered severe damage due to unusually high insect infestations. It is estimated that over 160,000 acres of cotton have been damaged amounting to a loss of over $100 million. This devastation has not only struck Mississippi, but Texas, Alabama, Tennessee, Arkansas, and Georgia as well. Early estimates provided by the National Cotton Council, State extension services, and State departments of agriculture show approximately 1.6 million acres affected all together with over $700 million losses to farmers.

Cotton farmers have spent large amounts of money trying to control these infestations. Many in my State will not even harvest their crops because of the extensive damage. Many will have crop yields so low that they will not even be able to recover their production costs.

Farmers have catastrophic crop insurance coverage which was mandated in the Federal Crop Insurance Act of 1994 as a requirement for participation in the cotton program. However, the damages from this disaster will far exceed this coverage.

I am introducing legislation which authorizes the Secretary of Agriculture to provide supplemental crop disaster assistance in addition to benefits provided in the Crop Insurance Reform Act of 1994, if the Secretary determines that an extraordinary disaster situation exists.

The Government's Catastrophic Crop Insurance program is not sufficient to help the farmers in the situation they are to recover and stay in business. More must be done.

I encourage my colleagues to support this bill.●

By Mr. HOLLINGS (for himself, Mr. JEFFORDS, Mr. KOHL, Mr. BRYAN, Mr. SANTORUM, Mr. KYL, Mr. BUMPERS, Mrs. BOXER, Mr. LUGAR, Mr. SIMPSON, and Mr. KERRY):

S. 1236. A bill to establish a commission to advise the President on proposals for national commemorate events; to the Committee on the Judiciary.

THE NATIONAL COMMEMORATIVE EVENTS ACT

Mr. HOLLINGS. Mr. President, I rise to introduce the National Commemorative Events Advisory Act, the purpose of which is to create a Presidential advisory commission tasked with reviewing the merit of proposed commemorative observances.

Mr. President, we simply must find an alternative way to review and limit the hundreds of congressionally sponsored commemorative resolutions. These resolutions are intended to honor worthy causes by setting aside a particular day, week, month, or year as a time of special recognition. In principle, this is a noble idea. But, regrettably, in recent years our zeal for commemoratives has gotten entirely out of hand.

During the 95th Congress, we had 57 commemoratives. In the 99th Congress, a high-water mark was reached when 275 commemoratives were passed. In the 100th, 101st, 102d, and 103d Congresses, the totals fell slightly. However, it is shocking to note that during each of these four Congresses, commemoratives accounted for over 30 percent of all public laws passed by Congress.

There is a very tangible cost to this excess, beginning with the fact that the laborious process of enlisting cosponsors and passing commemorative bills have become a major drain on our time as well as on the time of our staffs. There is also a cost in trivializing the whole idea of commemorative observances. We have all noticed a kind of Gresham's law at work, with the proliferation of bad commemoratives driving out of circulation the truly worthy commemoratives.

To put it bluntly, Mr. President, this bill is designed to save us from ourselves—to save us from good intentions run amok. The bill would create a President's Advisory Commission on National Commemorative Events, which would have the task of conducting an independent merit review of commemorative proposals. Congress would no longer pass commemorative resolutions. Instead, the proposed advisory commission would be charged with the sole function of reviewing proposals for national commemorative events making positive or negative recommendations to the President.

This Presidential advisory commission is an idea whose time has come. It would streamline the process of considering proposals, while saving the Congress considerable time and resources. In addition, it would provide for a fair and impartial review of the hundreds of commemorative proposals submitted by a large and growing number of constituent groups.

There are a number of differing projections comparing the relative costs of passing commemorative through Congress and through an independent commission. To be accurate, these calculations need to take full account of the staff time now devoted to handling commemoratives in Congress.

Mr. President, I am well aware that commemoratives are both a curse and a blessing for Members of Congress. They are enormously time consuming. However, they are also perceived as an important vehicle for winning the favor of worthy causes and special interests.

I myself sponsored an amendment to the 1994 crime bill to designate May 1, 1995, as Law Day, U.S.A., to honor our Nation's law enforcement professionals. However, I am confident of the merit of this Law Day commemorative and would be happy to subject it to independent review by the proposed advisory commission.

Mr. President, I urge my fellow Senators to join me in supporting this bill. We can best honor all our constituents not by passing commemorative after commemorative, but by applying ourselves to substantive legislation that will make a real difference in our constituent's lives.

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. 1236

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Commemorative Events Advisory Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the preparation and consideration of the multitude of bills proposing particular days, weeks, months, or years for recognition through Presidential proclamation unduly burdens the Congress and consumes an inordinate amount of time;

(2) such proposals could be more efficiently considered by a commission whose sole function would be to review proposals for national commemorative events and to make positive or negative recommendations thereon to the President;

(3) such a commission would streamline the process by which such proposals are currently considered and save the Congress considerable time and resources which could be devoted to matters of more pressing national concern; and

(4) such a commission would better ensure the impartial review of proposals for national commemorative events generated by a wide variety of constituent groups.

SEC. 3. ESTABLISHMENT AND MEMBERSHIP.

(a) IN GENERAL.—There shall be established a commission to be known as the ''President's Advisory Commission on National Commemorative Events'' (hereafter in this Act referred to as the ''Commission'').

(b) MEMBERS.—The Commission shall be composed of 11 members of whom—

(1) 2 members shall be appointed by the Speaker of the House of Representatives, after consultation with the majority and minority leaders of the House of Representatives;

(2) 2 members shall be appointed by the President pro tempore of the Senate, after consultation with the majority and minority leaders of the Senate; and

(3) 7 members shall be appointed by the President.

(c) QUALIFICATIONS.—(1) All members of the Commission shall be citizens of the United States.

(2) Members appointed under subsection (b)(3)—

(A) to the greatest extent possible, shall represent a wide range of educational, geographical, and professional backgrounds; and

(B) may not be Members of Congress.

(d) TERMS.—(1) Except as provided in paragraph (2), each member shall be appointed for a term of 2 years.

(2) Of the members first appointed under subsection (b)(3) the President shall designate—

(A) 3 who shall be appointed for 1 year; and

(B) 4 who shall be appointed for 2 years.

(3) If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member may continue as a member for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress.

(e) VACANCIES.—A vacancy shall be filled in the manner in which the original appointment was made. A vacancy in the Commission shall not affect its powers. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

(f) CHAIRMAN.—The Chairman of the Commission shall be designated by the President from among the members under subsection (b)(3). The term of office of the Chairman shall be 2 years.

(g) QUORUM.—6 members of the Commission shall constitute a quorum. Action by a quorum shall be necessary for the Commission to issue a recommendation under section 6(d).

(h) MEETINGS.—The Commission shall meet on at least a quarterly basis. Meetings shall be held in the District of Columbia.

(i) PAY.—(1) Except as provided in paragraph (2), each member of the Commission shall be paid the daily equivalent of the maximum rate of basic pay payable for grade GS–15 of the General Schedule for each day, including traveltime, during which such

member is performing duties of the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States or Members of Congress may not receive additional pay for service on the Commission.

(j) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed travel expenses under section 5703 of title 5 of the United States Code.

SEC. 4. STAFF.

(a) LIMITATION ON STAFF.—The Commission may not employ staff personnel.

(b) DETAIL OF STAFF FROM FEDERAL AGENCIES.—Any Federal employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold such hearings, take such testimony, and receive such evidence, as it considers appropriate.

(b) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property, but not from a source having a direct interest in any matter before the Commission.

(c) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(d) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

SEC. 6. DUTIES OF THE COMMISSION.

(a) CRITERIA.—The Commission shall establish criteria for recommending to the President that a proposed commemorative event be approved or disapproved.

(b) SUBMISSION OF PROPOSALS.—The Commission shall establish and publish in the Federal Register procedures for submitting proposals for national commemorative events to the Commission.

(c) REVIEW OF PROPOSALS.—The Commission shall review all proposals submitted to it in accordance with subsection (b).

(d) RECOMMENDATION TO THE PRESIDENT.—The Commission shall issue a recommendation to the President for approval or disapproval of each proposal submitted to it in accordance with subsection (b). Each recommendation shall be accompanied by a brief explanation of such recommendation.

(e) LIMITATION ON DESIGNATION OF EVENTS.—The Commission shall not issue a recommendation to the President for approval of an event which commemorates—

(1) a commercial enterprise, industry, specific product, or fraternal, political, business, labor, or sectarian organization;

(2) a particular State or any political subdivision thereof, city, town, county, school, or institution of higher learning; or

(3) a living person.

(f) NONPERMANENT DESIGNATIONS.—(1) Any day, week, month, year, or other specified period of time designated by the Commission for commemoration of an event may not be designated for a date or time period which begins more than 1 year after the date such designation is made.

(2) No event which is commemorated by a day, week, month, year, or other specified period of time designated by the Commission may be commemorated by another designation within a single calendar year.

SEC. 7. EFFECTIVE DATE; COMMENCEMENT AND TERMINATION PROVISIONS.

(a) EFFECTIVE DATE.—This Act shall take effect on January 1, 1996.

(b) COMMENCEMENT; TERMINATION.—(1) Members of the Commission shall be appointed, and the Commission shall first meet, within 90 days after the effective date of this Act.

(2) The Commission shall terminate 5 years after the date on which it first meets.

By Mr. HATCH (for himself, Mr. ABRAHAM, and Mr. GRASSLEY):

S. 1237. A bill to amend certain provisions of law relating to child pornography, and for other purposes; to the Committee on the Judiciary.

THE CHILD PORNOGRAPHY PREVENTION ACT OF 1995

Mr. HATCH. Mr. President, it is impossible for any decent American not to be outraged by child pornography and the sexual exploitation of children. Such material is a plague upon our people and the moral fabric of this great Nation.

And, as a great Nation, I believe that we have both the constitutional right and moral obligation to protect our children from those who, motivated by profit or perversion or both, would abuse, exploit, and degrade the weakest and most vulnerable members of our society.

Current Federal law dealing with child pornography reflects the overwhelming bipartisan consensus which has always existed, both in Congress and in the country, that there is no place for such filth even in a free society and that those who produce or peddle this reprehensible material must be made to feel the full weight of the law and suffer a punishment reflective of the seriousness of their offense.

As with many of our criminal statutes, however, effective enforcement of our laws against child pornography today faces a new obstacle: The criminal use, or misuse, of new technology which is outside the scope of existing statutes. In order to close this computer-generated loophole and to give our law enforcement authorities the tools they need to stem the increasing flow of high-tech child pornography, I am today introducing the Child Pornography Prevention Act of 1995.

The necessity for prompt legislative action amending our existing Federal child pornography statutes to cover the use of computer technology in the production of such material was vividly illustrated by a recent story in the Washington Times. This story, dated July 23, 1995, reported the conviction in Canada of a child pornographer who copied innocuous pictures of children from books and catalogs onto a computer, altered the images to remove the childrens' clothing, and then arranged the children into sexual positions. According to Canadian police, these sexual scenes involved not only adults and children, but also animals.

Even more shocking than the occurrence of this type of repulsive conduct is the fact that, under current Federal law, those pictures, depicting naked children involved in sex with other children, adults, and even animals, would not be prosecutable as child pornography. That is because current Federal child pornography and sexual exploitation of children laws, United States Code title 18, sections 2251, 2251A, and 2252, cover only visual depictions of children engaging in sexually explicit conduct whose production involved the use of a minor engaging in such conduct; materials such as photographs, films, and videotapes.

Today, however, visual depictions of children engaging in any imaginable forms of sexual conduct can be produced entirely by computer, without using children, thereby placing such depictions outside the scope of Federal law. Computers can also be used to alter sexually explicit photographs, films, and videos in such a way as to make it virtually impossible for prosecutors to identify individuals, or to prove that the offending material was produced using children.

The problem is simple: While Federal law has failed to keep pace with technology, the purveyors of child pornography have been right on line with it. This bill will help to correct that problem.

The Child Pornography Prevention Act of 1995, which includes a statement of congressional findings as to harm, both to children and adults, resulting from child pornography, has three major provisions. First, it would amend United States Code title 18, section 2256, to establish, for the first time, a specific, comprehensive, Federal statutory definition of child pornography. Under this bill, any visual depiction, such as a photograph, film, videotape or computer image, which is produced by any means, including electronically by computer, of sexually explicit conduct will be classified as child pornography if: (a) its production involved the use of a minor engaging in sexually explicit conduct; or (b) it depicts, or appears to depict, a minor engaging in sexually explicit conduct; or (c) it is promoted or advertised as depicting a minor engaging in sexually explicit conduct.

Second, this bill amends the existing statutory definition of sexually explicit conduct contained at section 2256 to include the lascivious exhibition of the buttocks of any minor or the breast of any female minor.

Finally, this bill would protect the Federal Government, State and local governments, and State and local law enforcement officials, from the threat of civil lawsuits and the awarding of damages as the result of searches and seizures made in connection with child pornography investigations or prosecutions.

Current Federal law, United States Code title 42, section 2000aa, includes exceptions to the Privacy Protection Act allowing certain searches and seizures, where the offense consists of the

receipt, possession, or communication of information pertaining to the national defense, classified information or restricted data.

This bill would extend that exception to offenses involving the production, possession, sale or distribution of child pornography, the sexual exploitation of children, or the sale or purchase of children, activities which enjoy absolutely no first amendment protection.

Because there have already been several bills or amendments introduced during this session of Congress pertaining to computer telecommunications and the transmission on the Internet of obscene or indecent material, which have been the subject of extensive and on-going comment and debate both here in the Senate and in the country at large, let me emphasize that the bill I am introducing today is not a telecommunications bill and does not propose new or expanded restrictions or regulations with respect to the Information Superhighway.

Child pornography is a particularly pernicious evil, something that no civilized society can or should tolerate. It poisons the minds and spirits of our youth. It permanently records the victim's degradation and abuse, and can haunt those children for years to come. It fuels the growth of organized crime. It encourages the activities of pedophiles and can be used to seduce even more young victims. Congress can and should act, promptly and decisively, to close any loophole in statutes designed to protect our children from the kind of threat and harm posed by child pornography.

I strongly urge the Senate to promptly pass the Child Pornography Prevention Act of 1995.

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. 1237

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 ''Child Pornography Prevention Act of 1995''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the use of children in the production of sexually explicit material, including photographs, films, videos, computer images, and other visual depictions, is a form of sexual abuse which can result in physical or psychological harm, or both, to the children involved;

(2) child pornography permanently records the victim's abuse, and its continued existence causes the child victims of sexual abuse continuing harm by haunting those children in future years;

(3) child pornography is often used as part of a method of seducing other children into sexual activity; a child who is reluctant to engage in sexual activity with an adult, or to pose for sexually explicit photographs, can sometimes be convinced by viewing depictions of other children ''having fun'' participating in such activity;

(4) prohibiting the possession and viewing of child pornography encourages the possessors of such material to destroy them, thereby helping to protect the victims of child pornography and to eliminate the market for the sexually exploitative use of children; and

(5) the elimination of child pornography and the protection of children from sexual exploitation provide a compelling governmental interest for prohibiting the production, distribution, possession, or viewing of child pornography.

SEC. 3. DEFINITIONS.

Section 2256 of title 18, United States Code, is amended—

(1) in paragraph (2)(E), by inserting before the semicolon the following: '', or the buttocks of any minor, or the breast of any female minor'';

(2) in paragraph (5), by inserting before the semicolon the following: '', and data stored on computer disk or by electronic means which is capable of conversion into a visual image'';

(3) in paragraph (6), by striking ''and'';

(4) in paragraph (7), by striking the period and inserting ''; and''; and

(5) by adding at the end the following new paragraph:

''(8) 'child pornography' means any visual depiction, including any photograph, film, video, picture, drawing, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where—

''(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

''(B) such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct; or

''(C) such visual depiction is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.''.

SEC. 4. PROHIBITED ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.

(a) IN GENERAL.—Section 2252 of title 18, United States Code, is amended to read as follows:

''§ 2252. Certain activities relating to material constituting or containing child pornography

''(a) Any person who—

''(1) knowingly mails, transports, or ships in interstate or foreign commerce by any means, including by computer, any child pornography;

''(2) knowingly receives or distributes—

''(A) any child pornography that has been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer; or

''(B) any material that contains child pornography that has been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer;

''(3) knowingly reproduces any child pornography for distribution through the mails, or in interstate or foreign commerce by any means, including by computer;

''(4) either—

''(A) in the maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the United States Government, or in the Indian country (as defined in section 1151), knowingly sells or possesses with the intent to sell any child pornography; or

''(B) knowingly sells or possesses with the intent to sell any child pornography that has been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer; or

''(5) either—

''(A) in the maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the United States Government, or in the Indian country (as defined in section 1151), knowingly possesses 3 or more books, magazines, periodicals, films, videotapes, computer disks, or any other material that contains any child pornography; or

''(B) knowingly possesses 3 or more books, magazines, periodicals, films, videotapes, computer disks, or any other material that contains any child pornography that has been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer,

shall be punished as provided in subsection (b).

''(b)(1) Whoever violates, or attempts or conspires to violate, paragraphs (1), (2), (3), or (4) of subsection (a) shall be fined under this title or imprisoned not more than 10 years, or both, but, if such person has a prior conviction under this chapter or chapter 109A, such person shall be fined under this title and imprisoned for not less than 5 years nor more than 15 years.

''(2) Whoever violates paragraph (5) of subsection (a) shall be fined under this title or imprisoned for not more than 5 years, or both.''.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 110 of title 18, United States Code, is amended by amending the item relating to section 2252 to read as follows:

''2252. Certain activities relating to material constituting or containing child pornography.''.

SEC. 5. PRIVACY PROTECTION ACT AMENDMENTS.

Section 101 of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa) is amended—

(1) in subsection (a)(1), by inserting before the semicolon at the end the following: '', or if the offense involves the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, the sexual exploitation of children, or the sale or purchase of children under section 2251, 2251A, or 2252 of title 18, United States Code''; and

(2) in subsection (b)(1), by inserting before the semicolon at the end the following: '', or if the offense involves the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, the sexual exploitation of children, or the sale or purchase of children under section 2251, 2251A, or 2252 of title 18, United States Code''.

SEC. 6. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such to any other person or circumstance shall not be affected thereby.

By Mr. MCCAIN (for himself, Mr. FORD, Mr. HOLLINGS)

S. 1239. A bill to amend title 49, United States Code, with respect to the regulation of interstate transportation by common carriers engaged in civil aviation, and for other purposes; to the

Committee on Commerce, Science, and Transportation.

THE AIR TRAFFIC MANAGEMENT SYSTEM PERFORMANCE IMPROVEMENT ACT OF 1995

Mr. McCAIN. Mr. President, I rise today with my colleague Senator FORD, to introduce legislation that will streamline the Federal Aviation Administration in a comprehensive and responsible manner. This bill was developed to ensure that in this era of fiscal accountability, the FAA can continue to operate the safest air traffic control system in the world. Our work on this bill began with the premise that aviation safety was no place for partisan conflict or for gamesmanship between the legislative and executive branches. We worked to craft a bipartisan solution that brings together the views and experience of all the parties engaged in aviation safety. We also sought a partnership with the administration to get the job done.

Currently, one of the most challenging tasks for those of us in Congress who want to balance the budget is to find innovative and workable solutions to ensure that essential Government services not only continue, but are performed even better. Federal regulation of airline safety is one such service that virtually everyone agrees must continue and, in fact, should undergo major modernization. Indeed, after several major air traffic computer systems failed this summer, the traveling public is right to be concerned about what the Government intends to do about the problem. Traditionally, the Government's response would have been to pour more tax money into the FAA's budget. Under the new budget resolution, however, that will not be possible. More importantly, the truth is that simply spending money does not guarantee improvements anyway.

For those of responsible for the oversight of aviation safety, the focus in the FAA reform debate is now how we can actually improve airline safety at the same time that the amount of tax dollars spent on the FAA is cut back. We believe that the legislation being introduced today, by making major reforms at the FAA and changing the way the agency is financed, can accomplish this goal. In addition, this bill enables us and the agency to create incentives to reduce or eliminate current operational inefficiencies that cost airlines and their passengers billions each year.

Specifically, our proposed legislation will take the FAA as far as possible out of the political environment and provide it with a clear direction and stable source of funding. It will free this essential agency from many restrictive regulations and requirements, particularly in the areas of procurement and personnel. Most significantly, however, it will compel the FAA to become an organization that is far more responsive to the needs of those who use the air traffic control system—air carriers, general aviation, and the traveling public. It is designed to provide the kind of direction and incentives that will result in a safer and far more efficient air transportation system.

As the FAA reform debate has intensified this year, the role of the FAA has come under intense scrutiny. Without question, the FAA has provided the United States with the finest aviation safety system in the world. However, this is an agency that has major flaws. It has spent over $20 billion in the last decade for a modernization program that is way over budget and has never lived up to its promise. Moreover, the operational inefficiencies resulting from the failure of the modernization program are measured in billions of dollars annually.

Some have suggested that the FAA's problems could be solved simply by procurement reform—in other words, by giving the agency the ability to cut redtape in buying equipment. Although we acknowledge that procurement reform is important, even essential, that alone does not do enough. Without changing the basic mission and structure of the organization, procurement reform would merely be a way of allowing an agency to make bad purchasing decisions even faster. Our proposed legislation reflects an understanding that we had to do more than procurement and personnel reform to resolve the FAA's problems. Our bill recognizes that the legislative and budget constraints under which the FAA works are simply too restrictive to make the fundamental changes necessary.

It has been particularly distressing to see that because of these constraints, the FAA has been unable to keep up with the dynamic technical and economic changes taking place in the airline industry. That, in turn, highlights the fact that there is a disconnect between those who fund the system and those who operate it. Over 70 percent of the FAA budget comes from the industry using the system, mostly through a 10-percent tax on airline tickets. In the future, the only way to save tax dollars will be to require that users pay an even greater percentage. Yet, under the current system, there is little incentive for the FAA to develop systems that will result in operational efficiencies. That is because there is no relationship between the way the money comes in and the way it is being spent. Our legislation is the only bill that attempts to remedy this fundamental deficiency.

Under our bill, the FAA would be required to design a new fee system based upon the use of the system by airlines and others, instead of the price of an airline ticket. In this way, system users would have a greater stake in a safe and efficient air traffic control system, and the FAA, in turn, would have a greater stake in making sure that it understands the industry it regulates. Those who use the FAA's services will pay more user fees to support the FAA in the future. That is a fact of life under the budget resolution. But, if our legislation is enacted, we are convinced that the operational efficiencies realized by the users will more than offest the additional expenses. And, for the first time, the fees will be directly applied to the services provided.

In no case will safety be given a lower priority. In fact, there will be an explicit link between safety and productivity. Since nothing in this legislation will change the current FAA goal of zero accidents, the only way that productivity and capacity will increase under the new system is if safety margins improve even more than they are today. We want the users of the system to have as great a stake in assuring the highest Federal safety standards as possible. That is precisely what this bill will do. It will create a public/private partnership that will link safety and productivity to ensure that both improve.

This bill comes at a critical time for the FAA. We are confident that we are on the right track by having de-politicized the issue and having sought the most impartial and skilled advice in putting it together. It is our intent to see this bill enacted into law, and then commit ourselves to intense oversight to be sure that it is implemented in a way that places safety at the forefront, turns the FAA into a more modern and responsive agency, improves the performance of the air traffic control system, and saves money for American taxpayers.

Mr. FORD. Mr. President, today the Senate begins the debate on meaningful reform of the Federal Aviation Administration. With the introduction of the Air Traffic Management System Performance Improvement Act of 1995, we have fashioned a bipartisan approach with the administration on how to achieve the long term goal of maintaining the world's safest air transportation system. We could use a lot more bipartisan approaches to problems. The aviation industry is no different than the general public—they want rational solutions to difficult problems—not political cat fights.

I began to search for ways to reform the FAA many years ago and in 1987, introduced S. 1600, a bill that would have made the FAA an independent agency. However, the problems today are different than those that prompted S. 1600. Today's problems are not about micro-management and internal disputes. The issue today has two parts—money and efficiency.

The bill today addresses those issues in many ways. First it sets in motion a series of new systems to fund the agency, new systems for its people and programs. My goal is not to merely cover a funding problem, but to use money to derive a better agency. As a result, the fee systems that are to be set up will be difficult to design. No one wants to create discincentives. For example, in authorizing the FAA to collect fees for certification work, I want to make sure the FAA focuses its resources on what is needed. If the FAA chooses to merely use the certification fees as a means to

raise revenue, they may choose to function like lawyers and charge by the hour, not by the product or value of the service. No one wants to encourage the FAA to run up bills for the sake of raising money. There is much work that needs to be done to assign fees. The industry, the FAA, the Department and the Committee need to continue to work out the best way to accomplish our goal.

However, all parties must bear in mind that under the current set of assumptions, the FAA will need approximately $59 billion through 2002. However, under the budget resolution calls for only $47 billion. Somehow, we have got to recognize what this $12 billion gap means. To put it in perspective, it could mean the closure or elimination of many services that are now provided. Like many situations, when we begin to downsize, the smallest communities tend to bear the brunt of cuts. Air traffic control towers at small airports, which are critical to the economic development of our small communities, could be the first to go. Flight service stations that handle general aviation traffic also could be on the first list of closures. In addition, do any of us really want to think of an air traffic control system with fewer controllers than we have today?

If current trends are correct, by the year 2002, we will have a 35-percent increase in passenger traffic, and an 18-percent increase in operations. Absent financial reform, the FAA will experience a 14-percent decline in funding. These statistics will mean only one thing—an FAA without an ability to meet its safety mission and without adequate funding to meet air traffic control demands.

Today, the Chicago center in Aurora experienced its second outage in recent months. I know the National Transportation Safety Board is looking into ATC problems now, but we must recognize that without the ability to modernize, and quickly, problems like Chicago may reoccur.

With respect to the bill, it does not create a corporation, nor does it make the agency independent. Instead, the bill strikes a balance. Regulatory and budget issues will be coordinated between the Secretary and the Administrator. In other areas such as personnel and procurement, the Administrator will have authority. These changes are important and will change how FAA manages its business. The goal, and one we all share, is an FAA with the ability to act quickly, and be able to count on funding.

The bill today asks many segments of the industry for help in supporting the FAA's mission. I do not ask airlines, manufacturers, and others for their financial support lightly and I know that bill be controversial. But something has got to change.

I have a choice—I can look at the FAA, and the budget assumptions and do nothing, or I can work to make sure that the safety of the traveling public is protected. After 21 years in Congress, having spent many years as Aviation Subcommittee chairman and now ranking Democrat, I can tell you that we have got to act. The bottom line, unfortunately, is that the travelling public simply can not count on funding for the FAA under the drive to balance the budget.

To those that will object, we will continue to work with you on FAA reform. There is much we agree on, and a lot of work to be done. I also want to point out that while the House bill differs from the bill we are introducing today, we share a common goal—a better FAA.

ADDITIONAL COSPONSORS

S. 743

At the request of Mrs. HUTCHISON, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 743, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 794

At the request of Mr. LUGAR, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 959

At the request of Mr. HATCH, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 959, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 969

At the request of Mr. BRADLEY, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. SIMON], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 978

At the request of Mrs. HUTCHISON, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 978, a bill to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, to clarify the inapplicability of antitrust laws to charitable gift annuities, and for other purposes.

S. 1113

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1113, a bill to reduce gun trafficking by prohibiting bulk purchases of hand guns.

S. 1161

At the request of Mr. BAUCUS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1161, a bill to amend the Internal Revenue Code of 1986 to exempt small manufacturers, producers and importers from the firearms excise tax.

AMENDMENT NO. 2514

At the request of Mr. LIEBERMAN, the names of the Senator from Georgia [Mr. NUNN] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of amendment No. 2514 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

AMENDMENT NO. 2565

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 2565 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

AMENDMENT NO. 2575

At the request of Mr. DOMENICI, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of amendment No. 2575 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

AMENDMENT NO. 2589

At the request of Mr. MCCAIN, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of amendment No. 2589 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

AMENDMENT NO. 2603

At the request of Mr. FAIRCLOTH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of amendment No. 2603 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

At the request of Mr. GRAMM, his name was added as a cosponsor of amendment No. 2603 proposed to H.R. 4, supra.

AMENDMENT NO. 2668

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of amendment No. 2668 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

SENATE RESOLUTION 171—RELATIVE TO THE ISRAELI-PALESTINIAN DECLARATION OF PRINCIPLES

Mrs. FEINSTEIN (for herself, Mr. BROWN, Mr. LIEBERMAN, and Mr. PELL) submitted the following resolutions; which was referred to the Committee on Foreign Relations: