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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. FOLEY].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 14, 1996.

I hereby designate the Honorable MARK FOLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Daniel J. Maher, Basilica of the National Shrine of the Immaculate Conception, Washington, DC, offered the following prayer:

Good and gracious God, we thank You for the many blessings You have poured out upon our Nation. As we praise You for Your wondrous works, we thank You too for raising up those assembled here who are servants of Your people and for calling them to be instruments of Your will for our land. Help them to bear gracefully this mantle of responsibility placed upon them. Inspire their deliberations this day, that they may more perfectly fulfill the sacred trust that both You and we, the people, have bestowed upon them. Bless our Nation through them and help them to live in the spirits of unity and peace that we hope their endeavors will assure for all the people of this Republic. We ask all these things in Your holy name. 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.

Mr. LUCAS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

Mr. LUCAS. 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. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado [Mr. HEFLEY] come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments a bill of the House of the following title:

H.R. 2854. An act to modify the operation of certain agricultural programs.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2854) ''An act to modify the operation of certain agricultural programs,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LUGAR, Mr. DOLE, Mr. HELMS, Mr. COCHRAN, Mr. MCCONNELL, Mr. CRAIG, Mr. LEAHY, Mr. PRYOR, Mr. HEFLIN, Mr. HARKIN, and Mr. CONRAD, to be the conferees on the part of the Senate.

TIME TO REIN IN SPENDING, AND HAVE LIMITED AND EFFECTIVE GOVERNMENT

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

Mr. HAYWORTH. Mr. Speaker, $8 billion. Inside the Beltway here, in this land of bureaucracy in the District of Columbia, $8 billion may not seem like a lot of money, but, Mr. Speaker, to the people of the Sixth District of Arizona, and I would say to people nationwide, $8 billion is a whole lot of money, especially when those $8 billion, Mr. Speaker, are going to come out of the pockets of the American people.

The fact is, Mr. Speaker, we have to have limited and effective government. Yet, the gentleman at the other end of Pennsylvania Avenue has the same old answer to the question. He talks about the days of big government being over. Yet, he wants to fund $8 billion of additional ineffective Washington programs.

Mr. Speaker, when I return to the Sixth District of Arizona, no one runs up to me and says ''Please, Congressman, take more and more of my money for ineffective government programs.'' They say the time has come to rein in spending and have a limited and effective government.

EFFECTIVE EDUCATION PROGRAMS WILL SUFFER UNDER EXTREME REPUBLICAN BUDGET CUTS

(Mr. GENE GREEN of Texas asked and was given permission to address

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the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, it is great to follow my colleague, the gentleman from Arizona, when he talks about ineffective government programs. Last week I had an opportunity to attend an honor society induction at Marshall Middle School in North Side Houston. Over 50 hard-working, very bright young Americans were inducted into the National Honor Society, and it was a moving ceremony. It illustrated the success of public education.

Mr. Speaker, this school and its feeder elementary schools stand to lose teachers, face larger school classes, and would be denied extra help in reading and writing if the majority Republicans continue to insist on their extreme education cuts. Even though the U.S. Senate voted overwhelmingly to restore vital funding in education and job training, the House Republicans are still wedded to their bill that makes serious cutbacks in education.

Mr. Speaker, let me point out that chart that is a layoff notice to the teachers and local school students. Schools are now making their budgets for next year. That layoff notice will say, ''I regret to inform you because of massive Federal budget cuts we are going to cut education funding in your district,'' so teachers will be laid off and class size will be higher.

Mr. Speaker, let us stop these extreme budget cuts.

SECRETARY O'LEARY GETS PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. Mr. Speaker, the Washington Times reports this morning that energy Secretary Hazel O'Leary has spent $3.4 million to send 17,000 DOE employees to a self-help workshop called Seven Habits which is based on the book by time-management guru Steven Covey.

The 4-day workshops were run by 285 Energy Department Seven Habits facilitators and are designed to help DOE employees cope with the chaos of change.

Last month, this same Department furloughed 2,700 of its employees—without pay—due to budget shortfalls.

It is reported that Secretary O'Leary rejected advice to cut from the training and travel budgets to avoid the furloughs.

Perhaps it would be more advisable to send Secretary O'Leary to a money management workshop.

One of Steven Coveys seven habits is to be proactive. Perhaps the President should be proactive and dump Secretary O'Leary.

Secretary O'Leary gets my Porker of the Week Award this week.

THE NRA BACKS GUTTING ANTITERRORISM BILL

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

Mr. SCHUMER. Mr. Speaker, the violent terrorist group Hamas found a new friend yesterday, the NRA, the National Rifle Association. Yesterday the House went toe-to-toe with this violent terrorist group in our debate over the antiterrorism bill. It was not a fair fight, and Hamas won. It was not a fair fight because the fix was in. The National Rifle Association and its allies jumped into the ring.

Once again, Mr. Speaker, the gentleman from Georgia, NEWT GINGRICH, and the Republican leadership bowed to the narrow demands of the NRA and the Republican party's extreme right wing. By the time they had done their work, the terrorism bill was eviscerated. Make no mistake, America, the bill is on life support. It will take a miracle to keep it alive. That will make our law enforcement officials' fight against the growing threat of terrorism harder.

By gutting the terrorism bill, the NRA allows tens of thousands of dollars and other support to continue flowing from this country into the coffers of groups like Hamas. Those resources will be used to slaughter scores of innocent people. Shame, Mr. Speaker. Shame.

FIFTH ANNIVERSARY OF PERSIAN GULF WAR

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

Mr. LUCAS. Mr. Speaker, 5 years after the Persian Gulf war our Nation still imports over 9 million barrels of oil a day. What's worse—oil imports have hurt domestic production and taken away U.S. jobs. We've lost over 500,000 American jobs since the early 1980's because of oil imports.

Our Nation's growing reliance on foreign oil is not just an issue that affects the oil patch—it's something that everyone should be concerned about.

If we want to lessen our reliance on oil imports, then we need to take steps to stimulate production of oil and gas right here in the United States. In order to boost production, we need to look at reducing unnecessary regulations that cripple U.S. production.

There are indeed, Mr. Speaker, many alternatives to oil dependency. Educating people about those alternatives will be a key to a stronger American oil and gas industry.

WE NEED THE TRUTH ABOUT PAN AM 103

(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, while Congress debates terrorism, the bombing of Pan American flight 103 is still a controversy. The Justice Department says the Libyans did it, and they indicted two Libyans who are still in jail over in Libya. Meanwhile, intelligence experts around the world disagree. They say these two Libyans were mules and runners who were incapable of masterminding and destroying Pan American flight 103. I agree. I say if Qadhafi has responsible for the downing of Pan American flight 103, these two Libyans would have already choked on a chicken bone and would have met their maker by now.

I think Congress deserves the truth. I think the families of the victims of 103 deserve the truth. I think the CIA and the Justice Department are withholding the truth. If Congress is going to stop terrorism, Congress should get the truth. Passing laws, in and of itself, will not stop terrorism.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The chair will recognize out of order the gentleman from California [Mr. DORNAN] to welcome the guest chaplain. The time will not count against the 1-minutes.

WELCOME TO THE REVEREND DANIEL J. MAHER

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

Mr. DORNAN. Mr. Speaker, what an honor to rise today for our Chaplain, who just gave such a beautiful invocation, our Chaplain for the day, Father Daniel Joseph Maher. He was born February 1, 1965, in Newport News, VA, raised throughout childhood in the city of Hampton, VA; a graduate of the College of William and Mary in Williamsburg with a BBA degree in 1986.

Father received his Masters of Divinity degree summa cum laude from St. Charles Borromeo Seminary in Philadelphia in 1990. He was ordained to the Roman Catholic priesthood in May 1991 for the diocese of Arlington, VA. Father served for 4 years as associate pastor of St. Leo the Great Church in Fairfax, VA, where I have seen him many times upon the beautiful altar there; concurrently served 4 years as a notary for the tribunal of the diocese of Arlington.

Father currently is associate rector of the Basilica of the National Shrine of the Immaculate Conception here in Washington, DC, the seventh largest house of worship in the world. He has charge of all the worship services conducted at the Basilica.

Thank you, Father, for giving us such stirring words this morning.

CUTTING BACK EDUCATION IS BAD BUSINESS

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

Mr. WISE. Mr. Speaker, here we go again today, another temporary spending bill, or CR, continuing resolution, as it is known. The Republican leadership promised to run Congress like a business. What kind of business can operate this way, where it is now in the sixth month of its budget year, the 1996 year, but still has not passed a final 1996 budget, and is now holding hearings on the 1997 budget?

Mr. Speaker, this is the 10th temporary spending bill this year. This one is for a week. We are not sure what is next, perhaps a day, perhaps 3 hours. Maybe just run the Government from lunchtime to quitting time and then vote again.

Mr. Speaker, whether it is 1 month or 1 hour, the fact is this temporary spending bill continues an already extreme message: stiff cuts in vital education programs. In West Virginia, it means 226 teachers and 90 aides laid off in 2 weeks. It is going to mean 6,500 students next year that will not be able to take advantage of the vital title I program. Cutting back education? What kind of business is this?

THE BUDGET DOES MAINTAIN EDUCATION

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

Mrs. KELLY. Mr. Speaker, my head tells me to balance the budget but my heart tells me to do it compassionately. Despite all the rhetoric that we have heard over the past week, the budget policies we have been fighting for maintain the Federal commitment to our children.

Over the past year, I have had the pleasure to visit schools and child care facilities all over my district. Visits to the John Jay High School, the Fox Lane Middle School, the Poughkeepsie Magnet Schools, the Hawthorne Cedar-Knolls School, and the Katonah Country Children's Center, just to name a few, underscore the importance of our efforts to support all aspects of education and child care.

My colleagues on the other side of the aisle want all of us to believe that we are gutting education, that we are imposing inappropriate cuts to programs which serve our children. Mr. Speaker, I have to ask, how compassionate is it to continue to tax and spend, policies that have left our children a legacy of debt? How compassionate is it to pump millions of dollars into hundreds of programs of education that may actually not work? Compassion is not necessarily measured in dollars and cents, but the manner in which we spend those dollars. It is important. I think this institution may have forgotten that fact.

□ 1015

GOOD LUCK TO SAN JOSE STATE AND SANTA CLARA IN NCAA TOURNAMENT

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

Ms. LOFGREN. Mr. Speaker, today is the first day of March Madness, the NCAA Basketball Tournament, and I am proud to announce that two local teams from Santa Clara County are participating in this event: San Jose State University, which will face off against Kentucky in about an hour, and my law school alma mater, Santa Clara University, which will take on Maryland tomorrow. I share the excitement of all the students from these schools, and I congratulate the team coaches, Stan Morrison and Dick Davey.

I want to take this opportunity, while the national spotlight is focused on our college athletes, to point out that some of these basketball players, and many more of their fans, rely on Federal loans to attend school. The omnibus appropriations bill that just passed the Congress reduces student aid, including Pell grants and Perkins loans, by yet another 13 percent, raising costs for thousands of students in California, and precluding others from even attending college.

Mr. Speaker, I needed help to go to college, and I know that students today need it even more. I also know that this country needs educated employees to compete in the global marketplace. Many Members are rooting for their teams this weekend; I urge them to support the schools that produce these teams as well. Go Spartans. Go Broncos.

WORKING TO KEEP GOVERNMENT RUNNING AND TO PRODUCE A BALANCED BUDGET

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

Mr. JONES. Mr. Speaker, the 1996 Presidential campaign games are in full swing. While the Republicans continue to work toward a balanced budget to fulfill last year's promise, the President wants Congress to spend an additional $8 billion on a host of Federal programs. Most of these programs are to appease his liberal constituents in order to shore up his tax-and-spend liberal base.

The President has requested $2 million for the Ounce of Prevention Council. This 2-year-old program has not administered one single grant during its existence.

Mr. Speaker, we will do everything we can to keep the Government running and to work with the President to produce a balanced budget, but we will not continue to decorate the national budget like a Christmas tree with the President's pet projects. We will not borrow money from our children's future for this kind of wasteful spending.

SPUTTERING CONGRESS TO LEAVE TOWN WITH WORK UNDONE

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

Mr. DOGGETT. Mr. Speaker, this is a Congress that operates in spurts, and it is sputtering today as its Members head home for yet another extended weekend with the work of this country not done. The reason that that has occurred, and the reason that this is a Congress of near total failure, is that we have got a Speaker of the House who rejects any meaningful bipartisanship, and we have a whole lot of Members in the Republican Caucus who seem to think that working to achieve common ground to solve the real problems of working families in this country is somehow a sin.

Who bears the brunt of this failed Congress? It is the children of our country. It is the 12,000 Texas children to whom this Republican leadership says, ''No Head Start for you. We will give you the wrong start,'' not the Head Start to be advancing within our society. It is the same Republican leadership that says to over 2,000 prekindergarten students in my home of Austin, TX, ''You get half the kindergarten that you would otherwise get because we are not going to give you educational opportunity.''

We Democrats say more educational opportunities. These Republicans say more education obstacles.

ECONOMIC GROWTH AT WORST POINT IN NATION'S HISTORY

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

Mr. KIM. Mr. Speaker, I keep hearing from the White House that our economy is booming. I really have trouble with this. The folk in my district, none of them said our economy is booming. They do not feel this.

The fact is, the economy growth has slowed to 1.47 percent a year, the worst period of growth in our Nation's history. That is the fact. The average family has lost about 1 percent of its buying power since Mr. Clinton took office. The wages rose at the slowest pace in 14 years, and they tell me the economy is booming.

Folks in my district are having difficulty right now trying to make ends meet and every day they are squeezed more and more. They are telling people that the economy is booming? I know it is election time, but I think we should be more honest with the American people.

GOP EDUCATION CUTS FORCE SCHOOLS TO MAKE TERRIBLE CHOICES

(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 springtime in America's schoolhouse but pink azaleas are not going to be sprouting. Instead, pink slips are going to be sprouting for America's teachers.

When you see what the House Republicans are doing, every school district is going to be forced with the following decisions, either fewer teachers and larger classes and cancelled drug education programs and cancelled remedial education programs, or raise local taxes. Those are terrible choices.

Why in the world are the House Republicans insisting upon sacrificing our children's future upon the altar of deficit reduction? That is exactly what they are doing. They have an altar of deficit reduction and they are saying we are just going to have to sacrifice the children's future, because there is no one who says larger classes, fewer teachers, drop drug education, and drop remedial education is the progressive way to go.

Let us stand up. We now know who is for America's kids and who is just kidding. Fight back.

UPCOMING PRODUCT LIABILITY MEASURE PROMISES FREEDOM TO RAW MATERIAL SUPPLIERS OF MEDICAL DEVICES

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

Mr. GEKAS. Mr. Speaker, thousands of Americans even at this moment are benefiting from medical devices that have saved their lives or improved their chances for good health, knee and hip joints and brain shunts and pacemakers, all sorts of ingenious devices that over the years have improved the health care capacity of our Nation.

Yet, they are in danger, these device makers, these wonderful people who are developing these kinds of apparatuses for the improvement of health. They are in danger of losing their capacity to produce them because of suits against the suppliers of the raw materials that go into these medical devices.

Next week we are going to take a giant step in trying to prevent the slowdown of the production of these medical devices by putting in with the product liability measure that we will be considering a safeguard against the raw material suppliers, so that they will feel free to keep supplying these components that make these wonderful medical devices.

CUTS FOR SCHOOLS AND THE SUMMER YOUTH PROGRAM

(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, $3.3 billion in cuts for our schools and major cuts for our teachers and for our young children. Then when our young children grow up to try and have a sense of independence and work in the Summer Youth Program, what do the Republicans do? They cut it.

Let me tell Members about a young person in my community. At the age of 2 and shortly after her mother married her stepfather, her family was involved in a car wreck that left her father permanently disabled. As a result of the wreck, this young child was injured so severely that she lost her spleen and left kidney. Yet she participated in the Summer Youth Program.

She lives at home. She keeps a little of her money and the rest of it she gives to her family for their needs. The family is on SSI. She has worked for the Smiley High School, the Texas Children's Hospital. She is trying to make a difference in her life.

There is no Summer Youth Job Program in this budget by the Republicans, no hope for our youth. No schools, no teachers, nothing for our young children and nothing for our youth. What are we talking about? Summer jobs are hope for the future.

HISTORIC PROGRESS TOWARD PEACE IN IRELAND

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

Mr. KING. Mr. Speaker, during the past 2 years, the people of Ireland have made historic progress toward a true and lasting peace. I am a cochairman of the Ad Hoc Committee for Irish Affairs, along with the gentleman from New York [Mr. GILMAN], the gentleman from Massachusetts [Mr. NEAL], and the gentleman from New York [Mr. MANTON].

The Ad Hoc Committee today is issuing a statement for St. Patrick's Day. We are urging that all parties to this process continue on the path toward peace. Specifically, we are calling upon the Irish Republican Army to immediately recommence the cease-fire. We are calling on the British Government to make every good faith effort to answer any questions that parties to the conflict have regarding the recent communique issued in London.

We also call for the commencement of all party talks by June 10 without the imposition of any preconditions by the British Government, and we call upon the President to continue his policy of active and constructive engagement in the Irish peace process. The people of Ireland have come too far to allow recent incidents to deter them on their path toward peace.

Mr. Speaker, on a bipartisan note, which should characterize this policy toward Ireland, I commend the President for issuing a visa to Gerry Adams to enter this country, and I commend Ambassador Jean Kennedy Smith for standing up to the Anglophiles in the State Department.

Mr. Speaker, I include our committee statement for the RECORD, as follows:

CONGRESSIONAL AD HOC COMMITTEE ON IRISH AFFAIRS, ST. PATRICK'S DAY MESSAGE, MARCH 14, 1996

We, the members of the Congressional Ad Hoc Committee on Irish Affairs, ask all Americans to join with us in praying for peace in Ireland as we celebrate this Saint Patrick's Day.

The people of Ireland have worked too hard, and come too far on the road to peace to abandon the remarkable progress made in the past two years. The people of the United States—of Irish descent and otherwise—have shared in the joy of the Irish people at the significant steps forward just as we share in their disappointment and despair at recent setbacks.

To avoid squandering the hard-won gains toward a just and lasting peace for all Ireland, the government of the United States must remain engaged in the Irish peace process, both as an honest broker and as a guarantor of the equity of that process in ensuring that the legitimate aspirations of all parties to the conflict are fully represented. With this goal in mind, the Congressional Ad Hoc Committee on Irish Affairs:

Deplores the recent return to violence by the Irish Republican Army, and urges the IRA to reinstate the ceasefire immediately;

Calls on the British government to make every good faith effort to provide to all concerned political parties explicit clarification of any provisions of the recent joint communique by Prime Minister John Major and Taoiseach John Bruton;

Calls for the commencement of meaningful all-party talks by June 10th, without the imposition of any preconditions by the British government; and

Calls upon the President of the United States to continue his policy of active and constructive engagement in fostering the Irish peace process.

The 104th Congress has worked in bipartisan cooperation to support the Irish peace process. In addition, we have made substantial progress in addressing one of the root causes of the problems in the north of Ireland by moving closer to the historic passage of the MacBride fair employment principles as part of our contribution to the International Fund for Ireland.

We, the Members of the Congressional Ad Hoc Committee on Irish Affairs, are committed to ensuring that the United States continues to use its influence as a force for positive change in Ireland.

BEN GILMAN,
Cochairman.
RICHARD NEAL,
Cochairman.
TOM MANTON,
Cochairman.
PETE KING,
Cochairman.

SPECIAL TRIBUTE TO NEIL SMITH

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

Ms. MCCARTHY. Mr. Speaker, I rise to pay special tribute to one of my constituents. On game days, he wears the number 90 on a red and white jersey and is every quarterback's nightmare. I am speaking of the Kansas City Chiefs all-pro defensive lineman, Neil Smith.

Today I want to take note of Neil Smith's efforts off the field. Instead of sacking quarterbacks, Neil Smith is

stopping illiteracy. He is the national spokesperson for the Foundation for Exceptional Children's ''Yes I Can'' program which encourages disabled children to reach their goals.

But while Neil is working to improve education, the House leadership is making drastic cuts in education programs. In Missouri, title I programs, which help children with learning disabilities, will lose over $19 million—critical funds for students who need extra help in reading, writing and math.

I want to say to the House leadership—it's fourth down, 1 yard to go, and there are 30 seconds on the clock—let's go for it and reinstate the much needed funds for our children.

Thank you, Neil Smith, for sharing your talents and success to help all children achieve their dreams as you have.

PAYING MORE AND GETTING LESS

(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, let me tell Members what this debate is all about and what the administration and the liberals are talking about in education cuts. They are talking about paying more and getting less.

Let me read, if I may, about the great success of the programs they are talking about and what Republicans are talking about. This just appeared in the newspaper in Florida. Many of Florida's training and vocational education programs that are supposed to give Floridians the skills to find good-paying jobs are not working, according to the report.

State and Federal Governments spend about $1 billion a year on vocational education programs in Florida, more than 1.2 million residents use the programs, but many of the State's programs fail to produce graduates or workers who can earn a decent salary. Most students who enter the programs never graduate.

In all, 37 percent of 347 job training and vocational programs perform poorly, according to the report. Only 20 percent of those who enrolled in high school vocational programs completed them. They want you to pay more and get less, and that is what this argument is about.

NO WAY TO RUN A CONGRESS

(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, when my Republican colleagues took over this institution 15 months ago, they promised to run the House like a business with the best management practices. However, their stewardship looks more like a Arnold Schwarzenegger screenplay.

The victims are everywhere. Because of the incompetence of this House majority, we are operating under a temporary spending plan, and today they want us to vote again on a 1-week extension of this spending plan. It will be the 10th temporary funding bill this year, no way to run a business or the House of Representatives.

Who suffers from this stop-and-go budgeting? Our kids, our children. Local school districts need to start planning now for the new school year, and they do not know what to expect from Washington. They do know that Republicans are slashing over $3 billion from education. My Republican colleagues are leaving children and parents in the dark, and that is wrong.

Let us honor our commitment to education and our kids, and give them the tools that they need to succeed in the 21st century.

TAX AND SPEND IS BACK AGAIN

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

Mrs. SEASTRAND. Mr. Speaker, $8 billion, that sure is a lot of money, and it just happens to be the amount of extra Washington big government spending that President Clinton wants.

Where will this $8 billion come from? If the President has his way, it is going to come right from the pockets of the American taxpayer.

□ 1030

That is right, tax and spend is back again, but do not worry, America, because if you recall, the President said he feels your pain.

You know, I go home every weekend to the central coast of California, and do you realize how many people come to me and say, take more money, take more of my tax dollars and spend it on ineffective Washington programs? Well, you can understand no one does say that to me.

The message from the folks at home is very simple: They are tired of their tax dollars being spent on wasteful spending here in Washington, DC, and they are tired of spending for big government.

It is time for this Congress to say no to higher taxes, and it is time to say no to more government Washington spending.

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

Mr. KING. 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 of the Whole House under the 5-minute rule: Committee on Commerce, Committee on Economic and Educational Opportunities, Committee on Government Reform and Oversight, Committee on International Relations, Committee on the Judiciary, Committee on National Security, Committee on Resources, Committee on Science, Committee on Small Business, Committee on Transportation and Infrastructure, Committee on Veterans' Affairs, and the Permanent Select Committee on Intelligence.

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

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from New York?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

Mr. LIVINGSTON. Mr. Speaker, pursuant to the order of the House of Wednesday, March 13, 1996, I call up the joint resolution (H.J. Res. 163) making further continuing appropriations for the fiscal year 1996, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 163

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 104–99 is amended by striking out ''March 15, 1996'' in sections 106(c), 112, 126(c), 202(c) and 214 and inserting in lieu thereof ''March 22, 1996'', and by inserting in section 101(a) after ''The Department of the Interior and Related Agencies Appropriations Act, 1996'' the following '', H.R. 1977'', and by inserting in section 101(a) after ''The Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 1996'' the following '', H.R. 2127'', and that Public Law 104–92 is amended by striking out ''March 15, 1996'' in section 106(c) and inserting in lieu thereof ''March 22, 1996''.

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, March 13, 1996, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 163 and that I may include tabular and extraneous material.

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

There was no objection.

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

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, the joint resolution before the House would

extend for 1 week the provisions of Public Law 104–99 and Public Law 104–92, the current temporary funding authorities for a portion of the Government that expire tomorrow night.

The Senate has not yet passed H.R. 3019, the fiscal year 1996 wrapup appropriations bill that we passed a week ago in the House. I understand that the other body will probably conclude their action on this bill today.

Mr. Speaker, I expect that there will be significant differences in the Senate amendments to the House version that will need to be worked out in conference next week. Last week, when we had H.R. 3019 on the floor, I said I expected the White House views to be represented in the conference, and I hope that that will still be the case.

But that will take some time. It cannot be done before tomorrow night, and that is why we are bringing this 1 week extension to the floor.

I understand the Senate will agree with this joint resolution and that the President will sign it. I urge all Members to support this joint resolution. We need to pass this quickly so that we can work on reaching agreement on our fiscal year 1996 appropriations wrapup bill with the Senate and the White House, and we hope to do that as expeditiously as possible so we can move on to the fiscal year 1997 appropriations cycle.

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

Mr. OBEY. Mr. Speaker, I yield myself 7½ minutes.

Mr. Speaker, I honestly do not know quite what to say about this proposition before us. This is both a remarkable and a very frustrating day in the history of this institution as far as I am concerned. It is frustrating to me personally because regardless of the partisan differences which we have had in this House through the years, the Committee on Appropriations and the appropriations process has been a bipartisan exception on most occasions to the partisanship which has sometimes plagued this House. This year it is amazingly different, and it has nothing whatsoever to do with any shortcomings of the chairman of the committee. He has tried his level best to see to it that the committee functions and he has tried his level best to see to it that bipartisanship remains, because this committee, when all of the shouting is over, has the job, the way this House works and the way the Congress works, this committee has the job to try to make things work after all the shouting is over. Yet, for a variety of reasons, we are not going to be allowed to perform that function.

We are now 166 days into the new fiscal year. We are debating, I believe, the 11th continuing resolution. We were supposed to have all of our work done by the 1st of October. But 80 percent of the domestic appropriations of the U.S. Government is still not in law, and we are now considering a 7-day continuation of funding in order to keep the Government open, and probably next week we will have to consider another 7-day continuing resolution.

Stop and go, stop and go, and I think in the process, this House is going to look sillier and sillier and sillier. The main job assigned to the Congress of the United States by the Constitution is to serve as the chief stewards for the public purse and to allocate funding of taxpayers' money. And I am sad to say that on that score this year this body has become virtually dysfunctional. The machinery has stopped. Congress is stuck.

This House has taken a position, at least the majority within this House, has taken a position on insisting on very severe cutbacks in education funding, very severe cutbacks in environmental cleanup funding. That is a position which has not been taken by Republicans in the Senate. It has not been taken by Democrats in the Senate. It has not been taken by the White House. And it has not been taken by the American people. And yet we are stuck because the one caucus, the one group of folks who could change their position and help do something about this impasse will not do it.

Then we see in the Washington Post this morning a column by Robert Novak indicating that a number of freshman Republicans have gone to the gentleman from Texas [Mr. ARMEY], the floor leader, asking him to stand pat against even the modest increases in education that were supported on a bipartisan basis, with only 14 dissenting votes in the Senate, just 2 days ago.

So I think that gives you some idea of what we are up against in trying to do the people's business.

Now the problem is not just that the Congress is looking sillier and sillier on this. The problem is also that that silliness and that obstreperousness is affecting the day-to-day ability of local school districts to function in an orderly way.

I visited a wide variety of schools in my district during the recess, looked at a lot of Federal programs in those school districts. The problem is that those local school districts are being left hung out to dry by this ying-yanging here in the congressional appropriations process.

April is the month that schools are supposed to sign contracts with the people who will be teaching our kids in September. Lots of those school districts do not know who is going to be in the front of the classroom in many of those classrooms. They do not know how they are going to be able to absorb the $3.3 billion reduction in education, the largest education cut in the history of the country.

The Senate is moving somewhat in the President's direction. But this House is still stuck, and I would predict right now flatly that next week we are going to have to go through this entire process again. I think that is a shame. I think it is a shame for your local school districts. I think it is a shame for people who think that at least once in a while Government ought to look like it knows what it is doing.

I certainly think it is a shame for the local school districts in my district who are going to experience continued turmoil and continued unanswered questions. And, frankly, I have had enough of it. I just do not think this ought to continue.

I would call to the leadership of this House to do what everybody knows is going to have to be done if this is going to be resolved. It is not going to do us any good to sit in a conference between the Senate appropriators and the House appropriators next week when we do not know what the House leadership will accept by way of restorations or by way of offsets for education and for environmental funding that is essential to the well-being of this country and the citizens we represent.

Until this House leadership focuses on that question, we are facing the prospect of another Government shutdown. There is no mistake about it. There is absolutely no reason that should happen. But people are going to have to give up their ideological Jihad on this issue if we are to break through this impasse. And so I call upon the House leadership, rather than going to war again, as some of our majority Members of this House appear to want the majority leader to do, I think this is the time to work things out.

So I would urge that proper attention be paid by the leadership of this House before this country stumbles into another shutdown which will further discredit this institution, which all of us are supposed to respect and love.

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

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

Mr. Speaker, it was my hope that we could dispose of this resolution rather quickly, but it appears it is going to be somewhat prolonged. So let me just make the point that the wrapup continuing appropriations bill that we await action upon in the Senate governs four bills with the possibility that they may inject a fifth, the District of Columbia bill, even though it is working its way separately through the entire process. It has likewise been hung up in the Senate. If, in fact, the Senate puts the District of Columbia bill on this final wrapup omnibus bill, that is their right to do so, and we will have to deal with it.

The other four bills are hung up at this late date, and I agree with the gentleman from Wisconsin, that is indeed late, but they have been hung up not because of any inaction of the House of Representatives. In fact, three of those bills worked their way all the way through the entire congressional legislative process, went to the President of the United States before Christmas, and he vetoed them.

Last week we put them in one wrap up bill to work their way through subsequently, with the good hope that the President might work with the Congress and reach some agreement on them. Frankly, no agreement has been reached to date, and the process drags on for those three bills. Those were the Commerce, Justice, State, judiciary bill, the Interior bill, and the VA–HUD bill.

The fourth bill that provides education funding, which, I suspect, is going to be the topic of the next few speakers, is the Labor, Health and Human Services, Education bill that passed this House August 4 of last year. That is the last time we saw it, because it was filibustered by presumably the minority party in the Senate, and that is where it remains today. It never got out of the Senate. Every time somebody tried to bring it up, someone from the minority party would jump up and object to its consideration.

Now, I appreciate the tenor of the comments from my friend from Wisconsin. And, frankly, I am concerned that we are dragging out this process for fiscal year 1996. It detracts from the ability of the House to discuss the problems affecting the fiscal year 1997 appropriations cycle and the future bills inherent in that process become all the more difficult, because we have got to complete them by the end of the summer before the election season kicks in.

□ 1045

So every day, every week that goes by without completing the 1996 cycle, it is just a little less time that we have to devote to 1997. It concerns me greatly.

Mr. Speaker, but, putting the cards on the table, the fault does not lie with the House of Representatives, with either party. The fault lies jointly in the system. Three bills were vetoed by the President, one was filibustered in the Senate, and I am not going to take the blame for that.

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

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I do not think the chairman of this committee ought to take the blame for it. It is not the gentleman's fault and I recognize that. But I do think that it is necessary to understand that the President was representing the overwhelming number of Americans when he decided that it was not correct to cut education funding by over $3 billion; when he decided it was not correct to cut environmental enforcement by 22 percent; when he decided it was not correct to allow massive new timber cutting in the Tongass rain forest; when he decided it was not correct to allow a whole laundry list of environmental and other legislative riders to be added to these bills which have nothing whatsoever to do with budgeting.

So it seems to me that the record is clear that it is this House which is out of step with public opinion and with the needs of the country.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, every time I go out, people say, why can this body not be more bipartisan?

I honestly do not think the problem is with this committee. We have just heard from the chairman and ranking member. They are not at each other's neck. Yet for people that watch C–SPAN, this is getting to be like ''Groundhog Day,'' the movie, where every day you get up and go through the whole same Groundhog Day again.

Mr. Speaker, here we are, 6 months into this fiscal year, and this is the 11th continuing resolution. Kind of jump-starting it, week by week, as we sputter along. This one is only going to be for a week. At the rate we are going, we may be down to hours. Who knows, Mr. Chairman? You have the patience of a saint. I do not think these gentlemen are doing this to get time on C–Span either. I think they would just as soon have had this thing done and wrapped up and put away.

What we are really talking about is we have had many times before where the Congress and the President disagreed and there were vetoes, but, you know what? We got together and worked it out. We have got a small minority within a majority refusing to let them get together and work it out, because they say that is capitulation.

So when they say the President will not work with us, what they mean is the President will not capitulate to us. And how can the President? He is the President of all the people. The people are saying we do not want these environmental programs cut, we do not want education cut.

Mr. Speaker, we just saw the leader in the other body come back, who is probably the freshest of all of us. He has been out campaigning. It now appears he has the mantle to carry his party into the presidency. He votes with the 84 people in the Senate who say, ''We ought not to cut education that deeply and we ought not to do that.''

So what we have is a large consensus in the other body, the President, a strong consensus here. But we have a minority holding it back so we cannot do anything but come out week by week with another one of these patch and plaster up over the holes and go on.

We are going to be committed to Groundhog Day forever unless we stand up. I think it is terribly important we realize this is the worst way to run a government, the least efficient, and get on with it.

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

Mr. Speaker, actually, I agree. It is not a great process. I would have loved to have expedited it and been done with it. In fact, I think, had we been able to reach an agreement with the President on the remaining bills not enacted since Christmas, we would have been done with this process.

But back then the President closed the door, he vetoed the bills and then blamed the Congress for turning the Federal employees out on the street, when in fact it was his vetoes that did it. He won the PR wars during the Christmas holidays, no doubt about that. It was a public relations battle. I look back on what happened, and I think the President clearly won the PR wars.

But in negotiating with the administration since then, in trying to reach a resolution on these bills, we have found it singularly impossible to get them to seriously come to grips with the problems with which we are faced in these various bills. After all, in December the President said that he wanted to get the budget under control and that he was in favor of a balanced budget. In February he said that the era of big government is over. About that same time, he was telling us he wanted $4 to $6 billion in additional spending in those bills he had vetoed. Now we are getting the message that anywhere from $8 to $12 billion additional spending is necessary for the same bills.

The fact of the matter is that the signals coming from the White House have been extraordinarily mixed and conflicting, and they have not shown any inclination to come and meet us halfway and settle this problem so we can move on to fiscal year 1997.

Now, as we pointed out yesterday, the fact is that even if you use the President's $8 billion figure that he wants in additional spending, notwithstanding his proclamation that the era of big government is now over, notwithstanding that the fact that the bills in question already appropriate some $160 billion and he wants $8 billion more, when you get into the details of what he is really asking for, you have to scratch your head and say, ''Is this worth hanging up government over?'' Is this worth saying to the Congress, ''If you do not give me my $8 billion, I am going to close down government?'' Is this worth virtually hijacking the Congress and the processes available to us and threatening the closure of the operations if he does not get his way?

I would say no. The point is, when you look at some of the programs that he wants to spend money on, the GLOBE Program, for example, which I know is near and dear to the Vice President's heart, the Global Learning Observation to Benefit the Environment Program. Its goal is to teach youngsters in the United States and foreign countries how to do such things as collect environmental data such as rainfall. Now that is a real significant program.

Then there is the Ounce of Prevention Council. Last year they spent $1.5 million on it, and this year they seek to spend $2 million; and all they did

last year, they are supposed to let out a lot of grants but for some reason, perhaps the closure of Government, they said they were not able to do it. So they put out a nice glossy book, for $1.5 million. Now they want to raise that now to $2 million. Maybe it will be a thicker book.

Then there is the Safe and Drug-free Schools Program, which I think has a marvelous name. Really, who can argue with Safe and Drug-free Schools, unless you find out that, as reported in the Fairfax Journal in May 1995, that in Talbot County, MD, their schools spent grant money on a disk jockey and guitarists for a dance, lumber to build steps for aerobic classes, and school administrators spent more than $175,000 for a retreat at a resort in Michaels, MD.

Additionally, another school district in Texas received a grant for $13. How many bureaucrats had to get together and figure out that this was a really meaningful grant of $13, and how much did that ultimately cost us? Congress would trim that program to $200 million in fiscal year 1996. The President says that is not enough, $200 million is not enough. Maybe we will have a lot more $13 grants in the future if the President gets his way.

He would say that the $8 billion is important because we have to spend more money on loan volume for direct student loan programs. The fact is, when you analyze what he wants to accomplish, you see that it would broaden the loan program for student loans for new institutions, some 481 new institutions, 138 of which are beauty, cosmetology, and barber schools. There is the Acme Beauty College, the California Medical School of Shiatsu, Naomi's Mile High Beauty College, the Ph.D. Hair Academy, and three schools of massage therapy. Now, that would be a real valuable use of taxpayer money.

Then there is the Advanced Technology Program we hear so much about, that the President wants $300 million over the level in our bill. That is mostly corporate welfare. It is taxpayers' dollars going to big companies in order to fund new technologies.

Then there is the trusty old AmeriCorps Program. Get a volunteer and pay them. Of course, the average estimate of cost was some $17,000 to $18,000 per volunteer. That was one thing. Then we found out in Baltimore they paid them $50,000. That is what the cost-per-participant was in Baltimore, $50,000 a volunteer. I know a lot of American citizens who are paying taxes that would probably like to volunteer for that kind of a job at 50 grand apiece.

Well, on and on it goes.

Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I think the gentleman made an interesting case. I would want to say that my understanding is that some of the money the President has requested, he has also offered offsets. I think it is unfair to just say he asks for flatout money. He has offered offsets. I think we would want the record to be clear on that.

I think that many of these programs the gentleman is talking about are on the basis they have been block granted, for example the Drug-Free School Programs the gentleman is talking about. Those were block grants to the local communities for people to try and figure out how to spend the money in the best way to get the people's attention.

So I find it a little disconcerting that on the one hand you say we should trust the local officials, but then when we do and they do something and say this works in our neighborhood, then people say they did the wrong thing. So I do not know.

All I am saying is I do think it is very important to say there have been offsets, that I do not think this was just a PR war, and that this President has vetoed fewer bills than any President that has been here since I have been elected.

So I think the press looked at why he vetoed these bills, and I think that is why the people have been on his side.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I would like to correct some of the statements made by the distinguished chairman of the committee. The President has not asked us to spend more money. What happened is very simple: The majority party in this House decided that they wanted to spend $7 billion more on the Pentagon budget than the President wanted them to spend. The President decided, in the midst of the Bosnia crisis, that while he was opposed to that increase, he would accept the passage of that bill as a good will gesture during budgeted negotiations, as much as he did not want to spend that additional money. So that $7 billion is moved over to the Pentagon.

Now the majority party is insisting that that $7 billion come out of the hide of environmental cleanup enforcement, out of the hide of education, and out of the hide of the Interior appropriations bill. So they have made these cuts in education programs, in job training programs, in drug education programs and the like.

The President said, ''I do not think that is a good idea, folks.'' So he came down here and suggested offsets. I have got a copy of them in my hand. He suggested spending offsets, areas of the budget that could be cut in order to finance the restorations he is looking for in education and training and in the environment.

So, No. 1, get off this idea that he is asking that more money be spent in the aggregate. He has suggested cuts to offset the money. If you do not like where he has taken the offsets, bring up your own list. But do not say the President has not offered ways to offset it.

Let me also point out that what you have got here in my view is a political rather than a substantive problem. Robert Novak's column this morning points out that the majority leader suggested that, and I am reading now, ''There was no hope for the Republican Party if it succumbed to Clinton. Instead of cutting a deal with the President,'' he said, ''Let's fund the government with a series of short-term extensions of spending authority.''

□ 1100

Then he goes on to say it was asserted that there ''would not be much chance for the Republican Party to win the allegiance of Pat Buchanan's followers if the party leadership showed the feather.''

That is what is going on here; it is politics, and, because of that, we are being asked to take huge reductions in education funding.

Now my colleagues can laugh all they want about the GLOBE Program. I visited a GLOBE Program in Chippewa County in my own district and watched those very young kids learn something about climate, learn something about the interconnection of various parts of the globe because of the environmental issue. I think the tiny amount of money spent on that program was well worth teaching those youngsters that we are all connected on this globe.

If we take a look at safe and drug-free schools, I will stipulate, if my colleagues do not like the way, and the gentleman just mentioned six items he did not like, spending for those items. I will happily accept cuts in all of these programs for the dollar amounts of the screw-ups that the gentleman has cited by the local school districts. But I do not grant that because some of the school district in Florida or some other State has screwed up the way they use safe and drug-free school money that my district should not get any, or that my district should not get summer youth because some other district may have screwed up the way they spent it. Fix it up in that locality, do not savage the program; that is the way to deal with it. My local police chief happens to think that safe and drug-free schools is an important program.

As far as student loans are concerned, there is absolutely no reason whatsoever why we ought to raise the cost of going to college for kids in this country by $10 billion over the next 7 years. That is what our colleagues are asking us to do.

Title I; I do not know how many of my colleagues visited title I projects. I think they are crucial to an awful lot of families in my district.

AmeriCorps; my colleagues can laugh all they want about it, but those volunteers help coordinate other neighborhood volunteers to supervise kids who commit the majority of youth crime in this country, majority of violent crimes, between 3 o'clock and 6 o'clock in the afternoons because they are not

supervised. That is one of the things AmeriCorps is trying to correct.

So do not tell Chippewa Falls district, do not tell Wausau, do not tell Colby school districts, or all the other school districts in my district they have got to take a cut because of some political agenda of the majority party. I do not think the country is going to buy that.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 30 seconds, and I would like to then yield to the gentleman from California [Mr. CUNNINGHAM].

I just point out that, as my colleagues know, the gentleman from Pennsylvania [Mr. GOODLING] chairman of the Committee on Economic and Educational Opportunities, pointed out there are 760 education programs. Only 6 percent are actually dedicated to math, reading and science. Now this country spends $26 billion on just the Education Department alone, and by some estimates when we include all the other departments in the Government, we may spend some $200 billion on education, and yet the other side never wants to eliminate a program, they never want to close a program. Lord, do we need 760 education programs?

Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the gentleman from Wisconsin [Mr. OBEY], is so enamored with his own opinion he states it as fact, and he is misinformed, first of all, that our schools, in almost every category we score last among the developed nations. Great Britain and Japan score far above us in every category, and in some categories Japan scores twice of our students in scores. We have less than 12 percent of our classrooms, and I laud the President for his ideas and working to get our classrooms upgraded. But we have such a proliferation of dollars with 760 programs spread over 39 programs.

The ranking minority member on the budget agrees that the title I program, the direct lending Government-run program, should not be. A billion dollars just in administration fee capped at 10 percent. GAO estimates a greater cost, of up to $3 billion just to collect the dollars. We took those savings, we increased student loans, we increased Pell grants and so on.

Take a look at HHS, take a look at the Department of Education's recommendation, the Department of Education, not exactly a right wing group. Every study shows that title I and Head Start are not meeting their goals, that you take two students track them along the same lines, and there is no difference, and yet we are spending billions of dollars. Did we kill them? No, but we said is it wrong to ask for quality, is it wrong to ask for performance? And a program has been reduced by 500 percent and is serving less children. Is it wrong for us to manage a program? But if that works in our colleagues' State, just like drug-free schools, that block grant, the State can decide. If Head Start works in our colleagues' State, do it, and fully fund it. If title I, fund it. I support their program. I think it is a great program, and I think it should be funded. But what we are reducing is not cutting. What we are reducing is the bureaucracy here in Washington.

In title I, in Head Start, and in the direct lending program we are reducing the bureaucracy here in Washington, DC, and focusing the dollars down to the local level. We are insisting on quality, we are insisting on parental control to get the dollars down so we can pay teachers more instead of the mess that we have right now where those dollars are being squandered here in Washington, DC. Now my colleagues may want to call that a cut, and I will say, ''Yes, Mr. OBEY, it's a cut, it's a cut of your precious bureaucracy, and that's what you are having a problem with.''

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. I thank the gentleman for yielding this time to me.

Mr. Speaker, the Republican majority can find additional money if they were not so anxious to provide tax breaks for the wealthiest Americans. $17 billion in a windfall to the richest corporations in this country, and would have them pay no tax at all. Come on, that is the shame of this, these cuts to education.

Mr. Speaker, I rise today in opposition to the mind-boggling incompetence of the Republican majority in running this House. Six months into the fiscal year, twice shutting down the Government, threatening to do so for a third time, they have brought to the House floor the 10th stop-gap spending bill, this one for only 1 week. The failure of the Republican leadership to get their act together, to tend to the people's business, has a real impact on my district and virtually every community in America.

I met recently with parents, teachers, and school officials in my district who told me that the proposed $8.6 billion in a cut to Connecticut's basic training skills, reading, writing, arithmetic, not bureaucracy, to reading and math skills. It is going to affect 9,200 kids in my State, the loss of the dollars for safe and drug-free schools, the DARE Program that works.

These are not the priorities of the State of Connecticut or America. These are not the values that we hold dear in this country. Public education has been the great equalizer in this Nation for all kids despite what their economic circumstances have been.

Republicans in the other body have got the message. They voted 86 to 14 to restore education funds. I hope the vote in this House will wake up the people here and say to the Republican revolutionaries, support education, pass long-term legislation that puts the education needs of America's kids first.

Mr. LIVINGSTON. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. PORTER], the distinguished chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations.

(Mr. PORTER asked and was given permission to revise and extend his remarks.)

Mr. PORTER. I thank my distinguished chairman for yielding me the time.

Mr. Speaker, there can be no question but that the majority is just as committed to quality public education for the children of America as anyone in the minority. To suggest otherwise is nonsense. But let us face it, there are many, many Government programs that have not provided that kind of quality and that have wasted taxpayers' money. It is time to review them to see if we can do better, and I know that we can do better.

In higher education, it is suggested by the other side that there is going to be less money for student loans and grants. This is simply not true. There is no child in America that is going to have any less money this year than last year for their higher education. The cuts are in the administration of the programs. We can reduce overhead and do a much, much better job of educating children.

On primary and secondary education, all of the cuts in the House bill would amount to less than three-quarters of 1 percent of the money spend on primary and secondary education in the United States.

The sky is not falling. What we are attempting to do is to prioritize; to look where the money is wisely spent for good results, and to support those areas, and to cut those where the money is not wisely spent or is simply wasted.

With respect to title I and Safe and Drug Free Schools, we would like to have greater targeting so that the money goes where it is needed and does not go to almost every school district in America; many of which do not need it at all.

I would like to see targeting for title I done much more tightly. We do not need the money in New Trier High School in Winnetka IL. It is needed in the inner cities and rural areas where we need to get results.

We also need to look at the programs themselves. Do they work? Are children really able to achieve a place in the work force where they can be productive citizens, or are they unable to read and unable to compute? If the programs are not working, by God let us reform them so that they work.

What we see today is really an issue between the old politics, represented by the other side, of serving one special interest in America after another, and the new politics, which I believe we represent, of getting solid results and make Government work better for people in this country.

H.R. 3019, which passed this House last week, included additional funding for many high priority programs. We are willing to spend more money. Obviously we knew from the very beginning that we would have to move toward the President who has different priorities than the Congress. We are willing to sit down and negotiate these matters out, and if more money is desired in certain areas, fine, let us provide it. But let us not add more to the deficit, for if that is what the President wants to do, and it seems that that is exactly what he wants to do, the answer is no.

Let us not increase taxes. That is not the problem in this country. We are taxed enough. The problem is that we spend too much. We have to spend less and use the money we do spend better.

And finally, no funny money, no short-term fixes that do not work. If my colleagues want to provide some additional revenues that are real and long lasting, we will consider them. If they want to fund programs that they think are priorities and ought to have higher spending levels we are willing to do that right now; but no adding to the deficit, no tax increases, and no funny money.

We can work together to find common ground on this matter. Let us find that common ground, let us make government work better for people, let us get results and let us stop playing the old political games.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, yes, I support a special interest in the area of education. The special interest I support is kids. They are our Nation's future, and I make absolutely no apology for it. Let me simply say, the facts remain that if we follow you on the reconciliation bill, we will wind up requiring people to spend $10 billion more on interest costs for student loans over the next 7 years because of what they put in the reconciliation bill.

And that is going to benefit the banks. That is not going to benefit students. I have talked to college after college in my district, desperate to see the direct loan program expanded so they can get rid of some of the paperwork under the indirect loans that favor the banks but not the kids.

I would also make the point that if my colleagues do not like the fact the proprietary schools are included in some of these programs, cut them out. I am for that. If my colleagues do not like the way some of the education programs work, cut them out. But then use that money in other education programs of a higher priority. Do not use education cuts to finance a tax cut for rich people. That is not what this country is looking for.

Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

□ 1115

Mr. DOGGETT. Mr. Speaker, I agree with my colleague on the Republican side that there is certainly something new about this Congress. Indeed, it has achieved new heights. It has scaled new mountains when it comes to mismanagement, near total and complete mismanagement.

When we look back over the course of the last 14 months of this great new revolutionary Congress, what is there to show for all the effort? Near nothing, somewhere between nothing and next to nothing; a lot of hot air, a lot of rhetoric. But in terms of doing anything that affects the lives of ordinary working people in this country, nothing has been accomplished by this Congress. This year it has been hurry up and stop.

Mr. Speaker, I am really pleased that my Republican colleagues have so much love in their hearts that they needed 3 weeks to celebrate Valentine's Day. I wish they would express a little of it on the floor of this Congress. I wish they would come here and get to work on the problems this country faces. Their great division is not with us, not with the President, it is with their Republican colleagues over in the Senate, who rejected in these past few days their radical cuts in Head Start. What they propose is not a continuing resolution but a continuing nonsolution.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], chairman of the subcommittee.

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the gentleman from Wisconsin knows very well that I have been in Congress for 16 years now. During all of that time, his party was in the majority. During all of that time, I have personally opposed a 100-percent guaranteed student loan program. Government should neither guarantee any industry their profit nor should government by left holding the bag for defaults at the 100 percent level.

But guess what; the minority party that was then the majority never changed that law. Today, they are promoting yet another plan that leaves the taxpayers holding 100 percent of the defaults, and it is called the direct lending program.

This program looks good at the beginning, because the defaults are not realized until later on, when they occur. Both programs, the 100-percent guaranteed student loan program and the direct lending program, have the same problem: They leave the taxpayer holding the bag on all defaults.

What we need, Mr. Speaker, and what we are going to get is an 85-percent loan program, where there is participation in the private sector, and where the banks are not guaranteed a profit and must make lending more wisely. If there are defaults, the banks participate in handling than on behalf of the taxpayers. That is the way we should have done it a long time ago. The gentleman's party failed to do it.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, let me simply point out that one of the key leaders in proposing the changes which we now have in student loan programs, including the direct loan program, was that ''well-known left-wing radical,'' the gentleman from Wisconsin [Mr. PETRI], who last time I looked was a Republican. He helped this House lead us into a better mix of student aid. You people are now trying to cap the programs that represented the reforms of just a year ago.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, this is the 10th or 11th, depending on how one is counting, continuing resolution that we have had before this House in the last 5 months. We are here halfway through the fiscal year. Five appropriations bills still have not been completed because the Republican leadership cannot get their act together. Every single day, millions of dollars in taxpayer funds are being waived through inefficiency and uncertainty. Now, once again, we are being asked to make the biggest cuts, biggest education cuts in the history of this country.

Mr. Speaker, the value of education has always been embedded in America's national soul. A long time ago mothers used to pour honey on the books of their children so when they went to school they would smell the sweetness of education. When kids were working out in the fields out west, mothers used to bring them in when they would see a teacher come by for the educational benefits that were there.

Mr. Speaker, we just had a little discussion here about student loans. What galls me is the fact that your leaders, the gentleman from South Carolina [Mr. GRAHAM], the gentleman from Georgia [Mr. GINGRICH], got through school on student loans. In fact, if it was not for student loans they would not be where they are today, which is the only good reason, from my perspective, to be against student loans. Nonetheless, they want to pull the ladder up and deny students the opportunity that they had to be successful in our society today.

Mr. Speaker, education is our heritage. It is our heritage. We are living in a time when 70 percent of our kids will never finish college, a time when what one learns will make a big difference on what one is going to earn. Yet, this bill responds by making the biggest cuts in education history. It cuts safe and drug-free schools 25 percent, drastic cuts in the DARE program.

It cuts the school-to-work program, which is just getting off the ground, 18 percent. It cuts title I funding, if we take this out through the whole year, by $1 billion, 40,000 teachers losing their jobs. It kicks millions of kids off of math and reading programs.

Mr. Speaker, I would say to the gentleman, do not tell us we are making

these cuts to give kids a better life. This bill will deny millions of students the skills they need for a better life. Now is the time that teacher contracts are being signed. Now is the time that cities are submitting their school budgets. Now is the time that kids are making their important decisions about where they are going to go to college and if they are going to go to college, but they cannot do that if we keep messing around, week by week, month by month, with their funding, and messing around with their lives.

Mr. Speaker, we all know the President is not going to accept these extreme cuts. He understands that education needs to be a priority in this country. In order to force through an extreme agenda, my colleagues are willing to hang American schools and communities and families out to dry.

In closing, Mr. Speaker, let me just say this. America deserves a break. It deserves a government that is on their side. They do not need a Congress that is going to stand in their way, but that is exactly what this bill does.

I urge my colleagues, vote no on this bill, and let us give our kids the opportunity they deserve, the opportunity that the gentleman and his leaders have had on that side of the aisle. Let us give them the opportunity to be successful and to live the American dream. Vote ''no'' on this resolution.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I love the word of the month, ''extremists.'' Republicans are extremists. I must hear it from 43 Democrats a day in one form or another, either on the floor or somewhere on the media.

Mr. Speaker, they are talking about how we are cutting education, knowing full well there are 760-some-odd education programs, only 6 percent of which go to math, reading, or science. But if we want to pare one down, we are extremists, and when we did send a perfectly good bill, trying to pare down some of the inefficiencies, to the Senate, it was the Democrats that filibustered that bill for 9 months. The reason we are here talking about education is because their party filibustered it over in the Senate, and would not let it move.

Mr. Speaker, for crying out loud, let us try to be a little credible. We are not extremists. We are trying to save the American taxpayer money, and make sure that the money is spent on the people who deserve the money, and that is the students.

Mr. Speaker, I heard concern for the kids. Where is the concern for the kids when we are spending billions of dollars, anywhere from $26 billion to $200 billion, on education programs in this country, and yet, since 1972, SAT scores have dropped from a total average of 937 to 902 in 1994; 17-year-olds scored 11 points worse in science than in 1970; in reading, 66 percent of 17-year-olds do not read at a proficient level, and reading scores have fallen since 1992; United States students scored worse in math than all other large countries except Spain; and 30 percent of college freshmen must take remedial education classes.

Mr. Speaker, I hear the compassion, I hear the charges and the labels of extremists, but I do not hear any good that is coming from the billions of taxpayers funds that they have wasted on one redundant, inefficient, unnecessary program after another. If Members want 100 programs, fine, or if they want 200 programs, maybe that is a good idea. But 760 is absurd and obscene.

By the way, I heard earlier a little charge that we are beefing up, building up the military-industrial complex; that we are not cutting defense enough, or that we are building it up too much, spending more than the President wants.

Mr. Speaker, this is the President who stood in the Rose Garden on December 13, 1994—check it out. There was an article in the Washington Times and the Washington Post where he was surrounded by his generals and his admirals, wrapping himself in the flag—and said

> I've got to spend $25 billion more on defense, because the support and logistics and equipment of my troops is going down the tubes. We are putting people who are expected to maneuver tanks on the battlefield out on the training field, and they are working their courses rather than driving tanks because they cannot even afford the gasoline.

We were in a position where planes were crashing, and maintenance for tanks and boats and ships was not being adequately made. Even the President of the United States, this President, who says we are extremists has consistently said, or at least back then said, for all the TV cameras, he needed $25 billion more than was previously appropriated for the Defense Department for concern for our troops.

Since then he has deployed troops to Haiti; he has deployed troops to Bosnia; he has people on alert near China, in the area between China and Taiwan, two carrier battle groups. He has troops going all over the world, and what did he do? Instead of pushing for that $25 billion extra this year he recommends a $12 billion cut on top of his low recommendation last year that we increased by $7 billion. So in effect, there is almost $50 billion difference between what the President said that he needed on defense and what he was willing to give the people in uniform, who are risking their lives every day on behalf of every freedom-loving American citizen.

Mr. Speaker, I say that defense is not an issue, because we did not give the President the cuts he asked for in the fiscal year 1996 bill, and we do not intend to give it to him in the fiscal 1997 bill. In fact, defense is expected to be level funded. Actually, it went down by $400 million in fiscal year 1996 under fiscal year 1995, so defense is not an issue.

The President keeps sending troops all over the world, and yet he just does not want to support them. That is his problem. He can take that to the American taxpayer and to the American voter in November. But the real issue is whether or not the Democrats have ever seen a program that they did not want to fund, or an American taxpayer dollar that they did not want to waste on an unnecessary program.

I have a list of some of the programs that money is in fact being spent on. We talked about the book. This $1.5 million book of the Crime Prevention Council. We talked about the other programs that money was being spent on. The direct loan third-year schools program, that the President wants to expend. He says we are not spending enough money on it. If we do not spend money on these items, he says, we are extreme, we are extremists. We are radicals in Congress.

We are extremists because we do not want to spend money on another 138 hair, beauty, cosmetology, barber schools like Earl's Academy of Beauty. It might be a nice place, but how much taxpayer money should go to it? Or to the International School of Cosmetology; three Columbine Beauty Schools in Colorado; Naomi's Mile Hi Beauty College. I will bet that is a nice one. There is the Ph.D Hair Academy, Hair Arts Academy, BoJack Limited Academy of Beauty Culture, Patsy and Rob's Academy of Beauty, Acme Beauty College, Aladdin Beauty College Number 22. What happened to 1 through 21? I guess they are already getting funded, but now he wants to fund number 22, and we are extremists if we do not go along with it.

There is the Southern Nevada University of Cosmetology; 15 Empire Beauty Schools, beauty schools in Pennsylvania; the Avant Garde College of Cosmetology; the Circle J Beauty School.

These are nice places, but do they deserve so much taxpayer dollars that the President puts a gun to Congress' head and says ''Give me my $8 billion to spend on these foolish things, or else I am going to close the Government down?'' That is essentially what he is saying.

He wants to spend money on the Desert Institute for Healing Arts, the California Medical School of Shiatsu, the Euro Skill Therapeutic Training Center, the Florida Institute of Traditional Chinese Medicine, the Myotherapy Institute of Utah, and three schools of massage therapy. ''If you do not fund these things,'' President Clinton said ''We are going to close the Government down, and it will be the Republicans' fault and they are extremists.'' Give me a break.

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

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Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the argument from the other side is we are not doing as well in international comparisons on education as we should, and so what we

ought to do is cut education support by $3.3 billion. That may not be extremist. It is dumb.

The issue is not who did what in the Senate or in the House. The issue is simply whether or not it is smart to run the Government 1 week at a time so that nobody can plan what to do next in every local school district in the country. Again, that may not be extremist. It is dumb.

I would urge you to stop it and recognize we need to fund this Government for a full year at a reasonable level. If you do not like these other programs, reform them.

But I do not see any arguments that you made for cutting back on chapter 1. I do not see any arguments you made for cutting back on school-to-work. It would be kind of nice if we paid some attention to kids in this country who are not going to college. That is what the school-to-work program tries to do. Again, it may not be extremist, but it is dumb to cut those programs.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, what is extreme about today's action is that once again the House Republicans are turning their back on America's children. Today the House Republicans are taking a hike on America's education for its children, because today the House Republicans are confirming their position against that of the Senate, where a bipartisan coalition has determined that America's children deserve this support for education.

It is one thing to get up here and read off all these programs of cosmetology. There are no title I children enrolled in those schools. Why are you cutting the title I children? There are no high school children enrolled in those schools. Why are you cutting those children from this program?

That is what is extreme. You talk about one thing and you do another. You ought to go back to your schools, as I do every Monday, and visit with the title I children, visit with the school programs and talk to them.

Then you will understand how extreme your position is, how you are playing Russian roulette every 7 days with the education of our children, with our teachers, with our parents and with our communities. Every 7 days you threaten to shut down the Government. That is what is extreme.

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

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, what this is all about is priorities. What the Democrats are saying is that if we look at this continuing resolution, education, the amount of money that goes to our schools is cut by 13 percent. If we look at the amount of money that goes to environmental protection, it is cut by 22 percent.

The gentleman from Illinois said that this is all about priorities and that is what this is about, priorities. The Democrats are saying that there is insufficient funding, there are too many cuts here in educational programs, back to our schools, environmental programs.

The President was in New Jersey last week. He talked about the Superfund program and how many sites will not be cleaned up, hazardous waste sites, because of these cuts constantly in these continuing resolutions, and it is irresponsible to act this way.

We are now talking about a 1-week CR. How can we continue to operate a government on a 1-week basis? What does that mean to the Federal Government? It means that a tremendous amount of time has to be wasted in just gearing up or gearing down because agencies do not know how much money is going to be available.

When the Republican majority was elected, they were elected to govern, and they have not been governing. They come here with these 1-week resolutions, and it is about time that we said enough is enough. Vote ''no.''

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, earlier it was said that there were cuts in higher education funding. Let me be clear about this. The loan programs are entitlements. They are not in this short-term spending bill at all. The money continues to flow exactly as before.

The work-study program, the TRIO program, the SEOC program, the Perkins loan program are all level funded. The Pell grant program was increased by the largest increase in 1 year in history, to the highest level in history, by this side. That is an increase, not a decrease. The only program that was eliminated is State student incentive grants, exactly as the President had suggested.

Let me say regarding title I, Mr. Speaker, that giving the money for a program that does not work is not good government. The program is not working. What we must do is devise a better use of the money and target it to where it is most needed and make a program that really does work.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, when we cut through all the shouting, I think it is easy to see by looking at the actions of other parties who is the odd man out today and who is not.

The Senate 2 days ago, with only 14 dissenting votes—and the last time I looked, the Senate was controlled by the Republican Party, the Majority Leader was a fellow who is going to be the Republican candidate for President. When the Senate acted on this bill, on the Labor-Health-Education-social services funding bill, with only 14 dissenting votes out of 100, they put back $60 million in the Goals 2000 program. They put back $917 million in the school-to-work program. They put back $814 million in title I to teach the most disadvantaged kids in this country. They put back $82 million in vocational education.

The gentleman from Florida says it does not work well in Florida. It works terrifically well in Wisconsin, and we do not want to cripple that program.

They put back $58 million in Perkins loans. They put back $32 million in SSIG. Summer youth, you are wiping out that program, an awful lot of jobs for kids who are going to be on the street instead of learning how to work. School-to-work programs in the Department of Labor $91 million that they are trying to put back. Head Start, $136 million.

We can talk all we want about how some local school district has applied for money and used it in a stupid way. I do not doubt that. It is the job of government to try to cull those out. You talk about the way some proprietary schools have abused these student aid programs. That is why I would like to see most of them largely declared ineligible, unless they can demonstrate they have a solid record of performance.

I pay taxes, just like you do. My constituents pay taxes, just like you do. I deeply resent it when a dime of it is wasted. But I also deeply regret it when Members of this House use some little screw-up somewhere to provide an excuse for obliterating support for chapter I for a million kids in this country who need some help to get ahead.

Now, I just released a report on Monday which showed that the wealthiest one-half of 1 percent of American families in this country saw their net worth grow from $8.5 million in 1983 to $12.5 million in 1989, just in the 1980's alone.

The net worth of 90 percent of American families did not grow by almost $4 million, as it did for the high rollers in this society. The net worth for most families in this country, 90 percent of them, grew by $2,000 in the 1980's. They had a grand total of $29,000 in assets. The best way for most working families to get off the treadmill, to get ahead for their kids, to build a decent future for their kids, is to expand, not contract, educational opportunity.

Now, if you do not like what was done in the past, fix it. You are the majority party. If you want to consolidate those programs and clean them up, do it, and we will try to help you. But do not use some of these local screw-ups as an excuse to gut chapter I for a million kids or to say to hundreds of thousands of kids who are looking for summer jobs, ''Sorry, it's more important go give the wealthiest 1 percent of people in this country another tax cut. You guys worry about your kids some other day''.

That is what you are saying when you are cutting education by over $3

billion. When you come in here and say we ought to cut back on environmental enforcement by 22 percent, that is disgraceful. It destroys the future environment for every family that wants a decent environment. You ought to be ashamed of yourselves. Vote ''no'' on this proposition. It is a silly 1-week, childish game.

Mr. LIVINGSTON. Mr. Speaker, I yield myself the balance of my time.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, here it is. We ought to be ashamed of ourselves. We are extremist for trying to save the taxpayers money and to not spend money on silly, dumb programs that do not work.

Compassion is not just exclusively on that side. We have got a lot of compassion. We have got compassion for the kids. We have got compassion for the taxpaying citizen, the hard-working American people that want to make sure that if they are going to send their money here, that it is going to be spent wisely

In reality, this should be debate simply about a continuing resolution for 1 week so that we can go try to wrap up this whole other exercise on all these bills, three of which were vetoed by the President and one which was filibustered by their guys in the other body. Now let us not make any more of this than that.

The summer youth jobs program we heard about, that is a total other bill. That is not even in this resolution before us. That issue should be resolved as it was signed by the President in another bill. It is over because it did not work. It was getting money to kids who just did not work, and it did not train them for anything.

The title I program that the gentleman talks about goes to rich school districts that do not need it. It needs to be revamped. When you want to get money to kids that need help, let us not spend it on kids that do not need help.

All we are saying is fix the programs first. You have had 760 programs to do all the wonderful education things you want. You have wasted it, and the SAT scores have plummeted. They have gone down. It is time to take a new look. It does not take a new program. It does not take more money. What it takes is some common sense, and that has been totally lacking over there for the last 40 to 60 years.

I urge the adoption of this poor, measly 1-week bill, and let us get the real bill up next week.

Mr. POSHARD. Mr. Speaker, I rise in strong opposition to this short-term funding bill, both in regards to the substance of the bill and the process under which we are dealing with these very serious issues.

The record on spending issues is clear—I've supported the balanced budget amendment, the line-item veto, and have voted often enough to control spending to make the Concord Coalition Honor Roll. I know we need to control spending.

But there are some serious mistakes being made in this bill and in the appropriations process overall for fiscal year 1996.

I respect my colleagues, Chairman LIVINGSTON and Chairman PORTER, and know that this has been a difficult year for the Education, Labor, HHS appropriations bill. But I have to object to the serious cuts being made in support of education in this country. When I'm home each weekend, I am constantly contacted by the school administrators, teachers, and parents who are concerned about the shrinking support they are receiving for very important education initiatives. And with Eastern Illinois University, Southern Illinois University, Millikin University all in my district and the University of Illinois close by, I am also concerned about our approach to supporting opportunity for our students and families to access the education they need to compete on the job market.

The title I program which helps our school districts serve families of modest incomes is important in my district. The title III program which serves our community colleges is important in my district. We are not doing as well for our communities in these areas as we should.

If we need educational reform, I stand ready to help my colleagues fashion a stronger approach than what may now be in place. If we need to control spending, my record is there in terms of sorting out our priorities and getting return for our investment.

But I oppose funding the Government on a weekly, monthly, or quarterly basis. And I oppose doing so on 75 percent of funding in the previous year. That obscures the very real policy issues we face in education, health care, the environment, and our economy as a whole. I oppose this bill and urge my colleagues to do better in future efforts.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the order of the House of Wednesday, March 13, 1996, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

Mr. OBEY. 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 238, nays 179, not voting 14, as follows:

[Roll No. 62]

YEAS—238

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

NAYS—179

Abercrombie	Clyburn	Filner
Ackerman	Coleman	Flake
Andrews	Collins (MI)	Foglietta
Baesler	Condit	Ford
Baldacci	Conyers	Frank (MA)
Barcia	Costello	Frost
Barrett (WI)	Coyne	Furse
Barton	Cramer	Gejdenson
Becerra	Danner	Gephardt
Beilenson	DeFazio	Gibbons
Bentsen	DeLauro	Gonzalez
Berman	Dellums	Gordon
Bevill	Deutsch	Green
Bonior	Dicks	Gutierrez
Borski	Dingell	Hall (OH)
Boucher	Doggett	Hamilton
Brewster	Dooley	Harman
Browder	Doyle	Hastings (FL)
Brown (CA)	Edwards	Hefner
Brown (FL)	Engel	Hilliard
Brown (OH)	Eshoo	Hinchey
Bryant (TX)	Evans	Holden
Cardin	Farr	Jackson (IL)
Clay	Fattah	Jackson-Lee (TX)
Clayton	Fazio	Jacobs
Clement	Fields (LA)	

Jefferson	Minge	Schumer
Johnson (SD)	Mink	Serrano
Johnson, E. B.	Mollohan	Sisisky
Johnston	Montgomery	Skaggs
Kanjorski	Murtha	Skelton
Kaptur	Nadler	Slaughter
Kennedy (MA)	Neal	Spratt
Kennedy (RI)	Oberstar	Stark
Kennelly	Obey	Stenholm
Kildee	Olver	Studds
Kleczka	Ortiz	Stupak
Klink	Orton	Tanner
LaFalce	Owens	Taylor (MS)
Lantos	Pallone	Tejeda
Levin	Pastor	Thompson
Lewis (GA)	Payne (NJ)	Thornton
Lincoln	Payne (VA)	Thurman
Lipinski	Peterson (FL)	Torres
Lofgren	Peterson (MN)	Torricelli
Luther	Pickett	Towns
Maloney	Pomeroy	Traficant
Manton	Poshard	Velazquez
Markey	Rahall	Vento
Martinez	Reed	Visclosky
Mascara	Richardson	Volkmer
Matsui	Rivers	Ward
McDermott	Roemer	Waters
McHale	Rose	Watt (NC)
McKinney	Roybal-Allard	Waxman
McNulty	Rush	Williams
Meehan	Sabo	Wilson
Meek	Sanders	Wise
Menendez	Sawyer	Woolsey
Miller (CA)	Schroeder	Yates

NOT VOTING—14

Chapman	Greenwood	Rangel
Collins (IL)	Lowey	Royce
de la Garza	Moakley	Scott
Dickey	Myers	Stokes
Durbin	Pelosi	

□ 1200

Messrs. BOUCHER, HOLDEN, DICKS, CRAMER, RICHARDSON, ANDREWS, and BARCIA changed their vote from ''yea'' to ''nay.''

Mr. COLLINS of Georgia changed his vote from ''nay'' to ''yea.''

So the joint 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

Mrs. LOWEY. Mr. Speaker, I would like to state that had I been here for rollcall No. 62, I would have voted ''nay.'' I was detained at a Committee on Appropriations hearing, and, therefore, I missed the vote.

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, I was also detained at the Committee on Appropriations. Had I been present for the vote I would have voted ''nay.''

PERSONAL EXPLANATION

Mr. DICKEY. Mr. Speaker, I have the same request. I was unavoidably detained in my subcommittee and could not make it here at the time. Had I been present I would have voted ''yea.''

THE JOURNAL

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to clause 5 of rule I, the pending business is the question de novo of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

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

RECORDED VOTE

Mr. LAHOOD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 336, noes 73, answered ''present'' 1, not voting 21, as follows:

[Roll No. 63]

AYES—336

Ackerman	Dingell	Kanjorski
Allard	Dixon	Kaptur
Andrews	Doggett	Kasich
Archer	Dooley	Kelly
Armey	Doolittle	Kennedy (MA)
Bachus	Dornan	Kennedy (RI)
Baesler	Doyle	Kildee
Baker (CA)	Dreier	Kim
Baker (LA)	Duncan	King
Ballenger	Dunn	Kingston
Barcia	Edwards	Kleczka
Barrett (NE)	Ehlers	Klink
Barrett (WI)	Ehrlich	Klug
Bartlett	Emerson	Knollenberg
Barton	Engel	Kolbe
Bass	Eshoo	LaHood
Bateman	Evans	Lantos
Beilenson	Ewing	Largent
Bentsen	Farr	LaTourette
Bereuter	Fattah	Lazio
Berman	Fawell	Leach
Bevill	Fields (LA)	Lewis (KY)
Bilirakis	Fields (TX)	Lightfoot
Bishop	Flake	Lincoln
Bliley	Foley	Linder
Boehlert	Forbes	Lipinski
Boehner	Ford	Livingston
Bonilla	Fowler	LoBiondo
Bonior	Fox	Lofgren
Bono	Frank (MA)	Lowey
Boucher	Franks (CT)	Lucas
Brewster	Franks (NJ)	Luther
Browder	Frelinghuysen	Maloney
Brown (OH)	Frisa	Manton
Brownback	Funderburk	Manzullo
Bryant (TN)	Furse	Martinez
Bryant (TX)	Gallegly	Martini
Bunn	Ganske	Mascara
Bunning	Gejdenson	Matsui
Burr	Gekas	McCarthy
Burton	Geren	McCollum
Buyer	Gilchrest	McCrery
Callahan	Gilman	McDade
Calvert	Gonzalez	McHale
Camp	Goodlatte	McHugh
Campbell	Goodling	McInnis
Canady	Gordon	McIntosh
Cardin	Goss	McKeon
Castle	Graham	McKinney
Chabot	Greenwood	Meehan
Chambliss	Gunderson	Meek
Chenoweth	Hall (OH)	Metcalf
Christensen	Hall (TX)	Meyers
Chrysler	Hamilton	Mica
Clayton	Hancock	Miller (CA)
Clement	Hansen	Miller (FL)
Clinger	Hastert	Minge
Coble	Hastings (WA)	Mink
Coburn	Hayes	Molinari
Collins (GA)	Hayworth	Mollohan
Collins (MI)	Herger	Montgomery
Combest	Hinchey	Moorhead
Condit	Hobson	Moran
Conyers	Hoekstra	Morella
Cooley	Hoke	Murtha
Cox	Holden	Myrick
Coyne	Horn	Nadler
Cramer	Hostettler	Nethercutt
Crane	Houghton	Neumann
Crapo	Hoyer	Ney
Cremeans	Hunter	Norwood
Cubin	Hyde	Obey
Cunningham	Inglis	Ortiz
Danner	Istook	Orton
Davis	Jackson (IL)	Oxley
Deal	Jackson-Lee (TX)	Packard
DeLauro	Johnson (CT)	Parker
DeLay	Johnson (SD)	Pastor
Deutsch	Johnson, Sam	Paxon
Diaz-Balart	Johnston	Payne (NJ)
Dickey	Jones	Payne (VA)
Dicks		Pelosi
Peterson (FL)	Schaefer	Thomas
Petri	Schiff	Thornberry
Pomeroy	Schumer	Thurman
Porter	Scott	Tiahrt
Portman	Seastrand	Torres
Poshard	Sensenbrenner	Towns
Pryce	Serrano	Traficant
Quillen	Shadegg	Upton
Quinn	Shaw	Vucanovich
Rahall	Shays	Waldholtz
Ramstad	Shuster	Walker
Rangel	Sisisky	Walsh
Reed	Skeen	Wamp
Regula	Smith (MI)	Ward
Richardson	Smith (NJ)	Watts (OK)
Riggs	Smith (TX)	Waxman
Rivers	Smith (WA)	Weldon (FL)
Roberts	Solomon	Weldon (PA)
Roemer	Souder	Weller
Rogers	Spence	White
Rohrabacher	Spratt	Whitfield
Ros-Lehtinen	Stearns	Wicker
Rose	Studds	Williams
Roth	Stump	Wolf
Roukema	Stupak	Woolsey
Roybal-Allard	Talent	Wynn
Royce	Tanner	Young (AK)
Sanders	Tate	Young (FL)
Sanford	Tauzin	Zeliff
Sawyer	Taylor (NC)	
Scarborough	Tejeda	

NOES—73

Abercrombie	Hefley	Rush
Baldacci	Heineman	Sabo
Becerra	Hilleary	Salmon
Borski	Hilliard	Schroeder
Brown (CA)	Hutchinson	Skaggs
Brown (FL)	Jacobs	Slaughter
Clay	Jefferson	Stark
Clyburn	Johnson, E.B.	Stenholm
Coleman	Kennelly	Stockman
Costello	LaFalce	Taylor (MS)
DeFazio	Latham	Thompson
English	Levin	Thornton
Ensign	Lewis (GA)	Torkildsen
Everett	Longley	Torricelli
Fazio	Markey	Velazquez
Filner	McDermott	Vento
Flanagan	McNulty	Visclosky
Foglietta	Nussle	Volkmer
Frost	Oberstar	Waters
Gephardt	Olver	Watt (NC)
Gibbons	Owens	Wise
Gillmor	Pallone	Yates
Green	Peterson (MN)	Zimmer
Gutknecht	Pickett	
Hastings (FL)	Pombo	

ANSWERED ''PRESENT''—1

Harman

NOT VOTING—21

Barr	Durbin	Myers
Bilbray	Gutierrez	Neal
Blute	Hefner	Radanovich
Chapman	Laughlin	Saxton
Collins (IL)	Lewis (CA)	Skelton
de la Garza	Menendez	Stokes
Dellums	Moakley	Wilson

□ 1220

Mr. FLAKE changed his vote from ''no'' to ''aye.''

So the Journal was approved.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 956, COMMON SENSE PRODUCT LIABILITY LEGAL REFORM ACT OF 1996

Mr. HYDE submitted the following conference report and statement on the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–481)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 956), to establish legal standards and procedures for product liability litigation, and for

other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Common Sense Product Liability Legal Reform Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.

TITLE I—PRODUCT LIABILITY REFORM

Sec. 101. Definitions.
Sec. 102. Applicability; preemption.
Sec. 103. Liability rules applicable to product sellers, renters, and lessors.
Sec. 104. Defense based on claimant's use of intoxicating alcohol or drugs.
Sec. 105. Misuse or alteration.
Sec. 106. Uniform time limitations on liability.
Sec. 107. Alternative dispute resolution procedures.
Sec. 108. Uniform standards for award of punitive damages.
Sec. 109. Liability for certain claims relating to death.
Sec. 110. Several liability for noneconomic loss.
Sec. 111. Workers' compensation subrogation.

TITLE II—BIOMATERIALS ACCESS ASSURANCE

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Definitions.
Sec. 204. General requirements; applicability; preemption.
Sec. 205. Liability of biomaterials suppliers.
Sec. 206. Procedures for dismissal of civil actions against biomaterials suppliers.

TITLE III—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

Sec. 301. Effect of court of appeals decisions.
Sec. 302. Federal cause of action precluded.
Sec. 303. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) our Nation is overly litigious, the civil justice system is overcrowded, sluggish, and excessively costly and the costs of lawsuits, both direct and indirect, are inflicting serious and unnecessary injury on the national economy;

(2) excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability have a direct and undesirable effect on interstate commerce by increasing the cost and decreasing the availability of goods and services;

(3) the rules of law governing product liability actions, damage awards, and allocations of liability have evolved inconsistently within and among the States, resulting in a complex, contradictory, and uncertain regime that is inequitable to both plaintiffs and defendants and unduly burdens interstate commerce;

(4) as a result of excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability, consumers have been adversely affected through the withdrawal of products, producers, services, and service providers from the marketplace, and from excessive liability costs passed on to them through higher prices;

(5) excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability jeopardize the financial well-being of many individuals as well as entire industries, particularly the Nation's small businesses and adversely affects government and taxpayers;

(6) the excessive costs of the civil justice system undermine the ability of American companies to compete internationally, and serve to decrease the number of jobs and the amount of productive capital in the national economy;

(7) the unpredictability of damage awards is inequitable to both plaintiffs and defendants and has added considerably to the high cost of liability insurance, making it difficult for producers, consumers, volunteers, and nonprofit organizations to protect themselves from liability with any degree of confidence and at a reasonable cost;

(8) because of the national scope of the problems created by the defects in the civil justice system, it is not possible for the States to enact laws that fully and effectively respond to those problems;

(9) it is the constitutional role of the national government to remove barriers to interstate commerce and to protect due process rights; and

(10) there is a need to restore rationality, certainty, and fairness to the civil justice system in order to protect against excessive, arbitrary, and uncertain damage awards and to reduce the volume, costs, and delay of litigation.

(b) PURPOSES.—Based upon the powers contained in Article I, Section 8, Clause 3 and the Fourteenth Amendment of the United States Constitution, the purposes of this Act are to promote the free flow of goods and services and to lessen burdens on interstate commerce and to uphold constitutionally protected due process rights by—

(1) establishing certain uniform legal principles of product liability which provide a fair balance among the interests of product users, manufacturers, and product sellers;

(2) placing reasonable limits on damages over and above the actual damages suffered by a claimant;

(3) ensuring the fair allocation of liability in civil actions;

(4) reducing the unacceptable costs and delays of our civil justice system caused by excessive litigation which harm both plaintiffs and defendants; and

(5) establishing greater fairness, rationality, and predictability in the civil justice system.

TITLE I—PRODUCT LIABILITY REFORM

SEC. 101. DEFINITIONS.

For purposes of this title—

(1) ACTUAL MALICE.—The term ''actual malice'' means specific intent to cause serious physical injury, illness, disease, death, or damage to property.

(2) CLAIMANT.—The term ''claimant'' means any person who brings an action covered by this title and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such an action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(3) CLAIMANT'S BENEFITS.—The term ''claimant's benefits'' means the amount paid to an employee as workers' compensation benefits.

(4) CLEAR AND CONVINCING EVIDENCE.—The term ''clear and convincing evidence'' is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established. The level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt.

(5) COMMERCIAL LOSS.—The term ''commercial loss'' means any loss or damage solely to a product itself, loss relating to a dispute over its value, or consequential economic loss, the recovery of which is governed by the Uniform Commercial Code or analogous State commercial or contract law.

(6) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means damages awarded for economic and non-economic loss.

(7) DURABLE GOOD.—The term ''durable good'' means any product, or any component of any such product, which has a normal life expectancy of 3 or more years, or is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986 and which is—

(A) used in a trade or business;

(B) held for the production of income; or

(C) sold or donated to a governmental or private entity for the production of goods, training, demonstration, or any other similar purpose.

(8) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(9) HARM.—The term ''harm'' means any physical injury, illness, disease, or death or damage to property caused by a product. The term does not include commercial loss.

(10) INSURER.—The term ''insurer'' means the employer of a claimant if the employer is self-insured or if the employer is not self-insured, the workers' compensation insurer of the employer.

(11) MANUFACTURER.—The term ''manufacturer'' means—

(A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who (i) designs or formulates the product (or component part of the product), or (ii) has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes or constructs and designs, or formulates, or has engaged another person to design or formulate, an aspect of the product (or component part of the product) made by another person; or

(C) any product seller not described in subparagraph (B) which holds itself out as a manufacturer to the user of the product.

(12) NONECONOMIC LOSS.—The term ''noneconomic loss'' means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation.

(13) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(14) PRODUCT.—

(A) IN GENERAL.—The term ''product'' means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state which—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSION.—The term does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; or

(ii) electricity, water delivered by a utility, natural gas, or steam except to the extent that electricity, water delivered by a utility, natural gas, or steam, is subject, under applicable State law, to a standard of liability other than negligence.

(15) PRODUCT LIABILITY ACTION.—The term ''product liability action'' means a civil action

brought on any theory for harm caused by a product.

(16) PRODUCT SELLER.—

(A) IN GENERAL.—The term ''product seller'' means a person who in the course of a business conducted for that purpose—

(i) sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce; or

(ii) installs, repairs, refurbishes, reconditions, or maintains the harm-causing aspect of the product.

(B) EXCLUSION.—The term ''product seller'' does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; or

(II) leases a product under a lease arrangement in which the lessor does not initially select the leased product and does not during the lease term ordinarily control the daily operations and maintenance of the product.

(17) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future.

(18) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the foregoing.

SEC. 102. APPLICABILITY; PREEMPTION.

(a) PREEMPTION.—

(1) IN GENERAL.—This Act governs any product liability action brought in any State or Federal court on any theory for harm caused by a product.

(2) ACTIONS EXCLUDED.—A civil action brought for commercial loss shall be governed only by applicable commercial or contract law.

(b) RELATIONSHIP TO STATE LAW.—This title supersedes State law only to the extent that State law applies to an issue covered by this title. Any issue that is not governed by this title, including any standard of liability applicable to a manufacturer, shall be governed by otherwise applicable State or Federal law.

(c) EFFECT ON OTHER LAW.—Nothing in this Act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any law;

(2) supersede or alter any Federal law;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede or modify any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

SEC. 103. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS, RENTERS, AND LESSORS.

(a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action, a product seller other than a manufacturer shall be liable to a claimant only if the claimant establishes—

(A) that—

(i) the product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller;

(ii) the product seller failed to exercise reasonable care with respect to the product; and

(iii) the failure to exercise reasonable care was a proximate cause of harm to the claimant;

(B) that—

(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;

(ii) the product failed to conform to the warranty; and

(iii) the failure of the product to conform to the warranty caused harm to the claimant; or

(C) that—

(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law; and

(ii) such intentional wrongdoing was a proximate cause of the harm that is the subject of the complaint.

(2) REASONABLE OPPORTUNITY FOR INSPECTION.—For purposes of paragraph (1)(A)(ii), a product seller shall not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect the product—

(A) if the failure occurred because there was no reasonable opportunity to inspect the product; or

(B) if the inspection, in the exercise of reasonable care, would not have revealed the aspect of the product which allegedly caused the claimant's harm.

(b) SPECIAL RULE.—

(1) IN GENERAL.—A product seller shall be deemed to be liable as a manufacturer of a product for harm caused by the product if—

(A) the manufacturer is not subject to service of process under the laws of any State in which the action may be brought; or

(B) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

(2) STATUTE OF LIMITATIONS.—For purposes of this subsection only, the statute of limitations applicable to claims asserting liability of a product seller as a manufacturer shall be tolled from the date of the filing of a complaint against the manufacturer to the date that judgment is entered against the manufacturer.

(c) RENTED OR LEASED PRODUCTS.—

(1) Notwithstanding any other provision of law, any person engaged in the business of renting or leasing a product (other than a person excluded from the definition of product seller under section 101(16)(B)) shall be subject to liability in a product liability action under subsection (a), but any person engaged in the business of renting or leasing a product shall not be liable to a claimant for the tortious act of another solely by reason of ownership of such product.

(2) For purposes of paragraph (1), and for determining the applicability of this title to any person subject to paragraph (1), the term ''product liability action'' means a civil action brought on any theory for harm caused by a product or product use.

(d) ACTIONS FOR NEGLIGENT ENTRUSTMENT.—A civil action for negligent entrustment shall not be subject to the provisions of this section, but shall be subject to any applicable State law.

SEC. 104. DEFENSE BASED ON CLAIMANT'S USE OF INTOXICATING ALCOHOL OR DRUGS.

(a) GENERAL RULE.—In any product liability action, it shall be a complete defense to such action if—

(1) the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug when the accident or other event which resulted in such claimant's harm occurred; and

(2) the claimant, as a result of the influence of the alcohol or drug, was more than 50 percent responsible for such accident or other event.

(b) CONSTRUCTION.—For purposes of subsection (a)—

(1) the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law; and

(2) the term ''drug'' means any controlled substance as defined in the Controlled Substances Act (21 U.S.C. 802(6)) that was not legally prescribed for use by the claimant or that was taken by the claimant other than in accordance with the terms of a lawfully issued prescription.

SEC. 105. MISUSE OR ALTERATION.

(a) GENERAL RULE.—

(1) IN GENERAL.—In a product liability action, the damages for which a defendant is otherwise liable under Federal or State law shall be reduced by the percentage of responsibility for the claimant's harm attributable to misuse or alteration of a product by any person if the defendant establishes that such percentage of the claimant's harm was proximately caused by a use or alteration of a product—

(A) in violation of, or contrary to, a defendant's express warnings or instructions if the warnings or instructions are adequate as determined pursuant to applicable State law; or

(B) involving a risk of harm which was known or should have been known by the ordinary person who uses or consumes the product with the knowledge common to the class of persons who used or would be reasonably anticipated to use the product.

(2) USE INTENDED BY A MANUFACTURER IS NOT MISUSE OR ALTERATION.—For the purposes of this Act, a use of a product that is intended by the manufacturer of the product does not constitute a misuse or alteration of the product.

(b) WORKPLACE INJURY.—Notwithstanding subsection (a), and except as otherwise provided in section 111, the damages for which a defendant is otherwise liable under State law shall not be reduced by the percentage of responsibility for the claimant's harm attributable to misuse or alteration of the product by the claimant's employer or any coemployee who is immune from suit by the claimant pursuant to the State law applicable to workplace injuries.

SEC. 106. UNIFORM TIME LIMITATIONS ON LIABILITY.

(a) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (b), a product liability action may be filed not later than 2 years after the date on which the claimant discovered or, in the exercise of reasonable care, should have discovered—

(A) the harm that is the subject of the action; and

(B) the cause of the harm.

(2) EXCEPTION.—A person with a legal disability (as determined under applicable law) may file a product liability action not later than 2 years after the date on which the person ceases to have the legal disability.

(b) STATUTE OF REPOSE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), no product liability action that is subject to this Act concerning a product, that is a durable good, alleged to have caused harm (other than toxic harm) may be filed after the 15-year period beginning at the time of delivery of the product to the first purchaser or lessee.

(2) STATE LAW.—Notwithstanding paragraph (1), if pursuant to an applicable State law, an action described in such paragraph is required to be filed during a period that is shorter than the 15-year period specified in such paragraph, the State law shall apply with respect to such period.

(3) EXCEPTIONS.—

(A) A motor vehicle, vessel, aircraft, or train, that is used primarily to transport passengers for hire, shall not be subject to this subsection.

(B) Paragraph (1) does not bar a product liability action against a defendant who made an express warranty in writing as to the safety or life expectancy of the specific product involved which was longer than 15 years, but it will apply at the expiration of that warranty.

(C) Paragraph (1) does not affect the limitations period established by the General Aviation Revitalization Act of 1994 (49 U.S.C. 40101 note).

(c) TRANSITIONAL PROVISION RELATING TO EXTENSION OF PERIOD FOR BRINGING CERTAIN ACTIONS.—If any provision of subsection (a) or (b) shortens the period during which a product liability action could be otherwise brought pursuant to another provision of law, the claimant may, notwithstanding subsections (a) and (b), bring the product liability action not later than 1 year after the date of enactment of this Act.

SEC. 107. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) SERVICE OF OFFER.—A claimant or a defendant in a product liability action may, not later than 60 days after the service of—

(1) the initial complaint; or

(2) the applicable deadline for a responsive pleading;

whichever is later, serve upon an adverse party an offer to proceed pursuant to any voluntary, nonbinding alternative dispute resolution procedure established or recognized under the law of the State in which the product liability action is brought or under the rules of the court in which such action is maintained.

(b) WRITTEN NOTICE OF ACCEPTANCE OR REJECTION.—Except as provided in subsection (c), not later than 10 days after the service of an offer to proceed under subsection (a), an offeree shall file a written notice of acceptance or rejection of the offer.

(c) EXTENSION.—The court may, upon motion by an offeree made prior to the expiration of the 10-day period specified in subsection (b), extend the period for filling a written notice under such subsection for a period of not more than 60 days after the date of expiration of the period specified in subsection (b). Discovery may be permitted during such period.

SEC. 108. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) GENERAL RULE.—Punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant if the claimant establishes by clear and convincing evidence that conduct carried out by the defendant with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action in any product liability action.

(b) LIMITATION ON AMOUNT.—

(1) IN GENERAL.—The amount of punitive damages that may be awarded in an action described in subsection (a) may not exceed the greater of—

(A) 2 times the sum of the amount awarded to the claimant for economic loss and noneconomic loss; or

(B) $250,000.

(2) SPECIAL RULE.—Notwithstanding paragraph (1), in any action described in subsection (a) against an individual whose net worth does not exceed $500,000 or against an owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization which has fewer that 25 full-time employees, the punitive damages shall not exceed the lesser of—

(A) 2 times the sum of the amount awarded to the claimant for economic loss and noneconomic loss; or

(B) $250,000.

For the purpose of determining the applicability of this paragraph to a corporation, the number of employees of a subsidiary or wholly-owned corporation shall include all employees of a parent or sister corporation.

(3) EXCEPTION FOR INSUFFICIENT AWARD IN CASES OF EGREGIOUS CONDUCT.—

(A) DETERMINATION BY COURT.—If the court makes a determination, after considering each of the factors in subparagraph (B), that the application of paragraph (1) would result in an award of punitive damages that is insufficient to punish the egregious conduct of the defendant against whom the punitive damages are to be awarded or to deter such conduct in the future, the court shall determine the additional amount of punitive damages (referred to in this paragraph as the ''additional amount'') in excess of the amount determined in accordance with paragraph (1) to be awarded against the defendant in a separate proceeding in accordance with this paragraph.

(B) FACTORS FOR CONSIDERATION.—In any proceeding under paragraph (A), the court shall consider—

(i) the extent to which the defendant acted with actual malice;

(ii) the likelihood that serious harm would arise from the conduct of the defendant;

(iii) the degree of the awareness of the defendant of that likelihood;

(iv) the profitability of the misconduct to the defendant;

(v) the duration of the misconduct and any concurrent or subsequent concealment of the conduct by the defendant;

(vi) the attitude and conduct of the defendant upon the discovery of the misconduct and whether the misconduct has terminated;

(vii) the financial condition of the defendant; and

(viii) the cumulative deterrent effect of other losses, damages, and punishment suffered by the defendant as a result of the misconduct, reducing the amount of punitive damages on the basis of the economic impact and severity of all measures to which the defendant has been or may be subjected, including—

(I) compensatory and punitive damage awards to similarly situated claimants;

(II) the adverse economic effect of stigma or loss of reputation;

(III) civil fines and criminal and administrative penalties; and

(IV) stop sale, cease and desist, and other remedial or enforcement orders.

(C) REQUIREMENTS FOR AWARDING ADDITIONAL AMOUNT.—-If the court awards an additional amount pursuant to this subsection, the court shall state its reasons for setting the amount of the additional amount in findings of fact and conclusions of law.

(D) PREEMPTION.—This section does not create a cause of action for punitive damages and does not preempt or supersede any State or Federal law to the extent that such law would further limit the award of punitive damages. Nothing in this subsection shall modify or reduce the ability of courts to order remittiturs.

(4) APPLICATION BY COURT.—This subsection shall be applied by the court and application of this subsection shall not be disclosed to the jury. Nothing in this subsection shall authorize the court to enter an award of punitive damages in excess of the jury's initial award of punitive damages.

(c) BIFURCATION AT REQUEST OF ANY PARTY.—

(1) IN GENERAL.—At the request of any party the trier of fact in any action that is subject to this section shall consider in a separate proceeding, held subsequent to the determination of the amount of compensatory damages, whether punitive damages are to be awarded for the harm that is the subject of the action and the amount of the award.

(2) INADMISSIBILITY OF EVIDENCE RELATIVE ONLY TO A CLAIM OF PUNITIVE DAMAGES IN A PROCEEDING CONCERNING COMPENSATORY DAMAGES.—If any party requests a separate proceeding under paragraph (1), in a proceeding to determine whether the claimant may be awarded compensatory damages, any evidence, argument, or contention that is relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible.

SEC. 109. LIABILITY FOR CERTAIN CLAIMS RELATING TO DEATH.

In any civil action in which the alleged harm to the claimant is death and, as of the effective date of this Act, the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages without regard to section 108, but only during such time as the State law so provides. This section shall cease to be effective September 1, 1996.

SEC. 110. SEVERAL LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In a product liability action, the liability of each defendant for noneconomic loss shall be several only and shall not be joint.

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant shall be liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

SEC. 111. WORKERS' COMPENSATION SUBROGATION.

(a) GENERAL RULE.—

(1) RIGHT OF SUBROGATION.—

(A) IN GENERAL.—An insurer shall have a right of subrogation against a manufacturer or product seller to recover any claimant's benefits relating to harm that is the subject of a product liability action that is subject to this Act.

(B) WRITTEN NOTIFICATION.—To assert a right of subrogation under subparagraph (A), the insurer shall provide written notice to the court in which the product liability action is brought.

(C) INSURER NOT REQUIRED TO BE A PARTY.—An insurer shall not be required to be a necessary and proper party in a product liability action covered under subparagraph (A).

(2) SETTLEMENTS AND OTHER LEGAL PROCEEDINGS.—

(A) IN GENERAL.—In any proceeding relating to harm or settlement with the manufacturer or product seller by a claimant who files a product liability action that is subject to this Act, an insurer may participate to assert a right of subrogation for claimant's benefits with respect to any payment made by the manufacturer or product seller by reason of such harm, without regard to whether the payment is made—

(i) as part of a settlement;

(ii) in satisfaction of judgment;

(iii) as consideration for a covenant not to sue; or

(iv) in another manner.

(B) WRITTEN NOTIFICATION.—Except as provided in subparagraph (C), an employee shall not make any settlement with or accept any payment from the manufacturer or product seller without written notification to the insurer.

(C) EXEMPTION.—Subparagraph (B) shall not apply in any case in which the insurer has been compensated for the full amount of the claimant's benefits.

(3) HARM RESULTING FROM ACTION OF EMPLOYER OR COEMPLOYEE.—

(A) IN GENERAL.—If, with respect to a product liability action that is subject to this Act, the manufacturer or product seller attempts to persuade the trier of fact that the harm to the claimant was caused by the fault of the employer of the claimant or any coemployee of the claimant, the issue of that fault shall be submitted to the trier of fact, but only after the manufacturer or product seller has provided timely written notice to the insurer.

(B) RIGHTS OF INSURER.—

(i) IN GENERAL.—Notwithstanding any other provision of law, with respect to an issue of fault submitted to a trier of fact pursuant to subparagraph (A), an insurer shall, in the same manner as any party in the action (even if the insurer is not a named party in the action), have the right to—

(I) appear;

(II) be represented;

(III) introduce evidence;

(IV) cross-examine adverse witnesses; and

(V) present arguments to the trier of fact.

(ii) LAST ISSUE.—The issue of harm resulting from an action of an employer or coemployee shall be the last issue that is submitted to the trier of fact.

(C) REDUCTION OF DAMAGES.—If the trier of fact finds by clear and convincing evidence that the harm to the claimant that is the subject of the product liability action was caused by the fault of the employer or a coemployee of the claimant—

(i) the court shall reduce by the amount of the claimant's benefits—

(I) the damages awarded against the manufacturer or product seller; and

(II) any corresponding insurer's subrogation lien; and

(ii) the manufacturer or product seller shall have no further right by way of contribution or otherwise against the employer.

(D) CERTAIN RIGHTS OF SUBROGATION NOT AFFECTED.—Notwithstanding a finding by the trier of fact described in subparagraph (C), the insurer shall not lose any right of subrogation related to any—

(i) intentional tort committed against the claimant by a coemployee; or

(ii) act committed by a coemployee outside the scope of normal work practices.

(b) ATTORNEY'S FEES.—If, in a product liability action that is subject to this section, the court finds that harm to a claimant was not caused by the fault of the employer or a coemployee of the claimant, the manufacturer or product seller shall reimburse the insurer for reasonable attorney's fees and court costs incurred by the insurer in the action, as determined by the court.

TITLE II—BIOMATERIALS ACCESS ASSURANCE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Biomaterials Access Assurance Act of 1996''.

SEC. 202. FINDINGS.

Congress finds that—

(1) each year millions of citizens of the United States depend on the availability of lifesaving or life enhancing medical devices, many of which are permanently implantable within the human body;

(2) a continued supply of raw materials and component parts is necessary for the invention, development, improvement, and maintenance of the supply of the devices;

(3) most of the medical devices are made with raw materials and component parts that—

(A) are not designed or manufactured specifically for use in medical devices; and

(B) come in contact with internal human tissue;

(4) the raw materials and component parts also are used in a variety of nonmedical products;

(5) because small quantities of the raw materials and component parts are used for medical devices, sales of raw materials and component parts for medical devices constitute an extremely small portion of the overall market for the raw materials and medical devices;

(6) under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), manufacturers of medical devices are required to demonstrate that the medical devices are safe and effective, including demonstrating that the products are properly designed and have adequate warnings or instructions;

(7) notwithstanding the fact that raw materials and component parts suppliers do not design, produce, or test a final medical device, the suppliers have been the subject of actions alleging inadequate—

(A) design and testing of medical devices manufactured with materials or parts supplied by the suppliers; or

(B) warnings related to the use of such medical devices;

(8) even though suppliers of raw materials and component parts have very rarely been held liable in such actions, such suppliers have ceased supplying certain raw materials and component parts for use in medical devices because the costs associated with litigation in order to ensure a favorable judgment for the suppliers far exceeds the total potential sales revenues from sales by such suppliers to the medical device industry;

(9) unless alternate sources of supply can be found, the unavailability of raw materials and component parts for medical devices will lead to unavailability of lifesaving and life-enhancing medical devices;

(10) because other suppliers of the raw materials and component parts in foreign nations are refusing to sell raw materials or component parts for use in manufacturing certain medical devices in the United States, the prospects for development of new sources of supply for the full range of threatened raw materials and component parts for medical devices are remote;

(11) it is unlikely that the small market for such raw materials and component parts in the United States could support the large investment needed to develop new suppliers of such raw materials and component parts;

(12) attempts to develop such new suppliers would raise the cost of medical devices;

(13) courts that have considered the duties of the suppliers of the raw materials and component parts have generally found that the suppliers do not have a duty—

(A) to evaluate the safety and efficacy of the use of a raw material or component part in a medical device; and

(B) to warn consumers concerning the safety and effectiveness of a medical device;

(14) attempts to impose the duties referred to in subparagraphs (A) and (B) of paragraph (13) on suppliers of the raw materials and component parts would cause more harm than good by driving the suppliers to cease supplying manufacturers of medical devices; and

(15) in order to safeguard the availability of a wide variety of lifesaving and life-enhancing medical devices, immediate action is needed—

(A) to clarify the permissible bases of liability for suppliers of raw materials and component parts for medical devices; and

(B) to provide expeditious procedures to dispose of unwarranted suits against the suppliers in such manner as to minimize litigation costs.

SEC. 203. DEFINITIONS.

As used in this title:

(1) BIOMATERIALS SUPPLIER.—

(A) IN GENERAL.—The term ''biomaterials supplier'' means an entity that directly or indirectly supplies a component part or raw material for use in the manufacture of an implant.

(B) PERSONS INCLUDED.—Such term includes any person who—

(i) has submitted master files to the Secretary for purposes of premarket approval of a medical device; or

(ii) licenses a biomaterials supplier to produce component parts or raw materials.

(2) CLAIMANT.—

(A) IN GENERAL.—The term ''claimant'' means any person who brings a civil action, or on whose behalf a civil action is brought, arising from harm allegedly caused directly or indirectly by an implant, including a person other than the individual into whose body, or in contact with whose blood or tissue, the implant is placed, who claims to have suffered harm as a result of the implant.

(B) ACTION BROUGHT ON BEHALF OF AN ESTATE.—With respect to an action brought on behalf of or through the estate of an individual into whose body, or in contact with whose blood or tissue the implant is placed, such term includes the decedent that is the subject of the action.

(C) ACTION BROUGHT ON BEHALF OF A MINOR OR INCOMPETENT.—With respect to an action brought on behalf of or through a minor or incompetent, such term includes the parent or guardian of the minor or incompetent.

(D) EXCLUSIONS.—Such term does not include—

(i) a provider of professional health care services, in any case in which—

(I) the sale or use of an implant is incidental to the transaction; and

(II) the essence of the transaction is the furnishing of judgment, skill, or services; or

(ii) a person acting in the capacity of a manufacturer, seller, or biomaterials supplier.

(3) COMPONENT PART.—

(A) IN GENERAL.—The term ''component part'' means a manufactured piece of an implant.

(B) CERTAIN COMPONENTS.—Such term includes a manufactured piece of an implant that—

(i) has significant non-implant applications; and

(ii) alone, has no implant value or purpose, but when combined with other component parts and materials, constitutes an implant.

(4) HARM.—

(A) IN GENERAL.—The term ''harm'' means—

(i) any injury to or damage suffered by an individual;

(ii) any illness, disease, or death of that individual resulting from that injury or damage; and

(iii) any loss to that individual or any other individual resulting from that injury or damage.

(B) EXCLUSION.—The term does not include any commercial loss or loss of or damage to an implant.

(5) IMPLANT.—The term ''implant'' means—

(A) a medical device that is intended by the manufacturer of the device—

(i) to be placed into a surgically or naturally formed or existing cavity of the body for a period of at least 30 days; or

(ii) to remain in contact with bodily fluids or internal human tissue through a surgically produced opening for a period of less than 30 days; and

(B) suture materials used in implant procedures.

(6) MANUFACTURER.—The term ''manufacturer'' means any person who, with respect to an implant—

(A) is engaged in the manufacture, preparation, propagation, compounding, or processing (as defined in section 510(a)(1)) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(a)(1)) of the implant; and

(B) is required—

(i) to register with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) to include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section.

(7) MEDICAL DEVICE.—The term ''medical device'' means a device, as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) and includes any device component of any combination product as that term is used in section 503(g) of such Act (21 U.S.C. 353(g)).

(8) RAW MATERIAL.—The term ''raw material'' means a substance or product that—

(A) has a generic use; and

(B) may be used in an application other than an implant.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(10) SELLER.—

(A) IN GENERAL.—The term ''seller'' means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, packages, labels, or otherwise places an implant in the stream of commerce.

(B) EXCLUSIONS.—The term does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services, in any case in which the sale or use of an implant is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who acts in only a financial capacity with respect to the sale of an implant.

SEC. 204. GENERAL REQUIREMENTS; APPLICABILITY; PREEMPTION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—In any civil action covered by this title, a biomaterials supplier may raise any defense set forth in section 205.

(2) PROCEDURES.—Notwithstanding any other provision of law, the Federal or State court in which a civil action covered by this title is pending shall, in connection with a motion for dismissal or judgment based on a defense described in paragraph (1), use the procedures set forth in section 206.

(b) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, this title applies to any civil action brought by a claimant, whether in a Federal or State court, against a manufacturer, seller, or biomaterials supplier, on the basis of any legal theory, for harm allegedly caused by an implant.

(2) EXCLUSION.—A civil action brought by a purchaser of a medical device for use in providing professional services against a manufacturer, seller, or biomaterials supplier for loss or damage to an implant or for commercial loss to the purchaser—

(A) shall not be considered an action that is subject to this title; and

(B) shall be governed by applicable commercial or contract law.

(c) SCOPE OF PREEMPTION.—

(1) IN GENERAL.—This title supersedes any State law regarding recovery for harm caused by an implant and any rule of procedure applicable to a civil action to recover damages for such harm only to the extent that this title establishes a rule of law applicable to the recovery of such damages.

(2) APPLICABILITY OF OTHER LAWS.—Any issue that arises under this title and that is not governed by a rule of law applicable to the recovery of damages described in paragraph (1) shall be governed by applicable Federal or State law.

(d) STATUTORY CONSTRUCTION.—Nothing in this title may be construed—

(1) to affect any defense available to a defendant under any other provisions of Federal or State law in an action alleging harm caused by an implant; or

(2) to create a cause of action or Federal court jurisdiction pursuant to section 1331 or 1337 of title 28, United States Code, that otherwise would not exist under applicable Federal or State law.

SEC. 205. LIABILITY OF BIOMATERIALS SUPPLIERS.

(a) IN GENERAL.—

(1) EXCLUSION FROM LIABILITY.—Except as provided in paragraph (2), a biomaterials supplier shall not be liable for harm to a claimant caused by an implant.

(2) LIABILITY.—A biomaterials supplier that—

(A) is a manufacturer may be liable for harm to a claimant described in subsection (b);

(B) is a seller may be liable for harm to a claimant described in subsection (c); and

(C) furnishes raw materials or component parts that fail to meet applicable contractual requirements or specifications may be liable for a harm to a claimant described in subsection (d).

(b) LIABILITY AS MANUFACTURER.—

(1) IN GENERAL.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant if the biomaterials supplier is the manufacturer of the implant.

(2) GROUNDS FOR LIABILITY.—The biomaterials supplier may be considered the manufacturer of the implant that allegedly caused harm to a claimant only if the biomaterials supplier—

(A)(i) has registered with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) included the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section;

(B) is the subject of a declaration issued by the Secretary pursuant to paragraph (3) that states that the supplier, with respect to the implant that allegedly caused harm to the claimant, was required to—

(i) register with the Secretary under section 510 of such Act (21 U.S.C. 360), and the regulations issued under such section, but failed to do so; or

(ii) include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section, but failed to do so; or

(C) is related by common ownership or control to a person meeting all the requirements described in subparagraph (A) or (B), if the court deciding a motion to dismiss in accordance with section 206(c)(3)(B)(i) finds, on the basis of affidavits submitted in accordance with section 206, that it is necessary to impose liability on the biomaterials supplier as a manufacturer because the related manufacturer meeting the requirements of subparagraph (A) or (B) lacks sufficient financial resources to satisfy any judgment that the court feels it is likely to enter should the claimant prevail.

(3) ADMINISTRATIVE PROCEDURES.—

(A) IN GENERAL.—The Secretary may issue a declaration described in paragraph (2)(B) on the motion of the Secretary or on petition by any person, after providing—

(i) notice to the affected persons; and

(ii) an opportunity for an informal hearing.

(B) DOCKETING AND FINAL DECISION.—Immediately upon receipt of a petition filed pursuant to this paragraph, the Secretary shall docket the petition. Not later than 180 days after the petition is filed, the Secretary shall issue a final decision on the petition.

(C) APPLICABILITY OF STATUTE OF LIMITATIONS.—Any applicable statute of limitations shall toll during the period during which a claimant has filed a petition with the Secretary under this paragraph.

(c) LIABILITY AS SELLER.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable as a seller for harm to a claimant caused by an implant if—

(1) the biomaterials supplier—

(A) held title to the implant that allegedly caused harm to the claimant as a result of purchasing the implant after—

(i) the manufacture of the implant; and

(ii) the entrance of the implant in the stream of commerce; and

(B) subsequently resold the implant; or

(2) the biomaterials supplier is related by common ownership or control to a person meeting all the requirements described in paragraph (1), if a court deciding a motion to dismiss in accordance with section 206(c)(3)(B)(ii) finds, on the basis of affidavits submitted in accordance with section 206, that it is necessary to impose liability on the biomaterials supplier as a seller because the related seller meeting the requirements of paragraph (1) lacks sufficient financial resources to satisfy any judgment that the court feels it is likely to enter should the claimant prevail.

(d) LIABILITY FOR VIOLATING CONTRACTUAL REQUIREMENTS OR SPECIFICATIONS.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant, if the claimant in an action shows, by a preponderance of the evidence, that—

(1) the raw materials or component parts delivered by the biomaterials supplier either—

(A) did not constitute the product described in the contract between the biomaterials supplier and the person who contracted for delivery of the product; or

(B) failed to meet any specifications that were—

(i) provided to the biomaterials supplier and not expressly repudiated by the biomaterials supplier prior to acceptance of delivery of the raw materials or component parts;

(ii)(I) published by the biomaterials supplier;

(II) provided to the manufacturer by the biomaterials supplier; or

(III) contained in a master file that was submitted by the biomaterials supplier to the Secretary and that is currently maintained by the biomaterials supplier for purposes of premarket approval of medical devices; or

(iii) included in the submissions for purposes of premarket approval or review by the Secretary under section 510, 513, 515, or 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360, 360c, 360e, or 360j), and received clearance from the Secretary if such specifications were provided by the manufacturer to the biomaterials supplier and were not expressly repudiated by the biomaterials supplier prior to the acceptance by the manufacturer of delivery of the raw materials or component parts; and

(2) such conduct was an actual and proximate cause of the harm to the claimant.

SEC. 206. PROCEDURES FOR DISMISSAL OF CIVIL ACTIONS AGAINST BIOMATERIALS SUPPLIERS.

(a) MOTION TO DISMISS.—In any action that is subject to this title, a biomaterials supplier who is a defendant in such action may, at any time during which a motion to dismiss may be filed under an applicable law, move to dismiss the action against it on the grounds that—

(1) the defendant is a biomaterials supplier; and

(2)(A) the defendant should not, for the purposes of—

(i) section 205(b), be considered to be a manufacturer of the implant that is subject to such section; or

(ii) section 205(c), be considered to be a seller of the implant that allegedly caused harm to the claimant; or

(B)(i) the claimant has failed to establish, pursuant to section 205(d), that the supplier furnished raw materials or component parts in violation of contractual requirements or specifications; or

(ii) the claimant has failed to comply with the procedural requirements of subsection (b).

(b) MANUFACTURER OF IMPLANT SHALL BE NAMED A PARTY.—The claimant shall be required to name the manufacturer of the implant as a party to the action, unless—

(1) the manufacturer is subject to service of process solely in a jurisdiction in which the biomaterials supplier is not domiciled or subject to a service of process; or

(2) an action against the manufacturer is barred by applicable law.

(c) PROCEEDING ON MOTION TO DISMISS.—The following rules shall apply to any proceeding on a motion to dismiss filed under this section:

(1) AFFIDAVITS RELATING TO LISTING AND DECLARATIONS.—

(A) IN GENERAL.—The defendant in the action may submit an affidavit demonstrating that defendant has not included the implant on a list, if any, filed with the Secretary pursuant to section 510(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(j)).

(B) RESPONSE TO MOTION TO DISMISS.—In response to the motion to dismiss, the claimant may submit an affidavit demonstrating that—

(i) the Secretary has, with respect to the defendant and the implant that allegedly caused harm to the claimant, issued a declaration pursuant to section 205(b)(2)(B); or

(ii) the defendant who filed the motion to dismiss is a seller of the implant who is liable under section 205(c).

(2) EFFECT OF MOTION TO DISMISS ON DISCOVERY.—

(A) IN GENERAL.—If a defendant files a motion to dismiss under paragraph (1) or (2) of subsection (a), no discovery shall be permitted in connection to the action that is the subject of the motion, other than discovery necessary to determine a motion to dismiss for lack of jurisdiction, until such time as the court rules on the motion to dismiss in accordance with the affidavits submitted by the parties in accordance with this section.

(B) DISCOVERY.—If a defendant files a motion to dismiss under subsection (a)(2)(B)(i) on the grounds that the biomaterials supplier did not furnish raw materials or component parts in violation of contractual requirements or specifications, the court may permit discovery, as ordered by the court. The discovery conducted pursuant to this subparagraph shall be limited to issues that are directly relevant to—

(i) the pending motion to dismiss; or

(ii) the jurisdiction of the court.

(3) AFFIDAVITS RELATING STATUS OF DEFENDANT.—

(A) IN GENERAL.—Except as provided in clauses (i) and (ii) of subparagraph (B), the court shall consider a defendant to be a biomaterials supplier who is not subject to an action for harm to a claimant caused by an implant, other than an action relating to liability for a violation of contractual requirements or specifications described in subsection (d).

(B) RESPONSES TO MOTION TO DISMISS.—The court shall grant a motion to dismiss any action that asserts liability of the defendant under subsection (b) or (c) of section 205 on the grounds that the defendant is not a manufacturer subject to such section 205(b) or seller subject to section 205(c), unless the claimant submits a valid affidavit that demonstrates that—

(i) with respect to a motion to dismiss contending the defendant is not a manufacturer, the defendant meets the applicable requirements for liability as a manufacturer under section 205(b); or

(ii) with respect to a motion to dismiss contending that the defendant is not a seller, the defendant meets the applicable requirements for liability as a seller under section 205(c).

(4) BASIS OF RULING ON MOTION TO DISMISS.—

(A) IN GENERAL.—The court shall rule on a motion to dismiss filed under subsection (a) solely on the basis of the pleadings of the parties made pursuant to this section and any affidavits submitted by the parties pursuant to this section.

(B) MOTION FOR SUMMARY JUDGMENT.—Notwithstanding any other provision of law, if the court determines that the pleadings and affidavits made by parties pursuant to this section raise genuine issues as concerning material facts with respect to a motion concerning contractual requirements and specifications, the court may deem the motion to dismiss to be a motion for summary judgment made pursuant to subsection (d).

(d) SUMMARY JUDGMENT.—

(1) IN GENERAL.—

(A) BASIS FOR ENTRY OF JUDGMENT.—A biomaterials supplier shall be entitled to entry of judgment without trial if the court finds there is no genuine issue as concerning any material fact for each applicable element set forth in paragraphs (1) and (2) of section 205(d).

(B) ISSUES OF MATERIAL FACT.—With respect to a finding made under subparagraph (A), the court shall consider a genuine issue of material fact to exist only if the evidence submitted by claimant would be sufficient to allow a reasonable jury to reach a verdict for the claimant if the jury found the evidence to be credible.

(2) DISCOVERY MADE PRIOR TO A RULING ON A MOTION FOR SUMMARY JUDGMENT.—If, under applicable rules, the court permits discovery prior to a ruling on a motion for summary judgment made pursuant to this subsection, such discovery shall be limited solely to establishing whether a genuine issue of material fact exists as to the applicable elements set forth in paragraphs (1) and (2) of section 205(d).

(3) DISCOVERY WITH RESPECT TO A BIOMATERIALS SUPPLIER.—A biomaterials supplier shall be subject to discovery in connection with a motion seeking dismissal or summary judgment on the basis of the inapplicability of section 205(d) or the failure to establish the applicable elements of section 205(d) solely to the extent permitted by the applicable Federal or State rules for discovery against nonparties.

(e) STAY PENDING PETITION FOR DECLARATION.—If a claimant has filed a petition for a declaration pursuant to section 205(b)(3)(A) with respect to a defendant, and the Secretary has not issued a final decision on the petition, the court shall stay all proceedings with respect to that defendant until such time as the Secretary has issued a final decision on the petition.

(f) MANUFACTURER CONDUCT OF PROCEEDING.—The manufacturer of an implant that is the subject of an action covered under this title shall be permitted to file and conduct a proceeding on any motion for summary judgment or dismissal filed by a biomaterials supplier who is a defendant under this section if the manufacturer and any other defendant in such action enter into a valid and applicable contractual agreement under which the manufacturer agrees to bear the cost of such proceeding or to conduct such proceeding.

(g) ATTORNEY FEES.—The court shall require the claimant to compensate the biomaterials supplier (or a manufacturer appearing in lieu of a supplier pursuant to subsection (f)) for attorney fees and costs, if—

(1) the claimant named or joined the biomaterials supplier; and

(2) the court found the claim against the biomaterials supplier to be without merit and frivolous.

TITLE III—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

SEC. 301. EFFECT OF COURT OF APPEALS DECISIONS.

A decision by a Federal circuit court of appeals interpreting a provision of this Act (except to the extent that the decision is overruled or otherwise modified by the Supreme Court) shall be considered a controlling precedent with respect to any subsequent decision made concerning the interpretation of such provision by any Federal or State court within the geographical boundaries of the area under the jurisdiction of the circuit court of appeals.

SEC. 302. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction pursuant to this Act based on section 1331 or 1337 of title 28, United States Code.

SEC. 303. EFFECTIVE DATE.

This Act shall apply with respect to any action commenced on or after the date of the enactment of this Act without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before such date of enactment.

And the Senate agree to the same.

From the Committee on the Judiciary, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

HENRY HYDE,
JAMES SENSENBRENNER, JR.,
GEORGE W. GEKAS,
BOB INGLIS,
ED BRYANT,

From the Committee on Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

TOM BLILEY,
MICHAEL OXLEY,
CHRISTOPHER COX,
Managers on the Part of the House.

LARRY PRESSLER,
SLADE GORTON,
TRENT LOTT,
TED STEVENS,
OLYMPIA SNOWE,
JOHN ASHCROFT,
J.J. EXON,
JOHN D. ROCKEFELLER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 956), to establish legal standards and procedures for product liability litigation, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The conferees incorporate by reference in this Statement of Managers the legislative history reflected in both House Report 104–64, Part 1 and Senate Report 104–69. To the extent not otherwise inconsistent with the conference agreement, those reports give expression to the intent of the conferees. (The conferees also take note of House Report 104–63, Part 1, which contains supplementary legislative history on a related bill.)

SHORT TITLE AND TABLE OF CONTENTS

The conferees, in section 1(a), modified the short title of the House bill to reflect the terms of the conference agreement. The conferees also decided that a table of contents would be helpful and therefore incorporated in section 1(b) the headings of the separate titles and sections of this legislation.

FINDINGS AND PURPOSES

H.R. 956—but not the Senate amendment—included findings and purposes. The conferees decided it was important—in the legislation itself—to delineate the factual basis for congressional action and explain what Congress seeks to accomplish. The language adopted, contained in section 2, generally follows the House-passed bill with some modifications.

Paragraph (1) of the findings in H.R. 956 was not included in the conference agreement because the conferees decided that describing misuses of the civil justice system in very broad terms was unnecessary. That paragraph had been written at a level of generality exceeding other findings. The omission of the paragraph should not be interpreted as reflecting adversely on its accuracy.

Section 2(a)(9) of the conference agreement refers to two constitutional roles of the national government that are directly relevant to this legislation—''to remove barriers to interstate commerce and to protect due process rights.'' Although the latter was not included in H.R. 956's findings, legislative history clearly conveyed the House's recognition of the Federal government's due process related role. The report of the Committee on the Judiciary (House Report 104–64, Part 1) noted: ''Section 5 of the Fourteenth Amendment provides an independent constitutional ground for Congressional legislation limiting awards for punitive damages. Congress is given the authority, under section 5, 'to enforce, by appropriate legislation' the provisions of the Fourteenth Amendment—which include a proscription on state deprivations of 'life, liberty, or property, without due process of law.''' [p. 8]

Including explicit reference to due process rights in the findings is appropriate if the findings are to more fully reflect our understanding of the constitutional underpinnings for this legislation.

The purposes of this legislation, as delineated in section 2(b), are ''to promote the free flow of goods and services and to lessen burdens on interstate commerce and to uphold constitutionally protected due process rights. . . .'' Upholding due process rights was an important objective the House sought to advance even though explicit reference to it did not appear in H.R. 956's statement of purposes. The Committee on the Judiciary's report (House Report 104-64, Part 1) on H.R. 956 stated: ''The Committee acted to reform punitive damages not only to ameliorate adverse effects on interstate and foreign commerce but also to protect due process rights.'' [page 9] Adding the phrase ''uphold constitutionally protected due process rights'' to the purposes provides a more complete statement of congressional objectives.

Definitions

Section 101 defines 18 terms for purposes of Title I. One of these terms—compensatory damages—is not defined in either H.R. 956 or the Senate amendment.

Applicability; Preemption

Section 102 addresses preemption, relationship to State law, and effect on other law.

Liability Rules Applicable to Product Sellers, Renters, and Lessors

Both the House bill and Senate amendment included liability rules applicable to product sellers. Section 103 of the conference agreement is designed to reduce consumer costs and provide fair treatment for product sellers—defined to include those who sell, rent, or lease a product in the course of a business conducted for that purpose. To more fully reflect the application of this section's remedial provisions beyond sellers in the narrow sense of the word, the conference agreement refers to renters and lessors in section 103's title.

As a general rule, liability of product sellers can be predicated on harm resulting from a product seller's (1) failure to exercise reasonable care, (2) breach of its own express warranty, or (3) intentional wrong-doing. The failure to exercise reasonable care requirement for potential liability applies not only to products sold by the product seller—as stated in H.R. 956—but also to products rented or leased by the product seller—as stated in the Senate amendment. The conferees recognize that the unfairness of imputing manufacturer conduct to others applies regardless of whether a product is sold, rented, or leased—and for that reason adopt the Senate language. That language is consistent with the intent of the House to make protections available in a sale situation also available in a rental or lease situation.

Both H.R. 956 and the Senate amendment set forth those limited circumstances in which a product seller can be treated as a manufacturer of a product. One covered situation involves a court determination that ''the claimant would be unable to enforce a judgment against the manufacturer.'' In response to concerns raised after House consideration of the bill that claimants might not learn about such a judicial determination within the period of the statute of limitations—and therefore would be barred unfairly from proceeding against the seller—the Senate included a provision tolling the statute of limitations for limited purposes ''from the date of the filing of a complaint against the manufacturer to the date that judgment is entered against the manufacturer.'' The conferees accept this provision because it safeguards a protection for claimants given expression in both bills. Since the conference agreement incorporates a uniform statute of limitations in section 106, the inclusion of this safeguard relating to the time bar is particularly appropriate.

The conference agreement clarifies that State law, rather than the provisions of section 103, govern actions for negligent entrustment. State law, for example, will continue to apply to lawsuits predicated on the alleged negligence involved in giving a loaded gun to a young child or allowing an unlicensed and unqualified minor below driving age to operate an automobile. Similarly, the potential liability of a service station that sells gasoline to an obviously drunk driver will be determined under State law. Section 103(d) gives expression to the interest of each State in setting standards for determining whether conduct within its borders constitutes negligent entrustment.

Defenses Involving Intoxicating Alcohol or Drugs

Both H.R. 956 and the Senate amendment provide a complete defense to a product liability action in situations in which a claimant, under the influence of alcohol or drugs, is more than fifty percent responsible—as a result of such influence—for the accident or event resulting in the harm he or she sustains. A society that seeks to discourage alcohol and drug abuse should not allow individuals to collect damages when their disregard of such an important societal norm is the primary cause of accidents or events.

The conference committee generally accepts the House formulation in section 104. The conferees did not incorporate the Senate reference to the defendant proving alcohol or drug related facts because the issue of who has the burden of proof on these issues is best left to State law. A requirement for the availability of the defense related to alcohol or drug use, under the Senate amendment, is that the claimant was ''under the influence.'' The House language, which was adopted, is more broadly worded and refers to the claimant being ''intoxicated or . . . under the influence.'' The House provision was accepted because the conferees want to ensure the availability of the defense relating to alcohol or drugs in cases in which State law may consider an individual to be ''intoxicated'' but not necessarily ''under the influence''—perhaps because the latter term does not have legal significance in a particular jurisdiction.

The conferees specifically incorporate the Controlled Substances Act definition of controlled substance in the conference agreement's delineation of what the term ''drug'' means—following the House version in that respect. The Senate amendment was silent in this regard. The reference to the Controlled Substances Act will foster uniformity in decisions by State courts on whether particular substances constitute drugs. A substance that is taken by a claimant in accordance with the terms of a lawfully issued prescription, however, is not considered a drug for purposes of this section. The policy fostered is the denial of recovery to those whose accidents are primarily caused by the abuse of drugs.

Although the use of controlled substances in accordance with the terms of lawfully issued prescriptions can lead to accidents—in circumstances, for example, where one's ability to drive may be impaired—the conferees leave to individual States the responsibility of resolving whether potential recovery is defeated by such conduct. The conference agreement focuses on the most egregious conduct implicating Federal interests—noting the national market for illegal drugs and the transportation of illegal drugs across State lines and in international commerce.

The Senate provision's reference to a drug that ''was not prescribed by a physician for use by the claimant'' does not cover situations in which the terms of a lawfully issued prescription are disregarded—perhaps by consuming excessive quantities. The conferees conclude, however, that individuals who abuse prescription drugs lack sufficient equities to recover for accidents primarily caused by their drug use—and for that reason refer to any controlled substance ''taken by the claimant other than in accordance with the terms of a lawfully issued prescription'', thus opting for the broader House formulation.

Finally, the House version of this section is modified to cover controlled substances ''not legally prescribed for use by the claimant'' in addition to controlled substances ''taken by the claimant other than in accordance with the terms of a lawfully issued prescription.'' The phrase ''not legally prescribed for use by the claimant'' makes unambiguous the requirement that the prescription be for the claimant's own use. A claimant cannot cause an accident after using someone else's prescription, even in accordance with its terms, and recover damages.

The phrase ''legally prescribed'' is a variation on the Senate provision's reference to ''prescribed by a physician.'' The change takes into account the fact that the right to prescribe medication is not limited to physicians in every jurisdiction. The potential applicability of defenses involving drugs should not depend on whether a legally issued prescription comes from a physician or non-physician—particularly in view of the fact that physicians may not be available or accessible in some areas of the country.

Misuse or Alteration

Both H.R. 956 and the Senate amendment include an important reform—incorporated in section 105 of the conference agreement—designed to assure manufacturers and sellers that they can develop and sell products without undue concern about unknowable and unpredictable liability attributable to claims resulting from the misuse or alteration of their products.

Subsection (a)(1) of section 105 generally follows the House language. Damages will be reduced because of misuse or alteration, however, not only in cases of liability arising under State law—as H.R. 956 provides—but also in possible cases of liability arising under Federal law. Damages are reduced if the defendant establishes the requisite link between a certain percentage of the claimant's harm and specified conduct.

Although the ''preponderance of the evidence'' standard will apply—as the House version explicitly states—the conference agreement deletes reference to this evidentiary standard in section 105(a) in order

to avoid any possible negative inference from the fact that the legislation does not refer to ''preponderance of the evidence'' in other sections. Preponderance of the evidence is the usual standard in civil cases—including product liability cases. The conferees' intent is that courts apply the usual standard in all situations covered by this legislation except where another standard is explicitly mandated.

Subsection (a)(2) follows Senate language. Although this provision appears to state a self-evident proposition—that a use intended by the manufacturer does not constitute a misuse or alteration—it is included to alleviate concerns that some courts might reach a different result.

Subsection (b) follows House language and states the general rule that a claimant's damages will not be reduced because of misuse or alteration by others in the workplace who are immune from suit by the claimant. The rationale is that Federal law should not mandate a reduction in damages for a claimant who cannot collect from an employer or co-employee for misuse or alteration. The conference agreement, however, carves an exception to the general prohibition against such reductions by specifying that damages will not be reduced ''except as otherwise provided in section 111'' of the conference agreement dealing with workers' compensation subrogation.

The conferees intend that, consistent with normal principles of law, this section shall supersede State law concerning misuse or alteration of a product only to the extent that State law is inconsistent with this section. The deletion of language in the Senate amendment on this point was intended merely to avoid any possible inference that it is not intended to be the case in other sections of the legislation.

STATUTE OF LIMITATIONS

The fact that consumers generally do not live in the States in which the products they purchase and use are manufactured creates confusion and uncertainty for manufacturers when the law allows determinations of whether product liability actions are barred by a statute of limitations to vary from jurisdiction to jurisdiction. This uncertainty and unpredictability ultimately means higher prices for consumers. In addition, it is unfair to deny the potential for a remedy to an injured party living in one State that may be available to an injured party using the same product in another State. The conferees conclude that uniformity is needed and agree that two years is a reasonable limitation on the period of time for the filing of a lawsuit by an injured individual—regardless of where he or she may reside. This decision is reflected in the language contained in section 106(a).

The conferees expect that in most cases legal actions will be brought within two years of the accident or injury, because generally individuals have knowledge—or can be charged with knowledge—of the resulting harm and its cause at the time of an injury. An inflexible rule linking the running of the statute of limitations to the time of injury, however, would be unfair to those few injured parties who could not—despite the exercise of reasonable care—discover the harm and its cause. To address the exigencies of those situations, the conferees adopted the language of the Senate amendment referencing the date ''on which the claimant discovered or, in the exercise of reasonable care, should have discovered'' the harm and its cause.

STATUTE OF REPOSE

Both the House bill and Senate amendment included provisions to protect manufacturers against stale claims that arise many years after a product's first intended use. A statute of repose would allow U.S. manufacturers to compete with foreign companies that have entered the American marketplace in recent years and face no liability exposure for very old products. Section 106(b) advances U.S. competitiveness, preserves and expands employment opportunities here at home, and protects American consumers from the higher prices for goods and services that result from excessive litigation related expenses, inflated settlement offers, and increased liability insurance rates.

The statute of repose contained in the conference agreement will, for durable goods, generally bar product liability actions that are not filed within 15 years of a product's delivery. The time of delivery refers to the date that the product reaches its first purchaser or lessee who was not engaged in the business of selling or leasing the product or of using the product as a component in the manufacture of another product. The only exceptions to the statute of repose that courts appropriately can recognize are those explicitly provided for in section 106(b)(3) itself. The 15 year time period is taken from the House bill.

Section 106(b) adopts Senate language making the time bar applicable only to durable goods. Section 106(b)(2) is also language from the Senate amendment. It provides for deferring to State law time bars—on actions covered by this legislation—that are shorter than 15 years. The conferees believe that States should remain free to impose time limits of less than 15 years—a concept given expression in section 106(b)(2). Such State limitations are not inconsistent with the objectives of section 106(b)—including fostering a more conducive environment for U.S. companies to compete in the global marketplace. Furthermore, nothing in the conference agreement is to be interpreted to preempt state statutes of repose which may apply to goods other than durable goods as defined in this agreement.

Section 106(c) is a transition provision that permits product liability actions to be brought within one year of the date of enactment in situations in which the application of the statute of repose (or statute of limitations) shortens the period otherwise available under State law. The provision protects potential claimants by affording them a fair and reasonable opportunity to adjust to time limitations contained in section 106.

ALTERNATIVE DISPUTE RESOLUTION

Section 107 incorporates a provision of the Senate amendment dealing with alternative dispute resolution.

PUNITIVE DAMAGES

The requirement of ''conscious, flagrant indifference to the rights or safety of others'' in section 108(a) makes it clear that punitive damages may be awarded only in the most serious cases. Punitive damages are not intended as compensation for injured parties. Rather, they are intended to punish and to deter wrongful conduct.

The conferees understand that punitive damages can be awarded in cases of intentional harm. For this reason, it was not felt necessary to express the concept explicitly. Thus, the conference agreement does not retain the language contained in the House passed bill regarding conduct ''specifically intended to cause harm.''

Section 108(b) imposes a limitation on punitive damages—with a special rule applicable to individuals of limited net worth and businesses or entities with small numbers of employees. The limitation on punitive damages cannot be disclosed to the jury. A punitive damage award may be appealed even if it falls within the limitation. Nothing in the bill prevents a trial court (and each reviewing court) from reviewing punitive damage awards individually and determining whether the award is appropriate under the particular circumstances of that case.

Although the conferees establish a mechanism for awarding additional punitive damages in limited circumstances (''egregious conduct'' on the part of the defendant and a punitive damages jury verdict insufficient to punish such egregious conduct, or to deter the defendant), it is anticipated that occasions for additional awards will be very limited indeed. Findings of fact and conclusions of law relating to the award of additional punitive damages are designed both to ensure that judges carefully consider such decisions and to facilitate appellate review. The court may not enter an award of punitive damages in excess of the amount of punitive damages originally assessed by the jury. The additional award provisions do not apply in cases covered by section 108(b)(2)—actions against an individual whose net worth does not exceed $500,000 or against entities that have fewer than 25 full-time employees.

Section 108(c)(1) clarifies that a separate proceeding on punitive damages—pursuant to a bifurcation request of any party—shall be held subsequent to the determination of the amount of compensatory damages. This order of proceedings, consistent with the intent of both the House and Senate, is being made explicit to avoid any possible confusion. A determination of punitive damages first can adversely and unfairly influence financial markets and result in inappropriate pressure on defendants to settle. Punitive damages expressed as a multiple of compensatory damages to be determined later may not result in any liability if a different jury considering compensatory damages decides in favor of the defendant. This potential verdict for a defendant, however, may come too late because of the realities of the business world.

The conferees clarify in section 108(c)(2) that it is improper not only to offer evidence—but also to raise arguments or contentions—relevant only to a claim of punitive damages in the compensatory damages proceeding, because of the potential prejudicial effects. The conferees' objective is to avoid infecting determinations of liability—or the amount of compensatory damages—with such irrelevant information.

LIABILITY FOR CLAIMS INVOLVING DEATH

Section 109 incorporates a provision of the Senate amendment designed to address a situation unique to one State.

SEVERAL LIABILITY FOR NONECONOMIC LOSS

The language of section 110 on several liability for noneconomic loss in product liability cases substantially follows the Senate amendment. The rule of several liability for noneconomic loss applies to all product liability actions nationwide.

The conference agreement, based on the Senate amendment, clearly states that in allocating noneconomic damages to a defendant, ''the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, *whether or not such person is a party to the action*.'' [Emphasis added] The Senate formulation reflected here is fully consistent with the intent of the House as expressed in Report Number 104-64, Part 1: ''[T]he trier of fact will determine the proportion of responsibility of each person responsible for the claimant's harm, without regard to whether or not such person is a party to the action.'' pp. 13–14. Persons who may be responsible for the claimant's harm include, but are not necessarily limited to, defendants, third-party defendants, settled parties, nonparties, and persons or entities that cannot be tried (e.g., bankrupt persons, employers and other immune entities).

The House passed version specified that the section ''does not preempt or supersede any State or Federal law to the extent that such law would further limit the application of the theory of joint liability to any kind of damages.'' The conferees have not included this language in the conference report itself because it is superfluous and self-evident. Reference is made to it in the statement of managers, however, to rebut any possible negative inference from its omission. The quoted language itself reflects the conference agreement's intent.

WORKERS' COMPENSATION SUBROGATION

Section 111(a)(1)(A) provides that, in any product liability action involving a workplace injury, an insurer shall have a right of subrogation. Section 111(a)(1)(B) provides that, to assert a right of subrogation, an insurer must provide the court with written notice that it is asserting a right of subrogation. Section 111(a)(1)(C) states that the insurer need not be a necessary party to the product liability action. Thus, an employee can pursue a product liability action against a manufacturer without regard to the insurer's participation in the action. This section focuses on eliminating unsafe workplaces and is, therefore, applicable in all actions where employer or coemployee fault for a claimant's harm is at issue. Conversely, section 111 does not apply in cases where the product liability defendant chooses not to raise employer or coemployer fault as a defense.

Section 111(a)(2)(A) preserves the right of an insurer to assert a right of subrogation against payment made by a product liability defendant, without regard to whether the payment is made as part of a settlement, in satisfaction of a judgment, as consideration for a covenant not to sue, or for any other reason. ''Claimant's benefits'' is defined in section 101(3) and is a broad term which includes the total workers' compensation award, including compensation representing lost wages, payments made by way of an annuity, health care expenses, and all other payments made by the insurer for the benefit of the employee to compensate for a workplace injury.

Section 111(a)(3) provides the mechanism for increased workplace safety. Under section 111(a)(3)(A), a product liability defendant may attempt to prove to the trier of fact that the claimant's injury was caused by the fault of the claimant's employer or a coemployee. The term ''employer fault'' means that the conduct of the employer or a coemployee was a substantial cause of the claimant's harm or contributed to the claimant's harm in a meaningful way; it is more than a *de minimus* level of fault. Section 111(a)(3)(C)(i) provides that, if the trier of fact finds by clear and convincing evidence that the claimant's injury was caused by the fault of the claimant's employer or a coemployee, the product liability damages award and, correspondingly, the insurer's subrogation lien shall be reduced by the amount of the claimant's benefits. In no case shall the employee's third-party damage award reduction exceed the amount of the subrogation lien. Thus, the amount the injured employee would receive remains totally unaffected. The Act merely provides that the insurer will not be able to recover workers' compensation benefits it paid to the employee if it is found by clear and convincing evidence that the claimant's harm was caused by the fault of the employer or a coemployee.

BIOMATERIALS

Title II of the conference agreement contains the ''Biomaterials Access Assurance Act of 1996.'' A similar title passed both as a part of the House bill and the Senate amendment. Title II is intended to provide a defense to suppliers of materials or parts which are used to manufacture implantable medical devices. The definition of ''medical device'' in existing law, which is incorporated by reference into Title II, would limit this defense to a device which does not ''achieve any of its principal intended purposes through chemical action within or on the body of man * * *'' , in short, devices which do not contain drugs.

Newly patented devices, and others now in development, are manufactured from ''parts'' intended to be covered by Title II, but also contain an active ingredient or drug. The purpose of such devices is long term (up to one year) release of such materials into the body. Such devices can introduce medications affecting numerous bodily functions, previously only available by regular injections or oral dosages.

The conferees adopted a new definition which brings the ''parts,'' but not the active ingredients, used in such ''combination products'' (as that term is used in section 503(g) of the Act) within the purview of this section. This will ensure that the development and availability of such devices will not be impaired because of the same liability concerns affecting the availability of materials for other types of implants.

COURT OF APPEAL DECISIONS

Section 301 describes the precedential effect of certain Federal appellate decisions. It is based on a provision of the Senate amendment.

FEDERAL CAUSE OF ACTION

Both H.R. 956 and the Senate amendment include provisions on preclusion. Section 302 incorporates the language of the House bill.

EFFECTIVE DATE

The effective date provision of H.R. 956 references actions commenced ''after'' the enactment date. Corresponding Senate provisions refer to actions ''on or after'' the date of enactment and clarify that the effective date is without regard to whether the relevant harm or conduct occurred before the enactment date. The conferees, in section 303, accept the ''on or after'' formulation and the clarifying clause from the Senate amendment.

From the Committee on the Judiciary, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

HENRY HYDE,
JAMES SENSENBRENNER, Jr.,
GEORGE W. GEKAS,
BOB INGLIS,
ED BRYANT,

From the Committee on Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

TOM BLILEY,
MICHAEL OXLEY,
CHRISTOPHER COX,
Managers on the Part of the House.

LARRY PRESSLER,
SLADE GORTON,
TRENT LOTT,
TED STEVENS,
OLYMPIA SNOWE,
JOHN ASHEROFT,
J.J. EXON,
JOHN D. ROCKEFELLER,
Managers on the Part of the Senate.

COMPREHENSIVE ANTITERRORISM ACT OF 1995

The SPEAKER pro tempore (Mr. FOLEY). 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 further consideration of the bill, H.R. 2703.

☐ 1224

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 CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 13, 1996, amendment No. 7 printed in House Report 104–480 offered by the gentleman from California [Mr. DOOLITTLE] had been disposed of.

The unfinished business is the demand for a recorded vote on amendment No. 10 offered by the gentleman from North Carolina [Mr. WATT] on which further proceedings were postponed and on which the ''noes'' prevailed by voice vote.

The Clerk will redesignate 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 order of the House of Wednesday, March 13, 1996, it is now in order for an additional period of debate on the amendment.

The gentleman from North Carolina [Mr. WATT] and a Member opposed each will be recognized for 5 minutes, and then the request for a recorded vote will be pending.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. HYDE. May I be recognized in opposition, Mr. Chairman?

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] will be recognized for 5 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 want to thank my colleague, the gentlewoman from Idaho [Mrs. CHENOWETH], for joining me as a cosponsor of this amendment.

Mr. Chairman, there is no Constitution which protects liberals or conservatives. It protects every single citizen, it confirms the concept that democracy is about government of the people, by the people, and for the people. Habeas corpus confirms the proposition that our Constitution and democracy is about government of the people, by the people, and for the people; it is our buffer between ourselves and the government that we have constituted.

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

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

Mr. WATT of North Carolina. Mr. Chairman, I yield the balance of my

time to the gentlewoman from Idaho [Mrs. CHENOWETH], and I ask unanimous consent that she be allowed to control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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

Mr. Chairman, I do not offer this amendment because I am perfectly satisfied with the way Federal habeas corpus works now. Far from it. I think we need reform legislation that moves the death penalty cases along so that we do not take years to complete them. And my heart goes out to the victims of these horrible crimes that we heard about during the debate of this amendment, but the effects of this title are not limited to death penalty cases. Most of them covered noncapital cases as well, including cases where citizens were wrongfully prosecuted for exercising their constitutional rights to keep and bear arms. This provision, the provision in this bill, goes well beyond anything that would merely speed up the death penalty process. In some cases it destroys our cherished rights to habeas corpus completely.

I would point out to my colleagues that this title is not the language passed in the House, H.R. 729. This is the Senate language and, among other things, it dramatically cuts time limits in half for habeas corpus filings.

□ 1230

This limited period could be entirely consumed in the State process, through no fault of the prisoner or his counsel, resulting in an absolute ban on filing a petition in Federal court to plead rights guaranteed under the Constitution overlooked or ignored in the State court decisions.

Title IX is an attack on article 1, section 9 of our Constitution, which guarantees, and I quote, ''The privilege of the writ of habeas corpus shall not be suspended, unless when in the cases of rebellion or invasion, the public safety may require it.''

Mr. Chairman, I do not think we are facing an invasion or rebellion. Title IX also threatens the judicial powers granted under article 3 of the Constitution. This bill forces the Federal courts to defer to erroneous State court rulings on Federal constitutional matters. It also prevents the Federal courts from hearing evidence necessary to decide Federal constitutional questions by prohibiting evidentiary hearings in Federal court, and forcing them to defer to previous judgments made by State courts. This title would violate the oldest constitutional mission laid out for Federal courts, to stand as a court of last resort on Federal constitutional issues.

Mr. Chairman, just yesterday I received a letter from a parent whose child was killed in the Oklahoma City bombing. He wrote:

We understand that while habeas corpus may not be a household word in Oklahoma or anywhere else in America, it is something for which our founders fought to enshrine in the Constitution, as the fail-safe, safety net provision that ensures all our rights and liberties.

This father went on to write:

We have actually learned what is contained in this massive bill, we know that the last thing our family wants * * * is for this legislation—so crippling of Americans' constitutional liberties—to be passed in our daughter's name and memory. Julie certainly would not want this. And we, and all Americans, have already been terrorized more than enough; we do not need this legislation to terrorize us still further by taking from us our constitutional freedoms.

Mr. Chairman, it was Benjamin Franklin who once said, ''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.'' Mr. Chairman, I believe the American people want and deserve freedom. Americans love their liberty. They did not elect us to take away their liberty.

Mr. Chairman, while I very much appreciate those who put this bill together, and I respect them very deeply, I do feel that this is a problem that we must correct, because it will not just affect the death row inmates. It will affect everyone who is brought before a State court, and whose Federal constitutional rights that have been guaranteed under the Constitution will be violated.

Hon. HELEN CHENOWETH,
Representative, Idaho,
Washington, DC.
Hon. MELVIN WATT,
Representative, North Carolina,
Washington, DC.

DEAR REPRESENTATIVES: I understand you have offered an amendment to strike the habeas corpus package from the bill you are being called to vote upon today. I am sorry I missed you when I was in Washington briefly last week.

As the father of someone murdered by the Oklahoma City bomb, I want to thank you for offering your wise amendment, and tell you about my and my family's horror that Congress is contemplating passing a bill such as the one you will be called upon to vote on this week, a so-called ''effective death penalty and antiterrorism'' bill.

We have actually learned what is contained in this massive bill, we know that the last thing our family wants (and Julie was my precious 23 year, only daughter and my best friend) is for this legislation so crippling of Americans' constitutional liberties to be passed in her name and memory. Julie certainly would not want this. And we, and all Americans, have already been terrorized more than enough; we do not need this legislation to terrorize us still further by taking from us our constitutional freedoms.

I find it telling that I, like the other family members in Oklahoma City, was approached very early in my grief by people asking: ''would you be in favor of anti-terrorism legislation.'' No explanation was given as to what such legislation would look like, or what it would do to our fundamental rights. In the throes of my loss, and with such an abstract concept presented about the bill, as you might imagine my response was like that of so many other family members who were brought here last week to be used as advocates for this bill I am sure they still do not understand: ''Of course, anything to combat such horrible acts as the one which took my Julie from me.''

Only a few weeks ago did I learn from my niece, who just happens to be a lawyer capable of understanding this massive and technical legislative proposal, what is actually in this bill.

Moreover, I know personally what legislators must certainly know, from the mouths of federal officials themselves: they have all the legislative tools they need to fight terrorism and bring terrorists to justice.

It utterly galls us as a family so devoted to my daughter that we and our loss is being used as a political football for politicians eager to posture themselves as ''tough'' on crime to reap some political advantage, and to do the bidding of already powerful agencies who have demonstrated their inability to responsibly exercise the enormous powers they already possess.

The ''good faith'' wiretap provisions and the habeas reform provisions in particular are not known or understood by the families who have been used to lobby on behalf of this bill.

We know that meaningful, independent habeas court review of unconstitutional convictions is an essential fail-safe device in our all too human system of justice. And we have learned that this package of ''reforms'' you are being asked to vote for would raise hurdles so high to such essential review to utterly ensure injustices of wrongful conviction will go unremedied. This is true in all cases, not just life and death ones. And we consider this a direct threat to us and our loved ones still living who may well find themselves the victim of abusive or mistaken law enforcement and prosecutor conduct and unconstitutional lower court decisions. Two wrongs have never made a right.

We understand that while habeas corpus may not be a household word, in Oklahoma or anywhere else in America, it is something for which our founders fought to enshrine in the Constitution as the fail-safe, safety net provision that ensures all of our rights and liberties—including the First, Second, Fourth, and all of the other precious Amendments and other parts of the Constitution.

Please forgive such a long letter. But I feel that Julie's memory and our rights are literally in the balance, and in your hands and the hands of your colleagues.

You have our wholehearted gratitude for standing firm against this bill, which I understand only has a much worse Senate companion awaiting it should it pass the House. I continue to educate other family members here about this terrible bill and why they really cannot want Congress to pass this bill, if only they know what is in it. (One family member even told me recently that she understood habeas corpus to be an anti-terrorism investigation tool!) I pray you will continue your efforts to educate your colleagues in the same way. And I hope you will share this letter with your many colleagues whom we simply could not visit in our limited time in Washington.

Sincerely,

BUD WELCH.

On behalf of Julie Welch and the surviving Welch/Burton family of Oklahoma City.

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

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, there is no one in this House for whom I have more respect and admiration than the gentlewoman from Idaho [Mrs. CHENOWETH]. I certainly have enormous

respect for the gentleman from North Carolina [Mr. WATT] as well. But I must strenuously resist the motion that is before the House.

Mr. Chairman, this is exactly the same bill that passed the Senate. I do not think it is ungenerous to remind the gentlewoman that she signed the contract for America. In fact, her signature is the 11th one from the top on page 172. Part of that undertaking, that solemn undertaking, was habeas corpus reform. That is what we have here today.

Mr. Chairman, first of all, please do not think that those of us advocating something that the Republican Party, and discerning Democrats, have advocated for 10 years, to my knowledge, habeas corpus reform, in any way demeans or derogates our respect for and love and dedication to the Constitution. It is the abuse of the writ of habeas corpus that we direct our legislation toward, not its uses, its proper uses.

Mr. Chairman, what do we ask? What is this terrible, tyrannical, oppressive reform that we are trying to saddle on all these innocent people who have been convicted of crimes that range up to the death penalty or less? First of all, we require that all claims be brought in a single petition. The time limit, not ad infinitum, indefinitely, into the next millennium, is 1 year after the Supreme Court of the United States has rejected a direct appeal, however long that takes. Subsequent petitions for habeas will be allowed if the convicted defendant can show cause for not including the particular new claim he is filing in his first petition.

Government suppression of evidence or newly discovered evidence proving innocence are grounds for a new appeal. That is not very tyrannical. Deference is given to State courts' legal decisions if they are not contrary to established Supreme Court precedent. That is to avoid relitigating endlessly the same issues. There is a system of State courts. We give them deference, provided their decisions are not contrary to Supreme Court precedent.

A prisoner, a convicted person, can rebut a presumption by clear and convincing evidence. Today the average time of habeas corpus closure is about 10 years. The families of the victims are the forgotten people in this situation. John Wayne Gacy, Members must be sick of hearing his name, I see his face, because I represented where he lived and where they found 27 bodies buried in his house: 14 years and 52 separate appeals. My God, what an outrage that is.

There are many cases like that. William Bonan, 16 years, guilt never in doubt; Kermit Smith, 14 years. From the time he was sentenced until he was executed, 46 different judges considered his case, and it went to the Supreme Court five different times.

Mr. Chairman, habeas corpus is one of the most important bulwarks we have in our Constitution protecting people from an overreaching government, but we cannot tolerate the abuse. We must think of justice which, if it is delayed, is justice denied. We have been moving toward reforming, not extirpating, not deforming, reforming habeas corpus, so justice, justice, justice, might be done, not only to the convicted accused, who has gone up the State system, up the Federal system, and back again, but to the families of the victims.

Therefore, Mr. Chairman, I respectfully urge Members to reject the amendment of the gentleman and the gentlewoman.

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

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, briefly, I just wanted to accept as debatable the reasons that the gentleman has advanced, but to suggest that because the gentlewoman signed a Contract With America she was irrevocably bound in matters of this manner I think is taking the case too far.

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina [Mr. WATT] on which further proceedings were postponed, and on which the noes prevailed by voice vote.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 135, noes 283, not voting 13, as follows:

[Roll No. 64]

AYES—135

Abercrombie	Fazio	Matsui
Ackerman	Fields (LA)	McCarthy
Baldacci	Filner	McDermott
Barrett (WI)	Flake	McKinney
Barton	Foglietta	Meehan
Becerra	Ford	Meek
Beilenson	Frank (MA)	Miller (CA)
Berman	Furse	Minge
Bishop	Gejdenson	Mink
Bonilla	Gephardt	Mollohan
Bonior	Gibbons	Nadler
Boucher	Gonzalez	Oberstar
Brown (CA)	Gutierrez	Obey
Brown (FL)	Hall (OH)	Olver
Brown (OH)	Hastings (FL)	Owens
Bryant (TX)	Hilliard	Pastor
Calvert	Hinchey	Payne (NJ)
Campbell	Jackson (IL)	Pelosi
Chenoweth	Jackson-Lee (TX)	Pomeroy
Clay	Jacobs	Rahall
Clayton	Jefferson	Rangel
Clyburn	Johnson, E. B.	Reed
Coleman	Johnston	Rivers
Collins (MI)	Kaptur	Rose
Conyers	Kennedy (MA)	Roybal-Allard
Cooley	Kennedy (RI)	Rush
Coyne	Kennelly	Sabo
Crapo	Kildee	Sanders
DeFazio	Kleczka	Sawyer
DeLauro	LaFalce	Scarborough
Dellums	Lantos	Schiff
Dicks	Levin	Schroeder
Dixon	Lewis (GA)	Scott
Doggett	Lofgren	Serrano
Dornan	Lowey	Skaggs
Engel	Luther	Slaughter
Eshoo	Maloney	Smith (WA)
Evans	Markey	Stark
Farr	Martinez	Stockman
Fattah	Matsui	Studds
Stupak	Vento	Wise
Thompson	Visclosky	Woolsey
Thurman	Waters	Wynn
Torres	Watt (NC)	Yates
Towns	Waxman	
Velazquez	Williams	

NOES—283

Allard	Gekas	Moorhead
Andrews	Geren	Moran
Armey	Gilchrest	Morella
Bachus	Gillmor	Murtha
Baesler	Gilman	Myers
Baker (CA)	Goodlatte	Myrick
Baker (LA)	Goodling	Neal
Ballenger	Gordon	Nethercutt
Barcia	Goss	Neumann
Barr	Graham	Ney
Barrett (NE)	Green	Norwood
Bartlett	Greenwood	Nussle
Bass	Gunderson	Ortiz
Bateman	Gutknecht	Orton
Bentsen	Hall (TX)	Oxley
Bereuter	Hamilton	Packard
Bevill	Hancock	Pallone
Bilbray	Hansen	Parker
Bilirakis	Harman	Paxon
Bliley	Hastert	Payne (VA)
Blute	Hastings (WA)	Peterson (FL)
Boehlert	Hayes	Peterson (MN)
Boehner	Hayworth	Petri
Bono	Hefley	Pickett
Borski	Hefner	Pombo
Brewster	Heineman	Porter
Browder	Herger	Portman
Brownback	Hilleary	Poshard
Bryant (TN)	Hobson	Pryce
Bunn	Hoekstra	Quillen
Bunning	Hoke	Quinn
Burr	Holden	Radanovich
Burton	Horn	Ramstad
Buyer	Hostettler	Regula
Callahan	Houghton	Richardson
Camp	Hoyer	Riggs
Canady	Hunter	Roberts
Cardin	Hutchinson	Roemer
Castle	Hyde	Rogers
Chabot	Inglis	Rohrabacher
Chambliss	Istook	Ros-Lehtinen
Christensen	Johnson (CT)	Roth
Chrysler	Johnson (SD)	Roukema
Clement	Johnson, Sam	Royce
Clinger	Jones	Salmon
Coble	Kanjorski	Sanford
Collins (GA)	Kasich	Saxton
Combest	Kelly	Schaefer
Condit	Kim	Schumer
Costello	King	Seastrand
Cox	Kingston	Sensenbrenner
Cramer	Klink	Shadegg
Crane	Klug	Shaw
Cubin	Knollenberg	Shays
Cunningham	Kolbe	Shuster
Danner	LaHood	Sisisky
Davis	Largent	Skeen
Deal	Latham	Skelton
DeLay	LaTourette	Smith (MI)
Deutsch	Laughlin	Smith (NJ)
Diaz-Balart	Lazio	Smith (TX)
Dickey	Leach	Solomon
Dingell	Lewis (CA)	Souder
Dooley	Lewis (KY)	Spence
Doolittle	Lightfoot	Spratt
Doyle	Lincoln	Stearns
Dreier	Linder	Stenholm
Duncan	Lipinski	Stump
Dunn	Livingston	Talent
Edwards	LoBiondo	Tanner
Ehlers	Longley	Tate
Ehrlich	Lucas	Tauzin
Emerson	Manton	Taylor (MS)
English	Manzullo	Taylor (NC)
Ensign	Martini	Tejeda
Everett	Mascara	Thomas
Ewing	McCollum	Thornberry
Fawell	McCrery	Thornton
Fields (TX)	McDade	Tiahrt
Flanagan	McHale	Torkildsen
Foley	McHugh	Torricelli
Forbes	McInnis	Traficant
Fowler	McIntosh	Upton
Fox	McKeon	Volkmer
Franks (CT)	McNulty	Vucanovich
Frelinghuysen	Metcalf	Waldholtz
Frisa	Meyers	Walker
Frost	Mica	Walsh
Funderburk	Miller (FL)	Wamp
Gallegly	Molinari	Ward
Ganske	Montgomery	Weldon (FL)

Weldon (PA)	Wicker	Zeliff
Weller	Wolf	Zimmer
White	Young (AK)	
Whitfield	Young (FL)	

NOT VOTING—13

Archer	de la Garza	Stokes
Chapman	Durbin	Watts (OK)
Coburn	Franks (NJ)	Wilson
Collins (IL)	Menendez	
Cremeans	Moakley	

□ 1256

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mr. Watts of Oklahoma against.

Messrs. HERGER, BARCIA, and SMITH of Texas changed their vote from ''aye'' to ''no.''

Messrs. GUTIERREZ, MINGE, and POMEROY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Chairman, on rollcall No. 64. I was detained unavoidably. Had I been present, I would have voted ''no.''

The CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 104–480.

AMEMDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CONYERS:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Crimes Associated With Terrorism Act of 1996''.

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 against children.
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.

TITLE II—INCREASED PENALTIES

Sec. 201. Penalties 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 an explosive material knowing that it will be used to commit a crime of violence.

TITLE III—INVESTIGATIVE TOOLS

Sec. 301. Study of tagging explosive materials, detection of explosives and explosive materials, rendering explosive components inert, and imposing controls of precursors of explosives.
Sec. 302. Requirement to preserve record evidence.
Sec. 303. Detention hearing.
Sec. 304. Reward authority of the Attorney General.
Sec. 305. Protection of Federal Government buildings in the District of Columbia.
Sec. 306. 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—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

Sec. 601. Removal procedures for alien terrorists.

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. Compilation of statistics relating to intimidation of government employees.
Sec. 805. Victim restitution Act.

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.—The 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 this section as a terrorist organization shall be fined under this title or imprisoned not more than 10 years, or both.

''(b) TERRORIST ORGANIZATION DEFINED.—

''(1) DESIGNATION.—For purposes of this section and the Crimes Associated With Terrorism Act of 1996 and title V of the Immigration and Nationality 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.

''(2) 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 the basis for designation. The Secretary of State, in consultation with the Attorney General, shall create an administrative record prior to such designation and may use classified information in making such a designation. Such classified information is not subject to disclosure so long as it remains classified, except as provided in paragraph (3) for the purposes of judicial review of such 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 paragraph.

''(3) JUDICIAL REVIEW.—Any organization designated as a terrorist organization under the preceding provisions of this subsection may, not later than 30 days after the date of the designation, seek judicial review thereof in any United States Court of Appeals of competent jurisdiction. 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, not supported by a preponderance of the evidence, contrary to constitutional right, power, privilege, or immunity, or not in accord with the procedures required by law. Such review shall proceed in an expedited manner. Designated organizations shall have the opportunity to call witnesses and present evidence in rebuttal of such designation. During the pendency of the court's review of the designation, the prohibition against providing material support to the organization under this section shall not apply unless the court finds that the Government is likely to succeed on the merits of the designation. For the purposes of this section, any classified

information used in making the designation shall be considered by the court, and provided to the organization, under the procedures provided under title V of the Immigration and Nationality Act.

''(4) CONGRESSIONAL AUTHORITY TO REMOVE DESIGNATION.—The Congress reserves the authority to remove, by law, the designation of an organization as a terrorist organization under this subsection.

''(5) SUNSET.—Subject to paragraph (4), the designation under this subsection 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 subsection for designation of the organization.

''(6) 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.

''(c) DEFINITIONS.—As used in this section, the term—

''(1) 'material support or resources' has the meaning given that term in section 2339A of this title; and

''(2) 'terrorist activity' means any act 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, 2331(1)(A), 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.''.

(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 2339a 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, 81, 175, 351, 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, 2332a, 2332b, or 2340 of this title or section 46502 or 6012 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 AGAINST CHILDREN.

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

''§ 2332b. Acts of terrorism against children

''(a) PROHIBITED ACTS.—

''(a) Whoever intentionally commits a Federal crime of terrorism against a child, shall be fined under this title or imprisoned for any term of years or for life, or both. This section does not prevent the imposition of any more severe penalty which may be provided for the same conduct by another provision of Federal law.

''(b) DEFINITIONS.—As used in this section—

''(1) 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; and

''(2) the term 'child' means an individual who has not attained the age of 18 years.''.

(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 against children.''.

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.''.

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 2332c (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.''.

TITLE II—INCREASED PENALTIES

SEC. 201. PENALTIES 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 more than 45 years; and

''(3) if death results to any person other than the offender, the offender shall be subject to imprisonment for any term of years, 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 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 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.''.

TITLE III—INVESTIGATIVE TOOLS

SEC. 301. 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 Secretary of the Treasury, in consultation with other Federal, State and local officials with expertise in this area and such other individuals as the Secretary of the Treasury 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 Secretary shall submit to the Congress a report that contains the results of the study required by this section. The Secretary shall make the report available to the public.

(c) LIMITATION.—The study under this section shall not include black powder or smokeless powder among the explosive materials it concerns.

SEC. 302. 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. 303. 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. 304. 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. 305. 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. 306. 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—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.
''Sec. 503. Application for initiation of special removal proceeding.
''Sec. 504. Consideration of application.
''Sec. 505. Special removal hearings.
''Sec. 506. Appeals.'';

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 removal court' means the court established under section 502(a).

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

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

''ESTABLISHMENT OF SPECIAL REMOVAL COURT

''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.

''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.

''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.—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.

''(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.

''(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.

''(e) TREATMENT OF CLASSIFIED INFORMATION.—The judge shall examine in camera and ex parte any item of classified information for which the Attorney General determines that public disclosure would pose a risk to the national security of the United States. With respect to such evidence, the Attorney General shall also submit to the court a summary prepared in accordance with subsection (f).

''(f) SUMMARY OF CLASSIFIED INFORMATION.—

''(1) The information submitted under subsection (e) shall contain a summary of the information that does not pose a risk to the national security.

''(2) The judge shall approve the summary if the judge finds that the summary will provide the alien with substantially the same ability to make his defense as would disclosure of the specific classified information.

''(3) The Attorney General shall cause to be delivered to the alien a copy of the summary approved under paragraph (2).

''(g) DETERMINATION OF DEPORTATION.—If the judge determines that the summary described in subsection (f) will provide the alien with substantially the same ability to make his defense as would the disclosure of the specific classified evidence, a determination of deportation may be made on the basis of the summary and any other evidence entered in the public record and to which the alien has been given access. If the judge does not approve the summary, a determination of deportation may be made on the basis of any other evidence entered in the public record and to which the alien has been given access. In either case, such a determination will be made when the Attorney General proves, by clear, convincing, and unequivocal evidence that the alien is subject to deportation because such alien is an alien as described in section 241(a)(4)(B).

''APPEALS

''SEC. 506. (a) APPEALS BY ALIEN.—The alien may appeal a determination under section 505(f) or 505(g) to the United States Court of Appeals for the circuit where the alien resides by filing a notice of appeal with such court not later than 30 days after the determination is made.

''(b) APPEALS BY THE UNITED STATES.—The Attorney General may appeal a determination made under section 504, or section 505(f) or 505(g) to the Court of Appeals for the circuit where the alien resides, by filing a notice of appeal with such court not later than 20 days after the determination is made under any one of such subsections.

''(c) TRANSMITTAL OF CLASSIFIED INFORMATION.—When requested by the Attorney General, the classified information in section

506(e) shall be transmitted to the court of appeals under seal.''.

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 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

''(B) 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. 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. 805. VICTIM RESTITUTION ACT.

(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.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. CONYERS] and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

□ 1300

Mr. CONYERS. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, we now are down to one antiterrorist crime bill before this body, and that is the one that is now before us in the form of substitute brought forth by myself, the gentleman from New York [Mr. NADLER], and the gentleman from California [Mr. BERMAN], both members of the Committee on the Judiciary.

I say that we are down to one, because the Committee on the Judiciary reported out a bill that the majority supported, and many of us had an alternative view. As of yesterday afternoon we are now down to one antiterrorist bill, and that is the substitute offered by myself, the gentleman from New York, and the gentleman from California.

What else remains is a low-grade crime bill, cats and dogs from the Committee on the Judiciary that have been pasted together, commissions, blue-ribbon, at hat, and other things that have nothing to do with fighting terrorism.

Mr. Chairman, what we have now is the only antiterrorist bill before the House of Representatives in the form of a substitute. We have, in addition to many groups that have already been with us, the American Jewish Committee, the American Jewish Congress, we had the Union of American Hebrew Congregations.

Mr. Chairman, I yield 7 minutes to the gentleman from New York [Mr. NADLER], who is a cosponsor of the substitute.

Mr. NADLER. Mr. Chairman, some of us were opposed to the Hyde bill, as originally written, the Hyde-Barr bill, because although we shared the goal of opposing terrorism, we shared the goal of stopping fundraising for terrorist organizations, such as Hamas or Hezbollah, in the United States, we shared the goal of expeditiously deporting aliens engaged in terrorism, we were very concerned about what we perceived and believed to be the overbroad nature of the bill that would

enhance the power of the Federal Government and decrease the civil liberties of law-abiding American citizens.

Many of the provisions of the Barr amendment that passed yesterday took out the provisions that concerned us. But, in my opinion, the Barr amendment went somewhat too far in that it took out the provisions that deal with terrorism. It took out the provisions that say you cannot raise funds in the United States for terrorist organizations abroad, and it took out the provision that enables the expeditious deportation of alien terrorists.

The substitute that we have here today agrees with the Barr amendment in removing from the bill all the provisions that the Barr amendment removes with respect to wiretapping, enhanced power for the FBI, and so forth. But it restores the two key antiterrorist provisions, albeit with greater protections for civil liberties than in the Hyde amendment.

Specifically, it restores the provision that says you cannot raise funds for terrorist organizations. It provides civil liberties protection in that it gives a meaningful judicial review to an organization that says we are not a terrorist organization even if the Secretary of State thinks we are. It enables that organization to have a hearing in court, an expedited hearing. It gives them the right to bring in their own evidence, their own witnesses to rebut what the Secretary of State says. It gives them proper due process.

It restores the provision, unlike the original bill, it restores the provision that says that we will have an expedited proceeding, too, for the alien terrorists. But it gives that alleged alien terrorist more due process than the original bill. It says if the Government wants to use secret evidence against that person, it can do so only if a court agrees that it is giving the accused a summary of that evidence of sufficient detail to enable him to prepare a defense as good as if he had the evidence itself revealed to him. And if the Government thinks it cannot do that, it is too dangerous to reveal even a summary, then it cannot use the evidence; the same provisions as in the existing Classified Information Procedure Act, which we use with respect to spies and espionage and organized crime.

The same balance is struck for civil liberties and for the right of the prosecution. With those two provisions restored and with proper civil liberties provisions, we have a decent bill. The choice, for Members, is now very clear: If you want an antiterrorist bill that actually targets the antiterrorist activity, you must support the Conyers-Berman-Nadler substitute. If you want to stop terrorist organizations from raising funds in the United States in order to carry out acts of cruel and cowardly terrorism throughout the world, you must support the Conyers-Berman-Nadler substitute.

If you want to give the Federal Government support the ability to get alien terrorists out of the country expeditiously, you must support the Conyers-Berman-Nadler substitute. If you voted for the Barr amendment yesterday because you were concerned about the rights of individual law-abiding individual Americans, concerned about the unchecked power of big government, you must vote for the Conyers-Nadler-Berman substitute. To protect those rights and finish the job of cleaning up the bill.

Our President, Mr. Chairman, is in the Middle East today pledging this Nation to take the lead in the worldwide fight against terrorism. He is pledging our resources, our experience, and most of all our commitment and our leadership. This House cannot, on the very same day, say, sorry, we cannot be bothered.

It is a disgrace. It is a betrayal at the very moment that the civilized world is facing a truly monumental challenge. Terrorism knows no borders, and our response must similarly be as broad and tough as the situation demands.

This bill, as amended yesterday, does not do the job. It is no longer an antiterrorism bill. It no longer even pretends to stop groups like Hamas or Hezbollah from raising funds in the United States. It no longer gives us the ability to get alien terrorists out of the country expeditiously. It no longer gives us the ability to get alien terrorists out of the country expeditiously.

The organizations that have worked so hard to move forward the fight against terrorism agree and are supporting this substitute.

Mr. Chairman, when a bomb goes off and kills children in Jerusalem, the return address should not be the United States. When a militant terrorist like Sheik Rakhman tries to blow up the World Trade Center and plot assassinations in our streets, our Government needs the tools to throw him out of the country.

We need to respect civil liberties and of individual rights. While the Hyde-Barr bill went too far in the other direction, trampling on the rights of individuals, the Barr amendment goes too far in the other direction, cutting or eliminating the key antiterrorist provisions.

For my colleagues on the other side of the aisle, I say we may have disagreed on this or that provision but if you supported the Barr amendment because you were concerned about civil liberties, look at this amendment carefully, because every concern, every concern addressed by the Barr amendment is addressed in our substitute.

If you voted against the Barr amendment, our substitute achieves the law enforcement goals in terms of antiterrorism that you wanted. We can achieve results without sacrificing the rights of law-abiding citizens. Let us not turn our backs on the opportunity to enact legislation that will fight terrorism at its core.

The American people want an antiterrorism bill. The Barr amendment is not an antiterrorism bill. If we pass up this opportunity to stand up to the terrorists, we will have failed today, and that would be nothing less than shameful.

I urge my colleagues to support the Conyers-Nadler-Berman substitute and not to give up the fight against terrorism.

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

Mr. NADLER. I yield to the gentleman from Michigan.

Mr. CONYERS. I just want to tell you that that statement combines all of our work for months on the committee, and it effectively recaptures what went on on the floor yesterday and gives everyone a chance to come back together on this antiterrorist bill.

Mr. NADLER. Reclaiming my time, I certainly agree. I thank the gentleman.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I take it the gentleman believes the death penalty is a proper circumstance with which a jury should grapple in a terrorism case. Is that correct?

Mr. NADLER. Reclaiming my time, I do not believe——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS]. Perhaps they can carry on this fascinating colloquy.

Mr. GEKAS. Mr. Chairman, support of the Conyers-Nadler-Berman amendment is opposition to the imposition of the death penalty in cases of terrorism. The World Trade Center fiasco that took so many lives and cost so much money and created so much havoc would be beyond the reach of American citizens sitting as a jury to determine whether or not a death penalty should apply. In fact, there was no death penalty at the time of the World Trade Center tragedy, neither on the Federal level or on the State level.

At any rate, if we vote for this amendment, we eviscerate habeas corpus reforms that we on this side of the aisle are trying to impose so that the death penalty, which is approved by the American people by an 80-percent margin, will also be complemented by a swift execution, using that word wisely, a swift execution of the sentence.

We need deterrence. Deterrence can only be accomplished by a swift carrying out of the sentence. The people on death row should be given one chance and one chance alone, not 11 years' worth of chances to fight their death sentence, and after that, justice must prevail.

A jury, remember, has found that individual guilty of tragic, heinous, horrible crimes, killed people, and now he seeks mercy while we seek justice. We need to defeat the Conyers-Nadler-Berman measure and revert to the reforms that we have in the main bill, which

will allow a just finalization of a death sentence.

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

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

Mr. NADLER. Mr. Chairman, I am not going to debate the habeas corpus provisions. The fact of the matter is, as I recall, we already passed that bill on the floor of this House. I disapproved of it, but it is a separate debate, a separate question. What is involved in this amendment, what is involved in this amendment is doing what the terrorism bill, to have a provision, the most important thing, inviting terrorism, which is to stop the fundraising here of terrorist groups. The habeas corpus bill passed in a different bill.

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM].

(Mr. MCCOLLUM asked and was given permission to revise and extend his remarks.)

Mr. MCCOLLUM. Mr. Chairman, I thank the chairman for yielding time to me.

I think that the gentleman from New York has made a significant contribution by this amendment. I do not question he has worked very hard on it.

There are parts of this with which I agree and I agree very strongly, such as those parts that try to correct what I think were mistakes that were made, probably without knowledge or intent, yesterday by some of our colleagues in voting to change provisions that effectively nullify the ability to eliminate fundraising by terrorist organizations in the United States. I certainly commend the gentleman for the efforts to try to resurrect it.

However, I must oppose the amendment because I believe that we do need in this legislation to use the terrorism bill, the bill that we call now the death penalty bill, in order to finally get to the President's desk an effective death penalty provision; that is, a provision that will at long last finally provide that relief so that we do not have these seemingly endless appeals that death row inmates have.

That is as equally important to the question of terrorists and terrorism and fighting terrorism as it is to the general populace for other types of crimes, in fact, may be even more important in this area. We need to send a message that when you commit a terrorist act in this country, you are really going to get the death penalty for doing it and that, in fact, you are going to have that carried out in a reasonably short period of time so that there is an effective message being sent, one that says when you do it, it is going to happen, one that is with swiftness and certainty of punishment, which is the basic structure of deterrence in criminal justice.

That is why I think the habeas corpus provisions that the gentleman would not provide for, among other things that he omits from this proposed substitute, are critical to this legislation and why I cannot support this particular alternative amendment, even though I do find features about it that I concur with.

□ 1315

I find that we sometimes do not recognize the fact that terrorists committing those kind of acts commit the most grievous kind of crime. And if they are committing them against American citizens, if they are bringing acts over here such, as the World Trade Center, and we know of a number of others that have been tried but have not been publicized, because, thank goodness, they were stopped by our law enforcement community before they happened, when we have those kind of acts, there is noting that is more important to be deterred than that kind of activity.

Now, it may not deter, having the death penalty, an effective death penalty, everybody who wants to come in here and commit some major act, for a group who are a messianic totalitarian movement, such as I think the radical Muslim elements are in Iran and the Sudan. But it might deter some people who might be otherwise aid and abet and help them become part of that here, and it might be an important message to send to governments and other people in the world.

So I think having the habeas corpus reforms, the reforms that say finally at long last we are going to provide for limited opportunity to go into Federal court after you have exhausted all of your regular appeals from a death penalty case, and provide in one bite at the apple and only one bite at the apple the chance to raise all of your procedural concerns over the case that you were tried under in the death penalty situation, where at one bite of the apple you get the opportunity to raise the question of whether you had a good attorney or not, whether you had the jury property selected or whether there were other constitutional defects, I think where if we can just give that one bite at the apple, which this provision in the bill today does in our habeas corpus reforms, we can then have a fair procedure, one that gives due process to everybody who is convicted and sentenced to death, and, at the same time, provides a truly effective death penalty that puts swiftness and certainty of punishment back in and deterrence into the criminal justice system in this area.

I believe it must be part of this bill, because it is the only vehicle we have reasonably available now that we think can go through the other body, go to the President's desk, and get it signed into law.

The gentleman strikes the criminal alien provisions in this bill, and those are also important to the terrorist issue, because often times we find that terrorists or would-be terrorists are criminal aliens and we are not deporting them in a proper fashion. We do not have the right procedures for that. They are allowed to stick around here a long time. The sooner we get them out of the country, the better procedures we have for that, the less likely we are to have that element in this country either create the actual acts of terrorism or directing them in some manner. We need to kick these people out of the country and have the procedures to do that. The gentleman in his substitute does not provide for the criminal alien provisions for criminal alien deportation that are in the underlying bill.

Mr. Chairman, I thank the gentleman for yielding me the time. I again must oppose this substitute, saying that there are features in it I concur in, but two major provisions are eliminated. I must say vote no on this substitute.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER], the ranking member of the Committee on the Judiciary.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Michigan for yielding me time. Mr. Chairman, I want to say I think every one of us as we drove home last night were absolutely shaken by what we heard happened in Scotland. I think if you look at the world's newspapers, you will find the entire world was shaken by that.

Now, at this moment it appears that was not a terrorist, just somebody who was crazy. But I have got to tell you that every terrorist on the planet had to look at that and think, aha, if you go after children, this is really something.

I would say to Members of this Chamber, if you do not do anything else, vote for this amendment on just the basis that we say in here acts of terrorism against children are going to have a much higher penalty. I think that is a very important provision in this. We ought to say after Scotland today, and say it loud and say it clear, that the whole globe ought to reach together to protect its children against any idiot terrorist that might be thinking this is a way to get a nation's attention, because we say yesterday how that brings everyone to their knees.

Now, this substitute I also think says some very important things. You know, we all get shaken and angered by terrorists, and the issue is we cannot stampede the Constitution at the same time. Very often I have disputes with the gentleman from Illinois who is the chairman of this committee. But he was eloquent on the floor yesterday, eloquent, talking about the fact that if we do not at least do this, we may as well forget this and call it the pro-terrorist or terrorist status quo act, because we have gutted the things that have to do with fighting terrorism in here.

You hear it all goes off to habeas corpus. That was another issue, in another bill. We dealt with it on this floor. This is about terrorism, and are we going to get serious or not.

When I hear people saying they do not trust the American Government, they do not trust the FBI, they do not trust the State Department, no. We are Americans, we should not totally trust anything. But this bill has the balance. If the State Department makes up a designation of terrorist associations, that has the right to judicial review. We have the balance in there. If we do not have this, we are denied the right to even know what they are.

It says in here that if you are contributing money to a terrorist group, an international terrorist group, you will not be held accountable unless we know you knew it was a terrorist group. But at least that stops some of it. That is the kind of common sense this bill makes. And for any American citizen to say you cannot have a balance between terrorism and the Constitution, that is wrong. If we cannot be tough on terrorism, and yet do we have to yank away everybody's constitutional rights? I do not think so.

But I must say, put all of that aside and at least, if nothing else, you ought to vote for this for section 104. Because it we cannot stand up and speak against terrorism against children and say that will not be tolerated, we have lost the whole message.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from California [Mr. COX].

Mr. COX of California. Mr. Chairman, I just heard the gentlewoman from Colorado say that the death penalty is another issue; we do not need to deal with the death penalty in this year. The death penalty is the essence of this bill. In fact, the name of the bill is the Effective Death Penalty and Public Safety Act.

Why then should we amend the Effective Death Penalty and Public Safety Act to take out the death penalty, to gut the death penalty provisions? We might then just call this gutted bill the ''no more death penalty act.''

In California we have had only three executions of convicted first degree murderers since the 1960's. One of those three convictions was of a man named Robert Alton Harris. Earlier last year I came to the floor with what I called the Robert Alton Harris bill. It was approved by an enormous bipartisan majority of this House. The purpose of this substitute would be to gut the bill of those provisions that would give us an effective death penalty.

President Bill Clinton supports the provisions that this substitute would strike out. Let me read from what the President said recently on television.

Bill Clinton said:

In death penalty cases, it normally takes eight years to exhaust the appeals. It is ridiculous. If you have multiple convictions, it could take even longer. So there is a strong sense in the Congress I think among Members of both parties that we need to get down to sort of one clear appeal. We need to cut the time delay on the appeals dramatically. And it ought to be done in the context of this terrorism legislation, so that it would apply to any prosecutions brought against anyone indicted in Oklahoma. I think it ought to be done.

So said President Clinton.

Those who say that the death penalty has no place in this bill, it is another issue, and want us to pass this substitute to gut the bill, are just wrong. There is a big bipartisan majority in this House in favor of the provisions. We voted before strongly in their support. Let us do it again. Let us defeat this amendment.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me time. I am sorry to take a minute. I am sorry the gentleman would not yield. This provision on habeas corpus that I was talking about was not even in the bill when it left the Committee on the Judiciary. I find it interesting that people now come to the floor and say this was the gut of the bill. If this was the core of the bill, somebody forgot to tell the Committee on the Judiciary, because it was not in the bill when it left the Committee on the Judiciary.

The part that was in the bill when it left the Committee on the Judiciary is now gone, because the NRA said: No, no, no, that is too strong. We cannot have the Federal Government looking at the militia groups and do that. We do not trust the Federal Government. Take all those things out.

All of a sudden this has now become habeas corpus reform. The President is right. There should be habeas corpus reform. I agree with that. Many of us agree with that. We do not say totally gut it and we say do not put habeas corpus reform in and call that a terrorism bill.

Let us be really clear about this. I think that that is the issue, and that is what we are trying to say. Let us be perfectly clear and let us not try to clutter this up. What this is doing is leaving terrorism unchecked and not giving them authority that the President asked for.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER], former chairman of the Subcommittee on Crime.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

Mr. Chairman, I rise in support of this amendment, unfortunately. I say unfortunately because this would not be, frankly, my ideal amendment in terms of fighting terrorism. I do not think it is strong enough. I much preferred the amendment of the gentleman from Illinois.

So why would I rise in support of this amendment? Very simply, because now we are faced with a choice of a rather diluted, mild amendment, and nothing at all.

This is such an unfortunate day in this body. I find it amazing that our President is over in the Middle East with all the world leaders negotiating to toughen up the world response to terrorism, and last night this body pulled the rug out from under him by supporting the Barr amendment.

I find it utterly amazing that the Hamas has found a new best friend in America, the NRA, and anyone who went along with this horrible amendment.

There is no question in my mind that the Hyde amendment was balanced, and it was fair, and it would do the job. The Conyers-Nadler amendment is, in my judgment, not as good. I find myself in the position of opposing it yesterday because we had a good, strong bill, and now supporting it today because there is nothing else.

Mr. Chairman, when we look at why people are frustrated with Congress, when we look at what is wrong with this body, here it is: 98 percent of America says do something real about terrorism. Do something real, because you do not need to be a genius. With great common sense they have seen what happened at the World Trade Center, they have seen what happened in Oklahoma City. They realize that both internationally and domestically the world has changed. And because of one interest group that has so many Members in this body quaking in their boots, there was a 180-degree reversal.

Mr. Chairman, I want to pay my respects, first, to the gentleman from Michigan [Mr. CONYERS], the gentleman from New York [Mr. NADLER], and the gentleman from California [Mr. BERMAN]. They did what they believed was right. They are moving forward in a way I disagree with, but in a way that had integrity.

I want to pay my respects to the gentleman from Illinois [Mr. HYDE], the gentleman from Florida [Mr. MCCOLLUM], the gentleman from North Carolina [Mr. HEINEMAN], and the gentleman from Texas [Mr. COMBEST], and so many of the others who had the courage to vote ''no'' yesterday on the Barr amendment.

But for the general outcome in this body today, I can think of nothing short of the word disgraceful. I just wish that every Member who voted for the amendment, the Barr amendment, which truly eviscerated this bill, has to live with the consequences. I hope they do not. I hope there is nothing that will make them doubt what they did. But, unfortunately, knowing what I know about terrorism in America from my briefings and research, the terrorist danger in America, I am afraid they will all have to.

This is not a great day for this House of Representatives. This is not a great day for the future of this country. If we cannot all pull together, if we cannot avoid the forces of the far right and the far left pulling us apart, then we cannot be the greatest country in the world in the 21st century.

So I support the Conyers-Nadler amendment, albeit reluctantly and unfortunately, because it is the only thing we have left.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I rise in opposition to this bill and would adopt the comments of the gentleman from Florida [Mr. MCCOLLUM], also.

I think, on balance, what persuades me to vote against this amendment is the fact that the death penalty, the habeas corpus reform, is not included in that particular amendment. The operative word in this bill, in the title of this act, I believe, is the word ''effective.'' The complete name is the Effective Death Penalty and Public Safety Act.

Mr. Chairman, the operative word is ''effective.'' We have a death penalty right now in this country, but it is not used very effectively, and not sufficiently, as the gentleman from Pennsylvania [Mr. GEKAS] said, to act as a deterrent to people who might commit these types of crimes, even crimes that would be similar to what occurred in Scotland yesterday against these children.

□ 1300

These types of people, if convicted, need to face the death penalty, and it needs to be an effective death penalty, not one where they can drag out the process for 8 years, or 10 years, for 17 years or longer. They need to have swift justice to be an effective deterrent. And what the habeas corpus, the death penalty reforms that are included in this core bill, that are still in that bill, what they provide for, among other things, that would accomplish a effective death penalty in this case, include establishing a 1-year limitation in which they can file. The convicted, the person who has already been through the jury trial and been convicted, it gives them a year to file a habeas corpus petition, not years and years and years like the present law allows, and it prohibits Federal judges who consider these petitions for habeas corpus death penalty relief, it prohibits them from considering them unless they were filed by a person convicted in a State court and that person has exhausted their remedies.

I will bring my remarks to a conclusion by simply adding that we need this in this bill, and to vote for the amendment would take out the effective death penalty provisions we need so much in this reform, and I urge my colleagues to vote against this amendment.

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

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BERMAN], one of the gentlemen who helped develop the Conyers-Nadler substitute, and therefore this measure is entitled the Conyers-Nadler-Berman.

Mr. BERMAN. Mr. Chairman, I thank my ranking member for yielding me this time.

Mr. Chairman, I voted to report the original Hyde bill out of committee. I have trouble with some of the provisions in the bill, but I emphatically believe that a compelling case has been made that Federal law enforcement agencies need to be granted expanded means to attack the scourge of terrorism, both international and domestic.

I believe that our freedoms as well as those enjoyed by the citizens of other democratic nations cannot survive if we do not create new tools to apprehend and punish those who committed crimes with the intent of intimidating, coercing, or retaliating against government conduct. Our ultimate objective must be, of course, to prevent such crimes from being committed in the first place. The most recent appalling attacks in Jerusalem and Tel Aviv only reinforce my deeply held conviction that our democratic Government must be given new means to fight international and domestic terrorism.

But the bill before us today is not the bill I voted for in the Committee on the Judiciary. First of all, the Republican majority decided to jam into this bill, in the name of fighting terrorism, their long-sought objective of, for all intents and purposes, abolishing the ancient writ of habeas corpus. Former Attorneys General Levi, Katzenbach, Richardson, Civiletti, each of them has written to us saying that nothing is more deeply rooted in America's legal traditions and conscience. The writ of habeas corpus is the guarantor of our constitutional rights, the bedrock of our Federal system which has always provided an independent Federal court review of the constitutionality of State court prosecutions.

Shame on those who invoke the names of innocents slaughtered in Oklahoma City or Jerusalem in their quest to obliterate the writ of habeas corpus. I cannot support lawlessness in the police station or the courtroom anymore than I want to tolerate it in the hands of terrorists.

The substitute, the Conyers-Nadler-Berman substitute, deletes the habeas corpus provisions to which I profoundly object.

In addition, second, we now have the passage of the Barr amendment which has deleted the very antiterrorism provisions which do belong in this bill. The Barr amendment deletes the prohibition on fund-raising for terrorist organizations. And can my colleagues believe this? It deletes the expedited removal of alien terrorists from this country.

For those who have concerns about some of these provisions, the answer is not to gut them as the Barr amendment did, but rather to include and improve them, as Mr. CONYERS has done. I want to express my very deep gratitude to Mr. CONYERS for his willingness to include these provisions in this substitute and for his willingness, with his deep concern for civil liberties, to balance and apply that in the context of our need to do more on terrorism.

We provide in this substitute for judicial review of the designation of an organization as terrorist. We provided for the expedited removal of alien terrorists under existing procedures for dealing with classified information which preserve a defendant's right to counsel and to confront the evidence against him or her.

I also strongly support the provision in the Conyers substitute which deletes impediments in current law to the ability of Federal law enforcement organizations to initiate investigations of suspected material support to terrorists. I believe that the scourge of terrorism requires a careful recalibration from time to time of the balance between civil liberties concerns and law enforcement authority.

In this case, I believe that speech on behalf of terrorist organizations can be, not necessarily are, but they can be, an indication that the individual is engaged in material support for terrorist activities. Under certain circumstances I believe it is appropriate for investigations to be opened, not to be prosecuted for that speech, not be thrown in jail, but for merely an investigation to be opened.

I am concerned that the current law bars such investigations unless the evidence of terrorist activities virtually suffices to commence prosecution. That means people who should be prosecuted would not be

I have a proud record of support, I believe, for civil liberties. When the opponents of this legislation and all of its excessive forms have pointed out potential infringements of civil liberties, I have listened. As the American Jewish Committee has so eloquently stated, the war on terrorism must be and can be carried out without undermining our most fundamental protection. But when these same organizations that opposed the original bill of the gentleman from Illinois [Mr. HYDE] and supported the Barr amendment go so far as to minimize the very threat of terrorism itself, they lose all credibility.

Ours is a living constitution which has thrived for two centuries because in its strengthened vibrancy it has accommodated the realities of modern American life. One of those realities tragically is terrorism.

Mr. Chairman, I urge my colleagues to vote for the Conyers substitute. It wages war on terrorism while preserving precious American rights. Should the substitute fail, I will be voting against H.R. 2703, and I urge my colleagues to do so as well.

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

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. Chairman, it is kind of deja vu to hear the four Attorneys General routinely trotted out by the opposition. They have been referred to as the four horsemen of Swan Lake. But we also have our retinue of Attorneys General who disagree with them, led by Griffin

Bell, William Barr, Richard Thornburg, the late William French Smith. But I have a celebrity to trump all of those Attorneys General on the subject of habeas corpus, and his name is President Clinton.

Mr. Chairman, he said on June 5 of last year, 2 days before the Senate passed the identical bill overwhelmingly that we seek to pass in this legislation; here is what the President, Mr. Clinton, said on ''Larry King Live.'' He said in death penalty cases it normally takes 8 years to exhaust the appeals. It is ridiculous. And, if you have multiple convictions, it could take even longer. So there is a strong sense in the Congress, I think among members of both parties, we need to get down to sort of one clear appeal. We need to cut the time delay on the appeals dramatically, and that ought to be done in the context of this terrorism legislation so that it would apply to any prosecutions brought against anyone indicted in Oklahoma, and I think this ought to be done.

Now that is the head man. So I just serve warning. Anytime my colleague brings out Mr. Katzenbach, Mr. Richardson, Mr. Civiletti, and Mr. Levi, I am going to bring out the President, so just be fairly warned.

Now I want to make it very clear——

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

Mr. HYDE. Yes, of course.

Mr. CONYERS. Mr. Chairman, that means the gentleman will not be mentioning these other run-of-the-mill Attorneys General that——

Mr. HYDE. I may do that, although they are not run-of-the-mill, they are superb legal giants.

Mr. Chairman, I want to make it clear that this is still a good bill despite the Barr amendment yesterday, which disappointed me, but the bill still is a very good bill and worthy of support. We have habeas reform. If we can defeat the Nadler-Conyers-Berman amendment that is offered now, we have victim restitution, we have criminal alien deportation improvements, we require marking plastic explosives to allow for more effective detection. If we had that, Pan Am 103 might well never have occurred. We prohibit the possession, importation, and sale of nuclear materials, reform asylum laws to stop their manipulation by foreign terrorists. Not most importantly, but very importantly, we authorize lawsuits by Americans against foreign nations responsible for State-sponsored activity. That is amending the Foreign Sovereign Immunities Act. We provide for the expedited expulsion of illegal aliens from the United States, yes, and we protect Federal employees and Federal Government buildings because if someone is murdered, it becomes a death penalty.

Now the Conyers-Nadler-Berman substitute is another gutting amendment. There are——

Mr. NADLER. Mr. Chairman, will the gentleman yield for a moment?

Mr. HYDE. I would say to the gentleman from New York [Mr. NADLER], I am just getting wound up, but go ahead. I would rather the gentleman interrupt me now than later.

Mr. NADLER. Before the gentleman gets into the analysis of the amendment, I just wanted to ask with what the gentleman said about the bill, as amended a moment ago, the gentleman said on the floor yesterday, and I quote: ''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.'' Unquote.

Does the gentleman think that is no longer correct?

Mr. HYDE. Well, yes, that was an overstatement on my part out of the depths of my dismay that I was losing. But on sober reflection, I think it is an antiterrorism bill, not as robust as I would like it to be, but still worthwhile.

Now there are a number of things in the Conyers-Nadler-Berman substitute that I like and could support. Unfortunately our colleagues have lumped them together with eliminating habeas corpus reform, and that, of course, destroys any balance and makes it not worthwhile.

For example, under the Conyers amendment and the amendment of the gentleman from New York [Mr. NADLER], current law which would permit the imposition of the death penalty for somebody who bombed a Federal building where death resulted, that is rewritten. It cannot be done now under the Conyers amendment.

Just let me finish my statement. I will yield to the gentleman shortly.

Now, the Conyers amendment would not impose the death penalty. He has rewritten this law for someone who uses a biological toxin that results in another's death. Oh, the gentleman from Michigan [Mr. CONYERS] provides a life sentence, but not the death penalty. Now, somebody who kills somebody using biological toxin certainly qualifies for the death penalty in my book. Mr. CONYERS strikes the criminal alien deportation improvements, which we have in this bill, we passed those earlier, and we are repassing them here. They passed 380 to 20 last February. So as tempting as it is to support the designation of terrorist organizations, and we should be able to do that, I hope to goodness we get to do that, I hope we can do that in conference. But that morsel of good public policy is not worth throwing away habeas corpus reform or the ability to impose the death penalty on someone who bombs a Federal building, as they did in Oklahoma City.

□ 1345

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, the point I wanted to make is the House passed this habeas reform in another context. That bill has been passed by the House and can stand on its own. We have been under the impression that this was an antiterrorism bill. I am surprised that the gentleman is not anxious to get some of the antiterrorism provisions back into the bill.

Mr. HYDE. I am anxious, but I am not anxious to ever go on record as rejecting something we have been looking for, for 10 years and working toward, and that is habeas corpus reform.

Also, Mr. Chairman, I am still puzzled by the gentleman's unwillingness, and I do not say inability, but unwillingness to see that habeas corpus law applies to murderous terrorists. They depend on habeas corpus, an indefinite prolongation of habeas corpus proceedings, so they never get the sentence executed.

Mr. WATT of North Carolina. Mr. Chairman, if the gentleman will continue to yield, I want to be clear, I have never said habeas is completely irrelevant to terrorism.

Mr. HYDE. I misconstrued the gentleman. I misconstrued the gentleman. I humbly apologize.

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

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the gentleman is the chairman of the Committee on the Judiciary, still, and will be until the end of the year.

Mr. HYDE. At least.

Mr. CONYERS. The idea of us now going back into habeas, the gentleman from North Carolina has just reminded us that we have already passed a habeas bill overwhelmingly.

Mr. HYDE. Taking my time back, I thought the gentleman had something new to add to this debate. The gentleman is repeating what the gentleman from North Carolina [Mr. WATT] said, and he said it better.

Mr. CONYERS. Mr. Chairman, why does the gentleman need to have habeas here if we have already done it?

Mr. HYDE. To make sure that it passes.

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

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, a distinguished member of the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] for yielding time to me, and I thank the gentleman from New York [Mr. NADLER] and the gentleman from California [Mr. BERMAN] for a reasoned response to the reason that I am in the well of the House.

I would say to the gentleman from Illinois [Mr. HYDE], the chairman of the committee, there is no doubt of his deep and abiding commitment to this

process. I respect his comments yesterday, in fact, of his disappointment with the passage of the Barr amendment. I think, frankly, we might have been heading in the right direction.

I think the gentleman realizes that I supported this legislation in committee, because I have firsthand experience with the tragedy of terrorism, the loss of life of a member of my community in Pan American 103. I also have grappled over the last 48 hours with the tragedy of the loss in Scotland, I believe, of some 16 children. It is certainly not in our jurisdiction, but that is a terrorist act.

If I vote for anything, Mr. Chairman, this time it has to be focused on the victims. With the passage of the Barr amendment, I feel that we have severely undermined this so-called terrorist legislation. Mr. Chairman, we have a situation that cop-killing bullets are still out on the streets, and we have minimized the study that was to go forward in not studying the ammunition, which is terrorist in its own sense, to a certain extent, as it freely flows throughout this Nation. Now we just simply want to say ''We will look at it if we see a cop being killed.''

The Conyers-Nadler-Berman bill does something that is near and dear. It adds a provision that cites particularly acts of terrorism against children, and makes it a specific crime to target children when engaging in any of the activities that have been included in this legislation. That is a victim's bill that deals with terrorism.

Mr. Chairman, additionally, it allows an extension of Federal jurisdiction to cases involving overseas terrorism, to include cases where a U.S. national was on a plane, or the perpetrator is a U.S. national, or the offender is subsequently found in the United States, and cases involving foreign dignitaries.

Mr. Chairman, I know full well what it means to travel overseas, many of us do, but in particular I work with a youth group who goes overseas to dangerous areas every summer. I want them to be exposed to this world, but I also want them to be protected against terrorist acts. The Nadler-Conyers-Berman legislation that is before us is the right way to go. Their bill also extends the law regarding weapons of mass destruction to include threatened use of weapons of mass destruction, as well as cases involving a U.S. national outside of the United States.

Mr. Chairman, let me add one more point about victims' rights in this instance. There is a question when a tragedy happens, how do you address the grievance. The grievance is that if you survive it, you either have the opportunity to sue and/or pursue your grievance in a court of law. This legislation that I am supporting specifies jurisdiction of U.S. courts over lawsuits brought against terrorists.

Mr. Chairman, Federal courts would lose the power to correct unconstitutional incarceration. This bill brings with it the increased risk that innocent persons would be held in prison in violation of the Constitution and—even executed—because the bill imposes unreasonably short time limits for filing a claim of habeas corpus relief, limits almost all petitioners to only one round of Federal review and requires the petitioner meet an extremely high clear an convincing burden of proof in order to secure relief. We must punish to the fullest extent of the law those who commit terrorist acts against our Nation, against our Nation, against innocent children. However, I equally believe that we must consider the bill before us and firmly support the constitutional rights such as freedom of assembly, freedom from unreasonable search and seizure, due process of law, and the right of privacy. I have concerns about racial, ethnic, and religious bigotry that may increase with the misuse of the powers of this bill. These fundamental rights are essential to our liberty as Americans.

The Conyers-Nadler-Berman bill is the right anti-terrorist legislation.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the learned gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I do appreciate being noted as learned, being a Hoosier, I would say to my fellow Illinois chairman of the committee.

Mr. Chairman, I was intrigued by the comments of my colleague who was just in the well. Often we hear about these cop-killer bullets. It is interesting. I would like to know why. Any bullet out there, no matter what you call it, if you point it at the right time, can kill someone with the same lethal effect as a knife or a tire iron, if you want to whop somebody up side the head. The real assault weapon, Mr. Chairman, is the thug. That is what the real assault weapon is.

What we have now, Mr. Chairman, are international groups that commit acts of terror indiscriminately, cowardly acts of terror, who form these groups throughout the world. They have increased their lethality in how they operate, so it used to be in the 1970's and 1980's it was the highjackings and hostage takings. Now they have become more sophisticated. Now there are bombings, and that is how they operate, but they are more cowardly in what they do, because the lethality of their actions now is against the innocents.

So we see, whether it is the World Trade Center bombings and others that have operated throughout the world, we, the United States, want to take a responsible role not only here domestically, within our own borders, but internationally, with our neighbors throughout the world. Mr. Chairman, I think that is pretty important.

I am extraordinarily disappointed when we do not give the tools and the resources to law enforcement to meet those goals. Why we gut a bill, and for some reason say we should be more frightened of our own Government; wait a minute, Mr. Chairman. I believe in good government. Why do we form governments? We form governments to take care of people. If people are living in fear, there is not freedom. There is not liberty. That is what we cherish most in our own country.

We want to give the power and authority to the FBI to go after these thugs, when these illegal aliens come into the country, and then we do not want to give, whether it is roving wire taps and things to go after them; why? Then when we do come after them, they flee from the Philippines to Pakistan, and finally we catch up with them, as in the World Trade Center case.

Mr. Chairman, I understand the chairman. I do not want to ever say he is ambivalent, but I noticed the remarks from yesterday and the remarks from today, to support this bill. I am going to support this bill. When the Senate has theirs, we are going to go to conference and we are going to give them the tools necessary to make this an effective bill, and we will come back to the floor then at that time.

However, let me make a closing comment with regard to this thing about let us throw out habeas corpus reform and talk about victims' rights. To me, that just blows my mind. Those who coddle and hug the thugs do not want to be for an effective death penalty, yet we are going to talk about victims' rights? We need in this country a good balance in sentencing guidelines between education, prevention, restitution, retribution, and deterrence, and the rights to victims are extraordinarily important.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to our colleague, the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the gentleman's passion on the issue. The whole question of terrorism is, of course, to prohibit terrorists, but it is to prohibit terrorist acts on victims. This legislation includes specific language targeted to children. Who can deny that? This is the better bill, the stronger bill, the Nadler-Conyers-Berman bill. It actually addresses victims, who are in fact the recipients of terrorist acts. We cannot deny that.

Mr. BUYER. My only question, Mr. Chairman, is does the gentlewoman support an effective death penalty?

Ms. JACKSON-LEE of Texas. I have never disagreed with it.

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

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, I begin by throwing away my Chairman HYDE's remarks of yesterday. He did not mean it. It was a moment of passion. He was maybe even ticked off, as we say. He said, ''With the Barr amendment, this is not an antiterrorism bill.'' On reflection today and maybe talking with the Speaker, what the heck, we have to do the best with what we have. Were I in his position, maybe I would have to say the same thing.

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

Mr. CONYERS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, it is my experience that in the depths of disappointment, things sometimes look darker than they really should, but I feel better today. I thank the gentleman.

Mr. CONYERS. We are delighted to find that the gentleman is moving right along.

Now, Mr. Chairman, for the law lesson. These have to come on the Committee on the Judiciary, between lawyers.

All right, class, turn to title 18, U.S.C. 111. What you will find is that the murder penalty exists for a whole list of crimes. Also, class, turn to 18 U.S.C. 119, the murder penalty. Also, class, turn to 18 U.S.C., and staffers for Members, turn to that, also, 18 U.S.C. 1117. The last lesson for the afternoon, turn finally to 18 U.S.C. 1114.

OK. What do these four laws provide? Murder, in the first instance, willful, deliberate, and premeditated killing will get you the death penalty, I say to the gentleman from Illinois [Mr. HYDE], and my Republican friends, in the United States of America. It will also, under the second title I cited, for foreign murder of U.S. nationals, that will get the death penalty.

You can also get the death penalty—not whether we like it or how we voted for it, what our philosophy is, this is the law. Conspiracy to murder will get you the death penalty. Also, the murder of an officer or employee of the United States, my fourth illustration, will get you the death penalty.

If Members do not believe the instructor in this class, go to the current Attorney General of the United States, who explains for everybody who will not do their homework that the Oklahoma bombers, if convicted, will get the death penalty.

Mr. Chairman, I would ask the gentleman to tell me, if habeas was so important, why was it left out of the Hyde-Barr bill when it came to the floor? The answer is they had antiterrorism on their minds. So we have, even though my dear friend, the gentleman from Illinois, is feeling much better today, we still have a baloney sandwich without any meat in it. We only have the Conyers-Nadler-Berman substitute to deal with.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I was queried on the House floor about my beliefs with regard to the death penalty, and I said an effective death penalty, but the clarification was really meant to track what the gentleman has just said.

This bill deals with offenses that require the death penalty on certain offenses dealing with terrorism, which is in the Conyers-Nadler bill. Habeas is not the death penalty. It is justice. We want to make sure that for victims of all kinds, we need to have justice. Habeas does not deal with answering the question of terrorism.

Mr. Chairman, I would ask, is that what the gentleman is saying at this point?

Mr. CONYERS. The assistant law professor from Texas is precisely on point.

Ms. JACKSON-LEE of Texas. I am trying. I thank the gentleman.

Mr. CONYERS. Mr. Chairman, let us look at the nature of the people that we have castigated for months and months that commit these heinous offenses. Suicide bombers, are they looking for which habeas we are using and whether it exists, since, as we have just learned now, habeas has nothing to do with whether the death penalty exists? Habeas is the protections—constitutional—that are given to you if you are under the death penalty.

□ 1400

I do not think so. Members of the other side, I do not think that suicide bombers care what we do with habeas or what we do not do with it.

But why let them raise funds in the United States? That is in my bill. We prevent them from raising funds to get the bombs to blow up Americans.

Please, we have a very serious, important matter that requires us to bring our common sense and leave our political partisanship outside the door. This is an incredibly important matter. I hope that all of us will recognize that we only have one measure that deals with antiterrorism, and it is the substitute which we will shortly vote on. I urge your favorable consideration of this provision.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume. I am waiting for the Speaker, who would like to close debate, and he should be here imminently.

Meanwhile, I would like to respond to Professor CONYERS, who gave us an interesting lecture on criminal law, simply to say that his amendment, section 201, reads, ''whoever damages or destroys or attempts to damage or destroy, by means of fire or an explosive, any person or real property in whole or in part, owned, possessed, used by, leased to the United States or any department or agency thereof, or any institution or organization receiving Federal financial assistance.''

What is the penalty that the gentleman has inculcated in his amendment? Not ''shall be in prison for not more than 25 years, or both,'' but ''if personal injury results to any person other than the offender, the term of imprisonment shall be not more than 40 years.'' Then, skipping another paragraph and getting to the end game here, ''if death results to any person other than the offender, the offender shall be subject to imprisonment for any term of years or for life.''

I do not see the death penalty in here in section 201 of title II. I see life. If you kill somebody by bombing a Federal building, now the professor has indicated elsewhere in the code death penalties are provided for. May well be. I have not thumbed through that part of the code recently.

But I wonder why he introduced this amendment providing for life imprisonment if you kill somebody by blowing up a Federal building, which is what happened in Oklahoma City. The gentleman surely does not do things idly or without purpose. I suspect the gentleman wants to get into law his well-known dislike for the death penalty, and I understand that. That is a perfectly respectable, legitimate position to have, but it should be noted that his amendment does away with the death penalty for bombing a Federal building.

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

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, will the gentleman promise to do his homework after I do this one more time? I mean, suicide bombers do not care about the Conyers provision or the Hyde provision. Suicide bombers are not afraid of habeas corpus, sir. They have no concern. The problem is that these are madmen who do not obey or care about laws.

The reason I cited the gentleman four specific death penalty amendments is to suggest to him that for all of those reasons, the Attorney General of the United States is right in telling us that upon conviction, the Oklahoma bombers will get the death penalty, regardless of your view or my view on habeas corpus.

Mr. HYDE. Your amendment notwithstanding. Well, I really appreciate that.

Mr. CONYERS. How will habeas corpus deter a single terrorist act? Tell me that.

Mr. HYDE. How does what, sir, habeas corpus deter a single terrorist?

Mr. CONYERS. How will habeas corpus of any kind deter a single terrorist act?

Mr. HYDE. I presume the professor is referring to habeas corpus reform, because habeas corpus would not deter anybody from anything. The reform might.

Mr. CONYERS. Well, will reform? Tell me how.

Mr. HYDE. I will leave that to the distinguished Speaker of the House.

Mr. CONYERS. Who has not heard our debate. Maybe.

Mr. HYDE. But the gentleman knows that sure punishment and swift punishment is a deterrence, and that is the answer to the gentleman's question.

Mr. CONYERS. Suicide bombers are afraid of sure and swift deterrence, right?

Mr. HYDE. I thank the gentleman for his illuminating comment.

Mr. Chairman, I am pleased to yield the balance of my time to the distinguished Speaker of the House.

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. GINGRICH. Mr. Chairman, I thank the distinguished gentleman from Illinois for yielding me the time, and I think that this is a very important pair of votes that are coming up.

Let us be very clear where we are. There was a very large conference in the Middle East yesterday in which leaders from all over the world said they are opposed to terrorism. Political leaders are going to get up all over the world and say ''We are opposed to terrorism.''

The question is, is there a reasonable and prudent way to both safeguard individual liberties and at the same time make certain that we are able to combat terrorism before it does incalculable damage to innocent people? In addition, are there legitimate and reasonable ways in a free society to suppress violent crime, and to deal with people who commit crimes so unspeakable that they have in fact earned the death penalty by the very barbarity of their behavior?

That is what these votes are really all about. They are about, first of all, the question is there a prudent and reasoned way for a free people to govern themselves so they both protect their liberties against a capricious state, a search which has been going on in the English-speaking world since the English civil war and the Star Chambers, and which we have worked on now for over 340 years, and at the same time, is there a way to make certain that those so barbaric, those so outside the bounds of civilization, whether acting as an individual killer or acting as a part of an organized group deliberately using terror for political purposes, that we as a people can combat them.

There are two provisions I particularly want to focus on because they seem to be of some controversy. The first is having an effective, enforceable death penalty. Let me just say that no citizen who has looked at some of the barbaric acts committed tragically by Americans against Americans, at serial murderers, at people who have engaged in acts of deliberate, vicious, wanton brutality, no citizen who believes in the death penalty would want to vote against this bill, because without this bill the death penalty remains ineffective.

In Georgia, our attorney general, Mike Bowers, pointed out that he was in law school when certain murderers were put on death row, and because of the current interminable frivolous appeals process, he had gone through law school, passed the bar exam, been in private practice, served as a district attorney, in what is now his third term as the attorney general of Georgia, and these same murderers were still sitting on death row filing a new appeal.

Clearly justice delayed is justice denied. Clearly the families of victims who have seen these horrible things done deserve to know that this society can move effectively.

As somebody who believes in Federalism and allowing the States to make decisions, when you learn that it is Federal law that blocks the States having an effective death penalty, it is Federal law which gives every defense attorney in the country infinite excuses for simply buying time. In the State of California, there are provisions here that cost the State over $1 million per person given the death penalty just having to fight the frivolous lawsuits.

First of all, I would say to my friends, if you want an effective death penalty, then you want to vote ''no'' on the Conyers substitute and you want to vote ''yes'' on final passage, and there should be no mistake about it, because that is the only way to make sure that we get an effective death penalty.

There is a second part I want to mention. I want to be really clear. We are wrestling with what, I think, is a very hard problem. How do we give the Government enough power to protect us without giving the Government power to coerce, power to invade our liberties? How do we protect our personal freedoms while at the same time protecting our personal freedoms? Because that is what we are trying to do. We want to protect our freedom against the State being capricious and we want to protect our freedom against terrorists who would destroy our lives.

I would urge a ''no'' vote on the Conyers substitute and a ''yes'' vote on final passage because I think that this bill has been improved, and I think when it goes to conference it will be improved even more. I know that my good friend, the gentleman from Georgia, has been working even today on making specific provisions to find a way to block Hamas from being able to raise money in the United States while killing people in Israel.

Let me draw this very clearly. We want to be capable, within our Constitution and protecting our liberties, to block terrorist groups. We want to be capable of tracking potential terrorists while protecting our liberties.

That requires very careful drawing of the lines, because on the one hand you want to give the FBI, you want to give the Central Intelligence Agency, you want to give the powers of the state enough strength to do that which is necessary to protect us. On the other hand, you do not want to give them the ability in an arbitrary and inappropriate way to exercise those powers to hurt people.

I want to first of all commend the gentleman from Georgia [Mr. BARR], a former U.S. attorney in his own right, a prosecutor, a man who has had cases where he has brought people to justice who have done evil things, because he has worked very diligently. I believe that with his help that the chairman, Mr. HYDE, in conference, is going to be able to develop exactly the right thing.

I would say to my friends who are worried and say they are going to vote ''no'' because as currently written this bill will not cut off Hamas, the only effective way to get a bill to cut off Hamas from funding, to block aid to the terrorists, is to vote ''yes'' for this bill to send it to conference. This bill should be passed in the House. We should go to conference.

Frankly, our goal should be to get this bill out of conference before the first anniversary of the Oklahoma City bombing. I believe it is going to take a difficult conference. I think it can be done. I, for one, am not at all ashamed of the fact that it is hard to write this bill correctly.

The challenge of a free society—I want to come back to this because it is at the core of what we are wrestling with—the challenge of a free society is to have a government strong enough to protect us from danger and carefully enough constrained to not itself be a danger. That is what we are wrestling with.

If you vote ''no'' on Conyers and ''yes'' on final passage, you are voting for an effective, enforceable death penalty. You are voting for effective steps to stop terrorism. You are voting for the prudent, correct steps in the right direction, preserving civil liberties and preserving our safety at the same time.

I commend the gentleman from Illinois, who has done an outstanding job of bringing this bill to the floor. I think this bill is a substantial step in the right direction. I urge all of my colleagues, vote ''no'' on Conyers and vote ''yes'' on final passage, for a safer and a freer world.

Mr. CARDIN. Mr. Chairman, again we are presented with a missed opportunity. H.R. 2703, as it was presented for a final passage vote, contains virtually no provisions necessary to aid law enforcement in stopping terrorist attacks which is the stated purpose of the legislation.

I would have supported H.R. 2703 as it was reported by the Committee on the Judiciary. Unfortunately, the Barr amendment, as adopted, stripped the bill of its most important provisions including sections that might have helped protect law enforcement from killer bullets, helped trace explosives, and allowed law enforcement to trace terrorists' phone calls.

In addition, the Barr amendment gutted the bill's sections requiring swift expulsion of foreign terrorists and the amendment weakened efforts to eliminate domestic fundraising support of terrorism overseas. For example, nothing in this bill would prevent Hamas, a terrorist group located in and around Israel, from fundraising in the United States.

Had the Barr amendment failed, I would not have supported the Conyers-Nadler amendment. The Conyers-Nadler amendment removed important habeas corpus language and necessary law enforcement measures. The bill, as reported by the Judiciary Committee, is stronger than the Conyers-Nadler substitute. However, once the Barr amendment passed, I voted for the Conyers-Nadler substitute because it put a number of key provisions back into the bill.

I opposed the Watt-Chenoweth amendment because it would have eliminated the bill's restrictions on habeas corpus appeals to Federal courts by death row prisoners. Habeas corpus reform is long overdue and, although not directly related to fighting terrorism, it is an important measure to pass.

Mr. Chairman, I am extremely disappointed in the present form of H.R. 2073. Terrorism threatens innocent people, both in America and abroad. I hope that many of the significant measures in H.R. 2703, as reported by the Judiciary Committee, will be restored by the conference committee so that I will be able to support the conference report.

Mr. CRANE. Mr. Chairman, it was with regret that I cast a ''no'' vote today on final passage of H.R. 2703, the Effective Death Penalty and Public Safety Act. In previous years as a member of the minority party in Congress, I regularly voted ''no'' on Democrat legislation which I believed to be inconsistent with my views of a limited Federal Government. I am proud to say that in the 104th Congress I have cast many more ''aye'' votes than ''no.'' However, today I must oppose H.R. 2703, as amended. While my vote puts me at odds with my party leadership, I remain obligated first to my constituents and my convictions.

I know that this antiterrorism legislation was drafted with the best intentions. The domestic terrorist attack in Oklahoma City, along with the bombing of the World Trade Center in New York City were reprehensible acts. I recognize too that American citizens abroad have been victims of terrorist attacks simply because of their nationality. Furthermore, the most fundamental responsibility of government is to provide for the common defense of its citizens. However, I cannot justify a needless expansion of Federal law enforcement authority for these worthy purposes.

Accordingly to a report prepared by the Congressional Research Service, the list of current Federal antiterrorist laws is 17 pages long. I could accept a measured modification of current law to deal with specific deficiencies, but object to this overbearing legislation because it will trample on constitutionally protected rights of Americans.

Before further expanding Federal laws, I believe that Congress ought to first review the Federal Government's role in law enforcement. In particular, a comprehensive oversight of all Federal law enforcement agencies, especially the Bureau of Alcohol, Tobacco and Firearms, to investigate abuses of authority is overdue. I, along with many Republican colleagues, fought against the omnibus crime bill passed and signed into law by President Clinton during the last Democrat-controlled Congress. Until we act to repeal some of these needless and dangerous laws, I cannot support further expansion of Federal authority in law enforcement.

While this stance may put me at odds with some, letters and phone calls from my constituents were overwhelming in their opposition to this legislation. On behalf of them, and my convictions, I had no alternative but to oppose H.R. 2703. I can only hope that my colleagues will keep these points in mind as the bill proceeds to conference with the other body.

Mrs. VUCANOVICH. Mr. Chairman, I would like to speak in favor of H.R. 2703, the Effective Death Penalty and Public Safety Act. In the wake of the tragic bombing in Oklahoma City last April 19, the Congress realized a need to reform the terrorism and death penalty laws currently on the books. We did not rush into action on this bill, and many changes have been made to ensure that the bill would establish tougher statutes to allow Federal law enforcement officials to more effectively prevent and punish acts of domestic terrorism while still respecting the rights of our citizens. The end result is a tough, comprehensive bill of which we should all be proud.

I support the inclusion of the language in the Barr amendment, which goes the extra mile to ensure the protection of Americans' personal rights. The Barr amendment removes the provision calling for a study of the ''cop-killer'' ammunition. Instead, the amendment provides for a more balanced and appropriate study on law enforcement safety issues. The amendment would also delete the onerous wiretap provisions. I have heard from many Nevadans who were concerned about the potential for government intrusion in their lives.

H.R. 2703 also includes much needed habeas corpus reforms. Delays in death penalty cases of more than a decade are common, making abuse of the habeas corpus system the most significant factor in States' inability to implement credible death penalties. The reforms included in the legislation sets very strict time limits, and includes very strong States' rights provision that lessen the amount of Federal intrusion caused by expansive reviews of State court convictions and sentences, particularly in capital cases.

I hope all of my colleagues can join with me today in supporting the new and improved version of H.R. 2703.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 129, noes 294, not voting 8, as follows:

[Roll No. 65]

AYES—129

Abercrombie	Furse	Miller (CA)
Ackerman	Gejdenson	Mink
Andrews	Gephardt	Mollohan
Baldacci	Gibbons	Morella
Barrett (WI)	Gonzalez	Nadler
Becerra	Gutierrez	Neal
Beilenson	Hastings (FL)	Oberstar
Berman	Hilliard	Obey
Bishop	Hinchey	Olver
Bonior	Hoyer	Owens
Boucher	Jackson (IL)	Pallone
Brown (CA)	Jackson-Lee (TX)	Pastor
Brown (FL)	Jacobs	Payne (NJ)
Brown (OH)	Jefferson	Pelosi
Cardin	Johnson, E.B.	Peterson (FL)
Clay	Johnston	Pomeroy
Clayton	Kaptur	Rahall
Clyburn	Kennedy (MA)	Rangel
Coleman	Kennedy (RI)	Reed
Collins (MI)	Kennelly	Rivers
Conyers	Kildee	Rose
Coyne	Kleczka	Roybal-Allard
DeFazio	LaFalce	Rush
DeLauro	Lantos	Sabo
Dellums	Levin	Sanders
Dicks	Lewis (GA)	Sawyer
Dixon	Lofgren	Schroeder
Engel	Lowey	Schumer
Eshoo	Maloney	Scott
Evans	Markey	Serrano
Farr	Martinez	Skaggs
Fattah	Matsui	Slaughter
Fazio	McCarthy	Stark
Fields (LA)	McDermott	Stockman
Filner	McKinney	Studds
Flake	McNulty	Stupak
Foglietta	Meehan	Thompson
Ford	Meek	Thornton
Frank (MA)	Miller (CA)	Torres
Towns	Waters	Woolsey
Velazquez	Watt (NC)	Wynn
Vento	Waxman	Yates
Visclosky	Williams	
Ward	Wise	

NOES—294

Allard	Forbes	McInnis
Archer	Fowler	McIntosh
Armey	Fox	McKeon
Bachus	Franks (CT)	Metcalf
Baesler	Franks (NJ)	Meyers
Baker (CA)	Frelinghuysen	Mica
Baker (LA)	Frisa	Miller (FL)
Ballenger	Frost	Minge
Barcia	Funderburk	Molinari
Barr	Gallegly	Montgomery
Barrett (NE)	Ganske	Moorhead
Bartlett	Gekas	Moran
Barton	Geren	Murtha
Bass	Gilchrest	Myers
Bateman	Gillmor	Myrick
Bentsen	Gilman	Nethercutt
Bereuter	Goodlatte	Neumann
Bevill	Goodling	Ney
Bilbray	Gordon	Norwood
Bilirakis	Goss	Nussle
Bliley	Graham	Ortiz
Blute	Green	Orton
Boehlert	Greenwood	Oxley
Boehner	Gunderson	Packard
Bonilla	Gutknecht	Parker
Bono	Hall (TX)	Paxon
Borski	Hamilton	Payne (VA)
Brewster	Hancock	Peterson (MN)
Browder	Hansen	Petri
Brownback	Harman	Pickett
Bryant (TN)	Hastert	Pombo
Bryant (TX)	Hastings (WA)	Porter
Bunn	Hayes	Portman
Bunning	Hayworth	Poshard
Burr	Hefley	Pryce
Burton	Hefner	Quillen
Buyer	Heineman	Quinn
Callahan	Herger	Radanovich
Calvert	Hilleary	Ramstad
Camp	Hobson	Regula
Campbell	Hoekstra	Richardson
Canady	Hoke	Riggs
Castle	Holden	Roberts
Chabot	Horn	Roemer
Chambliss	Hostettler	Rogers
Chenoweth	Houghton	Rohrabacher
Christensen	Hunter	Ros-Lehtinen
Chrysler	Hutchinson	Roth
Clement	Hyde	Roukema
Clinger	Inglis	Royce
Coble	Istook	Salmon
Coburn	Johnson (CT)	Sanford
Collins (GA)	Johnson (SD)	Saxton
Combest	Johnson, Sam	Scarborough
Condit	Jones	Schaefer
Cooley	Kanjorski	Schiff
Costello	Kasich	Seastrand
Cox	Kelly	Sensenbrenner
Cramer	Kim	Shadegg
Crane	King	Shaw
Crapo	Kingston	Shays
Cremeans	Klink	Shuster
Cubin	Klug	Sisisky
Cunningham	Knollenberg	Skeen
Danner	Kolbe	Skelton
Davis	LaHood	Smith (MI)
Deal	Largent	Smith (NJ)
DeLay	Latham	Smith (TX)
Deutsch	LaTourette	Smith (WA)
Diaz-Balart	Laughlin	Solomon
Dickey	Lazio	Souder
Dingell	Leach	Spence
Doggett	Lewis (CA)	Spratt
Dooley	Lewis (KY)	Stearns
Doolittle	Lightfoot	Stenholm
Dornan	Lincoln	Stump
Doyle	Linder	Talent
Dreier	Lipinski	Tanner
Duncan	Livingston	Tate
Dunn	LoBiondo	Tauzin
Edwards	Longley	Taylor (MS)
Ehlers	Lucas	Taylor (NC)
Ehrlich	Luther	Tejeda
Emerson	Manton	Thomas
English	Manzullo	Thornberry
Ensign	Martini	Thurman
Everett	Mascara	Tiahrt
Ewing	McCollum	Torkildsen
Fawell	McCrery	Torricelli
Fields (TX)	McDade	Traficant
Flanagan	McHale	Upton
Foley	McHugh	Volkmer

Vucanovich	Weldon (FL)	Wilson
Waldholtz	Weldon (PA)	Wolf
Walker	Weller	Young (AK)
Walsh	White	Young (FL)
Wamp	Whitfield	Zeliff
Watts (OK)	Wicker	Zimmer

NOT VOTING—8

Chapman	Durbin	Moakley
Collins (IL)	Hall (OH)	Stokes
de la Garza	Menendez	

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Ms. PRYCE, Mr. COBURN, and Mr. DELAY changed their vote from ''aye'' to ''no.''

Mr. WILLIAMS changed his vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HOBSON) 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, pursuant to House Resolution 380, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the bill H.R. 2703 to the Committee on the Judiciary.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 229, noes 191, not voting 12, as follows:

[Roll No. 66]

AYES—229

Andrews	Frisa	Nussle
Archer	Frost	Ortiz
Armey	Gallegly	Orton
Bachus	Ganske	Oxley
Baesler	Gekas	Packard
Baker (LA)	Geren	Pallone
Baldacci	Gilchrest	Parker
Ballenger	Gilman	Paxon
Barr	Gingrich	Payne (VA)
Barrett (NE)	Goodlatte	Peterson (FL)
Barton	Goss	Petri
Bateman	Greenwood	Pomeroy
Bereuter	Gunderson	Porter
Bevill	Gutknecht	Portman
Bilbray	Hall (TX)	Pryce
Bilirakis	Hamilton	Quinn
Bishop	Hancock	Radanovich
Bliley	Hansen	Ramstad
Blute	Harman	Reed
Boehlert	Hastert	Regula
Boehner	Hayes	Riggs
Bono	Hefley	Roberts
Borski	Heineman	Roemer
Brewster	Hobson	Rogers
Browder	Hoke	Rohrabacher
Brownback	Holden	Ros-Lehtinen
Bryant (TN)	Horn	Roth
Bunning	Houghton	Roukema
Burton	Hunter	Royce
Buyer	Hyde	Saxton
Calvert	Inglis	Schaefer
Camp	Istook	Schiff
Canady	Johnson (CT)	Sensenbrenner
Castle	Johnson (SD)	Shaw
Chabot	Johnson, Sam	Shays
Chambliss	Kasich	Shuster
Christensen	Kelly	Sisisky
Chrysler	Kim	Skelton
Clement	Kingston	Smith (MI)
Clinger	Klug	Smith (NJ)
Coble	Knollenberg	Smith (TX)
Coburn	Kolbe	Solomon
Collins (GA)	Lantos	Spence
Combest	Largent	Spratt
Condit	Latham	Stenholm
Cox	Laughlin	Stupak
Cramer	Lazio	Talent
Cunningham	Leach	Tanner
Danner	Lewis (CA)	Tauzin
Davis	Lightfoot	Taylor (MS)
Deal	Lincoln	Taylor (NC)
DeLay	Linder	Tejeda
Deutsch	Lipinski	Thomas
Diaz-Balart	Livingston	Thornberry
Dooley	LoBiondo	Tiahrt
Dornan	Longley	Torkildsen
Doyle	Lucas	Torricelli
Dreier	Luther	Traficant
Duncan	Manton	Upton
Dunn	Martini	Volkmer
Edwards	Mascara	Vucanovich
Ehrlich	McCollum	Waldholtz
Emerson	McCrery	Walker
English	McDade	Ward
Ensign	McHale	Watts (OK)
Everett	McHugh	Weldon (FL)
Ewing	McKeon	Weldon (PA)
Fawell	McNulty	Weller
Fields (TX)	Metcalf	White
Flanagan	Meyers	Whitfield
Foley	Miller (FL)	Wicker
Forbes	Molinari	Wilson
Fowler	Montgomery	Wolf
Fox	Moorhead	Young (FL)
Franks (CT)	Myers	Zimmer
Franks (NJ)	Myrick	
Frelinghuysen	Norwood	

NOES—191

Abercrombie	Brown (OH)	Crapo
Ackerman	Bryant (TX)	Cremeans
Allard	Bunn	Cubin
Baker (CA)	Burr	DeFazio
Barcia	Campbell	DeLauro
Barrett (WI)	Cardin	Dellums
Bartlett	Chenoweth	Dickey
Bass	Clay	Dicks
Becerra	Clayton	Dingell
Beilenson	Clyburn	Dixon
Bentsen	Coleman	Doggett
Berman	Collins (MI)	Doolittle
Bonilla	Conyers	Ehlers
Bonior	Cooley	Engel
Boucher	Costello	Eshoo
Brown (CA)	Coyne	Evans
Brown (FL)	Crane	Farr
Fattah	Klink	Rivers
Fazio	LaFalce	Rose
Fields (LA)	LaHood	Roybal-Allard
Filner	LaTourette	Rush
Flake	Levin	Sabo
Foglietta	Lewis (GA)	Salmon
Ford	Lewis (KY)	Sanders
Frank (MA)	Lofgren	Sanford
Funderburk	Lowey	Sawyer
Furse	Maloney	Scarborough
Gejdenson	Manzullo	Schroeder
Gephardt	Markey	Schumer
Gillmor	Martinez	Scott
Gonzalez	Matsui	Seastrand
Goodling	McCarthy	Serrano
Gordon	McDermott	Shadegg
Graham	McInnis	Skaggs
Green	McIntosh	Skeen
Gutierrez	McKinney	Slaughter
Hastings (FL)	Meehan	Smith (WA)
Hastings (WA)	Mica	Souder
Hayworth	Miller (CA)	Stark
Hefner	Minge	Stearns
Herger	Mink	Stockman
Hilleary	Mollohan	Studds
Hilliard	Moran	Stump
Hinchey	Morella	Tate
Hoekstra	Murtha	Thompson
Hostettler	Nadler	Thornton
Hoyer	Neal	Thurman
Hutchinson	Nethercutt	Torres
Jackson (IL)	Neumann	Towns
Jackson-Lee (TX)	Ney	Velazquez
	Oberstar	Vento
Jacobs	Obey	Visclosky
Jefferson	Olver	Walsh
Johnson, E. B.	Owens	Wamp
Johnston	Pastor	Waters
Jones	Payne (NJ)	Watt (NC)
Kanjorski	Pelosi	Waxman
Kaptur	Peterson (MN)	Williams
Kennedy (MA)	Pickett	Wise
Kennedy (RI)	Pombo	Woolsey
Kennelly	Poshard	Wynn
Kildee	Rahall	Yates
King	Rangel	Young (AK)
Kleczka	Richardson	Zeliff

NOT VOTING—12

Callahan	Durbin	Menendez
Chapman	Gibbons	Moakley
Collins (IL)	Hall (OH)	Quillen
de la Garza	Meek	Stokes

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The Clerk announced the following pair:

On this vote:

Mr. Quillen for, with Mr. Stokes against.

Mr. STUPAK changed his vote from ''no'' to ''aye,''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CALLAHAN. Mr. Speaker, on rollcall No. 66, I was detained in a meeting in the Rayburn Room and therefore was not present for the vote. Had I been present, I would have voted ''aye.''

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE AMENDMENT TO S. 735, COMPREHENSIVE TERRORISM PREVENTION ACT OF 1995

Mr. HYDE. Mr. Speaker, I ask unanimous consent that in the engrossment of the House amendment to S. 735, the Clerk be authorized to correct section numbers, cross references and punctuation, and to make such stylistic, clerical, technical, conforming and other changes as may be necessary to reflect the actions of the House in amending the bill, and be instructed to change page 6, line 1, to read: ''Where the person knows is a terror.''

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, reserving the right to object, I know the gentleman would have inquired of the minority on this technical change, and we have reviewed it and have no objection to this change.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

PERSONAL EXPLANATION

Mr. SAM JOHNSON of Texas. Mr. Speaker, on March 12, 1996, I was unavoidably detained from the House floor due to election in the State of Texas. Had I been present, I would have voted on the following: On rollcall vote No. 56, ''aye''; on rollcall vote No. 57, ''aye''; on rollcall vote No. 58, ''aye''; and on rollcall vote No. 59, ''aye.''

COMPREHENSIVE TERRORISM PREVENTION ACT OF 1995

Mr. HYDE. Mr. Speaker, pursuant to section 3 of House Resolution 380, I call up the Senate bill (S. 735) to prevent and punish acts of terrorism, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 735

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 Terrorism Prevention Act of 1995''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

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

TITLE I—SUBSTANTIVE CRIMINAL LAW ENHANCEMENTS

Sec. 101. Increased penalty for conspiracies involving explosives.
Sec. 102. Acts of terrorism transcending national boundaries.
Sec. 103. Conspiracy to harm people and property overseas.
Sec. 104. Increased penalties for certain terrorism crimes.
Sec. 105. Mandatory penalty for transferring an explosive material knowing that it will be used to commit a crime of violence.
Sec. 106. Penalty for possession of stolen explosives.
Sec. 107. Enhanced penalties for use of explosives or arson crimes.
Sec. 108. Increased periods of limitation for National Firearms Act violations.

TITLE II—COMBATING INTERNATIONAL TERRORISM

Sec. 201. Findings.
Sec. 202. Prohibition on assistance to countries that aid terrorist states.
Sec. 203. Prohibition on assistance to countries that provide military equipment to terrorist states.
Sec. 204. Opposition to assistance by international financial institutions to terrorist states.
Sec. 205. Antiterrorism assistance.
Sec. 206. Jurisdiction for lawsuits against terrorist states.
Sec. 207. Report on support for international terrorists.
Sec. 208. Definition of assistance.
Sec. 209. Waiver authority concerning notice of denial of application for visas.
Sec. 210. Membership in a terrorist organization as a basis for exclusion from the United States under the Immigration and Nationality Act.

TITLE III—ALIEN REMOVAL

Sec. 301. Alien terrorist removal.
Sec. 302. Extradition of aliens.
Sec. 303. Changes to the Immigration and Nationality Act to facilitate removal of alien terrorists.
Sec. 304. Access to certain confidential immigration and naturalization files through court order.

TITLE IV—CONTROL OF FUNDRAISING FOR TERRORISM ACTIVITIES

Sec. 401. Prohibition on terrorist fundraising.
Sec. 402. Correction to material support provision.

TITLE V—ASSISTANCE TO FEDERAL LAW ENFORCEMENT AGENCIES

Subtitle A—Antiterrorism Assistance

Sec. 501. Disclosure of certain consumer reports to the Federal Bureau of Investigation for foreign counterintelligence investigations.
Sec. 502. Access to records of common carriers, public accommodation facilities, physical storage facilities, and vehicle rental facilities in foreign counterintelligence and counterterrorism cases.
Sec. 503. Increase in maximum rewards for information concerning international terrorism.

Subtitle B—Intelligence and Investigation Enhancements

Sec. 511. Study and report on electronic surveillance.
Sec. 512. Authorization for interceptions of communications in certain terrorism related offenses.
Sec. 513. Requirement to preserve evidence.

Subtitle C—Additional Funding for Law Enforcement

Sec. 521. Federal Bureau of Investigation assistance to combat terrorism.
Sec. 522. Authorization of additional appropriations for the United States Customs Service.
Sec. 523. Authorization of additional appropriations for the Immigration and Naturalization Service.
Sec. 524. Drug Enforcement Administration.
Sec. 525. Department of Justice.
Sec. 526. Authorization of additional appropriations for the Department of the Treasury.
Sec. 527. Funding source.
Sec. 528. Deterrent against Terrorist Activity Damaging a Federal Interest Computer.

TITLE VI—CRIMINAL PROCEDURAL IMPROVEMENTS

Subtitle A—Habeas Corpus Reform

Sec. 601. Filing deadlines.
Sec. 602. Appeal.
Sec. 603. Amendment of Federal Rules of Appellate Procedure.
Sec. 604. Section 2254 amendments.
Sec. 605. Section 2255 amendments.
Sec. 606. Limits on second or successive applications.
Sec. 607. Death penalty litigation procedures.
Sec. 608. Technical amendment.

Subtitle B—Criminal Procedural Improvements

Sec. 621. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.
Sec. 622. Expansion of territorial sea.
Sec. 623. Expansion of weapons of mass destruction statute.
Sec. 624. Addition of terrorism offenses to the RICO statute.
Sec. 625. Addition of terrorism offenses to the money laundering statute.
Sec. 626. Protection of current or former officials, officers, or employees of the United States.
Sec. 627. Addition of conspiracy to terrorism offenses.
Sec. 628. Clarification of Federal jurisdiction over bomb threats.

TITLE VII—MARKING OF PLASTIC EXPLOSIVES

Sec. 701. Findings and purposes.
Sec. 702. Definitions.
Sec. 703. Requirement of detection agents for plastic explosives.
Sec. 704. Criminal sanctions.
Sec. 705. Exceptions.
Sec. 706. Investigative authority.
Sec. 707. Effective date.
Sec. 708. Study and requirements for tagging of explosive materials, and study and recommendations for rendering explosive components inert and imposing controls on precursors of explosives.

TITLE VIII—NUCLEAR MATERIALS

Sec. 801. Findings and purpose.
Sec. 802. Expansion of scope and jurisdictional bases of nuclear materials prohibitions.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. Prohibition on distribution of information relating to explosive materials for a criminal purpose.
Sec. 902. Designation of Cartney Koch McRaven Child Development Center.
Sec. 903. Foreign air travel safety.
Sec. 904. Proof of citizenship.
Sec. 905. Cooperation of fertilizer research centers.
Sec. 906. Special assessments on convicted persons.
Sec. 907. Prohibition on assistance under Arms Export Control Act for countries not cooperating fully with United States antiterrorism efforts.

Sec. 908. Authority to request military assistance with respect to offenses involving biological and chemical weapons.
Sec. 909. Revision to existing authority for multipoint wiretaps.
Sec. 910. Authorization of additional appropriations for the United States Park Police.
Sec. 911. Authorization of additional appropriations for the Administrative Office of the United States Courts.
Sec. 912. Authorization of additional appropriations for the United States Customs Service.
Sec. 913. Severability.
TITLE X—VICTIMS OF TERRORISM ACT
Sec. 1001. Title.
Sec. 1002. Authority to provide assistance and compensation to victims of terrorism.
Sec. 1003. Funding of compensation and assistance to victims of terrorism, mass violence, and crime.
Sec. 1004. Crime victims fund amendments.

TITLE I—SUBSTANTIVE CRIMINAL LAW ENHANCEMENTS

SEC. 101. INCREASED PENALTY FOR CONSPIRACIES INVOLVING EXPLOSIVES.

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

''(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. 102. ACTS OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.

(a) REDESIGNATION.—(1) Chapter 113B of title 18, United States Code (relating to torture) is redesignated as chapter 113C.

(2) The chapter analysis of title 18, United States Code, is amended by striking ''113B'' the second place it appears and inserting ''113C''.

(b) OFFENSE.—Chapter 113B of title 18, United States Code, is amended by inserting after section 2332a the following new section:

''§ 2332b. Acts of terrorism transcending national boundaries

''(a) PROHIBITED ACTS.—

''(1) Whoever, in a circumstance described in subsection (b), commits an act within the United States that if committed within the special maritime and territorial jurisdiction of the United States would be in violation of section 113(a), (1), (2), (3), (6), or (7), 114, 1111, 1112, 1201, or 1363 shall be punished as prescribed in subsection (c).

''(2) Whoever threatens, attempts, or conspires to commit an offense under paragraph (1) shall be punished under subsection (c).

''(b) JURISDICTIONAL BASES.—

''(1) This section applies to conduct described in subsection (a) if—

''(A) the mail, or any facility utilized in interstate commerce, is used in furtherance of the commission of the offense;

''(B) the offense obstructs, delays, or affects interstate or foreign commerce in any way or degree, or would have obstructed, delayed, or affected interstate or foreign commerce if the offense had been consummated;

''(C) the victim or intended victim is the United States Government or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or of any department or agency, of the United States;

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

''(E) 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

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

''(2) Jurisdiction shall exist over all principals, coconspirators, and accessories after the fact, of an offense under subsection (a) if at least one of the circumstances described in paragraph (1) is applicable to at least one offender.

''(c) PENALTIES.—

''(1) Whoever violates this section shall, in addition to the punishment provided for any other crime charged in the indictment, be punished—

''(A) if death results to any person, 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 intent to commit murder or any other felony or 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 the 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 the offense, 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.

''(d) LIMITATION ON PROSECUTION.—No indictment for any offense described in this section shall be sought by the United States except after the Attorney General, or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions, has made a written certification that, in the judgment of the certifying official—

''(1) such offense, or any activity preparatory to its commission, transcended national boundaries; and

''(2) the offense appears to have been intended to coerce, intimidate, or retaliate against a government or a civilian population, including any segment thereof.

''(e) INVESTIGATIVE RESPONSIBILITY.—Violations of this section shall be investigated by the Federal Bureau of Investigation. Nothing in this section shall be construed to interfere with the authority of the United States Secret Service under section 3056, or with its investigative authority with respect to sections 871 and 879.

''(f) EVIDENCE.—In a prosecution under this section, the United States shall not be required to prove knowledge by any defendant of a jurisdictional base alleged in the indictment.

''(g) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over—

''(1) any offense under subsection (a); and

''(2) conduct that, under section 3, renders any person an accessory after the fact to an offense under subsection (a).

''(h) DEFINITIONS.—As used in this section—

''(1) the term 'commerce' has the meaning given such term in section 1951(b)(3);

''(2) the term 'facility utilized in interstate commerce' includes means of transportation, communication, and transmission;

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

''(4) the term 'serious bodily injury' has the meaning given such term in section 1365(g)(3); and

''(5) 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.''.

(c) TECHNICAL AMENDMENT.—The chapter analysis for Chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332a, the following new item:

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

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

(1) by striking ''any offense'' and inserting ''any noncapital offense'';

(2) by striking ''36'' and inserting ''37'';

(3) by striking ''2331'' and inserting ''2332'';

(4) by striking ''2339'' and inserting ''2332a''; and

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

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

(f) EXPANSION OF PROVISION RELATING TO DESTRUCTION OR INJURY OF PROPERTY WITHIN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.—Section 1363 of title 18, United States Code, is amended by striking ''any building, structure or vessel, any machinery or building materials and supplies, military or naval stores, munitions of war or any structural aids or appliances for navigation or shipping'' and inserting ''any structure, conveyance, or other real or personal property''.

SEC. 103. CONSPIRACY TO HARM PEOPLE AND PROPERTY OVERSEAS.

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

''§ 956. Conspiracy to kill, kidnap, maim, or injure certain 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 is 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 he or any such other person commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be punished as provided in paragraph (2).

''(2) The punishment for an offense under paragraph (1) 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 is located, to injure 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 he or any such other person 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 chapter analysis for chapter 45 of title 18, United States Code, is amended by striking the item relating to section 956 and inserting the following:

''956. Conspiracy to kill, kidnap, maim, or injure certain property in a foreign country.''.

SEC. 104. INCREASED PENALTIES FOR CERTAIN TERRORISM CRIMES.

(a) IN GENERAL.—Title 18, United States Code, is amended—

(1) in section 114, by striking ''maim or disfigure'' and inserting ''torture (as defined in section 2340), maim, or disfigure'';

(2) in section 755, by striking ''two years'' and inserting ''five years'';

(3) in section 756, by striking ''one year'' and inserting ''five years'';

(4) in section 878(a), by striking ''by killing, kidnapping, or assaulting a foreign official, official guest, or internationally protected person'';

(5) in section 1113, by striking ''three years or fined'' and inserting ''seven years''; and

(6) in section 2332(c), by striking ''five'' and inserting ''ten''.

(b) PENALTY FOR CARRYING WEAPONS OR EXPLOSIVES ON AN AIRCRAFT.—Section 46505 of title 49, United States Code, is amended—

(1) in subsection (b), by striking ''one'' and inserting ''10''; and

(2) in subsection (c), by striking ''5'' and inserting ''15''.

SEC. 105. 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 new subsection:

''(n) Whoever knowingly transfers an explosive material, knowing or having reasonable cause to believe that such explosive material will be used to commit a crime of violence (as defined in section 924(c)(3)) or drug trafficking crime (as defined in section 924(c)(2)) shall be imprisoned for not less than 10 years, fined under this title, or both.''.

SEC. 106. PENALTY FOR POSSESSION OF STOLEN EXPLOSIVES.

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, pledge, or accept as security for a loan, any stolen explosive material that is moving in, part of, constitutes, or has been shipped or transported in, interstate or foreign commerce, either before or after such material was stolen, knowing or having reasonable cause to believe that the explosive material was stolen.''.

SEC. 107. ENHANCED PENALTIES FOR USE OF EXPLOSIVES OR ARSON CRIMES.

Section 844 of title 18, United States Code, is amended—

(1) in subsection (e), by striking ''five'' and inserting ''10'';

(2) by amending subsection (f) to read as follows:

''(f)(1) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other personal or real property in whole or in part owned or possessed by, or leased to, the United States, or any department or agency thereof, shall be imprisoned for not less than 5 years and not more than 20 years. The court may order a fine of not more than the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed.

''(2) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes personal injury to any person, including any public safety officer performing duties, shall be imprisoned not less than 7 years and not more than 40 years. The court may order a fine of not more than the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed.

''(3) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes the death of any person, including any public safety officer performing duties, shall be imprisoned for a term of years or for life, or sentenced to death. The court may order a fine of not more than the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed.'';

(4) in subsection (h)—

(A) in the first sentence by striking ''5 years but not more than 15 years'' and inserting ''10 years''; and

(B) in the second sentence by striking ''10 years but not more than 25 years'' and inserting ''20 years''; and

(5) in subsection (i)—

(A) by striking ''not more than 20 years, fined the greater of a fine under this title or the cost of repairing or replacing any property that is damaged or destroyed,'' and inserting ''not less than 5 years and not more than 20 years, fined the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed'';

(B) by striking ''not more than 40 years, fined the greater of a fine under this title or the cost of repairing or replacing any property that is damaged or destroyed,'' and inserting ''not less than 7 years and not more than 40 years, fined the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed''; and

(C) by striking ''7 years'' and inserting ''10 years''.

SEC. 108. INCREASED PERIODS OF LIMITATION FOR NATIONAL FIREARMS ACT VIOLATIONS.

Section 6531 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively; and

(2) by amending the matter immediately preceding subparagraph (A), as redesignated, to read as follows: ''No person shall be prosecuted, tried, or punished for any criminal offense under the internal revenue laws unless the indictment is found or the information instituted not later than 3 years after the commission of the offense, except that the period of limitation shall be—

''(1) 5 years for offenses described in section 5861 (relating to firearms and other devices); and

''(2) 6 years—.''.

TITLE II—COMBATING INTERNATIONAL TERRORISM

SEC. 201. FINDINGS.

The Congress finds that—

(1) international terrorism is among the most serious transnational threats faced by the United States and its allies, far eclipsing the dangers posed by population growth or pollution;

(2) the President should continue to make efforts to counter international terrorism a national security priority;

(3) because the United Nations has been an inadequate forum for the discussion of cooperative, multilateral responses to the threat of international terrorism, the President should undertake immediate efforts to develop effective multilateral responses to international terrorism as a complement to national counterterrorist efforts;

(4) the President should use all necessary means, including covert action and military force, to disrupt, dismantle, and destroy international infrastructure used by international terrorists, including overseas terrorist training facilities and safe havens;

(5) the Congress deplores decisions to ease, evade, or end international sanctions on state sponsors of terrorism, including the recent decision by the United Nations Sanctions Committee to allow airline flights to and from Libya despite Libya's noncompliance with United Nations resolutions; and

(6) the President should continue to undertake efforts to increase the international isolation of state sponsors of international terrorism, including efforts to strengthen international sanctions, and should oppose any future initiatives to ease sanctions on Libya or other state sponsors of terrorism.

SEC. 202. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT AID TERRORIST STATES.

The Foreign Assistance Act of 1961 (22 U.S.C. 151 et seq.) is amended by adding immediately after section 620F the following new section:

''SEC. 620G. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT AID TERRORIST STATES.

''(a) PROHIBITION.—No assistance under this Act shall be provided to the government of any country that provides assistance to the government of any other country for which the Secretary of State has made a determination under section 620A''.

''(b) WAIVER.—Assistance prohibited by this section may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

''(1) a statement of the determination;

''(2) a detailed explanation of the assistance to be provided;

''(3) the estimated dollar amount of the assistance; and

''(4) an explanation of how the assistance furthers United States national interests.''.

SEC. 203. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT PROVIDE MILITARY EQUIPMENT TO TERRORIST STATES.

The Foreign Assistance Act of 1961 (22 U.S.C. 151 et seq.) is amended by adding immediately after section 620G the following new section:

''SEC. 620H. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT PROVIDE MILITARY EQUIPMENT TO TERRORIST STATES.

''(a) PROHIBITION.—

''(1) IN GENERAL.—No assistance under this Act shall be provided to the government of any country that provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

''(2) APPLICABILITY.—The prohibition under this section with respect to a foreign government shall terminate 1 year after that government ceases to provide lethal military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

''(b) WAIVER.—Notwithstanding any other provision of law, assistance may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States

and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

''(1) a statement of the determination;

''(2) a detailed explanation of the assistance to be provided;

''(3) the estimated dollar amount of the assistance; and

''(4) an explanation of how the assistance furthers United States national interests.''.

SEC. 204. OPPOSITION TO ASSISTANCE BY INTERNATIONAL FINANCIAL INSTITUTIONS TO TERRORIST STATES.

The International Financial Institutions Act (22 U.S.C. 262c et seq.) is amended by inserting after section 1620 the following new section:

''SEC. 1621. OPPOSITION TO ASSISTANCE BY INTERNATIONAL FINANCIAL INSTITUTIONS TO TERRORIST STATES.

''(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

''(b) DEFINITION.—For purposes of this section, the term 'international financial institution' includes—

''(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund;

''(2) wherever applicable, the Inter-American Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund; and

''(3) any similar institution established after the date of enactment of this section.''.

SEC. 205. ANTITERRORISM ASSISTANCE.

(a) FOREIGN ASSISTANCE ACT.—Section 573 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa–2) is amended—

(1) in subsection (c), by striking ''development and implementation of the antiterrorism assistance program under this chapter, including'';

(2) by amending subsection (d) to read as follows:

''(d)(1) Arms and ammunition may be provided under this chapter only if they are directly related to antiterrorism assistance.

''(2) The value (in terms of original acquisition cost) of all equipment and commodities provided under this chapter in any fiscal year shall not exceed 30 percent of the funds made available to carry out this chapter for that fiscal year.''; and

(3) by striking subsection (f).

(b) ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVES DETECTION DEVICES AND OTHER COUNTERTERRORISM TECHNOLOGY.—(1) Subject to section 575(b), up to $3,000,000 in any fiscal year may be made available—

(A) to procure explosives detection devices and other counterterrorism technology; and

(B) for joint counterterrorism research and development projects on such technology conducted with NATO and major non-NATO allies under the auspices of the Technical Support Working Group of the Department of State.

(2) As used in this subsection, the term ''major non-NATO allies'' means those countries designated as major non-NATO allies for purposes of section 2350a(i)(3) of title 10, United States Code.

(c) ASSISTANCE TO FOREIGN COUNTRIES.—Notwithstanding any other provision of law (except section 620A of the Foreign Assistance Act of 1961) up to $1,000,000 in assistance may be provided to a foreign country for counterterrorism efforts in any fiscal year if—

(1) such assistance is provided for the purpose of protecting the property of the United States Government or the life and property of any United States citizen, or furthering the apprehension of any individual involved in any act of terrorism against such property or persons; and

(2) the appropriate committees of Congress are notified not later than 15 days prior to the provision of such assistance.

SEC. 206. 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 the period at the end of paragraph (6) and inserting ''; or'' and

(B) 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 government 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, United States Code) for a person carrying out such an act, by a foreign state or by any official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency, except that—

''(A) the claimant must first afford the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration; and

''(B) an action under this paragraph shall not be maintained unless the act upon which the claim is based—

''(i) occurred while the individual bringing the claim was a national of the United States (as that term is defined in section 101(a)(2) of the Immigration and Nationality Act); and

''(ii) occurred while the foreign state was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 App. U.S.C. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).''; and

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

''(e) For purposes of paragraph (7)—

''(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 350 note);

''(2) the term 'hostage taking' has the meaning given such term in Article 1 of the International Convention Against the Taking of Hostages; and

''(3) the term 'aircraft sabotage' has the meaning given such 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. 207. REPORT ON SUPPORT FOR INTERNATIONAL TERRORISTS.

Not later than 60 days after the date of enactment of this Act, and annually thereafter in the report required by section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), the Secretary of State shall submit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that includes—

(1) a detailed assessment of international terrorist groups including their—

(A) size, leadership, and sources of financial and logistical support;

(B) goals, doctrine, and strategy;

(C) nature, scope, and location of human and technical infrastructure;

(D) level of education and training;

(E) bases of operation and recruitment;

(F) operational capabilities; and

(G) linkages with state and non-state actors such as ethnic groups, religious communities, or criminal organizations;

(2) a detailed assessment of any country that provided support of any type for international terrorism, terrorist groups, or individual terrorists, including countries that knowingly allowed terrorist groups or individuals to transit or reside in their territory, regardless of whether terrorist acts were committed on their territory by such individuals;

(3) a detailed assessment of individual country efforts to take effective action against countries named in section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), including the status of compliance with international sanctions and the status of bilateral economic relations; and

(4) United States Government efforts to implement this title.

SEC. 208. DEFINITION OF ASSISTANCE.

For purposes of this title—

(1) the term ''assistance'' means assistance to or for the benefit of a government of any country that is provided by grant, concessional sale, guaranty, insurance, or by any other means on terms more favorable than generally available in the applicable market, whether in the form of a loan, lease, credit, debt relief, or otherwise, including subsidies for exports to such country and favorable tariff treatment of articles that are the growth, product, or manufacture of such country; and

(2) the term ''assistance'' does not include assistance of the type authorized under chapter 9 of part 1 of the Foreign Assistance Act of 1961 (relating to international disaster assistance).

SEC. 209. 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), respectively;

(2) by striking ''If'' and inserting ''(1) Subject to paragraph (2), if''; and

(3) by inserting at the end the following 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 excludable aliens, except in cases of intent to immigrate.''.

SEC. 210. MEMBERSHIP IN A TERRORIST ORGANIZATION AS A BASIS FOR EXCLUSION FROM THE UNITED STATES UNDER THE IMMIGRATION AND NATIONALITY ACT.

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) by inserting ''or'' at the end of subclause (II); and

(C) by inserting after subclause (II) the following new subclause:

''(III) is a member of a terrorist organization or who actively supports or advocates terrorist activity,''; and

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

''(iv) TERRORIST ORGANIZATION DEFINED.—As used in this subparagraph, the term 'terrorist organization' means an organization that engages in, or has engaged in, terrorist activity as designated by the Secretary of State, after consultation with the Secretary of the Treasury.''.

TITLE III—ALIEN REMOVAL

SEC. 301. ALIEN TERRORIST REMOVAL.

(a) TABLE OF CONTENTS.—The Immigration and Nationality Act is amended by adding at the end of the table of contents the following:

''TITLE V—ALIEN TERRORIST REMOVAL PROCEDURES

''501. Definitions.
''502. Applicability.
''503. Removal of alien terrorists.''.

(b) ALIEN TERRORIST REMOVAL.—The Immigration and Nationality Act is amended by adding at the end the following new title:

''TITLE V—ALIEN TERRORIST REMOVAL PROCEDURES

''SEC. 501. DEFINITIONS.

''As used in this title—

''(1) the term 'alien terrorist' means any alien described in section 241(a)(4)(B);

''(2) the term 'classified information' has the same meaning as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App. IV);

''(3) the term 'national security' has the same meaning as defined in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App. IV);

''(4) the term 'special court' means the court described in section 503(c); and

''(5) the term 'special removal hearing' means the hearing described in section 503(e).

''SEC. 502. APPLICABILITY.

''(a) IN GENERAL.—The provisions of this title may be followed in the discretion of the Attorney General whenever the Department of Justice has classified information that an alien described in section 241(a)(4)(B) is subject to deportation because of such section.

''(b) PROCEDURES.—Whenever an official of the Department of Justice files, under section 503(a), an application with the court established under section 503(c) for authorization to seek removal pursuant to this title, the alien's rights regarding removal and expulsion shall be governed solely by the provisions of this title, except as specifically provided.

''SEC. 503. REMOVAL OF ALIEN TERRORISTS.

''(a) APPLICATION FOR USE OF PROCEDURES.—This section shall apply whenever the Attorney General certifies under seal to the special court that—

''(1) the Attorney General or Deputy Attorney General has approved of the proceeding under this section;

''(2) an alien terrorist is physically present in the United States; and

''(3) removal of such alien terrorist by deportation proceedings described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information.

''(b) CUSTODY AND RELEASE PENDING HEARING.—(1) The Attorney General may take into custody any alien with respect to whom a certification has been made under subsection (a), and notwithstanding any other provision of law, may retain such alien in custody in accordance with this subsection.

''(2)(A) An alien with respect to whom a certification has been made under subsection (a) shall be given a release hearing before the special court designated pursuant to subsection (c).

''(B) The judge shall grant the alien release, subject to such terms and conditions prescribed by the court (including the posting of any monetary amount), pending the special removal hearing if—

''(i) the alien is lawfully present in the United States;

''(ii) the alien demonstrates that the alien, if released, is not likely to flee; and

''(iii) the alien demonstrates that release of the alien will not endanger national security or the safety of any person or the community.

''(C) The judge may consider classified information submitted in camera and ex parte in making a determination whether to release an alien pending the special hearing.

''(c) SPECIAL COURT.—(1) The Chief Justice of the United States shall publicly designate not more than 5 judges from up to 5 United States judicial districts to hear and decide cases arising under this section, in a manner consistent with the designation of judges described in section 103(a) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1803(a)).

''(2) The Chief Justice may, in the Chief Justice's discretion, designate the same judges under this section as are designated pursuant to section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

''(d) INVOCATION OF SPECIAL COURT PROCEDURE.—(1) When the Attorney General makes the application described in subsection (a), a single judge of the special court shall consider the application in camera and ex parte.

''(2) The judge shall invoke the procedures of subsection (e) if the judge determines that there is probable cause to believe that—

''(A) the alien who is the subject of the application has been correctly identified and is an alien as described in section 241(a)(4)(B); and

''(B) a deportation proceeding described in section 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information.

''(e) SPECIAL REMOVAL HEARING.—(1) Except as provided in paragraph (5), the special removal hearing authorized by a showing of probable cause described in subsection (d)(2) shall be open to the public.

''(2) The alien shall have a reasonable opportunity 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 such alien. Counsel may be appointed as described in section 3006A of title 18, United States Code.

''(3) The alien shall have a reasonable opportunity to introduce evidence on his own behalf, and except as provided in paragraph (5), shall have a reasonable opportunity to cross-examine any witness or request that the judge issue a subpoena for the presence of a named witness.

''(4)(A) An alien subject to removal under this section shall have no right—

''(i) of discovery of information derived from electronic surveillance authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 801 et seq.) or otherwise for national security purposes if disclosure would present a risk to the national security; or

''(ii) to seek the suppression of evidence that the alien alleges was unlawfully obtained, except on grounds of credibility or relevance.

''(B) The Government is authorized to use, in the removal proceedings, the fruits of electronic surveillance and unconsented physical searches authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 801 et seq.) without regard to subsections 106 (c), (e), (f), (g), and (h) of such Act.

''(C) Section 3504 of title 18, United States Code, shall not apply to procedures under this section if the Attorney General determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information.

''(5) The judge shall authorize the introduction in camera and ex parte of any evidence for which the Attorney General determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information. With respect to such evidence, the Attorney General shall submit to the court an unclassified summary of the specific evidence prepared in accordance with paragraph (6).

''(6)(A) The information submitted under paragraph (5)(B) shall contain an unclassified summary of the classified information that does not pose a risk to national security.

''(B) The judge shall approve the summary within 15 days of submission if the judge finds that it is sufficient to inform the alien of the nature of the evidence that such person is an alien as described in section 241(a), and to provide the alien with substantially the same ability to make his defense as would disclosure of the classified information.

''(C) The Attorney General shall cause to be delivered to the alien a copy of the unclassified summary approved under subparagraph (B).

''(D) If the written unclassified summary is not approved by the court pursuant to subparagraph (B), the Department of Justice shall be afforded 15 days to correct the deficiencies identified by the court and submit a revised unclassified summary.

''(E) If the revised unclassified summary is not approved by the court within 15 days of its submission pursuant to subparagraph (B), the special removal hearing shall be terminated unless the court, within that time, after reviewing the classified information in camera and ex parte, issues written findings that—

''(i) the alien's continued presence in the United States would likely cause—

''(I) serious and irreparable harm to the national security; or

''(II) death or serious bodily injury to any person; and

''(ii) provision of either the classified information or an unclassified summary that meets the standard set forth in subparagraph (B) would likely cause—

''(I) serious and irreparable harm to the national security; or

''(II) death or serious bodily injury to any person; and

''(iii) the unclassified summary prepared by the Justice Department is adequate to allow the alien to prepare a defense.

''(F) If the court issues such findings, the special removal proceeding shall continue,

and the Attorney General shall cause to be delivered to the alien within 15 days of the issuance of such findings a copy of the unclassified summary together with a statement that it meets the standard set forth in subparagraph (E)(iii).

''(G)(i) Within 10 days of filing of the appealable order the Department of Justice may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

''(I) any determination made by the judge concerning the requirements set forth in subparagraph (B).

''(II) any determination made by the judge concerning the requirements set forth in subparagraph (E).

''(ii) In an interlocutory appeal taken under this paragraph, 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. The Court of Appeals shall consider the appeal as expeditiously as possible, but no later than 30 days after filing of the appeal.

''(f) DETERMINATION OF DEPORTATION.—The judge shall, considering the evidence on the record as a whole (in camera and otherwise), require that the alien be deported if the Attorney General proves, by clear and convincing evidence, that the alien is subject to deportation because such alien is an alien as described in section 241(a)(4)(B). If the judge finds that the Department of Justice has met this burden, the judge shall order the alien removed and, if the alien was released pending the special removal proceeding, order the Attorney General to take the alien into custody.

''(g) APPEALS.—(1) The alien may appeal a final determination under subsection (f) to the United States Court of Appeals for the District of Columbia Circuit, by filing a notice of appeal with such court not later than 30 days after the determination is made. An appeal under this section shall be heard by the Court of Appeals sitting en banc.

''(2) The Attorney General may appeal a determination under subsection (d), (e), or (f) to the Court of Appeals for the District of Columbia Circuit, by filing a notice of appeal with such court not later than 20 days after the determination is made under any one of such subsections.

''(3) If the Department of Justice does not seek review, the alien shall be released from custody, unless such alien may be arrested and taken into custody pursuant to title II as an alien subject to deportation, in which case such alien shall be treated in accordance with the provisions of this Act concerning the deportation of aliens.

''(4) If the application for the order is denied because the judge has not found probable cause to believe that the alien who is the subject of the application has been correctly identified or is an alien as described in paragraph 4(B) of section 241(a), and the Department of Justice seeks review, the alien shall be released from custody unless such alien may be arrested and taken into custody pursuant to title II as an alien subject to deportation, in which case such alien shall be treated in accordance with the provisions of this Act concerning the deportation of aliens simultaneously with the application of this title.

''(5)(A) If the application for the order is denied based on a finding that no probable cause exists to find that adherence to the provisions of title II regarding the deportation of the identified alien would pose a risk of irreparable harm to the national security of the United States, or death or serious bodily injury to any person, 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 (c)(1)(B) (i) through (xiv) of title 18, United States Code, that will reasonably ensure 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.

''(B) The alien shall remain in custody if the court fails to make a finding under subparagraph (A), until the completion of any appeal authorized by this title. 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 the previous sentence applies and—

''(i) 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

''(ii) 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.

''(6) When requested by the Attorney General, the entire record of the proceeding under this section shall be transmitted to the court of appeals or the Supreme Court under seal. The court of appeals or Supreme Court may consider such appeal in camera.''.

SEC. 302. EXTRADITION OF ALIENS.

(a) SCOPE.—Section 3181 of title 18, United States Code, is amended—

(1) by inserting ''(a)'' before ''The provisions of this chapter''; and

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

''(b) The provisions of this chapter shall be construed to permit, in the exercise of comity, the surrender of persons, other than citizens, nationals, or permanent residents of the United States, who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with such foreign government if the Attorney General certifies, in writing, that—

''(1) evidence has been presented by the foreign government that indicates that had the offenses been committed in the United States, they would constitute crimes of violence as defined under section 16 of this title; and

''(2) the offenses charged are not of a political nature.

''(c) As used in this section, the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''.

(b) FUGITIVES.—Section 3184 of title 18, United States Code, is amended—

(1) in the first sentence by inserting after ''United States and any foreign government,'' the following: ''or in cases arising under section 3181(b),'';

(2) in the first sentence by inserting after ''treaty or convention,'' the following: ''or provided for under section 3181(b),''; and

(3) in the third sentence by inserting after ''treaty or convention,'' the following: ''or under section 3181(b),''.

SEC. 303. CHANGES TO THE IMMIGRATION AND NATIONALITY ACT TO FACILITATE REMOVAL OF ALIEN TERRORISTS.

(a) TERRORISM ACTIVITIES.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended to read as follows:

''(B) TERRORISM ACTIVITIES.—

''(i) IN GENERAL.—Any alien who—

''(I) has engaged in a terrorism activity, or

''(II) a consular officer or the Attorney General knows, or has reason to believe, is likely to engage after entry in any terrorism activity (as defined in clause (iii)),

is excludable. An alien who is an officer, official, representative, or spokesman of any terrorist organization designated as a terrorist organization by proclamation by the President after finding such organization to be detrimental to the interest of the United States, or any person who directs, counsels, commands, or induces such organization or its members to engage in terrorism activity, shall be considered, for purposes of this Act, to be engaged in terrorism activity.

''(ii) TERRORISM ACTIVITY DEFINED.—As used in this Act, the term 'terrorism activity' means any activity that is unlawful under the laws of the place where it is committed (or which, if it had been committed in the United States, would be unlawful under the laws of the United States or any State), and that involves any of the following:

''(I) The hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle).

''(II) The seizing or detaining, and threatening to kill, injure, or continue to detain, another individual to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained.

''(III) A violent attack upon an internationally protected person (as defined in section 1116(b)(4) of title 18, United States Code) or upon the liberty of such a person.

''(IV) An assassination.

''(V) The use of any—

''(aa) biological agent, chemical agent, or nuclear weapon or device, or

''(bb) explosive, firearm, or other weapon (other than for mere personal monetary gain),

with intent to endanger, directly, or indirectly, the safety of one or more individuals or to cause substantial damage to property.

''(VI) A threat, attempt, or conspiracy to do any of the foregoing.

''(iii) ENGAGE IN TERRORISM ACTIVITY DEFINED.—As used in this Act, the term 'engage in terrorism activity' means to commit, in an individual capacity or as a member of an organization, an act of terrorism activity, or an act that the actor knows affords material support to any individual, organization, or government that the actor knows plans to commit terrorism activity, including any of the following acts:

''(I) The preparation or planning of terrorism activity.

''(II) The gathering of information on potential targets for terrorism activity.

''(III) The providing of any type of material support, including a safe house, transportation, communications, funds, false documentation or identification, weapons, explosives, or training.

''(IV) The soliciting of funds or other things of value for terrorism activity or for any terrorist organization.

''(V) The solicitation of any individual for membership in a terrorist organization, terrorist government, or to engage in a terrorism activity.

''(iv) TERRORIST ORGANIZATION DEFINED.—As used in this Act, the term 'terrorist organization' means—

''(I) an organization engaged in, or that has a significant subgroup that engages in, terrorism activity, regardless of any legitimate activities conducted by the organization or its subgroups; and

''(II) an organization designated by the Secretary of State under section 2339B of title 18.''.

(b) DEPORTABLE ALIENS.—Section 241(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(4)(B)) is amended to read as follows:

''(B) TERRORISM ACTIVITIES.—Any alien who is engaged, or at any time after entry engages in, any terrorism activity (as defined in section 212(a)(3)(B)) is deportable.''.

(c) BURDEN OF PROOF.—Section 291 of the Immigration and Nationality Act (8 U.S.C. 1361) is amended by inserting after ''custody of the Service.'' the following new sentence: ''The limited production authorized by this provision shall not extend to the records of any other agency or department of the Government or to any documents that do not pertain to the respondent's entry.''.

(d) APPREHENSION AND DEPORTATION OF ALIENS.—Section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(3)) is amended by inserting immediately after paragraph (4) the following: ''For purposes of paragraph (3), in the case of an alien who is not lawfully admitted for permanent residence and notwithstanding the provisions of any other law, reasonable opportunity shall not include access to classified information, whether or not introduced in evidence against the alien, except that any proceeding conducted under this section which involves the use of classified evidence shall be conducted in accordance with the procedures of section 501. Section 3504 of title 18, United States Code, and 18 U.S.C. 3504 and the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall not apply in such cases.''.

(e) CRIMINAL ALIEN REMOVAL.—

(1) JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a(a)(10)) is amended to read as follows:

''(10) Any final order of deportation against an alien who is deportable by reason of having committed a criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i), shall not be subject to review by any court.''.

(2) FINAL ORDER OF DEPORTATION DEFINED.—Section 101(a) of such Act (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

''(47)(A) The term 'order of deportation' means the order of the special inquiry officer, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable or ordering deportation.

''(B) The order described under subparagraph (A) shall become final upon the earlier of—

''(i) a determination by the Board of Immigration Appeals affirming such order; or

''(ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.''.

(3) ARREST AND CUSTODY.—Section 242(a)(2) of such Act is amended—

(A) in subparagraph (A)—

(i) by striking ''(2)(A) The Attorney'' and inserting ''(2) The Attorney'';

(ii) by striking ''an aggravated felony upon'' and all that follows through ''of the same offense)'' and inserting ''any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i), upon release of the alien from incarceration, shall deport the alien as expeditiously as possible''; and

(iii) by striking ''but subject to subparagraph (B)''; and

(B) by striking subparagraph (B).

(4) CLASSES OF EXCLUDABLE ALIENS.—Section 212(c) of such Act (8 U.S.C. 1182(c)) is amended—

(A) by striking ''The first sentence of this'' and inserting ''This''; and

(B) by striking ''has been convicted of one or more aggravated felonies'' and all that follows through the end and inserting ''is deportable by reason of having committed any criminal offense covered in section 241(a)(2)(A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i).''.

(5) AGGRAVATED FELONY DEFINED.—Section 101(a)(43) of such Act is amended—

(A) in subparagraph (F)—

(i) by inserting '', including forcible rape,'' after ''offense)''; and

(ii) by striking ''5 years'' and inserting ''1 year''; and

(B) in subparagraph (G) by striking ''5 years'' and inserting ''1 year''.

(6) DEPORTATION OF CRIMINAL ALIENS.—Section 242A(a) of such Act (8 U.S.C. 1252a) is amended—

(A) in paragraph (1)—

(i) by striking ''aggravated felonies (as defined in section 101(a)(43) of this title)'' and inserting ''any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i).''; and

(ii) by striking '', where warranted,'';

(B) in paragraph (2), by striking ''aggravated felony'' and all that follows through ''before any scheduled hearings.'' and inserting ''any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i).''.

(7) DEADLINES FOR DEPORTING ALIEN.—Section 242(c) of such Act (8 U.S.C. 1252(c)) is amended—

(A) by striking ''(c) When a final order'' and inserting ''(c)(1) Subject to paragraph (2), when a final order''; and

(B) by inserting at the end the following new paragraph:

''(2) When a final order of deportation under administrative process is made against any alien who is deportable by reason of having committed a criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D) or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i), the Attorney General shall have 30 days from the date of the order within which to effect the alien's departure from the United States. The Attorney General shall have sole and unreviewable discretion to waive the foregoing provision for aliens who are cooperating with law enforcement authorities or for purposes of national security.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to cases pending before, on, or after such date of enactment.

SEC. 304. ACCESS TO CERTAIN CONFIDENTIAL IMMIGRATION AND NATURALIZATION FILES THROUGH COURT ORDER.

(a) CONFIDENTIALITY OF INFORMATION.—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 the Attorney General''; and

(2) by inserting after ''Title 13'' 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.''.

(b) APPLICATIONS FOR ADJUSTMENT OF STATUS.—Section 210(b) of the Immigration and Nationality 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) of this subsection'' after ''consent of the alien''; and

(2) in paragraph (6), by inserting the following sentence before ''Anyone who uses'': ''Notwithstanding the preceding 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 for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated, or for criminal law enforcement purposes against the alien whose application is to be disclosed or to discover information leading to the location or identity of the alien.''.

TITLE IV—CONTROL OF FUNDRAISING FOR TERRORISM ACTIVITIES

SEC. 401. PROHIBITION ON TERRORIST FUNDRAISING.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following new section:

''§ 2339B. Fundraising for terrorist organizations

''(a) FINDINGS AND PURPOSE.—

''(1) The Congress finds that—

''(A) terrorism is a serious and deadly problem which threatens the interests of the United States overseas and within our territory;

''(B) the Nation's security interests are gravely affected by the terrorist attacks carried out overseas against United States Government facilities and officials, and against American citizens present in foreign countries;

''(C) United States foreign policy and economic interests are profoundly affected by terrorist acts overseas directed against foreign governments and their people;

''(D) international cooperation is required for an effective response to terrorism, as demonstrated by the numerous multilateral conventions in force providing universal prosecutive jurisdiction over persons involved in a variety of terrorist acts, including hostage taking, murder of an internationally protected person, and aircraft piracy and sabotage;

''(E) some foreign terrorist organizations, acting through affiliated groups or individuals, raise significant funds within the United States or use the United States as a conduit for the receipt of funds raised in other nations; and

''(F) the provision of funds to organizations that engage in terrorism serves to facilitate their terrorist endeavors, regardless of whether the funds, in whole or in part, are intended or claimed to be used for nonviolent purposes.

''(2) The purpose of this section is to provide the Federal Government the fullest possible basis, consistent with the Constitution, to prevent persons within the United States or subject to the jurisdiction of the United States from providing funds, directly or indirectly, to foreign organizations, including subordinate or affiliated persons, that engage in terrorism activities.

''(b) DESIGNATION.—

''(1) The Secretary of State, after consultation with the Secretary of the Treasury, is

authorized to designate under this section any foreign organization based on finding that—

''(A) the organization engages in terrorism activity as defined in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)); and

''(B) the organization's terrorism activities threaten the security of United States citizens, national security, foreign policy, or the economy of the United States.

''(2) Not later than 7 days after making a designation under paragraph (1), the Secretary of State shall prepare and transmit to Congress a report containing a list of the designated organizations and a summary of the facts underlying the designation. The designation shall take effect 30 days after the receipt of actual notice under subsection (b)(6), unless otherwise provided by law.

''(3) A designation or redesignation under this subsection shall be in effect for 1 year following its effective date, unless revoked under paragraph (4).

''(4)(A) If the Secretary of State, after consultation with the Secretary of the Treasury, finds that the conditions that were the basis for any designation issued under this subsection have changed in such a manner as to warrant revocation of such designation, or that the national security, foreign relations, or economic interests of the United States so warrant, the Secretary of State may revoke such designation in whole or in part.

''(B) Not later than 7 calendar days after the Secretary of State finds that an organization no longer engages in, or supports, terrorism activity, the Secretary of State shall prepare and transmit to Congress a supplemental report stating the reasons for the finding.

''(5) Any designation, or revocation of a designation, issued under this subsection shall be published in the Federal Register not later than 7 calendar days after the Secretary of State makes the designation.

''(6) Not later than 7 calendar days after making a designation under this subsection, the Secretary of State shall give the organization actual notice of—

''(A) the designation;

''(B) the consequences of the designation for the organization's ability to raise funds in the United States; and

''(C) the availability of judicial review.

''(7) Any revocation or lapsing of a designation shall not affect any action or proceeding based on any conduct committed prior to the effective date of such revocation or lapsing.

''(8) Classified information may be used in making a designation under this subsection. Such information shall not be disclosed to the public or to any party, but may be disclosed to a court ex parte and in camera.

''(9) No question concerning the validity of the issuance of a designation issued under this subsection may be raised by a defendant in a criminal prosecution as a defense in or as an objection to any trial or hearing if such designation was issued and published in the Federal Register.

''(c) JUDICIAL REVIEW.—

''(1) Organizations designated by the Secretary of State as engaging in, or supporting, terrorism activities under this section may seek review of the designation in the District Court for the District of Columbia not later than 30 days after receipt of actual notice under subsection (b)(6).

''(2) In reviewing a designation under this subsection, the court shall receive relevant oral or documentary evidence, unless the court finds that the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or considerations of undue delay, waste of time, or needless presentation of cumulative evidence, or unless its introduction or consideration is prohibited by a common law privilege or by the Constitution or laws of the United States. A party shall be entitled to present its case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

''(3) The judge shall authorize the introduction in camera and ex parte of any item of evidence containing classified information for which the Attorney General determines that public disclosure would pose a risk to the national security of the United States. With respect to such evidence, the Attorney General shall submit to the court either—

''(A) a statement identifying relevant facts that the specific evidence would tend to prove; or

''(B) an unclassified summary of the specific evidence prepared in accordance with paragraph (5).

''(4)(A)(i) The Secretary of State shall have the burden of demonstrating that there are specific and articulable facts giving reason to believe that the organization engages in or supports terrorism activity (as that term is defined in section 212(a)(3)(B)).

''(ii) The organization shall have the burden of proving that its purpose is to engage in religious, charitable, literary, educational, or nonterrorism activities and that it engages in such activities.

''(iii) The Secretary shall have the burden of proving that the control group of the organization has actual knowledge that the organization or its resources are being used for terrorism activities.

''(iv) If any portion of the Secretary's evidence consists of classified information that cannot be revealed to the organization for national security reasons, the Secretary must prove these elements by clear and convincing evidence.

''(B) If the court finds, under the standards stated in subparagraph (A) that the control group of the organization has actual knowledge that the organization or its resources are being used for terrorism activities, the court shall affirm the designation of the Secretary.

''(C)(i) If the court finds by a preponderance of the evidence that the organization or its resources have been used for terrorism activities without the knowledge of the control group, but that the control group is now aware of these facts, the court may condition revocation of the designation on the control group's undertaking or completing all steps within its power to prevent the organization or its resources from being used for terrorism activities. Such steps may include—

''(I) maintaining financial records adequate to document the use of the organization's resources; and

''(II) making records available to the Secretary for inspection.

''(ii) If a designation is revoked under subsection (B)(4) and the organization fails to comply with any condition imposed, the designation may be reinstated by the Secretary of State upon a showing that the organization failed to comply with the condition.

''(5)(A) The information submitted under paragraph (3)(B) shall contain an unclassified summary of the classified information that does not pose a risk to national security.

''(B) The judge shall approve the unclassified summary if the judge finds that the summary is sufficient to inform the organization of the activities described in section 212(a)(3)(B) in which the organization is alleged to engage, and to permit the organization to defend against the designation.

''(C) The Attorney General shall cause to be delivered to the organization a copy of the unclassified summary approved under subparagraph (B).

''(6) The court shall decide the case on the basis of the evidence on the record as a whole, in camera or otherwise.

''(d) PROHIBITED ACTIVITIES.—It shall be unlawful for any person within the United States, or any person subject to the jurisdiction of the United States anywhere, to directly or indirectly, raise, receive, or collect on behalf of, or furnish, give, transmit, transfer, or provide funds to or for an organization or person designated by the Secretary of State under subsection (b), or to attempt to do any of the foregoing.

''(e) SPECIAL REQUIREMENTS FOR FINANCIAL INSTITUTIONS.—

''(1) Except as authorized by the Secretary of State, after consultation with the Secretary of the Treasury, by means of directives, regulations, or licenses, any financial institution that becomes aware that it has possession of or control over any funds in which an organization or person designated under subsection (b) has an interest, shall—

''(A) retain possession of or maintain control over such funds; and

''(B) report to the Secretary the existence of such funds in accordance with the regulations prescribed by the Secretary.

''(2) Any financial institution that knowingly fails to report to the Secretary the existence of such funds shall be subject to a civil penalty of $250 per day for each day that it fails to report to the Secretary—

''(A) in the case of funds being possessed or controlled at the time of the designation of the organization or person, within 10 days after the designation; and

''(B) in the case of funds whose possession of or control over arose after the designation of the organization or person, within 10 days after the financial institution obtained possession of or control over the funds.

''(f) INVESTIGATIONS.—Any investigation emanating from a possible violation of this section shall be conducted by the Attorney General, except that investigations relating to—

''(1) a financial institution's compliance with the requirements of subsection (e); and

''(2) civil penalty proceedings authorized pursuant to subsection (g)(2),

shall be conducted in coordination with the Attorney General by the office within the Department of the Treasury responsible for civil penalty proceedings authorized by this section. Any evidence of a criminal violation of this section arising in the course of an investigation by the Secretary or any other Federal agency shall be referred immediately to the Attorney General for further investigation. The Attorney General shall timely notify the Secretary of any action taken on referrals from the Secretary, and may refer investigations to the Secretary for remedial licensing or civil penalty action.

''(g) PENALTIES.—

''(1) Any person who, with knowledge that the donee is a designated entity, violates subsection (d) shall be fined under this title, or imprisoned for up to ten years, or both.

''(2) Any financial institution that knowingly fails to comply with subsection (e), or by regulations promulgated thereunder, shall be subject to a civil penalty of $50,000 per violation, or twice the amount of money of which the financial institution was required to retain possession or control, whichever is greater.

''(h) INJUNCTION.—

''(1) Whenever it appears to the Secretary or the Attorney General that any person is engaged in, or is about to engage in, any act which constitutes, or would constitute, a violation of this section, the Attorney General may initiate civil action in a district

court of the United States to enjoin such violation.

''(2) A proceeding under this subsection is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.

''(i) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(j) CLASSIFIED INFORMATION IN CIVIL PROCEEDINGS BROUGHT BY THE UNITED STATES.—

''(1) DISCOVERY OF CLASSIFIED INFORMATION BY DEFENDANTS.—A court, upon a sufficient showing, may authorize the United States to delete specified items of classified information from documents to be introduced into evidence or made available to the defendant through discovery under the Federal Rules of Civil Procedure, to substitute an unclassified summary of the information for such classified documents, or to substitute a statement admitting relevant facts that the classified information would tend to prove. The court shall permit the United States to make a request for such authorization in the form of a written statement to be inspected by the court alone. If the court enters an order granting relief following such an ex parte showing, the entire text of the statement of the United States shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal. If the court enters an order denying relief to the United States under this paragraph, the United States may take an immediate, interlocutory appeal in accordance with the provisions of paragraph (3). For purposes of such an appeal, the entire text of the underlying written statement of the United States, together with any transcripts of arguments made ex parte to the court in connection therewith, shall be maintained under seal and delivered to the appellate court.

''(2) INTRODUCTION OF CLASSIFIED INFORMATION; PRECAUTIONS BY COURT.—

''(A) EXHIBITS.—The United States, to prevent unnecessary or inadvertent disclosure of classified information in a civil trial or other proceeding brought by the United States under this section, may petition the court ex parte to admit, in lieu of classified writings, recordings or photographs, one or more of the following:

''(i) copies of those items from which classified information has been deleted;

''(ii) stipulations admitting relevant facts that specific classified information would tend to prove; or

''(iii) an unclassified summary of the specific classified information.

The court shall grant such a motion of the United States if the court finds that the redacted item, stipulation, or unclassified summary will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

''(B) TAKING OF TRIAL TESTIMONY.—During the examination of a witness in any civil proceeding brought by the United States under this section, the United States may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible. Following such an objection, the court shall take suitable action to determine whether the response is admissible and, in doing so, shall take precautions to guard against the compromise of any classified information. Such action may include permitting the United States to provide the court, ex parte, with a proffer of the witness's response to the question or line of inquiry, and requiring the defendant to provide the court with a proffer of the nature of the information the defendant seeks to elicit.

''(C) APPEAL.—If the court enters an order denying relief to the United States under this subsection, the United States may take an immediate interlocutory appeal in accordance with paragraph (3).

''(3) INTERLOCUTORY APPEAL.—

''(A) An interlocutory appeal by the United States shall lie to a court of appeals from a decision or order of a district court—

''(i) authorizing the disclosure of classified information;

''(ii) imposing sanctions for nondisclosure of classified information; or

''(iii) refusing a protective order sought by the United States to prevent the disclosure of classified information.

''(B) An appeal taken pursuant to this paragraph either before or during trial shall be expedited by the court of appeals. Prior to trial, an appeal shall be taken not later than 10 days after the decision or order appealed from, and the trial shall not commence until the appeal is resolved. If an appeal is taken during trial, the trial court shall adjourn the trial until the appeal is resolved. The court of appeals—

''(i) shall hear argument on such appeal not later than 4 days after the adjournment of the trial;

''(ii) may dispense with written briefs other than the supporting materials previously submitted to the trial court;

''(iii) shall render its decision not later than 4 days after argument on appeal; and

''(iv) may dispense with the issuance of a written opinion in rendering its decision.

''(C) An interlocutory appeal and decision under this paragraph shall not affect the right of the defendant, in a subsequent appeal from a final judgment, to claim as error, reversal by the trial court on remand of a ruling appealed from during trial.

''(4) CONSTRUCTION.—Nothing in this subsection shall prevent the United States from seeking protective orders or 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 privilege.

''(k) DEFINITIONS.—As used in this section—

''(1) the term 'classified information' means any information or material that has been determined by the United States Government pursuant to an Executive order, statute, or regulation, to require protection against unauthorized disclosure for reasons of national security and any restricted data, as defined in paragraph (r) of section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y));

''(2)(A) the term 'control group' means the officers or agents charged with directing the affairs of the organization;

''(B) if a single officer or agent is authorized to conduct the affairs of the organization, the knowledge of the officer or agent that the organization or its resources are being used for terrorism activities shall constitute knowledge of the control group;

''(C) if a single officer or agent is a member of a group empowered to conduct the affairs of the organization but cannot conduct the affairs of the organization on his or her own authority, that person's knowledge shall not constitute knowledge by the control group unless that person's knowledge is shared by a sufficient number of members of the group so that the group with knowledge has the authority to conduct the affairs of the organization;

''(3) the term 'financial institution' has the meaning prescribed in section 5312(a)(2) of title 31, United States Code, including any regulations promulgated thereunder;

''(4) the term 'funds' includes coin or currency of the United States or any other country, traveler's checks, personal checks, bank checks, money orders, stocks, bonds, debentures, drafts, letters of credit, any other negotiable instrument, and any electronic representation of any of the foregoing;

''(5) the term 'national security' means the national defense and foreign relations of the United States;

''(6) the term 'person' includes an individual, partnership, association, group, corporation, or other organization;

''(7) the term 'Secretary' means the Secretary of the Treasury; and

''(8) the term 'United States', when used in a geographical sense, includes all commonwealths, territories, and possessions of the United States.''.

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

''2339B. Fundraising for terrorist organizations.''.

(c) CLASSIFIED INFORMATION IN CIVIL PROCEEDINGS.—Section 2339B(k) of title 18, United States Code (relating to classified information in civil proceedings brought by the United States), shall also be applicable to civil proceedings brought by the United States under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 402. CORRECTION TO MATERIAL SUPPORT PROVISION.

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

''§ 2339A. Providing material support to terrorists

''(a) DEFINITION.—In this section, '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, but does not include humanitarian assistance to persons not directly involved in such violations.

''(b) OFFENSE.—A person who, 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, or 2332a of this title or section 46502 of title 49, or in preparation for or carrying out the concealment or an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than 10 years, or both.''.

TITLE V—ASSISTANCE TO FEDERAL LAW ENFORCEMENT AGENCIES

Subtitle A—Antiterrorism Assistance

SEC. 501. DISCLOSURE OF CERTAIN CONSUMER REPORTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR FOREIGN COUNTERINTELLIGENCE INVESTIGATIONS.

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

''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 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 Director of the Federal Bureau of Investigation, or the Director's designee, certifies in writing to the court or magistrate judge 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 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 Director or the Director's designee, certifies in writing 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 about to be, 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 an authorized designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing 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, 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 the consumer to whom such consumer reports, records, or information relate 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 consumer 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. 502. ACCESS TO RECORDS OF COMMON CARRIERS, PUBLIC ACCOMMODATION FACILITIES, PHYSICAL STORAGE FACILITIES, AND VEHICLE RENTAL FACILITIES IN FOREIGN COUNTERINTELLIGENCE AND COUNTERTERRORISM CASES.

Title 18, United States Code, is amended by inserting after chapter 121 the following new chapter:

''CHAPTER 122—ACCESS TO CERTAIN RECORDS

''§ 2720. Access to records of common carriers, public accommodation facilities, physical storage facilities, and vehicle rental facilities in counterintelligence and counterterrorism cases

''(a)(1) A court or magistrate judge may issue an order ex parte 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 Director of the Federal Bureau of Investigation or the Director's designee (whose rank shall be no lower than Assistant Special Agent in Charge) certifies in writing that—

''(A) such records are sought for foreign counterintelligence purposes; and

''(B) there are specific and articulable facts giving reason to believe that the person to whom the records pertain is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 801).

''(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) As used in this chapter—

''(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.''.

SEC. 503. INCREASE IN MAXIMUM REWARDS FOR INFORMATION CONCERNING INTERNATIONAL TERRORISM.

(a) TERRORISM ABROAD.—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (c), by striking ''$2,000,000'' and inserting ''$10,000,000''; and

(2) in subsection (g), by striking ''$5,000,000'' and inserting ''$10,000,000.

(b) DOMESTIC TERRORISM.—Title 18, United States Code, is amended—

(1) in section 3072, by striking ''$500,000'' and inserting ''$10,000,000''; and

(2) in section 3075, by striking ''$5,000,000'' and inserting ''$10,000,000''.

(c) GENERAL REWARD AUTHORITY OF THE ATTORNEY GENERAL.—

(1) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by adding immediately after section 3059A the following section:

''§ 3059B. General reward authority

''(a) Notwithstanding any other provision of law, 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 assists the Department of Justice in performing its functions.

''(b) Not later than 30 days after authorizing a reward under this section that exceeds $100,000, the Attorney General shall give notice to the respective chairmen of the Committees on Appropriations and the Committees on the Judiciary of the Senate and the House of Representatives.

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

Subtitle B—Intelligence and Investigation Enhancements

SEC. 511. STUDY AND REPORT ON ELECTRONIC SURVEILLANCE.

(a) STUDY.—The Attorney General and the Director of the Federal Bureau of Investigation shall study all applicable laws and guidelines relating to electronic surveillance and the use of pen registers and other trap and trace devices.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Congress that includes—

(1) the findings of the study conducted pursuant to subsection (a);

(2) recommendations for the use of electronic devices in conducting surveillance of terrorist or other criminal organizations, and for any modifications in the law necessary to enable the Federal Government to fulfill its law enforcement responsibilities within appropriate constitutional parameters; and

(3) a summary of efforts to use current wiretap authority, including detailed examples of situations in which expanded authority would have enabled law enforcement authorities to fulfill their responsibilities.

SEC. 512. AUTHORIZATION FOR INTERCEPTIONS OF COMMUNICATIONS IN CERTAIN TERRORISM RELATED OFFENSES.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c)—

(A) by inserting before ''or section 1992 (relating to wrecking trains)'' the following: ''section 2332 (relating to terrorist acts abroad), section 2332a (relating to weapons of mass destruction, section 2332b (relating to acts of terrorism transcending national boundaries), section 2339A (relating to providing material support to terrorists), section 37 (relating to violence at international airports),''; and

(B) by inserting after ''section 175 (relating to biological weapons),'' the following: ''or a felony violation under section 1028 (relating to production of false identification documentation), sections 1541, 1542, 1543, 1544, and 1546 (relating to passport and visa offenses),'';

(2) by striking ''and'' at the end of paragraph (o), as so redesignated by section 512(a)(2);

(3) by redesignating paragraph (p), as so redesignated by section 512(a)(2), as paragraph (s); and

(4) by inserting after paragraph (o), as so redesignated by section 512(a)(2), the following new subparagraphs:

''(p) any violation of section 956 or section 960 of title 18, United States Code (relating to certain actions against foreign nations);

''(q) any violation of section 46502 of title 49, United States Code; and''.

SEC. 513. REQUIREMENT TO PRESERVE EVIDENCE.

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

''(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.''.

Subtitle C—Additional Funding for Law Enforcement

SEC. 521. FEDERAL BUREAU OF INVESTIGATION ASSISTANCE TO COMBAT TERRORISM.

(a) IN GENERAL.—With funds made available pursuant to subsection (b), the Attorney General shall—

(1) develop digital telephony technology;

(2) support and enhance the technical support center and tactical operations;

(3) create a Federal Bureau of Investigation counterterrorism and counterintelligence fund for costs associated with terrorism cases;

(4) expand and improve the instructional, operational support, and construction of the Federal Bureau of Investigation academy;

(5) construct an FBI laboratory, provide laboratory examination support, and provide for a Command Center;

(6) make funds available to the chief executive officer of each State to carry out the activities described in subsection (d); and

(7) enhance personnel to support counterterrorism activities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the activities of the Federal Bureau of Investigation, to help meet the increased demands for activities to combat terrorism—

(1) $300,000,000 for fiscal year 1996;

(2) $225,000,000 for fiscal year 1997;

(3) $328,000,000 for fiscal year 1998;

(4) $190,000,000 for fiscal year 1999; and

(5) $183,000,000 for fiscal year 2000.

(c) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Funds made available pursuant to subsection (b), in any fiscal year, shall remain available until expended.

(d) STATE GRANTS.—

(1) IN GENERAL.—Any funds made available for purposes of subsection (a)(6) may be expended—

(A) by the Director of the Federal Bureau of Investigation to expand the combined DNA Identification System (CODIS) to include Federal crimes and crimes committed in the District of Columbia; and

(B) by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation to make funds available to the chief executive officer of each State to carry out the activities described in paragraph (2).

(2) GRANT PROGRAM.—

(A) USE OF FUNDS.—The executive officer of each State shall use any funds made available under paragraph (1)(B) in conjunction with units of local government, other States, or combinations thereof, to carry out all or part of a program to establish, develop, update, or upgrade—

(i) computerized identification systems that are compatible and integrated with the databases of the National Crime Information Center of the Federal Bureau of Investigation;

(ii) ballistics identification programs that are compatible and integrated with the Drugfire Program of the Federal Bureau of Investigation;

(iii) the capability to analyze deoxyribonucleic acid (DNA) in a forensic laboratory in ways that are compatible and integrated with the combined DNA Identification System (CODIS) of the Federal Bureau of Investigation; and

(iv) automated fingerprint identification systems that are compatible and integrated with the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation.

(B) ELIGIBILITY.—To be eligible to receive funds under this paragraph, a State shall require that each person convicted of a felony of a sexual nature shall provide to appropriate State law enforcement officials, as designated by the chief executive officer of the State, a sample of blood, saliva, or other specimen necessary to conduct a DNA analysis consistent with the standards established for DNA testing by the Director of the Federal Bureau of Investigation.

(C) INTERSTATE COMPACTS.—A State may enter into a compact or compacts with another State or States to carry out this subsection.

(D) ALLOCATION.—(i) Of the total amount appropriated pursuant to this section in a fiscal year—

(I) $500,000 or 0.25 percent, whichever is greater, shall be allocated to each of the participating States; and

(II) of the total funds remaining after the allocation under subclause (I), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of such State bears to the population of all States.

(ii) DEFINITION.—For purposes of this subparagraph, the term ''State'' means any State of the United States, the District of

Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that for purposes of the allocation under this subparagraph, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and that for these purposes, 67 percent of the amounts allocated shall be allocated to American Samoa, and 33 percent to the Commonwealth of the Northern Mariana Islands.

SEC. 522. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES CUSTOMS SERVICE.

(a) IN GENERAL.—There are authorized to be appropriated for the activities of the United States Customs Service, to help meet the increased needs of the United States Customs Service—

(1) $6,000,000 for fiscal year 1996;
(2) $6,000,000 for fiscal year 1997;
(3) $6,000,000 for fiscal year 1998;
(4) $5,000,000 for fiscal year 1999; and
(5) $5,000,000 for fiscal year 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

SEC. 523. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) IN GENERAL.—There are authorized to be appropriated for the activities of the Immigration and Naturalization Service, to help meet the increased needs of the Immigration and Naturalization Service $5,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

SEC. 524. DRUG ENFORCEMENT ADMINISTRATION.

(a) ACTIVITIES OF DRUG ENFORCEMENT ADMINISTRATION.—With funds made available pursuant to subsection (b), the Attorney General shall—

(1) fund antiviolence crime initiatives;
(2) fund major violators' initiatives; and
(3) enhance or replace infrastructure.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Drug Enforcement Administration, to help meet the increased needs of the Drug Enforcement Administration—

(1) $60,000,000 for fiscal year 1996;
(2) $70,000,000 for fiscal year 1997;
(3) $80,000,000 for fiscal year 1998;
(4) $90,000,000 for fiscal year 1999; and
(5) $100,000,000 for fiscal year 2000.

(c) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

SEC. 525. DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—Subject to the availability of appropriations, the Attorney General shall—

(1) hire additional Assistant United States Attorneys, and

(2) provide for increased security at courthouses and other facilities housing Federal workers.

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—There are authorized to be appropriated for the activities of the Department of Justice, to hire additional Assistant United States Attorneys and personnel for the Criminal Division of the Department of Justice and provide increased security to meet the needs resulting from this Act $20,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(c) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

SEC. 526. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF THE TREASURY.

(a) IN GENERAL.—There are authorized to be appropriated for the activities of the Bureau of Alcohol, Tobacco and Firearms, to augment counterterrorism efforts—

(1) $20,000,000 for fiscal year 1996;
(2) $20,000,000 for fiscal year 1997;
(3) $20,000,000 for fiscal year 1998;
(4) $20,000,000 for fiscal year 1999; and
(5) $20,000,000 for fiscal year 2000.

(b) IN GENERAL.—There are authorized to be appropriated for the activities of the United States Secret Service, to augment White House security and expand Presidential protection activities—

(1) $62,000,000 for fiscal year 1996;
(2) $25,000,000 for fiscal year 1997;
(3) $25,000,000 for fiscal year 1998;
(4) $25,000,000 for fiscal year 1999; and
(5) $25,000,000 for fiscal year 2000.

SEC. 527. FUNDING SOURCE.

Notwithstanding any other provision of law, funding for authorizations provided in this subtitle may be paid for out of the Violent Crime Reduction Trust Fund.

SEC. 528. DETERRENT AGAINST TERRORIST ACTIVITY DAMAGING A FEDERAL INTEREST COMPUTER.

The United States Sentencing Commission shall review existing guideline levels as they apply to sections 1030(a)(4) and 1030(a)(5) of title 18, United States Code, and report to Congress on their findings as to their deterrent effect within 60 calendar days. Furthermore, the Commission shall promulgate guideline amendments that will ensure that individuals convicted under sections 1030(a)(4) and 1030(a)(5) of title 18, United States Code, are incarcerated for not less than 6 months.

TITLE VI—CRIMINAL PROCEDURAL IMPROVEMENTS

Subtitle A—Habeas Corpus Reform

SEC. 601. 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 writ 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. 602. 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. 603. 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. 604. 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 title 21, United States Code, section 848, 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. 605. 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 title 21, United States Code, section 848, 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. 606. 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. 607. 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 part analysis for part IV 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. 608. 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.''.

Subtitle B—Criminal Procedural Improvements

SEC. 621. 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) by amending paragraph (2) to read as follows:

''(2) The courts of the United States have 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 adding at the end the following new paragraph:

''(3) For purposes of this subsection, the term 'national of the United States' has the meaning given such term 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 ''(b) Whoever'' and inserting ''(b)(1) Whoever'';

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

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

(4) by adding at the end the following new paragraphs:

''(2) The courts of the United States have jurisdiction over an offense described in this subsection if—

''(A) a national of the United States was on board, or would have been on board, the aircraft;

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

''(C) an offender is afterwards found in the United States.

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

(c) MURDER OR MANSLAUGHTER OF INTERNATIONALLY PROTECTED PERSONS.—Section 1116 of title 18, United States Code, is amended—

(1) in subsection (a), by striking '', except that'';

(2) in subsection (b), by adding at the end the following new paragraph:

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

(3) 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 INTERNATIONALLY PROTECTED 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 AGAINST INTERNATIONALLY PROTECTED 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 given such term 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 to read as follows:

''(2) the prohibited activity takes place outside the United States, and—

''(A) the offender is later found in the United States; 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))).''.

(h) NATIONAL OF THE UNITED STATES DEFINED.—Section 178 of title 18, United States Code, is amended—

(1) by striking the ''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 at the end the following new paragraph:

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

SEC. 622. EXPANSION OF TERRITORIAL SEA.

(a) TERRITORIAL SEA EXTENDING TO TWELVE MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.—The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, for purposes of criminal jurisdiction is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

(b) ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.—Section 13 of title 18, United States Code (relating to the adoption of State laws for areas within Federal jurisdiction), is amended—

(1) in subsection (a), by inserting after ''title,'' the following: ''or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of any State, Commonwealth, territory, possession, or district''; and

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

''(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Commonwealth, territory, possession, or district, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of that State, Commonwealth, territory, possession, or district it would lie within if the boundaries of such State, Commonwealth, territory, possession, or district were extended seaward to the outer limit of the territorial sea of the United States.''.

SEC. 623. EXPANSION OF WEAPONS OF MASS DESTRUCTION STATUTE.

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

(1) in subsection (a)—

(A) by inserting ''threatens,'' before ''attempts'';

(B) in paragraph (2), by striking ''; or'' and inserting the following: ''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 if such use had occurred;'';

(C) by redesignating paragraph (3) as paragraph (4);

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

''(3) against a victim, or intended victim, that 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 any department or agency, of the United States; and''; and

(E) in paragraph (4), as redesignated, by inserting before the comma at the end the following: '', or is within the United States and is used in any activity affecting interstate or foreign commerce''.

(2) by redesignating subsection (b) as subsection (c);

(3) by adding immediately after subsection (a) the following new subsection:

''(b) USE OUTSIDE UNITED STATES.—Any national of the United States who outside of the United States uses, 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 imprisonment for any term of years or for life. The preceding sentence does not apply to a person performing an act that, as performed, is within the scope of the person's official duties as an officer or employee of the United States or as a member of the Armed Forces of the United States, or to a person employed by a contractor of the United States for performing an act that, as performed, is authorized under the contract.''; and

(4) by amending subsection (c)(2)(B), as redesignated by paragraph (3), by striking ''poison gas'' and inserting ''any poisonous chemical agent or substance, regardless of form or delivery system, designed for causing widespread death or injury;''.

SEC. 624. ADDITION OF TERRORISM OFFENSES TO THE RICO STATUTE.

Section 1961(1) of title 18, United States Code, is amended—

(1) in subparagraph (B)—

(A) by inserting after ''Section'' the following: ''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), section'';

(B) by inserting after ''section 224 (relating to sports bribery),'' the following: ''section 351 (relating to congressional or Cabinet officer assassination),'';

(C) by inserting after ''section 664 (relating to embezzlement from pension and welfare funds),'' 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),'';

(D) by inserting after ''sections 891–894 (relating to extortionate credit transactions),'' the following: ''section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country),'';

(E) by inserting after ''section 1084 (relating to the transmission of gambling information),'' the following: ''section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons), section 1203 (relating to hostage taking),'';

(F) by inserting after ''section 1344 (relating to financial institution fraud),'' the following: ''section 1361 (relating to willful injury of government property within the special maritime and territorial jurisdiction),'';

(G) by inserting after ''section 1513 (relating to retaliating against a witness, victim, or an informant),'' the following: ''section 1751 (relating to Presidential assassination),'';

(H) by inserting after ''section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire),'' the following: ''section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms),''; and

(I) by inserting after ''2321 (relating to trafficking in certain motor vehicles or motor vehicle parts),'' 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 acts of terrorism transcending national boundaries), section 2339A (relating to providing material support to terrorists),'';

(2) by striking ''or'' before ''(E)''; and

(3) by inserting before the semicolon at the end the following: '', or (F) section 46502 of title 49, United States Code''.

SEC. 625. ADDITION OF TERRORISM OFFENSES TO THE MONEY LAUNDERING STATUTE.

Section 1956(c)(7) of title 18, United States Code, is amended—

(1) in subparagraph (B), by amending clause (ii) to read as follows:

''(ii) murder, kidnapping, robbery, extortion, or destruction of property by means of explosive or fire;''; and

(2) in subparagraph (D)—

(A) 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),'';

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

(C) by inserting after ''section 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),'';

(D) 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),'';

(E) by inserting after ''section 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 murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons),'';

(F) 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),'';

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

(H) 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

(I) 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), 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code,''.

SEC. 626. PROTECTION OF CURRENT OR FORMER OFFICIALS, OFFICERS, OR EMPLOYEES OF THE UNITED STATES.

(a) AMENDMENT TO INCLUDE ASSAULTS, MURDERS, AND THREATS AGAINST FAMILIES OF FEDERAL OFFICIALS.—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''.

(b) MURDER OR ATTEMPTS TO MURDER CURRENT OR FORMER FEDERAL OFFICERS OR EMPLOYEES.—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 a current or former officer or employee of the United States or its instrumentalities, or an immediate family member of such officer or

employee, or any person assisting such an officer or employee in the performance of official duties, during or on account of the performance of such duties or the provision of such assistance, shall be punished—

''(1) in the case of murder, as provided under section 1111;

''(2) in the case of manslaughter, as provided under section 1112; and

''(3) in the case of attempted murder or manslaughter as provided in section 1113, not more than 20 years.''.

(c) AMENDMENT TO CLARIFY THE MEANING OF THE TERM DEADLY OR DANGEROUS WEAPON IN THE PROHIBITION ON ASSAULT ON FEDERAL OFFICERS OR EMPLOYEES.—Section 111(b) of title 18, United States Code, is amended by inserting after ''deadly or dangerous weapon'' the following: ''(including a weapon intended to cause death or danger but that fails to do so by reason of a defective or missing component)''.

SEC. 627. ADDITION OF CONSPIRACY TO TERRORISM OFFENSES.

(a) DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.—(1) Section 32(a)(7) of title 18, United States Code, is amended by inserting ''or conspires'' after ''attempts''.

(2) Section 32(b)(D) of title 18, United States Code, as redesignated by section 721(b)(2), is amended by inserting ''or conspires'' after ''attempts''.

(b) VIOLENCE AT INTERNATIONAL AIRPORTS.—Section 37(a) of title 18, United States Code, is amended by inserting ''or conspires'' after ''attempts''.

(c) INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.—(1) Section 115(a)(1)(A) of title 18, United States Code, is amended by inserting ''or conspires'' after ''attempts''.

(2) Section 115(a)(2) of title 18, United States Code, as amended by section 729, is further amended by inserting ''or conspires'' after ''attempts''.

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

(4)(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 further amended by striking ''and 1113'' and inserting '', 1113, and 1117''.

(d) PROHIBITIONS WITH RESPECT TO BIOLOGICAL WEAPONS.—Section 175(a) of title 18, United States Code, is amended by inserting '', or conspires to do so,'' after ''any organization to do so,''.

(e) HOSTAGE TAKING.—Section 1203(a) of title 18, United States Code, is amended by inserting ''or conspires'' after ''attempts''.

(f) VIOLENCE AGAINST MARITIME NAVIGATION.—Section 2280(a)(1)(H) of title 18, United States Code, is amended by inserting ''or conspires'' after ''attempts''.

(g) VIOLENCE AGAINST MARITIME FIXED PLATFORMS.—Section 2281(a)(1)(F) of title 18, United States Code, is amended by inserting ''or conspires'' after ''attempts''.

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

(1) in subsection (a)(2), by inserting '', conspiring,'' after ''committing'' and

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''or conspiring to commit'' after ''committing'';

(B) in paragraph (2), by inserting ''conspired or'' after ''has placed,''; and

(C) in paragraph (3), by inserting ''conspired or'' after ''has placed,''.

(i) 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. 628. CLARIFICATION OF FEDERAL JURISDICTION OVER BOMB THREATS.

Section 844(e) of title 18, United States Code, is amended—

(1) by striking ''(e) Whoever'' and inserting ''(e)(1) Whoever''; and

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

''(2) Whoever willfully makes any threat, or maliciously conveys false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made to violate subsection (f) or (i) of this section or section 81 of this title shall be fined under this title, imprisoned for not more than 5 years, or both.''.

TITLE VII—MARKING OF PLASTIC EXPLOSIVES

SEC. 701. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) plastic explosives were used by terrorists in the bombings of Pan Am flight 103 in December 1988 and UTA flight 722 in September 1989;

(2) plastic explosives can be used with little likelihood of detection for acts of unlawful interference with civil aviation, maritime navigation, and other modes of transportation;

(3) the criminal use of plastic explosives places innocent lives in jeopardy, endangers national security, affects domestic tranquility, and gravely affects interstate and foreign commerce;

(4) the marking of plastic explosives for the purpose of detection would contribute significantly to the prevention and punishment of such unlawful acts; and

(5) for the purpose of deterring and detecting such unlawful acts, the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991, requires each contracting State to adopt appropriate measures to ensure that plastic explosives are duly marked and controlled.

(b) PURPOSE.—The purpose of this title is to fully implement the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

SEC. 702. DEFINITIONS.

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

''(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. 703. REQUIREMENT OF DETECTION AGENTS FOR PLASTIC EXPLOSIVES.

Section 842 of title 18, United States Code, is amended by adding after subsection (k) the following new subsections:

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

''(2) This subsection does not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive that was imported, brought into, or manufactured in the United States prior to the date of enactment of title VII of the Comprehensive Terrorism Prevention Act of 1995 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, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives, with respect to the United States.

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

''(2) This subsection does not apply to—

''(A) the shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported, brought into, or manufactured in the United States prior to the date of enactment of the Comprehensive Terrorism Prevention Act of 1995 by any person during a period not exceeding 3 years after the date of enactment of title VII of the Comprehensive Terrorism Prevention Act of 1995; or

''(B) the shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported, brought into, or manufactured in the United States prior to the date of enactment of title VII of the Comprehensive Terrorism Prevention Act of 1995 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, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives, with respect to the United States.

''(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 date of enactment of title VII of the Comprehensive Terrorism Prevention Act of 1995, to fail to report to the Secretary within 120 days after such effective date 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. 704. CRIMINAL SANCTIONS.

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

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

SEC. 705. 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 paragraph (1), by inserting before the semicolon '', and which pertain to safety''; and

(3) by adding at the end the following new subsection:

''(c) It is an affirmative defense against any proceeding involving subsections (l) through (o) of section 842 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 that, within 3 years after the date of enactment of the Comprehensive Terrorism Prevention Act of 1995, 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.

''(3) For purposes of this subsection, the term 'military device' includes, but is not restricted to, shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.''.

SEC. 706. INVESTIGATIVE AUTHORITY.

Section 846 of title 18, United States Code, is amended—

(1) in the last sentence, by inserting in the last sentence before ''subsection'' the phrase ''subsection (m) or (n) of section 842 or;'', and

(2) by adding at the end the following: ''The Attorney General shall exercise authority over violations of subsection (m) or (n) of section 842 only when they are committed by a member of a terrorist or revolutionary group. In any matter involving a terrorist or revolutionary group or individual, as determined by the Attorney General, the Attorney General shall have primary investigative responsibility and the Secretary shall assist the Attorney General as requested.''.

SEC. 707. EFFECTIVE DATE.

Except as otherwise provided in this title, this title and the amendments made by this title shall take effect 1 year after the date of enactment of this Act.

SEC. 708. STUDY AND REQUIREMENTS FOR TAGGING OF EXPLOSIVE MATERIALS, AND STUDY AND RECOMMENDATIONS FOR RENDERING EXPLOSIVE COMPONENTS INERT AND IMPOSING CONTROLS ON PRECURSORS OF EXPLOSIVES.

(a) The Secretary of the Treasury shall conduct a study and make recommendations concerning—

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

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

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

In conducting the study, the Secretary shall consult with other Federal, State and local officials with expertise in this area and such other individuals as shall be deemed necessary. Such study shall be completed within twelve months after the enactment of this Act and shall be submitted to the Congress and made available to the public. Such study may include, if appropriate, recommendations for legislation.

(b) There are authorized to be appropriated for the study and recommendations contained in paragraph (a) such sums as may be necessary.

(c) Section 842, of title 18, United States Code, is amended by inserting after subsection (k), a new subsection (l) which reads as follows:

''(l)(1) It shall be unlawful for any person to manufacture, import, ship, transport, receive, possess, transfer, or distribute any explosive material that does not contain a tracer element as prescribed by the Secretary pursuant to regulation, knowing or having reasonable cause to believe that the explosive material does not contain the required tracer element.

''(2) For purposes of this subsection, explosive material does not include smokeless or black powder manufactured for uses set forth in section 845(a) (4) and (5) of this chapter.''.

(d) Section 844, of title 18, United States Code, is amended by inserting after ''(a) through (i)'' the phrase ''and (l)''.

(e) Section 846, of title 18, United States Code, is amended by designating the present section as ''(a)'' and by adding a new subsection (b) reading as follows:

''(b) to facilitate the enforcement of this chapter the Secretary shall, within 6 months after submission of the study required by subsection (a), promulgate regulations for the addition of tracer elements to explosive materials manufactured in or imported into the United States. Tracer elements to be added to explosive materials under provisions of this subsection shall be of such character and in such quantity as the Secretary may authorize or require, and such as will not substantially impair the quality of the explosive materials for their intended lawful use, adversely affect the safety of these explosives, or have a substantially adverse effect on the environment.''.

(f) The penalties provided herein shall not take effect until ninety days after the date of promulgation of the regulations provided for herein.

TITLE VIII—NUCLEAR MATERIALS

SEC. 801. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) nuclear materials, including byproduct materials, can be used to create radioactive dispersal devices that are capable of causing serious bodily injury as well as substantial damage to property and the environment;

(2) the potential use of nuclear materials, including byproduct materials, enhances the threat posed by terrorist activities and thereby has a greater effect on the security interests of the United States;

(3) due to the widespread hazards presented by the threat of nuclear contamination, as well as nuclear bombs, the United States has a strong interest in ensuring that persons who are engaged in the illegal acquisition and use of nuclear materials, including byproduct materials, are prosecuted for their offenses;

(4) the threat that nuclear materials will be obtained and used by terrorist and other criminal organizations has increased substantially since the enactment in 1982 of the legislation that implemented the Convention on the Physical Protection of Nuclear Material, codified at section 831 of title 18, United States Code;

(5) the successful efforts to obtain agreements from other countries to dismantle nuclear weapons have resulted in increased packaging and transportation of nuclear materials, thereby decreasing the security of such materials by increasing the opportunity for unlawful diversion and theft;

(6) the illicit trafficking in the relatively more common, commercially available and usable nuclear and byproduct materials poses a potential to cause significant loss of life and environmental damage;

(7) reported trafficking incidents in the early 1990's suggest that the individuals involved in trafficking these materials from Eurasia and Eastern Europe frequently conducted their black market sales of these materials within the Federal Republic of Germany, the Baltic States, the former Soviet Union, Central Europe, and to a lesser extent in the Middle European countries;

(8) the international community has become increasingly concerned over the illegal possession of nuclear and nuclear byproduct materials;

(9) the potentially disastrous ramifications of increased access to nuclear and nuclear byproduct materials pose such a significant future threat that the United States must use all lawful methods available to combat the illegal use of such materials;

(10) the United States has an interest in encouraging United States corporations to do business in the countries that comprised the former Soviet Union, and in other developing democracies;

(11) protection of such United States corporations from threats created by the unlawful use of nuclear materials is important to the success of the effort to encourage such business ventures, and to further the foreign relations and commerce of the United States;

(12) the nature of nuclear contamination is such that it may affect the health, environment, and property of United States nationals even if the acts that constitute the illegal activity occur outside the territory of the United States, and are primarily directed toward foreign nationals; and

(13) there is presently no Federal criminal statute that provides adequate protection to United States interests from nonweapons grade, yet hazardous radioactive material, and from the illegal diversion of nuclear materials that are held for other than peaceful purposes.

(b) PURPOSE.—The purpose of this title is to provide Federal law enforcement agencies the necessary tools and fullest possible basis allowed under the Constitution to combat the threat of nuclear contamination and proliferation that may result from illegal possession and use of radioactive materials.

SEC. 802. EXPANSION OF SCOPE AND JURISDICTIONAL BASES OF NUCLEAR MATERIALS PROHIBITIONS.

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

(1) in subsection (a)—

(A) by striking ''nuclear material'' each place it appears and inserting ''nuclear material or nuclear byproduct material'';

(B) in paragraph (1)—

(i) in subparagraph (A), by inserting ''or the environment'' after ''property''; and

(ii) by amending subparagraph (B) to read as follows:

''(B)(i) circumstances exist that are likely to cause the death or serious bodily injury to any person or substantial damage to property or the environment, or such circumstances have been represented to the defendant to exist;''; and

(C) in paragraph (6), by inserting ''or the environment'' after ''property'';

(2) in subsection (c)—

(A) by amending paragraph (2) to read as follows:

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

(B) in paragraph (3)—

(i) by striking ''at the time of the offense the nuclear material is in use, storage, or transport, for peaceful purposes, and''; and

(ii) by striking ''or'' at the end of the paragraph;

(C) in paragraph (4)—

(i) by striking ''nuclear material for peaceful purposes'' and inserting ''nuclear material or nuclear byproduct material''; and

(ii) by striking the period at the end of the paragraph and inserting ''; or''; and

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

''(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.''; and

(3) in subsection (f)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''with an isotopic concentration not in excess of 80 percent plutonium 238''; and

(ii) in subparagraph (C), by striking ''(C) uranium'' and inserting ''(C) enriched uranium, defined as uranium'';

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (4), (5), and (6), respectively;

(C) by inserting after paragraph (1) the following new paragraph:

''(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;'';

(D) by striking ''and'' at the end of paragraph (4), as redesignated;

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

(F) by adding at the end the following new paragraphs:

''(6) the term 'national of the United States' has the meaning given such term 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, Commonwealth, territory, possession, or district of the United States.''.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVE MATERIALS FOR A CRIMINAL PURPOSE.

(a) Section 842 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(l) It shall be unlawful for any person to teach or demonstrate the making of explosive materials, or to distribute by any means information pertaining to, in whole or in part, the manufacture of explosive materials, if the person intends or knows, that such explosive materials or information will be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a criminal purpose affecting interstate commerce.''.

(b) Section 844 of title 18, United States Code, is amended by designating subsection (a) as subsection (a)(1) and by adding the following new subsection:

''(a)(2) Any person who violates subsection (l) of section 842 of this chapter shall be fined under this title or imprisoned not more than twenty years, or both.''.

SEC. 902. DESIGNATION OF CARTNEY KOCH MCRAVEN CHILD DEVELOPMENT CENTER.

(a) DESIGNATION.—

(1) IN GENERAL.—The Federal building at 1314 LeMay Boulevard, Ellsworth Air Force Base, South Dakota, shall be known and designated as the ''Cartney Koch McRaven Child Development Center''.

(2) REPLACEMENT BUILDING.—If, after the date of enactment of this Act, a new Federal building is built at the location described in paragraph (1) to replace the building described in the paragraph, the new Federal building shall be known and designated as the ''Cartney Koch McRaven Child Development Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to a Federal building referred to in subsection (a) shall be deemed to be a reference to the ''Cartney Koch McRaven Child Development Center''.

SEC. 903. FOREIGN AIR TRAVEL SAFETY.

Section 44906 of title 49, United States Code, is amended to read as follows:

''§ 44906. Foreign air carrier security programs

''The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator shall only approve a security program of a foreign air carrier under section 129.25, or any successor regulation, if the Administrator decides the security program provides passengers of the foreign air carrier a level of protection identical to the level those passengers would receive under the security programs of air carriers serving the same airport. The Administrator shall prescribe regulations to carry out this section.''.

SEC. 904. PROOF OF CITIZENSHIP.

Notwithstanding any other provision of law, a Federal, State, or local government agency may not use a voter registration card (or other related document) that evidences registration for an election for Federal office, as evidence to prove United States citizenship.

SEC. 905. COOPERATION OF FERTILIZER RESEARCH CENTERS.

In conducting any portion of the study relating to the regulation and use of fertilizer as a pre-explosive material, the Secretary of the Treasury shall consult with and receive input from non-profit fertilizer research centers and include their opinions and findings in the report required under subsection (c).

SEC. 906. SPECIAL ASSESSMENTS ON CONVICTED PERSONS.

Section 3013(a)(2) of title 18, United States Code, is amended—

(A) in subparagraph (A), by striking ''$50'' and inserting ''not less than $100''; and

(B) in subparagraph (B), by striking ''$200'' and inserting ''not less than $400''.

SEC. 907. PROHIBITION ON ASSISTANCE UNDER ARMS EXPORT CONTROL ACT FOR COUNTRIES NOT COOPERATING FULLY WITH UNITED STATES ANTITERRORISM EFFORTS.

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by adding at the end the following:

''Sec. 40A. Transactions with Countries Not Fully Cooperating with United States Antiterrorism Efforts.

''(a) PROHIBITED TRANSACTIONS.—No defense article or defense service may be sold or licensed for export under this Act to a foreign country in a fiscal year unless the President determines and certifies to Congress at the beginning of that fiscal year, or at any other time in that fiscal year before such sale or license, that the country is cooperating fully with United States antiterrorism efforts.

''(b) WAIVER.—The President may waive the prohibition set forth in subsection (a) with respect to a specific transaction if the President determines that the transaction is essential to the national security interests of the United States.''.

SEC. 908. AUTHORITY TO REQUEST MILITARY ASSISTANCE WITH RESPECT TO OFFENSES INVOLVING BIOLOGICAL AND CHEMICAL WEAPONS.

(a) BIOLOGICAL WEAPONS OF MASS DESTRUCTION.—Section 175 of title 18, United States Code, is amended by adding at the end the following:

''(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving biological weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

''(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving biological weapons of mass destruction exists; and

''(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

''(2) As used in this section, 'emergency situation involving biological weapons of mass destruction' means a circumstance involving a biological weapon of mass destruction—

''(A) that poses a serious threat to the interests of the United States; and

''(B) in which—

''(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the biological weapon of mass destruction involved;

''(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

''(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

''(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a biological weapon of mass destruction or elements of the weapon.

''(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any assistance in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human life.

''(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

''(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy

Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

''(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.''.

(b) CHEMICAL WEAPONS OF MASS DESTRUCTION.—The chapter 113B of title 18, United States Code, that relates to terrorism, is amended by inserting after section 2332a the following:

''§ 2332b. Use of chemical weapons

''(a) OFFENSE.—A person who without lawful authority uses, or attempts or conspires to use, a chemical weapon—

''(1) against a national of the United States while such national is outside of the United States;

''(2) against any person within the United States; or

''(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

''(b) DEFINITIONS.—For purposes of this section—

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

''(2) the term 'chemical weapon' means any weapon that is designed to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors.

''(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving chemical weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

''(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving chemical weapons of mass destruction exists; and

''(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

''(2) As used in this section, 'emergency situation involving chemical weapons of mass destruction' means a circumstance involving a chemical weapon of mass destruction—

''(A) that poses a serious threat to the interests of the United States; and

''(B) in which—

''(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the chemical weapon of mass destruction involved;

''(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

''(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

''(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a chemical weapon of mass destruction or elements of the weapon.

''(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any assistance in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human life.

''(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

''(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

''(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.''.

(c)(1) CIVILIAN EXPERTISE.—The President shall take reasonable measures to reduce civilian law enforcement officials' reliance on Department of Defense resources to counter the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States, including—

(A) increasing civilian law enforcement expertise to counter such threat;

(B) improving coordination between civilian law enforcement officials and other civilian sources of expertise, both within and outside the Federal Government, to counter such threat.

(2) REPORT REQUIREMENT.—The President shall submit to the Congress—

(A) ninety days after the date of enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States;

(B) one year after the date of enactment of this Act, a report describing the actions planned to be taken and the attendant cost pertaining to paragraph (1); and

(C) three years after the date of enactment of this Act, a report updating the information provided in the reports submitted pursuant to subparagraphs (A) and (B), including measures taken pursuant to paragraph (1).

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332a the following:

''2332b. Use of chemical weapons.''.

(e) USE OF WEAPONS OF MASS DESTRUCTION.—Section 2332a(a) of title 18, United States Code, is amended by inserting ''without lawful authority'' after ''A person who''.

SEC. 909. REVISION TO EXISTING AUTHORITY FOR MULTIPOINT WIRETAPS.

(a) Section 2518(11)(b)(ii) of title 18 is amended: by deleting ''of a purpose, on the part of that person, to thwart interception by changing facilities.'' and inserting ''that the person had the intent to thwart interception or that the person's actions and conduct would have the effect of thwarting interception from a specified facility.''.

(b) Section 2518(11)(b)(iii) is amended to read:

''(iii) the judge finds that such showing has been adequately made.''.

SEC. 910. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES PARK POLICE.

(a) IN GENERAL.—There are authorized to be appropriated from the General Fund of the Treasury for the activities of the United States Park Police, to help meet the increased needs of the United States Park Police, $1,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

SEC. 911. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

(a) IN GENERAL.—There are authorized to be appropriated from the General Fund of the Treasury for the activities of the Administrative Office of the United States Courts, to help meet the increased needs of the Administrative Office of the United States Courts, $4,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

SEC. 912. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES CUSTOMS SERVICE.

(a) IN GENERAL.—There are authorized to be appropriated from the General Fund of the Treasury for the activities of the United States Customs Service, to help meet the increased needs of the United States Customs Service, $10,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

SEC. 913. 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 the provisions of such to any person or circumstance shall not be affected thereby.

TITLE X—VICTIMS OF TERRORISM ACT

SEC. 1001. TITLE.

This title may be cited as the ''Victims of Terrorism Act of 1995''.

SEC. 1002. AUTHORITY TO PROVIDE ASSISTANCE AND COMPENSATION TO VICTIMS OF TERRORISM.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404A the following new section:

"SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

''(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE THE UNITED STATES.—The Director may make supplemental grants to States to provide compensation and assistance to the residents of such States who, while outside the territorial boundaries of the United States, are victims of a terrorist act or mass violence and are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

''(b) VICTIMS OF DOMESTIC TERRORISM.—The Director may make supplemental grants to States for eligible crime victim compensation and assistance programs to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, for the benefit of victims of terrorist acts or mass violence occurring within the United States and may provide funding to United States Attorney's Offices for use in coordination with State victims compensation and assistance efforts in providing emergency relief.''.

SEC. 1003. FUNDING OF COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM, MASS VIOLENCE, AND CRIME.

Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended to read as follows:

''(4)(A) If the sums available in the Fund are sufficient to fully provide grants to the States pursuant to section 1403(a)(1), the Director may retain any portion of the Fund that was deposited during a fiscal year that was in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as an emergency reserve. Such reserve shall not exceed $50,000,000.

''(B) The emergency reserve may be used for supplemental grants under section 1404B and to supplement the funds available to provide grants to States for compensation and assistance in accordance with sections 1403 and 1404 in years in which supplemental grants are needed.''.

SEC. 1004. CRIME VICTIMS FUND AMENDMENTS.

(a) UNOBLIGATED FUNDS.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) in subsection (c), by striking ''subsection'' and inserting ''chapter''; and

(2) by amending subsection (e) to read as follows:

''(e) AMOUNTS AWARDED AND UNSPENT.—Any amount awarded as part of a grant under this chapter that remains unspent at the end of a fiscal year in which the grant is made may be expended for the purpose for which the grant is made at any time during the 2 succeeding fiscal years, at the end of which period, any remaining unobligated sums shall be returned to the Fund.''.

(b) BASE AMOUNT.—Section 1404(a)(5) of such Act (42 U.S.C. 10603(a)(5)) is amended to read as follows:

''(5) As used in this subsection, the term 'base amount' means—

''(A) except as provided in subparagraph (B), $500,000; and

''(B) for the territories of the Northern Mariana Islands, Guam, American Samoa, and Palau, $200,000.''.

MOTION OFFERED BY MR. HYDE

Mr. HYDE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HYDE moves to strike all after the enacting clause of the Senate bill, S. 735, and insert in lieu thereof the provisions of H.R. 2703 as passed by the House, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Effective Death Penalty and Public Safety Act of 1996''.

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 and recommendations for assessing and reducing the threat to law enforcement officers from the criminal use of firearms and ammunition.

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.
Sec. 207. 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.

TITLE III—INVESTIGATIVE TOOLS

Sec. 301. Study of tagging explosive materials, detection of explosives and explosive materials, rendering explosive components inert, and imposing controls of precursors of explosives.
Sec. 302. Exclusion of certain types of information from wiretap-related definitions.
Sec. 303. Requirement to preserve record evidence.
Sec. 304. Detention hearing.
Sec. 305. Protection of Federal Government buildings in the District of Columbia.
Sec. 306. 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. Funding for detention and removal of alien terrorists.

PART 2—EXCLUSION AND DENIAL OF ASYLUM FOR ALIEN TERRORISTS

Sec. 611. Denial of asylum to alien terrorists.
Sec. 612. 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. Miscellaneous provisions.
Sec. 671. Construction of expedited deportation requirements.
Sec. 672. Study of prisoner transfer treaty with Mexico.
Sec. 673. Justice Department assistance in bringing to justice aliens who flee prosecution for crimes in the United States.
Sec. 674. Prisoner transfer treaties.
Sec. 675. Interior repatriation program.
Sec. 676. Deportation of nonviolent offenders prior to completion of sentence of imprisonment.
Sec. 677. Authorizing state and local law enforcement officials to arrest and detain certain illegal aliens.

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.
Sec. 704. Sense of Congress.

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.
Sec. 807. Overseas law enforcement training activities.
Sec. 808. Closed circuit televised court proceedings for victims of crime.
Sec. 809. Authorization of appropriations.
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 X—INTERNATIONAL COUNTERFEITING
Sec. 1001. Short title.
Sec. 1002. Audits of international counterfeiting of United States currency.
Sec. 1003. Law enforcement and sentencing provisions relating to international counterfeiting of United States currency.
TITLE XI—BIOLOGICAL WEAPONS RESTRICTIONS
Sec. 1101. Short title.
Sec. 1102. Attempts to acquire under false pretenses.
Sec. 1103. Inclusion of recombinant molecules.
Sec. 1104. Definitions.
Sec. 1105. Threatening use of certain weapons.
Sec. 1106. Inclusions of recombinant molecules and biological organisms in definition.
TITLE XII—COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT
Sec. 1201. Establishment.
Sec. 1202. Duties.
Sec. 1203. Membership and administrative provisions.
Sec. 1204. Staffing and support functions.
Sec. 1205. Powers.
Sec. 1206. Report.
Sec. 1207. Termination.
TITLE XIII—REPRESENTATION FEES
Sec. 1301. Representation fees in criminal cases.
TITLE XIV—DEATH PENALTY AGGRAVATING FACTOR
Sec. 1401. Death penalty aggravating factor.
TITLE XV—FINANCIAL TRANSACTIONS WITH TERRORISTS
Sec. 1501. Financial transactions with terrorists.

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 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, 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 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 10 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 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 and 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.

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 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.

SEC. 207. 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.

TITLE III—INVESTIGATIVE TOOLS

SEC. 301. 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) EXCLUSION.—No study undertaken under this section shall include black or smokeless powder among the explosive materials considered.

(c) 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. 302. 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. 303. 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. 304. 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. 305. 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. 306. 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. 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. 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. 612. 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 re-entry 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 ''proccedings'' 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. 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. 671. 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. 672. 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. 673. 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. 674. 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. 675. 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. 676. 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.''.

SEC. 677. 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.

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.

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 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 the court shall decline to hear a claim under this paragraph—

''(A) if the act occurred in the foreign state against which the claim has been brought and the claimant has not afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration;

''(B) if the claimant or victim was not a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act) when the act upon which the claim is based occurred; or

''(C) if the act occurred in the foreign state against which the claim has been brought and that state 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:

''(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.

''(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.''.

(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.''.

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 circuit 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.

SEC. 809. 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.

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.

TITLE X—INTERNATIONAL COUNTERFEITING

SEC. 1001. SHORT TITLE.

This title may be cited as the ''International Counterfeiting Prevention Act of 1996''.

SEC. 1002. 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. 1003. 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.

TITLE XI—BIOLOGICAL WEAPONS RESTRICTIONS

SEC. 1101. SHORT TITLE.

This Act may be cited as the ''Biological Weapons Enhanced Penalties Act of 1996.''.

SEC. 1102. 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. 1103. 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. 1104. DEFINITIONS.

Section 173 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''or naturally occurring or bioengineered component of any such microorganism, 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. 1105. THREATENING USE OF CERTAIN WEAPONS.

Section 2332a of title 18, United States Code, is amended by inserting '', threatens,'' after ''uses, or''.

SEC. 1106. 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''.

TITLE XII—COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

SEC. 1201. 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. 1202. DUTIES.

The Commission shall investigate, ascertain, evaluate, 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. 1203. 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. 1204. 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. 1205. 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. 1206. 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. 1207. TERMINATION.

The Commission shall terminate 30 days after submitting the report required by this title.

TITLE XIII—REPRESENTATION FEES

SEC. 1301. REPRESENTATION FEES IN CRIMINAL CASES.

(a) IN GENERAL.—Section 3006A of 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 (3) by adding at the end of 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 AND 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.

TITLE XIV—DEATH PENALTY AGGRAVATING FACTOR

SEC. 1401. 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.''.

TITLE XV—FINANCIAL TRANSACTIONS WITH TERRORISTS

SEC. 1501. 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 motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: ''A bill to combat terrorism.''

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2703) was laid on the table.

□ 1500

APPOINTMENT OF CONFEREES

Mr. HYDE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HYDE moves that the House insist on its amendments to S. 735 and request a conference with the Senate thereon.

The motion was agreed to

The SPEAKER pro tempore (Mr. HOBSON). Without objection, the Chair appoints the following conferees: Messrs. HYDE, MCCOLLUM, SCHIFF, BUYER, BARR, CONYERS, SCHUMER, and BERMAN.

There was no objection.

PERSONAL EXPLANATION

Mr. STOCKMAN. Mr. Speaker, on Tuesday, March 12, I was unavoidably detained from the House floor due to the Texas primaries. Had I been present, I would have voted on the following bills: On rollcall vote No. 56, ''aye''; on rollcall vote No. 57, ''aye''; on rollcall vote No. 58, ''aye''; and on rollcall vote No. 59, ''aye.''

APPOINTMENT OF CONFERREES ON H.R. 2854, AGRICULTURAL MARKET TRANSITION ACT

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2854) to modify the operation of certain agricultural programs, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

Mr. VOLKMER. Reserving the right to object, Mr. Speaker, and I do not plan to object, but I think we should alert the House that immediately after the Chair puts the motion, that the gentleman from Minnesota will be offering a motion to instruct the conferees, and we will have a very short debate on that.

We will be having a vote on that, so I want to alert the Members. There should be a vote on this motion to instruct within the next 10 to 15 minutes. That should be the last vote, as I understand it.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. PETERSON OF MINNESOTA

Mr. PETERSON of Minnesota. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PETERSON of Minnesota moves that the House conferees on H.R. 2854, the Agricultural Market Transition Act, be instructed to insist on the House language regarding program extension of Conservation Reserve Program through the year 2002.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. PETERSON] and the gentleman from Kansas [Mr. ROBERTS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very important issue that we dealt with in the committee, and also on the floor of the House. It has to do with the conservation reserve program, which has been a tremendous success in this country. We in this bill have come to a compromise between myself, the gentleman from New York [Mr. BOEHLERT], and the gentleman from Nebraska [Mr. BARRETT]. There were some differences of opinion, but we did come together on what we think is the best language, and we want to make sure that the Senate understands that the House has the best language in this area.

What we do, Mr. Speaker, is we cap the program at 36.4 million acres, we repeal the fiscal 1996 appropriation bill prohibition against new enrollments. We do provide for an early out option that has been sought by some people. What we do is we limit it to land that has been in the program for 5 years, that has to have an erodability index of less than 15, and then it will allow these people to opt out of the program with 60 days' notice.

There is another provision in here that was sought by some which would say that the conservation reserve contracts cannot exceed the average market rank for comparable land in that particular area.

Mr. Speaker, there have been some that have tried to put additional criteria and restrictions on this program that we are concerned are going to undermine the success and viability of this program. We just had a 13th sign-up around this country, in my district, because of some of the restrictions that some have tried to put on this. Hardly and land in my district qualified.

What we are trying to do here is to make sure we keep the program like it has been for the last 10 years, keep the criteria the same. What we have here is a straight, clean, reauthorization for 7 more years, along the lines of the way we set the program up in the first place.

We would encourage everyone's support, Mr. Speaker.

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

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

Mr. Speaker, I want to thank the gentleman from Minnesota, not only for his motion to instruct, but for his leadership in regard to the continuation of an outstanding program, the conservation reserve program. The gentleman has essentially described the House position, and the gentleman has very eloquently stated the positive aspects of this program. I want all Members to understand that every member of the Committee on Agriculture is supportive of his motion to instruct.

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

Mr. PETERSON of Minnesota. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota [Mr. PETERSON].

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

Mr. VOLKMER. 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 412, nays 0, not voting 19, as follows:

[Roll No. 67]

YEAS—412

Abercrombie	Becerra	Brown (FL)
Ackerman	Beilenson	Brown (OH)
Allard	Bentsen	Brownback
Andrews	Bereuter	Bryant (TN)
Archer	Bevill	Bryant (TX)
Armey	Bilbray	Bunn
Bachus	Bilirakis	Bunning
Baesler	Bishop	Burr
Baker (CA)	Bliley	Burton
Baker (LA)	Blute	Buyer
Baldacci	Boehlert	Callahan
Ballenger	Boehner	Calvert
Barcia	Bonilla	Camp
Barr	Bonior	Campbell
Barrett (NE)	Bono	Canady
Barrett (WI)	Borski	Cardin
Bartlett	Boucher	Castle
Barton	Brewster	Chabot
Bass	Browder	Chambliss
Bateman	Brown (CA)	Chenoweth

Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

Berman
Chapman
Collins (IL)
de la Garza
Durbin
Franks (NJ)
Hall (OH)
Harman
Hayes
Johnston
McNulty
Menendez
Moakley
Moorhead
Quillen
Ros-Lehtinen
Smith (MI)
Stokes
Thomas

□ 1523

Mrs. WALDHOLTZ changed her vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HOBSON). Without objection, the Chair appoints the following conferees: Messrs. ROBERTS, EMERSON, GUNDERSON, EWING, BARRETT of Nebraska, ALLARD, BOEHNER, POMBO, DE LA GARZA, ROSE, STENHOLM, VOLKMER, JOHNSON of South Dakota, and CONDIT.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON APPROPRIATIONS

Mr. HASTERT. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 382) and ask for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 382

Resolved, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on Appropriations: Mr. PARKER of Mississippi, to rank following Mr. RIGGS of California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Judiciary:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 14, 1996.

Hon. NEWT GINGRICH,
U.S. House of Representatives, Washington, DC.

DEAR SPEAKER, I hereby resign from the House Committee on the Judiciary.

With best wishes, I am

Sincerely,

JOSÉ E. SERRANO,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON APPROPRIATIONS

Mr. FAZIO of California. Mr. Speaker, I offer a privileged resolution (H. Res. 383) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 383

Resolved, That the following named Member be, and is hereby, elected to the following standing committees of the House of Representatives: To the Committee on Appropriations, the following Member: José Serrano of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I ask for this time for the purposes of asking the distinguished chief deputy whip about the schedule for this week and next.

I yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Mr. Speaker, I am pleased to announce that the House has finished all legislative business for the week. The House will next meet on Monday, March 18, at 2 p.m. in a pro forma session. There will be no recorded votes on Monday.

On Tuesday, March 19, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should be advised that there will not be any recorded votes before 5 p.m. on Tuesday, March 19.

Mr. Speaker, on Tuesday we will consider five bills under suspension of the rules: H.R. 2937, reimbursement of former White House Travel Office employees; House Concurrent Resolution 148, expressing the sense of Congress that the United States is committed to the military stability of the Taiwan Straits; H.R. 2739, the House of Representatives Administrative Reform Technical Correction Act; and two House Oversight resolutions adopting congressional accountability regulations.

□ 1530

After consideration of the suspensions and for the balance of the week, the House will consider H.R. 2202, the Immigration in the National Interest Act of 1995.

Mr. Speaker, I expect toward the latter half of next week the House will

also consider an omnibus appropriations bill for fiscal year 1996. The House should finish business and have Members on their way home to their families by 2 p.m. on Friday, March 22.

Mr. BONIOR. Mr. Speaker, I have one inquiry of my friend from Illinois, and that relates to the immigration bill, which he referred to in his statement.

The Committee on Rules is now meeting on the rule for that particular bill, and one of the most important pieces or one of the most important amendments that is being offered up in the Committee on Rules is a bipartisan amendment being offered by the gentleman from Kansas [Mr. BROWNBACK], the gentleman from Michigan [Mr. CHRYSLER], and the gentleman from California [Mr. BERMAN].

My question to my friend is, will that amendment be made in order? It is probably, if not the most important one, one of the most important amendments in that bill, and it deals with the question of illegal immigrants separate from legal immigrants. It is better known as the amendment that would split the bill and in light of the fact that the Senate Republicans yesterday did so in the other body, I would hope that we would be able to have a debate on that particular amendment on the floor.

I yield to my friend from Illinois for a response.

Mr. HASTERT. I thank the gentleman for yielding. It would be speculation on my part to try to presuppose what the distinguished Committee on Rules would do. I really do not have an idea of what that final decision would be.

Mr. BONIOR. I thank the gentleman.

ADJOURNMENT TO MONDAY, MARCH 18, 1996

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2. p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 19, 1996

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 18, 1996, it adjourn to meet at 12:30 p.m. on Tuesday, March 19, 1996, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

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 will be recognized for 5 minutes each.

TERM LIMITS GROUP NOT NONPARTISAN

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, it is hard for me to do this because usually when Members come to the well to talk about something from their State, they are popping with pride and they feel very good.

But I am here saying I am really ashamed, I am very ashamed that a group that originates in my State of Colorado is out saying they are one thing and really doing something else. I think this tells you how far we have fallen when it comes to this body and when it comes to playing politics and every other such thing.

In today's newspaper called Rollcall, there is an article about this. It talks about the two Democrats who are for term limits quitting this group because of what they have done and how partisan this group has become. This group is a tax-exempt Colorado-based group. It has a wonderful name that everybody should be for. When you hear this name you say, yes, it is Americans back in charge. And it also got tax exemption because, again, it said it was doing grassroots voter education and so forth on the issue of term limits.

Now, I will be very honest, I am not for term limits. But they have every right to do voter education, education on term limits as long as it is bipartisan and they are out there. But what have they done? Because the term limits legislation failed in this body, and I hope everybody realizes this body is not Democratically controlled right now, the Democratic Party does not control this body, that may be news to somebody, apparently it is news to this group in Colorado, but the term limits legislation failed in this Republican-majority Congress. And guess what they have done? They have raised $3 million and targeted 14 Democrats. Not one Republican.

Now, there are Republican members of my delegation in Colorado who are not for term limits. But they did not target them. They did not target the local boys.

It is kind of embarrassing to think they did not know what the voting records were of people at home and, they are targeting 14 people nationwide.

One of these people has now said that they are not running, so we are now down to 13 people. And they say they are going to spend $3 million that people donated to them and got a tax exemption for because they thought it was voter education, $3 million for radio ads and fliers against Democrats only.

Now, what does that equal? That equals about $225,000-plus per district. That is a lot of radio ads. That is a lot of fliers.

I think a lot of us have gotten very concerned about how this money is collected under these wonderful sounding names, so people can deduct them and do all sorts of things, and then the next thing we know is it is being put to very political partisan usage.

I really salute the two Democrats who got off of this group and called it what it was, partisan, and saying it is doing one thing and really doing another. Those two Members were the gentleman from Massachusetts [Mr. MEEHAN] and the gentleman from Minnesota [Mr. MINGE]. And I must say, as a Coloradoan, I am ashamed to have to stand here and say I agree with this analysis. But I think the American people have got to wake up and as they see people targeted for these term limits that are only Democrats, maybe they should ask some questions about why did this group not target Senator THURMOND. He just turned 93. He is running again, and he is for term limits. Please.

That does not pass the straight-face test, and I could list a whole lot of others that are out there posturing as the poster children for term limits, yet when you look at their career and you look at what they are doing, it does not compute.

Now, again, I say one more time, this is America, and we have the right to debate term limits out front. But it is absolutely wrong when you blame only Democrats for the failure of the term limits legislation when the Democrats do not control this House and when there is absolutely no bipartisanship involved at all in this voter education and you are doing it with tax-exempt money under the name of voter education.

We in Colorado usually stand very firm for good government, clean government, and at least play by the rules. And if you say you are nonpartisan, be nonpartisan.

So all I say is, to those 13 Members who are going to have this $200,000-plus slapped at them, remind them who the real poster children are and what is really going on, and I hope Americans rise up and get very suspicious of this in the future.

WHY MEDICINE COSTS SO MUCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, one of the worst agencies in the entire Federal Government is the Food and Drug Administration. It is arrogant. It is abusive. It is bureaucratic. If people in this country wonder why medicine costs them so much, they need look no further than the FDA.

The bureaucratic rules and regulations and red-tape of the Food and Drug Administration sometimes cause needed safe drugs to be held off the market in this country for years, and sometimes it takes companies many, many millions of dollars to get approval and, as I say, only after years of paperwork and red-tape.

There are many safe lifesaving drugs and medical devices kept off the market in this country for years while they are being safely used, saving lives in countries around the world. I remember a couple of years ago reading a front page article in the Wall Street Journal about a device, a medical device used to detect breast cancer, that had been held off the market for years because this small company in Illinois did not bow down to the FDA sufficiently and they had gotten approval in every other country in the world in which they had sought approval, most of the time within just a few weeks.

One doctor was quoted saying that this had caused thousands and thousands of women to die from breast cancer because of the bureaucratic delays and dilatory and unfair tactics of the Food and Drug Administration.

So that is one reason why I read with such great interest a half page ad that was run yesterday in the Washington Times by a man named Jeffrey N. South of Arnold, MD. He had written a letter, an open letter to his Congressman, and he said this. This letter speaks adequately for itself, and I would like to read as much of it as time permits.

It says:

MARCH 4, 1996.

HON. WAYNE T. GILCHREST,
U.S. Congressman,
Annapolis, MD.

DEAR CONGRESSMAN GILCHREST: I have been a citizen of Maryland for most of my life and, until now, have never been moved to address any concern to my Congressman. I have witnessed something recently that deserves your attention.

On Monday, February 26, 1996, I attended a Food and Drug Administration Advisory Panel hearing in Gaithersburg, MD. A company called Biocontrol Technology, Inc. of Pittsburgh was presenting a medical device for the Panel's recommendation to the FDA for approval to market. This medical device reads blood glucose levels non-intrusively via light energy.

I am not a diabetic but I was exposed to the horrors of what it must be like to be diabetic for the first time in my life. I observed for the entire day a parade of dozens of those diabetics who cared enough to come to the Washington area to testify on behalf of being able to use this new technology towards improving the quality of their lives. Evidently insulin dependent diabetics must perform painful finger prick blood extraction tests numerous times a day in order to determine when they may need insulin. I was amazed to learn that this is such an unpleasant process that over 40% (American Diabetes Association Estimates) of diabetics choose to avoid this painful testing procedure at great risk to their lives. I noticed that their fingers looked like raw hamburger from years of sticking their fingers and extracting blood. This medical device would end all of this.

I was amused by a diabetic woman who passed finger sticks to all the FDA Panel members as she gave her testimony challenging each member to experience the pain of just one prick and to imagine doing it many times a day for their entire life. And to imagine being a very young diabetic child that must do this.

After ten minutes or so into her testimony she had noticed that not one Panel member had mustered the nerve to perform the stick on their own finger. The entire room of some three hundred plus broke into a laughter of disgust.

Most of the day was composed of various questions and discussion between the panel members and the scientists and technicians of Biocontrol Technology. I was absolutely shocked and dismayed that the FDA had delegated decision making authority to this body which openly displayed and admitted to very limited, if any, knowledge of the science behind this new technology. Several of the panelists never even received, much less reviewed, any of the vital supporting material that Biocontrol Technology had provided the FDA over two years ago! It wasn't any wonder that, guess what?!—they could not reach a decision to make this technology available to the diabetic public.

As all of this day unfolded I watched the faces of the public and the technology developers to observe that they too were extremely disillusioned and frustrated as they witnessed this government body embarrass itself with its' incompetence and aloofness. What a pathetic display it was of a bureaucratic process meandering in utter confusion.

On top of all this, a panel spokesperson disclosed that the FDA can and does exercise wavers for panel members that may have financial or other conflicts with companies whose products are under review. There were several on this panel that did disclose such conflicts and were still permitted to participate. Can you imagine!!!

I know now why health care costs have soared over the past several decades. Most medical technology developers have to spend millions upon millions of dollars over years waiting for this meandering, incompetent, and perhaps corrupt government process to wave its' magic wand.

I have enjoyed a healthy and carefree life and can only be thankful that I do not have to depend on such a system. I can only feel extreme sorrow for those who are not healthy and must fight a dreaded disease and wait for the workings of a federal agency the likes of which I witnessed. So very sad for those that forge on knowing that technology exists that could be of great value to them but they must gamble years of their life away waiting for some inept government agency.

I often hear some say that government is an evil entity and think of those that say it to be extreme. Now I think that they are far more insightful than most of us care to admit.

JEFFREY N. SOUTH.

☐ 1545

Mr. Speaker, in this country today, if some individual came up with a cure for cancer, he probably could not get it to market unless he sold out to one of the big drug giants. This agency is very harmful to small business, and very harmful to the health of the American citizens.

UPDATE ON BOSNIAN DEPLOYMENT

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, the debate over the American deployment to Bosnia has ceased and in this, my third floor speech regarding that troubled part of the world, I wish to say a good word about the Americans in uniform stationed there.

From briefings that I have received and hearings before the National Security Committee, it is evident that the uniformed Americans are performing exceptionally well in this challenge called Bosnia. The Air Force is doing its duty flying above and flying into that country, delivering needed materiel. The Navy and Marine Corps stand guard in the Adriatic, ever ready to help if called upon.

But it is the foot soldier, stationed in the American sector—the northeast corner—of Bosnia, on which I center my remarks.

The Army is fully deployed, consisting of the 1st Armored Division and supporting units. To begin with, twin float bridges were built across the swollen Sava River. No other army has ever even attempted to bridge such a river, especially with the high water level. The first float bridge is the longest one in military history.

Junior soldiers and officers are performing at ''levels far above any reasonable expectation, cheerful and willing under the most trying of circumstances, innovative, and hard-working to the extreme,'' according to the Army Chief of Staff, Gen. Dennis Reimer, who recently returned from Bosnia.

The conditions under which our soldiers live are difficult. The winter snows are up to 10 inches. When the snow melts, the mud is deep. And yet, morale is high and military professionalism is the order of the day.

The thousands of land mines in Bosnia continue to be a major problem for our troops. Since the peacekeeping mission began, NATO troops have reported 14 accidents involving mines. Five of these incidents resulted in injuries, including the death of one American soldier. At my urging, the Army has accelerated its program of mine detection under the leadership of the Army Vice Chief of Staff.

The flag officers have been interviewed and quoted at length in the news media, but it is the enlisted ranks and junior officers that are making this peacekeeping deployment a success. The late Gen. William Tecumseh Sherman once said: ''We have good corporals and Sergeants, and some good lieutenants and Captains, and those are

far more important than good generals.'' General Sherman's words still ring true.

Our soldiers in and around the Tuzla area are reflecting the best of our American values. Their dedication and grit enable them to endure the challenges of land mines, deep mud, rock slides, and raging rivers. Their solid presence is winning the admiration and respect of the former warring parties. It is my hope that when their year-long deployment ends, they will be able to look back and see the valuable contribution they made in bringing stability to a sad and tragic corner of the globe.

I know that every Member of this body joins in wishing our troops continued success in this precedent-making deployment.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

[Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM WORKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am here to talk about the future of our young people. I believe if we have any important responsibility in this Congress and in this Nation, it is to actually realize that we only hold a lease on this place, as we do this Nation and all of its freedoms and opportunities. We are in fact the leaseholders for our children, children who need education, children who need opportunity, children who need exposure to careers.

Mr. Speaker, I stood this morning imploring this Congress, this Republican majority, to begin to understand what real investment is all about. It is not a $245 billion tax cut or a $177 billion tax cut; it is focusing on priorities. I would like to draw our attention to a bipartisan approach to the investment in our children and our communities.

I want to applaud the Senate for recognizing that we are in fact leaseholders; that we have a commitment to ensure that the doors of opportunity are not closed. They in fact added back $137 million to this year's budget for Head Start that was cut so drastically; $60 million for the administration's Goals 2000 program, which will see, if it is cut, 40,000 teachers with pink slips this spring; it added in I think a cornerstone of a work ethic in this Nation, $636 million for summer youth jobs. I did not say baby-sitting jobs, I did not say handholding jobs, I said summer youth jobs. Some $200 million for Safe and Drug-Free Schools, $182 million with the School-to-Work Program, $90 million for colleges and loans, and $10 million for technology programs.

This is an investment in our children's future. The tragedy is that because of the House Labor-HHS omnibus appropriations bill cuts, some 615,000 youth this summer will not be able to have jobs. They will not work or receive education assistance in about 650 communities across this country.

The funding for 1995 nationally was $867 million. Houston, my city alone, would have received $9.1 million. Again, not for baby sitting, but for an opportunity for our young people to work. The summer program helps generate economic growth. For each 1,000 kids employed the program brings between $1 million and $1.4 million to the community it serves. In the city of Houston, we had 6,000 positions for children to be able to be exposed to work, to understand responsibility. Now, in this Congress, we have nothing.

Recent history with the Federal Government shutdown has taught us the punitive impact on business that cuts in Federal revenue to our States and cities can generate. We ask that children care about people. We caution them to act in the best interests of their communities and protect those who are weaker than themselves.

The Government, through Congress' actions today, may send the wrong message by telling our youth we do not care, and that we will take from them because they are unable to defend themselves.

Listen to the story of LaQuista Stewart. This is a story of a young woman who at the age of 2 and shortly after her mother married her stepfather, the family was involved in a terrible car wreck that left her stepfather permanently disabled.

As a child her mother and grandmother would not let her do much, as much as some of her friends, and that gave her the courage and the incentive to aspire to bigger things.

As a result of this wreck, LaQuista was injured so severely that she lost her spleen and left kidney. At the time of her intake application for a summer job, there were family problems, and the stepfather was not in the home. She still lives at home and helps her family as much as she can, keeping only enough money for college expenses and personal needs.

She works in a summer youth job program. This program allowed her to work at Smiley High School, 1 year at Texas Children's Hospital, and as an assistant to the supervisor of the pulmonary laboratory, and as an assistant to council members in the city of Houston. She now is a member of National Honor Society, class parliamentarian, and the Future Business Leaders of America.

Mr. Speaker, Cynthia Rojas, 18, is in her third summer with Houston Works. When she was 15, another youth dropped out of the summer program which opened up a slot for her in the academic enrichment portion for the last weeks of the program. Last summer she worked in the city of Houston's legal department doing general office work. This summer she is working for the city of Houston's Public Works Department in the real estate section. There she helps with filing, typing and keeping track of all the paperwork involved with closing real estate transactions. Cynthia is an exceptional student and graduated high school with a 4.626 average.

What about Debora Bundage, 18, in her second summer at Houston Works, having previously participated in an academic enrichment program.

These are the stories of young people who get summer jobs. I am proud to say that the Houston Works Program has exceeded its performance, exceeded 10 percent of the predicted employment rate for welfare recipients who have been on the job 13 weeks. They sponsor a summer job program where they are inviting the corporate community to participate.

We realize we must do this with the private sector, but this Government must invest in our young people. I do not want to have to go home and tell them there will be no summer jobs for young people who want to work.

Mr. Speaker, I implore this House of Representatives, support the summer youth jobs program; put our Young people to work; teach them a work ethic that will help them be providers for America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

[Ms. DELAURO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

A REPORT OF FAILURE IN WAR ON DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA Mr. Speaker, I come to the floor this afternoon to talk about a report issued by one of the subcommittees on which I serve. I serve on the Committee on Government Reform and Oversight. The Subcommittee on National Security, International Affairs, and Criminal Justice has just released this report entitled ''The National Drug Policy: A Review of the Status of the Drug War.'' I am here to tell my colleagues that this is the review of a trail of tears. This is a review of a trail

of failure. It really talks about one of the greatest failures of this administration, and that is to ignore and to not address the drug problem and plague that is facing our Nation.

Let me say that President Clinton really has abandoned America and failed miserably in the fight against drugs during his first 3 years in office. In fact, if we look at what he did, first of all he cut the drug interdiction budget.

Then we talked about cuts in the White House. He ended up cutting 85 percent of the drug policy staff in the White House. Then he cut funding for DEA agents. That is part of what is detailed in this record.

Mr. Speaker, his lack of leadership on this issue in fact is appalling. The results should be sobering to every American. Listen to these facts in this report: Under President Clinton's watch, drug prosecution has dropped 12.5 percent in the past 2 years. After 11 years of drug use declining among high school seniors, the number of 12th graders using drugs on a monthly basis has increased 65 percent just since President Clinton has taken office.

A September 1995 survey shows that drug abuse in kids 12 to 17 jumped 50 percent in just 1994. This report also shows that marijuana use among 12- to 17-year-olds has doubled from 1992 to 1994, and heroin use by teenagers is up. Emergency room visits by heroin users rose 31 percent between 1992 and 1993 alone.

We might say, why? And I say, it is no wonder, when we look at the leadership that has been provided here. First of all, what did the President do? He appointed Joycelyn Elders, and she did not make a drug use and drug abuse a priority. In fact, she talked about legislation. In fact Mrs. Elders said, ''I do not feel that we would markedly reduce our crime rate if drugs were legalized.'' This is outrageous.

Mrs. Reagan, when she was the First Lady, instituted the theme of just say no. The Clinton administration has a new message, and that message has been just say maybe. And it has created a disaster. Again, it is outlined by this.

The emphasis and the money have flowed to treatment. What is the end product of all this? It is people that are using drugs. So we are putting our emphasis and money on treatment. Even a Rand study that the administration in fact touted finds that only 4 percent of heavy cocaine users who go through the treatment cut back on their use of cocaine. So we find where the administration is spending taxpayer money, in fact it is not having results.

Mr. Speaker, this administration destroyed a drug interdiction program. We have cut funding, we have cut emphasis, and we made ourselves the laughing stock of the Andean region.

□ 1600

With our drug control strategy already in disarray in 1994, the administration suddenly reversed its practice of sharing intelligence and radar equipment to attack narco-terrorist planes. Colombia, Peru, and Bolivia where almost 100 percent of the world's cocaine is produced was betrayed by this reversal of U.S. policy. Only after a chorus of Congress expressed its outrage did the administration change it policy, but the damage was done.

And then finally what did we do? We certified Mexico. I participated in drafting the certification language when I was a member of the staff of the other body, and this is a disgrace. DEA confirms that 70 percent of the cocaine coming into the United States comes from Mexico. So this is a record of disaster.

STOP PLAYING POLITICS WITH OUR NATION'S SCHOOLS

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today the House averted another Gingrich Government shutdown by voting to fund the Government for 1 week. That is right, 1 week. In typical inside-the-Beltway lingo the Republican leadership called it a 1-week continuing resolution. But if you ask me, it amounts to nothing more than 1 more week of continuing madness, madness on Capitol Hill, and, more seriously, 1 more week of continuing uncertainty for our Nation's schools.

Let us talk about the continuing madness around here. I have been a member of the House Committee on the Budget since coming to Congress in 1993. Two years in a row we did our work, passed the necessary spending guidelines and met our deadlines. On top of that, we managed to cut the deficit in half in the process. We cut it by 50 percent. The new majority, however, wasted the beginning of 1995 trying to pass their Contract With America. As a result, we are halfway into the fiscal year, and the 1996 budget for most domestic programs has still, still not been set by this do-nothing majority. Instead, critical environmental protection, health care, and education programs have been funded on a month-to-month basis at a greatly reduced level. When you change that from a month-to-month to a week-to-week program, as the House did today, the new majority's piecemeal approach to governing means nothing more than continuing uncertainty for our Nation's schools.

In fact, today's continuing resolution leaves our schools and teachers with two main ingredients for disaster, too little time and too little money. Right now elementary schools, high schools, and colleges are beginning to plan for the 1996–97 school year, which in case my friends on the other side of the aisle do not understand, begins in September. Schools cannot wait until the new fiscal year to hire teachers, to buy books, and to plan for computers and to repair damaged buildings. They need to start planning now, and they simply cannot do it when the Gingrich Republicans, unlike their Republican colleagues in the other body, refuse to provide a fixed level of adequate education funding for the rest of the year. By leaving our schools in limbo and facing the prospect of receiving 13 percent less in education funds, less than they would normally expect from the Federal Government, elementary and secondary education—elementary schools will not know how many teachers they can afford to hire for the coming school year. Thus, students returning to school next fall could face larger class sizes and fewer teachers.

Schools are also faced with the respect of losing funds for crucial education programs because of the deep cuts that are contained in the majority's continuing resolution. For instance, schools in my home State of California would lose over $42 million in Goals 2000 funds. These are funds which help schools train teachers, increase parental involvement and meet higher standards. California schools will also lose $122 million in title I funds, funds for programs for students who need extra help in reading, writing, and math. Finally, programs aimed at protecting our children from crime and drugs and alcohol will be hurt because the Gingrich Republicans have voted to deny California schools $26.5 million in safe and drug-free school funding.

My friends, that is not how we should be treating our Nation's schools, that is not how we should be treating our Nation's students. Rather I believe, as the Democrats in the House believe, as the President believes and as a majority of the other body believes, that education must be our Nation's No. 1 priority.

Mr. Speaker, we can balance the budget, but it does not have to be on the backs of our children and their education.

CALLING FOR JUDGE BAER'S RESIGNATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. UPTON] is recognized for 5 minutes.

Mr. UPTON. Mr. Speaker, I would like to bring to the attention of this Chamber a rather disturbing element that I have learned about over the last couple of weeks and to share my thoughts with those in the Chamber with regard to an individual by the name of Judge Baer in New York. There is a Wall Street Journal editorial back in the end of January, and I will put all of these into the RECORD, but I just want to read a little piece of this article. It says:

Winning the war on drugs won't be easy if the battles end up in courtrooms that like that of Harold Baer, Jr., of the Federal District Court in Manhattan. Judge Baer ruled

Wednesday that 80 pounds of cocaine and heroin that police found in a car in the drug-wracked neighborhood of Washington Heights could not be used as evidence.

It goes on to say that:

In his State of the Union address that Mr. Clinton gave here in this Chamber, he told Americans that 'Every one of us have to have a role to play on this team.' But the best anti-drug legislation and the best law enforcement won't work unless the judiciary is willing to enforce the laws.

In a New York Times editorial, the end of January; ''Judge Baer's Tortured Reasoning'' is the title. It goes on to say that:

What this judge managed to do through his sloppy reasoning was to undermine respect for the legal system, encourage citizens to flee the police and deter honest cops in drug-infested neighborhoods from doing their jobs.

It goes on to say that:

Consider the scene described by the officer. As he and his partner sat in their unmarked car, they saw four men approach the defendant's car. With team-like precision and without speaking to the driver, they opened the trunk, dumped two duffel bags in back, and then shut the door, running away when they spotted the officers. Surely these facts, taken together, present precisely the sort of suspicious circumstance police are supposed to be looking out for.

The police in this case saw these individuals put 80 pounds of drugs in the back of the car, 5:00 in the morning, that car. The driver admitted she was taking them to Michigan where the street value of these drugs was worth $84 million. Eighty pounds. And, lo and behold, the judge let them off the hook because it was not unusual for folks to run away from the police in New York.

Well, that is outrageous.

An article in today's Washington Post, page 3; the title says ''Accusations of Coddling Criminals Aimed at Two Judges in New York.'' The Speaker in a news conference last week is quoted as saying this is the kind of pro-drug dealer, pro-crime and police and anti-law enforcement attitude that makes it so hard for us to win the war on drugs.

Mr. Speaker, a number of us and my colleague from New York, Mr. FORBES, the chairman of the crime subcommittee, the gentleman from Florida, Mr. MCCOLLUM, and I circulated a letter among House colleagues this past week that asked the President to ask for Judge Baer's resignation, and I am proud to say that a majority of this House have now signed that letter, Republicans and Democrats alike. We are going to be sending that letter to the President on Tuesday next, and I would ask those of my colleagues that have not signed the letter to please find me between now and Tuesday so they can add their names to a majority of those in this House.

My colleague, the gentleman from Michigan [Mr. STUPAK] is a signatory; my colleague, the gentleman from Ohio [Mr. HOBSON], as well as the gentleman from Florida [Mr. FOLEY], are also signatories of that letter, so that we can let the President know that this man should not serve as a Federal judge for letting these folks on, and we merely ask the President to ask Judge Baer to step down based on the decision that he made.

The articles referred to are as follows:

[From the Wall St. Journal, Jan. 26, 1996]

THE DRUG JUDGE

Winning the war on drugs won't be easy if the battles end up in courtrooms like that of Harold Baer Jr. of the Federal District Court in Manhattan. Judge Baer ruled Wednesday that 80 pounds of cocaine and heroin that police found in a car in the drug-wracked neighborhood of Washington Heights could not be used as evidence. The drugs, which have a street value of $4 million, are ''tainted evidence,'' he said.

He ruled that the police had no good reason for searching the car, despite the fact that the four men putting duffel bags into the trunk took off running when they saw the cops. This, the judge ruled, was not suspicious behavior. Reason: the ''residents of this neighborhood tended to regard police officers as corrupt, abusive and violent.'' As a matter of fact: ''Had the men not run when the cops began to stare at them, it would have been unusual.''

The woman who was driving the car gave the police a videotaped confession. Carol Bayless, a 41-year-old Detroit woman, told police that she expected to be paid $20,000 for driving the drugs back home, and said that she had made a total of about 20 trips to New York to buy drugs. Judge Baer threw out the videotaped confession. Unless the ruling is overturned by the appeals court, the prosecutors say they no longer have a case; Ms. Bayless, who faced 10 years to life in jail, will be free to go.

The year's young, but we doubt Judge Baer will have any competition for this year's Judge Sarokin Award, named in honor of the federal judge in New Jersey who ruled for a homeless man who used to lurk inside the Morristown library, spreading his ''ambrosia.'' Liberalism manages to deliver us these rulings on a regular basis, so it's appropriate to raise a few concerns.

The first has to do with community standards. Aren't the mostly minority residents of Amsterdam Avenue and 176th Street, where the incident took place, entitled to the same level of protection as the mostly white residents 100 blocks south on Amsterdam in the heart of New York's Yuppiedom? We suspect the law-abiding residents of Washington Heights might take a different view about whether the bigger threat to their well-being is the police or fleeing drug runners.

The other issue raised by the Baer ruling is the politics of judicial appointments. Judge Baer is a Clinton appointee, named to the federal bench in 1994 on the advice of the Democratic Senator from New York, Patrick Moynihan. Now, certainly it is the case that Democrats have appointed first-rate jurists to the federal bench. But it's also the case that it is at the liberal end of the modern judiciary that communities find their interests trampled by overly expansive and even absurd legal claims for defendants.

If Mr. Clinton is re-elected, by the end of his second term he will have filled roughly half of the slots in the federal judiciary, including majorities on the federal appeals courts. And that he would get one, two or even three more appointments to the Supreme Court. Mr. Clinton no doubt would separate himself from decisions like Judge Baer's, but one then has to somehow believe that he would actually separate himself from the constituencies insisting that he pick from the same candidate pool that produces such judges.

As for the war on drugs, we commend Judge Baer's ruling to the attention of drug czar-designate, General Barry McCaffrey. In his State of the Union address Tuesday, Mr. Clinton told Americans that ''every one of us have a role to play on this team.'' But the best anti-drug legislation and the best law enforcement won't work unless the judiciary is willing to enforce the laws.

[From the New York Times, Jan. 31, 1996]

JUDGE BAER'S TORTURED REASONING

With his controversial ruling last week tossing out key evidence and a voluntary confession in a major drug conspiracy case, Federal District Judge Harold Baer Jr. apparently hoped to make a point about the serious problem of police corruption in New York City that he helped uncover as a member of the 1993 Mollen commission. What the judge managed to do instead, through his sloppy reasoning was to undermine respect for the legal system, encourage citizens to flee the police and deter honest cops in drug-infested neighborhoods from doing their job.

This is not to say that the judge was wrong to be concerned about Fourth Amendment issues and protections against illegal searches. But in this case he went badly overboard.

Like many Fourth Amendment challenges to police searches and seizures, the case turned on a question of whether officers had a ''reasonable suspicion'' to stop the defendant, a Detroit woman named Carol Bayless, whom police watched as she drove slowly up Amsterdam Avenue in Upper Manhattan in a car bearing Michigan plates at 5 A.M. last April 21. Judge Baer offers defensible, if not entirely convincing, reasons for believing the rendition of events provided by the defendant in her confession just after her arrest rather than the version provided by one of the arresting officers eight months later.

But even the somewhat less suspicious-looking circumstances described by the defendant would seem to meet the fairly low threshold of ''reasonable suspicion'' for stopping and questioning her. In a high-crime neighborhood, the police need reasonable leeway to question activity that seems unusual. Because the judge found no justification for stopping the car, he did not reach the issue of whether the officers had either the requisite consent from the woman or ''probable cause'' that criminal activity was afoot when they opened the trunk and seized 80 kilos of cocaine and heroin.

By far the most troubling aspect of the decision is the judge's superfluous finding that even if every detail of the police account were true, it would still not justify the investigatory stop. That is not just wrong, it is judicial malpractice. Consider the scene described by the officer. As he and his partner sat in their unmarked car, they saw four men approach the defendant's car. With teamlike precision and without speaking to the driver, they opened the trunk, dumped two duffle bags in back and then shut the door, running away when they spotted the officers. Surely the factors, taken together, present precisely the sort of suspicious circumstances police are supposed to be looking out for.

Judge Baer may be correct in observing that the corrupt scandal in upper Manhattan would have made it ''unusual'' had the men not run away. But that does not support a legal finding that flight is not a factor to be weighted in determining whether there is ''reasonable suspicion.'' Judge Baer's logic would guarantee that law-abiding citizens in minority neighborhoods, where tensions with the police are most strained, get a lower standard of policing.

[From the Washington Post, Mar. 1, 1996]

ACCUSATIONS OF CODDLING CRIMINALS AIMED AT TWO JUDGES IN NEW YORK

(By John M. Goshko)

NEW YORK.—Two recent judicial decisions here—one throwing out evidence in a big narcotics case and the other freeing a defendant who then killed his former girlfriend—have ignited a firestorm of outrage about alleged coddling of criminals.

The controversy has been so intense that many legal experts fear it could disrupt the dispensing of justice in local courts and spread beyond New York to become part of the election year debate about what ails America.

Several judges and legal scholars, while acknowledging that the decisions were controversial, nevertheless expressed concern that the abbreviated versions provided by much of the media have distorted the public's understanding of some very complex legal issues.

The unrelenting criticism directed against the two decisions, and the two judges, has put their colleagues at all levels here under heavy pressure to demonstrate in rulings and sentences that they are not soft on crime, these experts said. In an era of growing social conservatism, the rulings are providing fodder for those who think it is time for the courts to stop fine-combing evidence and simply lock up criminals.

Gov. George E. Pataki (R) recently fired the first salvo in such a campaign when he announced legislative plans to limit the powers of the state's highest court, the Court of Appeals, to impose what he called burdensome restrictions on the police and prosecutors. New York City's law-and-order police commissioner, William J. Bratton, also denounced ''the screwball Court of Appeals,'' saying it ''is living off in Disneyland somewhere. They're not living in the streets of New York.''

The two decisions at the heart of the controversy did not, in fact, emanate from the Court of Appeals, but from other, widely disparate levels of the criminal justice hierarchy.

First, in late January, Judge Harold Baer, Jr. of the U.S. District Court that serves Manhattan ruled that 80 pounds of cocaine and heroin found by police in a car could not be used as evidence. The fact that four men seen putting the narcotics in the car ran away when they spotted a police officer was understandable, given fear of the police in many inner-city neighborhoods, and did not constitute cause to search the car; the judge decided.

''As long as there are judges like that, criminals will be running wild in the streets,'' said Louis Materazzo, president of the New York Patrolmen's Benevolent Association. That actually was one of the milder comments in the chorus of criticism immediately sounded by Pataki, Bratton and even Mayor Rudolph W. Giuliani (R), an old friend and colleague of Baer from the days when Giuliani was the U.S. attorney in Manhattan and Baer was one of his aides.

By this week, the ripples from Baer's decision had spread to Congress, where 150 House members signed a letter to President Clinton calling on him to ask for the federal judge's resignation. Among the signers was House Speaker Newt Gingrich (R-Ga.), who told a news conference: ''This is the kind of pro-drug dealer, pro-crime, anti-police and anti-law enforcement attitude that makes it so hard for us to win the war on drugs.''

On Feb. 12, the dispute about what New York's raucous tabloids dubbed ''junk justice'' took a new turn. Benito Oliver, a convicted rapist with a history of domestic violence, walked into a car dealership where his former girlfriend, Galina Komar, worked, shot her to death and then killed himself. It quickly came out that three weeks earlier, Judge Lorin Duckman of the Criminal Court in Brooklyn, the lowest rung on New York's judicial ladder, had turned aside Komar's request for protection and allowed Oliver to go free while he awaited trial on charges of harassing her.

In transcripts of the court hearing Duckman sounded dismissive of the injuries Oliver had inflicted on Komar, noting that she had been ''bruised but not disfigured.'' The judge expressed repeated concern about the well-being of a dog that Oliver had left in Komar's care.

The uproar only intensified when it was further revealed that Duckman, in a similar case last summer, allowed a Brooklyn man, Maximino Pena, to go free hours after a jury had convicted Pena of attacking his former girlfriend. On Feb. 15, Pena was back in jail, this time charged with dragging the same woman down two flights of stairs and punching her in the face.

Duckman has since gone on an indefinite vacation. But his temporary retreat from the bench has not halted the torrent of denunciations from officials, women's rights advocates and newspaper editorialists. Giuliani said Duckman displayed ''a frightening lack of common sense'' that showed he ''should be doing something else for a living.''

Pataki, asserting that ''Judge Duckman is unfit to serve,'' called on the State Commission on Judicial Conduct to remove him from the bench. The governor added that if the commission fails to do so, he would ask the state Senate to oust Duckman, a punishment that it has administered only once before, in 1872.

The churning caused by these two cases has even been given a philosophical counterpoint by the coincidental publication of a new book, ''Guilty: The Collapse of Criminal Justice,'' written by state acting Supreme Court Justice Harold J. Rothwax. Rothwax argues that judges today often apply principles about evidence and defendants' rights so rigidly that the guilty go free.

However, there is real concern in legal circles that the fallout from these two cases is causing judges to protect themselves against charges of being excessively pro-defendant.

Judith Kaye, New York's chief judge, recently said she was worried that the castigation of Baer and Duckman could subtly affect the way cases are decided. And many lawyers say that, in contrast to just two or three months ago, they now see signs of defendants being subjected to higher bail, rulings that lean heavily toward the prosecution and tougher sentences when found guilty.

The most glaring example of how these pressures appear to be operating was the agreement by Judge Baer to permit a new hearing on the narcotics evidence that he earlier suppressed to such an outcry. A reconsideration like this is almost never done by federal judges. Moreover, many lawyers said they will not be surprised if Baer finds reasons to rule that the drug evidence is admissible.

''I have no idea what he'll do, but you'd have to be superhuman not to be affected by all the criticism and abuse that the man has taken over that ruling,'' said Albert Alschuler, a law professor at the University of Chicago.

The case turned on a judgment about whether police had a ''reasonable suspicion'' to stop and search a car at 5 a.m. in Washington Heights, a largely Hispanic enclave of Manhattan that is a known center of drug activity. Before becoming a judge, Baer had served on a commission investigating police brutality in that neighborhood. In his opinion, he noted that people there regard the police as ''corrupt, abusive and violent,'' and he said that under those circumstances it was not unusual for the suspects to run away.

''I'm a native New Yorker from the East Bronx,'' said Yale Kamisar, a University of Michigan law professor and a leading expert on criminal procedure. ''When we played stickball as kids and hit the ball through someone's window, everyone ran because you knew if the cops caught you, they'd give you a hard time. It's human nature to run from what you think might be trouble.''

Kamisar said Baer appears to have decided that the police used the flight as grounds for searching the car without following other procedures that might have safeguarded the legality of their actions.

Even in the Duckman controversy some lawyers think there were legal considerations involved that have been overlooked in the tragic aftermath of the case. ''He made what are undeniably some stupid and insensitive remarks,'' said one lawyer who asked not to be identified. ''But the facts are that this fellow, Oliver, had been in jail for 40 days and the Brooklyn district attorney's office failed to present any strong evidence that he posed a danger to the woman that justified holding him longer in what arguably would be a violation of his constitutional rights.''

The judge also appeared to be reacting to some ''sloppy handling'' of the case by the prosecutors, and the judge decided to ''teach them a lesson,'' the attorney said: ''The only problem with a judge doing something like that—trying to regulate the way a prosecutor's office works—was that the rights of the victim got overlooked.''

SHORT-TERM FUNDING OF OUR GOVERNMENT IS SHORTSIGHTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, just one word before I talk about the continuing budget resolution we passed earlier today. My friend from the other side of the aisle, the gentleman from Michigan [Mr. UPTON], who I have great respect for, and I did sign his letter, when we fight drugs, and being a former law enforcement officer myself, the responsibility is with everyone from Judge Baer, to President Clinton, to the Speaker of the House, and that is why I am disturbed about the continuing budget resolution that was passed today in which the money for drug-free schools zones was deleted from the budget, so there will be no money for drug-free school zones. So, when the Speaker points to this as an example of merely words, I would have to remind the Speaker that his budget priorities have encouraged the use of drugs in drug-free school zones in schools across this country and not fight them. So, while we may ask for Judge Baer to resign, maybe we should ask the Speaker to renew the funding for drug-free school zones.

But, Mr. Speaker, funding of our Government on a week-to-week basis is shortsighted, destructive, and an irresponsible way that we could possibly manage the risks and the tasks of running the greatest country in the world.

Shortsighted has more than one meaning here. In the near term, we are being destructive and wasteful by forcing Government agencies to limp along on partial funding, continuing to operate, but unable to give full service to the American public. In the long term we are hurting our investment in that most basic and important of all services, public education.

Today we voted on an 11th continuing budget resolution to keep the Government going. This resolution was for 7 days, it was for 1 week. Underneath the new majority we have become a government by the week, for the week, and of the week. I voted ''no'' on this continuing resolution because of the drastic cuts in education, not only title I, not only Head Start, but also, as I said earlier, the drug-free safe school zones have been cut.

Here are some facts I would wish that the majority will remember:

A recent Gallup Poll showed two-thirds of all Americans ranked the quality of education as their top priority over such issues as crime, health care, and the deficit.

A January Wall Street Journal poll says 9 of 10 Americans favor the same or increased spending on education.

The January Washington Post poll says 8 out of 10 Americans oppose cutting education. Yet the current budget resolution, which was continued today, if extended for the year, will cut $3.1 billion from education, the largest education cut in our Nation's history.

Are such cuts in step or out of step with the will of the American public? The polls I cited would indicate that such cuts could not be more out of step.

If we extend this continuing budget resolution to the year's end, more than 1 million young people will be deprived of services in the title I program alone.

Here are some other ways to view the problem:

Failure to have assured funding in place is affecting the operations of America's 110,000 elementary and secondary schools that serve roughly 50 million students. State legislators and school administrators in all 50 States and in more than 14,000 school districts are unable to develop detailed financial plans for the coming year. Without these plans in place, this affects the hiring of teachers, the signing of contracts. Impact aid districts are squeezed by partial payments. This will affect roughly 2,000 school districts, including those in my home State of Michigan, and 1.3 million children. The Brimley School District in the Upper Peninsula of Michigan is looking at a $600,000 shortfall because title I has not been completed. Antrim County stands to lose $100,000; Benzie County schools, $58,200; Charlevoix schools, $77,700; Cheboygan schools, $140,200.

□ 1615

Crawford County will be over 70,000, Emmet County over 67,000, Grand Traverse, over 200,000.

Mr. Speaker, unless the Department of Education can make full payments, many schools will receive impact aid or run out of funds later this spring and will be unable to pay teachers' salaries. People with disabilities will not receive rehabilitation services. Vocational rehabilitation programs prepare some 1 million individuals each year to get a hold of and to hang onto their jobs.

This is only a partial look at the problem, but it lets us draw some sad conclusions. One of the tragedies of this Congress is that we have gotten away from rational discourse and debate. We have gotten away from the notion of agreeing to disagree, while completing the basic business of the people of the United States. There certainly can be rational debates over the long-team or long-range value of programs like drug resistance education, drug-free school zones, title I, and other specific education programs. In fact, having a debate over these programs is an excellent opportunity to restate their value and their importance to the American people.

However, Mr. Speaker, this process of destruction by attrition, of week-to-week continuing budget resolutions, of the slow wearing down of those who struggle in the field of education, is not rational, and it is not a debate. It is irrational, and the American people recognize it as the wrong way to do business.

Mr. Speaker, we would ask that when we come back next week and work on a continuing budget resolution, that we take into consideration the cuts we have made in education, the cuts we have made in the environment, in the enforcement of the Clean Water Act, the Safe Drinking Water Act, the gutting of the Clinton COPS Program. We ask that these be put forth in a continuing budget resolution, and we stand ready to work with the minority and the majority to work together to find the $8 billion we need to cut.

The SPEAKER pro tempore (Mr. FOLEY). Under a previous order of the House, the gentleman from Michigan [Mr. EHLERS] is recognized for 5 minutes.

[Mr. EHLERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

MEDICAID BUDGET CUTS THREATEN TO IMPAIR THE QUALITY OF LIFE FOR MANY AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. TOWNS] is recognized for 5 minutes.

Mr. TOWNS. Mr. Speaker, balancing the budget is important, but the debate has taken the wrong turn. We should be focusing on saving lives and the quality of care, not just balancing the budget, balancing the budget at the expense of losing people, and at the expense of creating turmoil in the lives of so many.

For the past 30 years, Mr. Speaker, America has prided herself on protecting those vulnerable populations who, because of many circumstances, are not able to afford the health care they desperately need.

Last week, Mr. Speaker, the Committee on Commerce which I serve on, held a hearing on the Medicaid proposal by the National Governors Association. During the recess, we had a hearing in which six Governors came to testify. Due to the fact that many Members could not be there, we required another day of hearings.

The Governors' proposal is a bipartisan consensus which I must admit has done a lot to contribute to the debate and finding solutions to reforming the Medicaid program. I applaud them, Mr. Speaker, for trying to help. However, I am still concerned with several very, very important issues which, in my opinion, must be further reviewed.

Under the NGA proposal, not only will the recipients of the Medicaid safety net program suffer, but so will the inner cities, which house many of our great teaching institutions that train the majority of our Nation's physicians. New York alone trains 15 percent of the Nation's physicians. Public hospitals which care for over 30 million uninsured will also suffer much more than ever imagined.

If enacted, Mr. Speaker, the Medicaid cuts would deliver a blow to New York City that is double its proportionate share. Over the next 7 years, cuts to New York hospitals will total approximately $12 billion, that is B as in boy, billion, in New York City, and billions more in New York State. Payments for long-term care and personal health services will decline by approximately $7 billion in New York City, and $1 billion in New York State.

Furthermore, the Medicaid cuts will reduce needed service levels, and access to care will also suffer, as well as reduced projected employment by over 100,000 in New York City and 200,000 in New York State, and cause the personal income of New Yorkers to decline by at least 2.7 percent.

While the debate over Medicaid reform has largely focused on cost savings, it is important to refocus the debate on saving lives and quality of care. Mr. Speaker, let me just say that we need to recognize the fact that people are living longer, and as they live longer, they will need additional care. In order for them to have that care, we need to make certain that the resources are there to provide that care.

People in nursing homes today are doing a fantastic job. For a long time, we did not have standards like we have today. Of course, we had a mess. We had some nursing homes that were creating all kinds of problems for our elderly. However, we were able to get some statutes in the law that sort of turned that around. We now seem to be moving back toward where we were before those statutes came into being.

I visited a nursing home just recently in my district, the Cobble Hill Nursing Home. I listened to the staff as they talked about the kinds of things they have to do now, and recognized that if we continue to cut the programs, that they will not have the staff to be able to perform those duties.

I am hoping, Mr. Speaker, that we realize that as we talk about the budget cuts, that we do not forget that we are talking about quality of care, we are talking about the lives of human beings, and let us not let the debate make the wrong turn. Let us straighten it out and go in the right direction to protect the lives of our people.

EDUCATION CUTS ARE THE LARGEST IN THE NATION'S HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, education is one of the priorities that the President and Democrats in Congress have stressed should not be severely impacted during these constant budget battles that take place on the floor of this House of Representatives. Yet, once again, we face a situation where the House-passed spending bill for the remainder of this fiscal year would provide the largest cut in education in the history of the Federal Government.

Mr. Speaker, this is really the work primarily of Speaker GINGRICH and the House Republican leadership, whose radical plan would essentially cut $3.3 billion from the education programs, a 13-percent reduction in funds that schools around the country depend on to educate students of all ages.

The Senate, as was mentioned by one of my colleagues earlier, fortunately has voted to restore most, or about $2.5 billion, of this lost education funding. However, Mr. Speaker, the Senate bill will not prevail if Speaker GINGRICH and his extremist views hold sway.

Today, the House Republicans passed another stopgap funding bill. It is the 11th, I believe, since the beginning of this session. This measure would only keep the Government running for another week. Its purpose is to give House Republicans an opportunity to attack the reasonable education funding levels in the Senate bill. It is nothing more, in my opinion, than another attempt by House Republicans to hold the Federal Government hostage to their agenda.

President Clinton has already said that he will not sign any bill that funds education programs at the House-passed level. He also said that rather than sign any extremist Republican spending plan, he may refuse to sign all stopgap spending bills sent to him after Easter. Thus, if the House Republicans continue to insist on steamrolling through these radical cuts in Federal education programs, we could face yet another Government shutdown.

I believe preserving a strong educational framework was something that traditionally Members on both sides of the aisle, in both Houses in Congress, used to be able to agree on before the current House Republican majority took over. What is happening here is that the Speaker and the House Republican leadership are basically going against this consensus, or shattering the consensus that we have had for years that says that education should be a priority.

If we compare the differences between the House and Senate education proposals, we can see the differences between the radical Republicans here in the House and the more sane, if you will, Republicans in the Senate. The House-passed bill cuts title I programs by $1.2 billion. The Senate restored $815 million of that. The House-passed bill would eliminate the Goals 2000 Education Reform Program. The Senate restores $60 billion for Goals 2000. The House-passed bill cuts $266 billion from the Safe and Drug-Free Schools Program. The Senate restores $182 million. The House-passed bill cuts $27.5 million from the School-to-Work Program. The Senate puts back $182 million.

Mr. Speaker, I could go on with this list, but the point is that it is here in the House that the education cuts are being implemented. The fact that Senate Republicans will not go along with that only goes to prove, essentially, that it is the House Republicans that are forcing or taking this stand.

Mr. Speaker, what does it mean back in our States and back in our districts? It means if this House Republican plan goes through, the teachers and teachers' assistants could be laid off, and schools in search of alternative sources of funding could force their local governments to raise taxes in order to maintain the same number of teachers. If alternative sources of funding cannot be found, fewer teachers would need dramatically decreased sizes of classes, and students in need of assistance in areas such as basic reading and writing would be denied the help of their local schools, because education money will have dried up.

Mr. Speaker, there is no mistake about it. If we look at my own State of New Jersey, my own district, the taxpayers simply cannot afford these increases. The local property taxes, the local budgets, are usually turned down, because people do not want to have to pay higher property taxes. It is much more difficult for them if they do not have the Federal funding sources.

What I am saying, Mr. Speaker, is that it is time for the House Republican leadership to wake up. There should be no more of these stopgap funding bills for 1 week, 2 weeks, or 3 weeks. They should simply return to the mainstream and joint the congressional Democrats, the President, and now even the Senate Republicans in saying that education is a priority, that there should be adequate funding for it, and that education programs should not be part of this constant battle back and forth which leads us to these stopgap funding plans.

Mr. Speaker, I think that more and more over the next few weeks, as we continue to battle over the budget and over spending priorities, hopefully we will see the House Republican leadership come over to the point of view that says education should remain a priority and should not be something that we cut severely, because it really is the future of America and the future of our young people.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 29 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1836

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOSS) at 6 o'clock and 36 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2202, THE IMMIGRATION IN THE NATIONAL INTEREST ACT OF 1995

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–483) on the resolution (H. Res. 384) providing for consideration of the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE IMMIGRATION IN THE NATIONAL INTEREST ACT OF 1995

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I know that I first want to express my great appreciation to my very good friends who are sitting and standing behind me at this point, and I will be as brief as possible.

I have risen to briefly talk about the rule that we are going to be considering next Tuesday, which the Committee on Rules has reported out just a

couple of hours ago and which I have just filed at the desk.

The issue of reform of both legal and illegal immigration is one of the most contentious debates that we will have, and it will take place next week. The rule that we are considering is one of the most fair and balanced rules that could possibly be offered. In fact, we had over 100, I believe 104, amendments that were filed to the Committee on Rules by noon yesterday, and we spent today considering those amendments, and we have made in order 32 amendments that will be considered.

The issue of illegal immigration is a very difficult and pressing one for my State of California. We in California deal daily with the flood of illegal immigrants who are coming across the border seeking either government services, job opportunities, seeking family members, and it is very important that we take strong and decisive action here at the Federal level to deal with that problem.

In the area of legal immigration, I am very pleased that this legislation will allow us to maintain the highest level of legal immigration in 70 years and that in itself is a very good and positive move, because this country was founded on legal immigration and this country has had tremendous benefits because of immigrants who continue to come to this country today.

In fact, my State of California and other parts of this country are on the cutting edge technologically and in many other areas because of legal immigration.

So I would like to congratulate the chairman of the subcommittee, the gentleman from Texas [Mr. SMITH], who has worked long and hard throughout the past year and up until just recently, and he has been working, as he said today, nearly 12 hours a day constantly trying to bring this legislation forward.

As we look at the many different amendments that are going to be considered next week when we proceed with this legislation, one of the most controversial and hotly debated has been the proposal that was offered by the gentleman from Michigan, Mr. CHRYSLER, and my California colleague, Mr. BERMAN, and the gentleman from Kansas, Mr. BROWNBACK, seeking to split the legislation. That is an amendment that will be made to order, will be considered.

So, as we look at the resolution which I have just sent down that will allow us to bring about debate on the issue of legal and illegal immigration, I believe that we are taking a very bold and positive step toward getting the Federal Government to step up to the plate and acknowledge its responsibility. It has been a long time since we have been able to do this, and there are many problems that have taken place because of the 1986 Immigration Reform and Control Act, IRCA, that need to be addressed, and I am pleased that we will in time be doing that.

I would simply say, Mr. Speaker, that I anxiously look forward to a very interesting debate which will be far-reaching and allow every single proposal that has come forward to be considered and discussed.

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 14, 1996.

I hereby designate the Honorable DAVID DREIER to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Tuesday, March 19, 1996.

NEWT GINGRICH,
Speaker of the House of Representatives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MYERS of Indiana (at the request of Mr. ARMEY), for today until 12:30 p.m., on account of illness in the family.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today, on account of official business.

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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.
Mr. SKELTON for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
Ms. DELAURO, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. STUPAK, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. TOWNS, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. GOODLING for 5 minutes on March 20.
Mr. SMITH of Michigan, for 5 minutes, on March 19 and 20.
Mr. FOLEY, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.
Mr. UPTON, for 5 minutes, today.
Mr. MICA, for 5 minutes, today.
Mr. EHLERS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks:)

Mr. DREIER, 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 Ms. WOOLSEY) and to include extraneous matter:)

Mr. LANTOS.
Mr. RUSH in two instances.
Mr. TOWNS.
Mr. LEVIN in two instances.
Mr. MONTGOMERY.
Mr. NEAL of Massachusetts.
Mrs. THURMAN.
Mr. KILDEE.
Mrs. MALONEY.
Mrs. MEEK of Florida.
Mrs. KENNELLY.
Mr. GONZALEZ.
Mr. BARRETT of Wisconsin.
Mr. POSHARD.
Mr. HASTINGS of Florida.

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. NETHERCUTT.
Mr. HORN.
Mr. COLLINS of Georgia.
Mr. WALSH.
Mr. FAWELL.
Mr. MARTINI in two instances.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. ZELIFF.
Mr. BALLENGER.
Mr. NEAL.
Mr. ESHOO.
Mr. BARCIA.
Mr. CHRISTENSEN.
Mrs. MORELLA.
Mr. PACKARD.
Mrs. JOHNSON of Connecticut.
Ms. MCCARTHY.
Mr. KANJORSKI.
Mr. HASTINGS of Florida.
Mr. GRAHAM.
Mr. TEJEDA.
Mr. BENTSEN.
Mr. COX of California.
Mr. BURTON of Indiana.
Mr. BONIOR.
Mr. PASTOR.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2036. An Act to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until Monday, March 18, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2248. A communication from the President of the United States, transmitting his request for an fiscal year 1996 supplemental appropriation for support of the Israeli Government's urgent requirement for counter-terrorism assistance, and to designate the

amount made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–187) to the Committee on Appropriations and ordered to be printed.

2249. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2000 resulting from passage of H.R. 2196, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

2250. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the cooperative production and support of an expendable offboard active electronic decoy for antiship missile defense (Transmittal No. 07–96), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

2251. A letter from the Chairman, National Endowment for the Humanities, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2252. A letter from the Director, Office of Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2253. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's justification of budget estimates for fiscal year 1997, pursuant to 45 U.S.C. 231f; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee of Conference. Conference report on H.R. 956. A bill to establish legal standards and procedures for product liability litigation, and for other purposes (Rept. 104–481). Ordered to be printed.

Mr. THOMAS: Committee on House Oversight. H.R. 2739. A bill to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives, and for other purposes; with an amendment (Rept. 104–482). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 384. Resolution providing for consideration of the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes (Rept. 104–483). Referred to the House Calendar.

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. BILBRAY (for himself, Mr. MOORHEAD, Mr. PACKARD, Mr. HUNTER, Mr. CUNNINGHAM, Mr. THOMAS, Mr. YOUNG of Alaska, Mr. SCHAEFER, and Mr. BARTON of Texas):

H.R. 3083. A bill to direct a property conveyance in the State of California; to the Committee on Commerce.

By Mr. GENE GREEN of Texas:

H.R. 3084. A bill to provide for the furnishing of medical care and disability benefits for former civilian prisoners of war; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Veterans' Affairs, 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. CHRISTENSEN (for himself, Mr. ENSIGN, Mr. CHRYSLER, Mr. ENGLISH of Pennsylvania, Mrs. SEASTRAND, and Mr. SAM JOHNSON):

H.R. 3085. A bill to control crime by increasing penalties for armed violent criminals and drug dealers; to the Committee on the Judiciary.

By Mr. COX (for himself, Mrs. JOHNSON of Connecticut, Mr. HERGER, Ms. LOFGREN, Mr. TRAFICANT, Mr. BRYANT of Tennessee, Mr. ROHRABACHER, Mr. CRANE, Mr. RADANOVICH, Mr. HOSTETTLER, Mr. GOSS, Mr. SMITH of Texas, and Mrs. MYRICK):

H.R. 3086. A bill to permit the Secretary of the Treasury to designate qualified delivery services, in addition to the U.S. Postal Service, for purposes of timely filing of tax documents with the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. BALLENGER (for himself, Mr. GOODLING, and Mr. FAWELL):

H.R. 3087. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employee's regular rate for purposes of calculating overtime compensation will not be affected by certain additional payments; to the Committee on Economic and Educational Opportunities.

By Mr. BREWSTER (for himself, Mr. DICKEY, and Mr. HUTCHINSON):

H.R. 3088. A bill to provide for the exchange of certain federally owned lands and mineral interests therein, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, 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 Ms. ESHOO (for herself, Ms. PELOSI, Mr. DELLUMS, Mr. FARR, Mr. GEJDENSON, and Ms. WOOLSEY):

H.R. 3089. A bill to amend the Communications Act of 1934 in order to provide parents with greater control of their children's access to online material; to the Committee on Commerce.

By Mr. FARR (for himself, Mr. STUDDS, Mr. ABERCROMBIE, Mr. MILLER of California, Mr. FALEOMAVAEGA, Mr. GEJDENSON, Mr. TAUZIN, Mr. GALLEGLY, Mr. GILCHREST, Mr. JONES, Mr. LONGLEY, Mr. TORKILDSEN, Ms. WOOLSEY, Ms. LOFGREN, Ms. ESHOO, Mr. ORTIZ, Mrs. SEASTRAND, Mrs. MINK of Hawaii, Mr. RIGGS, Mrs. SMITH of Washington, Mr. GOSS, Mr. SAXTON, Mr. DEUTSCH, and Mr. CAMPBELL):

H.R. 3090. A bill to authorize appropriations for the National Marine Sanctuaries, and for other purposes; to the Committee on Resources.

By Mr. FAWELL:

H.R. 3091. A bill to amend the National Labor Relations Act to allow individuals against whom injunctive relief is sought an opportunity to be heard; to the Committee on Economic and Educational Opportunities.

By Mr. FRANKS of Connecticut:

H.R. 3092. A bill to amend the Internal Revenue Code of 1986 to encourage State unemployment insurance laws to establish a system under which workers may purchase insurance to cover the costs of health insurance during periods of unemployment; to the Committee on Ways and Means.

H.R. 3093. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish a brownfield cleanup loan program; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, 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. GRAHAM:

H.R. 3094. A bill to amend the Fair Labor Standards Act of 1938 to provide for an exemption from the overtime compensation provisions of such act for professional employees of contractors and subcontractors of the Federal Government; to the Committee on Economic and Educational Opportunities.

By Mr. HUTCHINSON (for himself, Mr. PAXON, Mr. BOEHNER, Mr. LARGENT, Mr. SMITH of Texas, Mr. BALLENGER, Mrs. MEYERS of Kansas, Mr. SAM JOHNSON, Mr. MCKEON, Mr. CUNNINGHAM, Mr. GRAHAM, Mr. SOUDER, Mr. FUNDERBURK, Mr. GOSS, Mr. BARRETT of Nebraska, Mr. KNOLLENBERG, Mr. CREMEANS, Mr. CALVERT, Mr. TAYLOR of North Carolina, Mr. DOOLITTLE, Mr. DORNAN, Mr. CHRISTENSEN, Mr. STEARNS, Mr. LINDER, Mr. COOLEY, Mr. HAYWORTH, Mr. GOODLATTE, Mr. CRANE, and Mr. RAMSTAD):

H.R. 3095. A bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors; to the Committee on Economic and Educational Opportunities.

By Mr. JACOBS (for himself and Mr. BURTON of Indiana):

H.R. 3096. A bill to mandate the use of instant replay in the event of conflicting calls in a professional sports league game played in the United States; to the Committee on Commerce.

By Mrs. JOHNSON of Connecticut (for herself and Mrs. KENNELLY):

H.R. 3097. A bill to amend title 18, United States Code, to prohibit the mailing of certain mail matter; to the Committee on the Judiciary.

By Ms. LOFGREN:

H.R. 3098. A bill to amend title II of the Social Security Act to diversify the investments of the Social Security trust funds by providing for investment of 40 percent of each year's surplus in such trust funds in certain private obligations, securities, or other instruments; to the Committee on Ways and Means.

By Mr. LUCAS (for himself and Mr. BREWSTER):

H.R. 3099. A bill to establish the Washita Battlefield National Historic Site in the State of Oklahoma; to the Committee on Resources.

By Mr. MANZULLO:

H.R. 3100. A bill to limit the authority of Federal courts to fashion remedies that require local jurisdictions to assess, levy, or collect taxes, and for other purposes; to the Committee on the Judiciary.

By Mr. TOWNS:

H.R. 3101. A bill to require health plans to provide coverage for a minimum period of time for a mother and child following the

birth of the child; to the Committee on Commerce.

By Mr. VISCLOSKY:

H.R. 3102. A bill to amend the Internal Revenue Code of 1986 with respect to treatment of corporations, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committees on Resources, and Agriculture, 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. SANDERS (for himself, Mr. LAFALCE, and Mr. METCALF):

H. Con. Res. 152. Concurrent resolution expressing the sense of Congress that legislation containing a cross-border fee for vehicles and pedestrians entering the United States from Canada or Mexico is unwise and should not be enacted; to the Committee on the Judiciary.

By Mr. HASTERT:

H. Res. 382. Resolution electing Representative MIKE PARKER of Mississippi to the Committee on Appropriations; considered and agreed to.

By Mr. FAZIO of California:

H. Res. 383. Resolution electing Representative JOSE SERRANO of New York to the Committee on Appropriations; considered and agreed to.

By Mr. BAKER of Louisiana (for himself, Mr. HAYES, Mr. BACHUS, Mr. LAZIO of New York, Mr. KENNEDY of Massachusetts, Ms. VELAZQUEZ, Ms. ROYBAL-ALLARD, Mr. KANJORSKI, Mr. LOBIONDO, Mrs. MEEK of Florida, Mr. CHRYSLER, Mr. KING, Mr. FRANK of Massachusetts, Mr. SCHUMER, Mr. MCCRERY, Mrs. MALONEY, Mr. CREMEANS, Mr. HEINEMAN, Mr. ACKERMAN, Mr. SANDERS, Mr. STOCKMAN, Mr. GUTIERREZ, Mr. WATT of North Carolina, Mr. TAUZIN, Mr. LAFALCE, Mr. EHRLICH, Mr. FLAKE, Mr. BONO, and Mr. ROTH):

H. Res. 385. Resolution expressing the sense of the House of Representatives regarding tactile currency for the blind and visually impaired; to the Committee on Banking and Financial Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

208. By the SPEAKER: Memorial of the House of Representatives of the State of Washington, relative to the control or eradication of nonnative noxious weeds in the State of Washington; to the Committee on Agriculture.

209. Also, memorial of the House of Representatives of the State of Georgia, relative to petitioning the President of the United States and the Congress of the United States to recind and remove any action that would give the Food and Drug Administration regulatory powers over the tobacco industry; to the Committee on Commerce.

210. Also, memorial of the Senate of the State of Washington, relative to requesting the Congress of the United States to implement clarification of the Indian Gaming Regulatory Act of 1988; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 580: Mr. SOUDER, Mr. POSHARD, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 761: Mr. WATT of North Carolina and Mr. MENENDEZ.

H.R. 773: Mr. CAMPBELL and Mr. FROST.

H.R. 784: Mr. ROTH and Mrs. VUCANOVICH.

H.R. 969: Mr. FILNER.

H.R. 997: Mr. GORDON and Mr. MEEHAN.

H.R. 1073: Mrs. SCHROEDER, Mr. FAZIO of California, Mr. PALLONE, Mr. HILLIARD, Ms. PRYCE, and Mr. KILDEE.

H.R. 1074: Mrs. SCHROEDER, Mr. FAZIO of California, Mr. PALLONE, Mr. HILLIARD, Ms. PRYCE, and Mr. KILDEE.

H.R. 1227: Mr. HOSTETTLER.

H.R. 1406: Mr. LIPINSKI, Mr. JOHNSTON of Florida, Mr. TEJEDA, Mr. FAZIO of California, Mr. WYNN, Ms. LOFGREN, and Mr. RICHARDSON.

H.R. 1434: Mr. ENGLISH of Pennsylvania.

H.R. 1496: Mr. PAYNE of New Jersey.

H.R. 1514: Mr. BILIRAKIS, Mr. DAVIS, Mr. SALMON, Mr. POSHARD, and Mr. ROBERTS.

H.R. 1684: Mr. BARRET of Wisconsin, Mr. BERMAN, Mr. BLUTE, Mr. BONILLA, Mr. BREWSTER, Mr. BROWDER, Mr. CALLAHAN, Mr. CONDIT, Mr. DEAL of Georgia, Mr. EVERETT, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KINGSTON, Mr. MONTGOMERY, Mr. NEUMANN, Mr. PALLONE, Mr. PETERSON of Minnesota, Mr. PORTMAN, Mr. QUINN, Mr. RAHALL, Mr. ROEMER, Mr. STENHOLM, Mr. STUMP, Mr. TALENT, Mr. TAUZIN, Mrs. THURMAN, Mr. TANNER, Mr. ZELIFF, Mr. ABERCROMBIE, Mr. BAESLER, Mr. BROWN of Ohio, Mr. COLEMAN, Ms. DANNER, Mr. DOYLE, Mr. FIELDS of Texas, Mr. GIBBONS, Mr. GRAHAM, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HOLDEN, Mr. HOUGHTON, Ms. JACKSON-LEE, Mr. SAM JOHNSON, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mrs. LINCOLN, Mr. MCHALE, Mr. PASTOR, Ms. RIVERS, Mr. SANDERS, Mrs. SCHROEDER, Mr. SPRATT, and Mr. TORICELLI.

H.R. 1893: Mr. FRAZER and Mr. PAXON.

H.R. 1916: Mr. GILLMOR and Mr. COX.

H.R. 1972: Mr. HAYES.

H.R. 2391: Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. KIM, and Ms. PRYCE.

H.R. 2407: Mr. ACKERMAN, Mr. PORTER, Mr. DELLUMS, Mr. CARDIN, Ms. WOOLSEY, Mr. BERMAN, Ms. NORTON, Ms. LOFGREN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2416: Mr. MARKEY and Mr. TAYLOR of North Carolina.

H.R. 2434: Mr. LINDER, Mr. HERGER, and Mr. BARTLETT of Maryland.

H.R. 2531: Mr. BREWSTER.

H.R. 2543: Mr. BONO.

H.R. 2608: Mr. THOMPSON.

H.R. 2634: Mr. QUILLEN.

H.R. 2651: Mr. LEWIS of Georgia.

H.R. 2655: Mr. ANDREWS.

H.R. 2723: Mr. SALMON.

H.R. 2727: Mr. MCKEON and Mr. SMITH of Michigan.

H.R. 2740: Mr. TATE.

H.R. 2779: Mr. ORTIZ.

H.R. 2807: Ms. LOFGREN and Ms. VELÁZQUEZ.

H.R. 2815: Mr. CLEMENT and Mr. DUNCAN.

H.R. 2827: Mr. ROSE.

H.R. 2885: Mr. HORN and Mr. MCCOLLUM.

H.R. 2909: Mr. SANDERS.

H.R. 2912: Mr. TAYLOR of North Carolina.

H.R. 2915: Mr. MCHALE.

H.R. 2925: Mr. ROGERS, Mr. SOUDER, Mr. TAYLOR of Mississippi, Mr. CONDIT, Mr. FRELINGHUYSEN, Mr. GILLMOR, Mr. DEFAZIO, Mr. LIVINGSTON, Mr. KILDEE, and Mrs. FOWLER.

H.R. 2928: Mr. MCINTOSH, Mr. COOLEY, Mr. BURR, and Mr. ENGLISH of Pennsylvania.

H.R. 2930: Mr. BURR.

H.R. 2931: Mr. QUINN and Mr. THOMPSON.

H.R. 2933: Mr. HINCHEY and Mr. FATTAH.

H.R. 2959: Mr. HOUGHTON, Mr. SAWYER, Mr. EHLERS, Mr. FOX, Mr. DAVIS, Mr. STUPAK, Mr. OWENS, Mr. BLUTE, and Mr. MILLER of Florida.

H.R. 2963: Mrs. MORELLA, Mr. FRAZER, Mr. BENTSEN, Mr. STOKES, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DELAURO, Mr. ABERCROMBIE, Mr. TORRES, Ms. MCKINNEY, Mr. HASTINGS of Florida, Mrs. CLAYTON, Ms. WATERS, Mr. SCOTT, Mr. OWENS, Mr. BISHOP, Mr. LEWIS of Georgia, Mr. CLYBURN, Mr. THOMPSON, Mr. FATTAH, Mr. RANGEL, Mr. HILLIARD, Ms. JACKSON-LEE, and Mr. JEFFERSON.

H.R. 2976: Mr. FRANK of Massachusetts, Mr. MILLER of California, Mr. NEAL of Massachusetts, Mr. OXLEY, and Mr. TORKILDSEN.

H.R. 2991: Mr. BERMAN, Mr. LEWIS of Georgia, and Mr. FOGLIETTA.

H.R. 3002: Mr. WELLER and Mr. GUNDERSON.

H.R. 3004: Mr. PAYNE of Virginia, Mr. TANNER, Mr. DICKEY, Mr. MASCARA, and Mr. EWING.

H.R. 3048: Mr. SKELTON.

H.R. 3060: Mr. CALVERT and Mr. FOLEY.

H.J. Res. 70: Mr. ANDREWS.

H.J. Res. 127: Mr. CREMEANS.

H.J. Res. 159: Mr. SMITH of Michigan, Mr. FAWELL, Mr. CONDIT, and Mr. FIELDS of Texas.

H. Con. Res. 47: Mr. BONO and Mr. CRAMER.

H. Con. Res. 73: Mrs. MINK of Hawaii.

H. Con. Res. 144: Mr. ROSE and Mr. VISCLOSKY.

H. Con. Res. 148: Mr. BARTLETT of Maryland, Mr. LARGENT, Mr. STUMP, Mr. QUILLEN, Mr. BILBRAY, Mr. SHADEGG, Mr. EHRLICH, Mr. ACKERMAN, Mr. SAXTON, Mr. WOLF, Mr. CHRISTENSEN, and Mr. LEWIS of Kentucky.

H. Res. 348: Ms. DANNER.

H. Res. 359: Mr. EMERSON, Mr. MILLER of California, and Mrs. MEYERS of Kansas.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Mr. BARR on House Resolution 364: Wes Cooley and Tom A. Coburn.

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of America

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PROCEEDINGS AND DEBATES OF THE *104th* CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, THURSDAY, MARCH 14, 1996 *No. 35*

Senate

(Legislative day of Wednesday, March 13, 1996)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, whose chosen dwelling is the mind that is completely open to You and the heart that is unreservedly responsive to You, we thank You that our desire to find You is because You have already found us. Our prayers are not to get Your attention, but because You have our attention. You always are beforehand with us with prevenient, providential initiative. Our longing to know Your will is because You have wisdom and guidance prepared to impart to us. You place before us people and their problems and potentials because You want to bless them through our prayers for them and what You want us to do and say to encourage and uplift them.

The challenges before us today dilate our mind's eye because You have solutions ready to unfold and implement through us. You consistently know what we need before we ask You. Keep our minds riveted on You and our wills responsive to Your direction. We do want Your best in everything for our beloved Nation. Bless the Senators and all who work with them as they seek to keep America good, so that she may continue to be great for Your glory. In Your holy name, Father. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Thank you, Mr. President. For the information of our colleagues, today the Senate will immediately resume consideration of H.R. 3019, the continuing resolution appropriations bill. Under the order that was agreed to, Senator MURRAY of Washington will offer the timber amendment under a 2½ hour time limitation. As a reminder, the Senate will begin 30 minutes of debate regarding the Whitewater resolution at 1:30 p.m. today, with a cloture vote on a motion to proceed to that resolution occurring at 2 p.m. Senators, therefore, can expect there will be recorded votes throughout the day, and we hope to complete action on the continuing resolution today if at all possible.

I urge my colleagues to take a serious look at the time we have spent on this omnibus appropriations bill. We have been on it since Monday. We really do need to go forward with this legislation. We have a large number of amendments pending on both sides of the aisle. I hope that Senators who are really serious about going forward with amendments will let us know soon. I intend to work with the Democratic leader to see if we cannot begin to get some understanding of what amendments will be offered.

I plead with my colleagues, let us get this work done. Also, we want to do it but we are going to have to do something a lot different than we have been doing or we will not be able to complete this until next week.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CAMPBELL). Under the previous order, leadership time is reserved.

BALANCED BUDGET DOWNPAYMENT ACT, II

The PRESIDING OFFICER. The Chair lays before the Senate H.R. 3019, which 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:

(1) Hatfield modified amendment No. 3466, in the nature of a substitute.

(2) Lautenberg amendment No. 3482 (to amendment No. 3466) to provide funding for programs necessary to maintain essential environmental protection.

(3) Grams amendment No. 3492 (to amendment No. 3466) to establish a lockbox for deficit reduction and revenues generated by tax cuts.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington, [Mrs. MURRAY] is recognized to offer an amendment dealing with timber sales, on which there will be 2½ hours equally divided.

The Senator from Washington is recognized.

AMENDMENT NO. 3493 TO AMENDMENT NO. 3466

(Purpose: To repeal the emergency salvage timber sale program)

Mrs. MURRAY. 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 Washington [Mrs. MURRAY], for herself, Mr. LEAHY, Mr. BAUCUS, Mr. BUMPERS, Mrs. FEINSTEIN, Mr. BRADLEY, Ms. MOSELEY-BRAUN, and Mrs. BOXER, proposes an amendment numbered 3493 to amendment No. 3466.

Mrs. MURRAY. 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 text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

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

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The PRESIDING OFFICER. The Senator is recognized.

Mrs. MURRAY. Mr. President, I rise today to make a case for a commonsense, responsible forest policy. Today, I want to plead with my colleagues to fix a mistake that this Congress made last year and put in place a long-term plan to restore the lawful expeditious salvage of dead and dying timber in our Nation's forests.

Today, our national forests are at the center of extreme controversy. My constituents are angry and many believe that the salvage rider from last year went way too far. It is very critical that we address this situation now.

Let me remind my colleagues about the course of forest policy in these past few years. I will spend most of my time discussing the Pacific Northwest, because that is where much of the forest controversy is right now about salvage timber and it is where it is currently focused.

When I came into office in 1992, the national forests of the Northwest were locked up, they were closed to timber management because the agency had not followed the environmental laws of this Nation. The courts prohibited the agency from selling trees, and Congress was gridlocked. Nothing was moving, and there was war in the woods. Rural communities were hurting, and environmentalists were winning in the courts of law and in the courts of public opinion because the public saw mountainsides ravaged and felt betrayed.

President Clinton held a forest conference early in 1993, listened to all sides and eventually endorsed a plan developed by scientists for the Forest Service and the Bureau of Land Management that would provide a sustainable flow of timber while protecting species diversity, watersheds, and other important values.

Few people liked the plan, I will admit, but, once again, the forests were finally open for science-based timber harvests.

Unfortunately, the timber sales program established under the Northwest forest plan has not produced the volumes many of us had hoped that it would. I, like my opponents, am very frustrated that the Forest Service has been unable to produce a timber-sale level even close to what scientists believe is sustainable under the President's forest plan.

Near the end of 1994, delays under the forest plan, combined with a rash of forest fires in the inland West, brought frustration to a boiling point. But instead of working within the plan or trying to reach a compromise on a reasonable approach to salvage logging, this Congress lowered the boom. The rider that passed last year suspended environmental safeguards, it cut the public out of Government decisions, and, under subsequent court rulings, mandated unscientific timber sales.

This rider may have sped up the flow of timber to mills marginally, but it also has sparked a war in the woods in my State and my region. Like so many other environmental proposals pushed by this Congress, it just went too far. I, too, want the President's forest plan to deliver and I, too, want dead timber to be salvaged from our Nation's forests. The big difference between my approach today and my opponents is how we move forward. Do we allow the public to be involved? Do we give agencies discretion to follow the law? Do we provide 1-year fixes or establish a long-term approach?

I believe that we can salvage trees quickly while still allowing public involvement in sales that comply fully with the laws.

I want to take the time to explain my amendment.

The first title simply repeals the timber rider whose consequences shocked so many people. How many Senators envisioned this kind of sale when we discussed timber salvaging dead trees, this kind of sale where the result is a tremendous damage to our ecosystem, to our salmon, to our fish, to the wildlife, where we cut without regard to what happens to the environment or what happens to the timber around it? We cause slides, we cause backups, we cause flooding, and we cause tremendous damage to many of our timber areas and to the salmon and the fish that depend so much on it.

How many of my colleagues, when we voted last year, thought that we would see a sale like this?

My friends, this picture is of a tree that was cut down under the rider from last year. This tree is well over 250 years old. This tree is older than the Constitution of the United States of America. We hear so much today about the fact that we need to take care of our children and our grandchildren, that we want something there for them in the future. This tree will not be replaced for my grandchildren, my great-grandchildren, or my great, great-grandchildren.

This is what we did when we passed the rider last year. This is not the type of sale that the public believes should be exempt from scrutiny or statutory safeguards.

The second provision of this title addresses how we fix the mess we have made. Even the senior Senators from Washington and Oregon admit that mistakes were made. They agree that the administration needs some flexibility to right the wrongs brought about by these old-growth sales. Unfortunately, the approach they take in this bill does not solve the problem. It allows the Secretaries to negotiate with purchasers for alternative volume, but then it gives the purchasers the final say. Furthermore, it allows buyback of these harmful sales, but only using funds other than timber sales money; apparently, watershed restoration money, trails money, and wildlife funds. I do not agree with that approach.

In contrast, my approach provides the administration and the purchaser equal negotiating position but gives the Secretary the final say. It establishes that the priority should be alternative volume. However, if that is unavailable, the Secretary has a whole package of tools available to assist the purchaser. He can offer cash, bidding credits, loan forgiveness, or any other available option under current law.

The final provision of this title addresses the problem of salvage timber sales throughout the country. Under the timber rider passed last year, the agencies were not required to follow environmental laws and their decisions were not subject to administrative appeal or substantive legal challenge. The public, you and I, were cut out of the process. While I believe that the vast majority of sales comply with environmental laws, as the administration promised they would, some of the salvage sales likely would not withstand administrative or judicial scrutiny.

Some people have raised concerns that my amendment will allow frivolous appeals to gridlock reasonable agency decisions to award timber sale contracts.

Let me be very clear; this is not the case at all. My amendment allows judicial review of awarded sales and gives a judge discretion to provide injunctive relief when necessary. The goal is twofold: First, to allow one check on sales that have received no checks at all, and second, to allow legally awarded sales to move forward.

Title II, I admit, is a bit parochial. As I complained about earlier, we simply must make the Northwest forest plan work. The way we make it work is to get the scientific underpinnings in place by finishing the watershed analyses as soon as possible. In this amendment, we direct the agencies to expedite sales under the plan and use available funds first and road construction funds as a backup to complete these important watershed analyses.

The Northwest forest plan has to work. We have too much riding on it. Both the States of Washington and Oregon and many private companies either have developed or are in the process of developing habitat conservation plans to protect threatened and endangered species. These State and private lands supply the vast majority of timber available for harvest in Washington State. Without a sound Federal policy underpinning, these HCP's may no longer provide sufficient habitat protection. This will put our timber workers and our communities in jeopardy once again.

Title III of my amendment is the most comprehensive. It is a section that sets forth in a number of ways, I believe, that reasonable timber salvage can be expedited on Federal lands without cutting people out of the process. Unlike the rider from last year, it limits the definition of ''salvage'' to true salvage: dead and dying trees. It establishes an expedited process for getting at those trees because the trees are

dead or dying, so they must be harvested quickly in order to get any economic value from them.

Maybe it is our puritan heritage, but most Americans do not like to see deadwood going to waste. Why not get some economic value out of the devastation caused by wildfires or insect epidemics or blowdowns? I agree and I try to expedite that often cumbersome process.

Both the timber interests and conservationists have criticized this title. That tells me I must be in the middle. Some people say it will establish a whole new bureaucracy. That is not correct.

One provision does require agencies to work together to shorten the time required for consultation under the Endangered Species Act. At first, I wanted to codify the memorandum of understanding that is working in the Pacific Northwest to reduce the amount of time it takes for the regulatory agencies to approve Forest Service and BLM sales. However, that document is quite cumbersome, so I simply adopted the streamlined consultation methods that it contained. In other words, this system is already in place. It was put there to expedite salvage under the timber rider, and it is working.

Timber interests are also concerned that this more limited definition of salvage is unscientific and alters current law. I have two answers for that. First, the current definition, whose eligibility requirements include such sweeping phrases as trees ''imminently susceptible to fire or insect attack'' is too broad for the widespread use to which salvage sales are now being offered. A few years ago the Forest Service had a very small timber salvage program and, because of its relatively small scale, was not under public scrutiny.

Second, while my definition is narrower, it does not prohibit the use of the other definition. That is an important point. My bill does not limit the agencies' ability to perform salvage under the older definition.

What my bill does is this: It says, where we need to get in to harvest timber quickly because it will lose its economic value if we do not, we need expedited procedures. On the other hand, in situations where the timber is not dead or rotting, the agencies can take the longer route of compliance with lengthier documents and lengthier appeals. The old salvage program would be better suited to forest rehabilitation activities such as thinning of overstock stands or establishing multilayered canopies to mimic old-growth forests.

Some people have expressed concern that the new NEPA regulations will not be completed for at least a year. That is true. However, I want to emphasize that we are putting in place a new long-term policy to allow salvage logging. The agencies and the Council on Environmental Quality will develop that process within a year, which is very fast for the Federal bureaucracy, and it will remain in place as long as this Congress wishes it to be there.

Let me turn to the issues raised by conservationists. They are greatly concerned about the ''salvage'' definition contained in the old rider that we passed last year because it is too broad and it encompasses virtually any standing tree. They want only dead trees to be cut, and they do not want any new roads to be built.

My amendment narrows the definition to focus directly on dead trees and minimizes the risks of subjecting healthy trees to harvest under the moniker of ''salvage.'' In addition, my amendment limits new road construction under the salvage program to quarter-mile spurs. My definition does not go nearly as far as they wanted, but it does represent a responsible, sensible compromise.

They want all sales prohibited if arson is committed and believe the burden of proving someone committed arson to create a salvage sale is too onerous. They want this bill's expedited provisions to apply to sales located outside of any wilderness areas, not just those wilderness areas in which timber harvest is currently precluded.

Others expressed reservations about the provision that gives the agency more discretion to provide guidelines for purchasers regarding tree marking. They believe that too many trees are mismarked, and they do not trust the agency to develop reasonable guidelines. However, my language comes directly from feedback received by people on the ground that I talked with, and it is designed to save time in laying out these sales.

Some environmentalists have raised concerns about provisions limiting the time to appeal sales. They feel their rights have already been reduced by the provisions included in the 1992 appropriations bill establishing a time of 45 days. My amendment reduces it to 30 days.

My theory was that the bill gives the public more access up front in the process by allowing them to participate in interdisciplinary team meetings. They will then hear agency experts discussing timber sales and may be better able to suggest helpful changes early, thus reducing the likelihood of bad sales and the need to appeal at all. Again, this is a reasonable approach.

The amendment facilitates up-front public involvement, public involvement in a second way. It waives some Federal Advisory Committee Act requirements if the agency feels public involvement would be facilitated by doing so. As we saw in the Applegate project in Oregon, FACA thwarted a particularly useful community-based effort to manage resources. Where communities can resolve these thorny natural resource issues, I want to do everything I can to endorse and encourage those solutions.

Finally, conservationists are nervous about the increased flexibility allowed under the pilot program for stewardship contracts. Senators MACK and BAUCUS and Representative PAT WILLIAMS introduced legislation this session that encourages this type of contracting that allows the agency's flexibility to design sales to foster stewardship goals, rather than necessarily producing a high financial return to the Treasury.

I have spoken to timber workers, and they believe this program holds great promise. I share their enthusiasm, and I am certain it can be implemented in a constructive and beneficial way for our workers.

Let me conclude this with a note about the final title that is simply an effort to increase our knowledge about forest health and healthy timber stands. This title is primarily directed at tree health. As conservationists have repeatedly pointed out to me as I discussed this topic, forest health is not just about tree health; it is about watersheds and soils and other vegetation, wildlife, and a whole host of noncommodities. I agree. However, I also agree that in some areas of our Nation, our timber stands are unhealthy. We need to use science to figure out a way to help restore them.

This title asks the agencies to identify unhealthy stands and prioritize those that would benefit from rehabilitation. I know that Senator CRAIG and others, including Senator DASCHLE, have been very interested in this approach. The bill directs the agencies to prioritize areas based on their health, their ease of access, and their probability of arousing controversy. Why not rehabilitate areas that we can most easily reach with the least amount of outcry and treat those first?

Finally, the bill concludes with a study recommended in Senator BRADLEY's timber salvage repeal bill. It directs the National Academy of Sciences to study the ecological health of forests. It should provide us information with which, if necessary, we can modify our approach to forest health in the years to come.

This has been a rather lengthy explanation of my amendment. However, I think it is important to discuss so that my colleagues can understand the reasons for the decisions I made in this amendment. This amendment is not perfect, but it does provide us with a real opportunity to do the things that the vast majority of Americans can agree on. We should harvest dead and dying timber quickly on our national forests while giving people—people—the power to influence agency decisions.

It is also critical to point out that this bill is not a referendum on how the administration has handled this issue. Opponents are going to argue that the administration has changed its position or sent us mixed signals. This is not about the executive branch. This amendment is about people.

Under the rider, Federal agencies are out in the woods running timber sales with little or no accountability. Under

the rider that we passed last year, ordinary citizens—you and I—have little or no ability to influence Government decisions. Under that rider, timber communities have once again been dragged into a political storm. My amendment puts the public—us—back in the process and implements a long-term salvage program.

Mr. President, this Congress reignited a war in the woods in the Pacific Northwest and elsewhere. The rider passed last year was legislative overkill on the environment. I do not want to have to face my constituents and tell them that this Congress did not want them involved in management decisions about the forests they own. I want my constituents to know they have a place in our Government and in our forests. Likewise, I want our timber communities and families to know that we value the services that they provide to this Nation.

They have borne a lot of criticism for supplying us with wood and paper products. That criticism is shortsighted and hypocritical. I want to make it very clear: One of the messages of this amendment is that timber salvage is good if it is done correctly and wisely. It is a beneficial activity that should be encouraged where it is scientifically sound. We should stop the pendulum from swinging so wildly—from no cutting to no accountability.

Mr. President, through this amendment we can show the American people that this Congress can pass a piece of legislation that gives neither side everything but both sides something. I urge my colleagues to support this amendment that repeals the timber rider and replaces it with reasonable, a long-term, expedited timber salvage program providing commodities for this country and protection for our forests.

One more note, Mr. President. This amendment is fully paid for from Forest Service accounts. I urge my colleagues to support this amendment. I withhold the balance of my time.

Mr. HATFIELD. Mr. President, first of all, I commend my colleague for her keen interest and her willingness to become involved in one of the great issues that confronts the Pacific Northwest—not only the Pacific Northwest, but the entire country, and not just for the entire country, but now something that is an issue that is worldwide.

I want to just say briefly that we get ourselves oftentimes so focused on our own geographic focus of interest, we sometimes forget the impact of policies that affect the entire world. A group of us went to Siberia to see the timber situation in Siberia this last August and to review the cutting policies of that part of the world. Due to the stalemate and the gridlock in the Northwest, which has succeeded pretty much in eliminating this Northwestern part of the United States which is, worldwide, the greatest productive area for softwood timber in the world, effectively eliminating it from the area of supply for one of the great demands in our own country, housing—housing for many people: poor, middle income, rich, everybody. The only product for housing that really is a renewable product that is grown by free solar energy and that can be replaced and renewed, renewed, and renewed, as it is a thesis of our whole timber policy, is a renewable resource.

Let me just say that we are, today, witnessing what I call a modern type of environmental imperialism, much the same as the 18th and 19th century imperialism of Britain and the European powers. For what we have not found available, in part due to our own policies on the home front, we are going to the rest of the world, to exploit the rest of the world—the rest of the world that has no policies in place.

Siberia has a great hunger for hard cash. Let me just say that this is a reality. We have 10 small mills in the Northwest consortium, and in the 10 small mills—6 from the State of Oregon—they have gone in to make purchases of Siberian timber because of our own lack of supply. In Siberia, there is a multiplier of 15. What we can produce in the Northwest on 100,000 acres takes 1.5 million acres of timber in Siberia—1.5 million.

It seems to me that we have to begin to lift our eyes to not only the environmental needs of our own area within this country, and in this country on this continent, but also the whole world.

The same is happening in South America. The demand has not been met in our own country, and, as a consequence, we are looking to other markets in South America. Again, let me emphasize, even our Canadian friends have not fully implemented a national timber policy governing the way in which timber is managed in Canada. The pressure is on Canada. Our 13 Southern pine States, mostly made up of small wood lots, are stripping their lands to meet the supply.

That is just one facet of what we do here and its environmental impact on the rest of the world. I think the day has come when we have to take seriously the right of the United States to go to the rest of the world and exploit and extrapolate their raw materials to feed our own need here domestically.

Now, I think also that it is very important to recognize that these pictures that we see absolutely chill my blood—about the same as if I went to a slaughterhouse to watch sausage being made would chill my blood. But I still like sausage. I am a tree planter. I do not know how many people in this Chamber planted trees. I have planted 1,800 of them on 5 acres of seedlings. I do not like to see the process of providing us housing material or beautiful paneled walls in our offices, and the other myriad of ways in which we use the timber product. And I think, also, our history is very, very limited.

We have had some floods in the Pacific Northwest. There are those who are trying to say those floods were tied directly to timber harvests. I think in some areas that is true. But to say that the floods were created solely, or exclusively, or in the main by this is not historically accurate. The greatest flood we had was in 1891. We were not doing much timbering in 1891 in my State, nor I do not think in the State of Washington either.

We also have a short history when, in World War II, the National Government said, ''We have to have timber for the war effort, and we are not using our Federal timber. We are asking the private timber landowners to produce the timber now for the cause of the war, and we will replace it from Federal timber after the war.'' That is an important factor in this history of timber in our Pacific Northwest. A lot of people like to go around and say, ''Look how they have stripped the land of the timber.'' That was because we had locked up our own Federal land timber and, for the sake of the war effort, calling on people's patriotism to strip their land for that timber because it was faster to be gathered and cut, rather than having to wait to build roads into the Federal area.

I want to now just recall something in 1989. That is not that long ago. In 1989, Mr. President, Speaker Foley, Congressman Les AuCoin, and I called a timber summit to face the problem we had at that time of a shutdown of our Federal forests for any timber harvesting. In 1989. It is very interesting because in July 1989 the Ancient Forest Alliance, a coalition of environmental groups, proposed their own short-term timber supply solution. What did the Ancient Forest Alliance propose? They proposed a 9.6 billion board feet harvest—a 9.6 billion board feet harvest in 1989 and 1990, a 2-year period. That was to take place on the Federal forest lands and the BLM lands in Oregon and Washington alone.

They had other parts to their proposal, such as minimizing the fragmentation of old growth using the Forest Service definition and PNW–447, or regional guide, and protecting the spotted owl. These were all components. But can you imagine a 9.6 billion board feet proposed cut from the Ancient Forest Alliance?

History changes. And this is obviously another example of change. But let us keep a continuity of that history, and let us look at all parts of that history, and let us remember that at that particular time we had just left the period when the so-called ASQ, the allowable cut, was 5.3 billion board feet annually from the Pacific North region, never having reached that level of cutting; the highest was 4.8. But that has changed, too.

Now, let us be very straightforward and historically correct on this. No one should be surprised about the rider. The administration negotiated every dot and every comma in that rider, fully cognizant of its meaning and fully understanding of what it proposed to

do and what it proposed not to do. It was a rider to what? An administration bill, a rescissions package. The administration, let us face it, had a higher value on getting the votes for that rescissions package than they did at that moment in negotiating a rider on timber. That is a fact, too. I was one of the negotiators.

So for people to say somewhat that this is a great surprise, that all of a sudden we opened it up and here was the fine print, that is not true. Everybody that was involved in that, including the administration, understood precisely what it said in that.

Now intervene the next step: A Federal district judge and a suit that he had to rule on relating to his interpretation of this rider. Now, when it is said that Senator GORTON and I found that it was not the best rider or the best effort we could have made, or whatever, it was the intervening interpretation by a Federal district judge that caused anybody and everybody who understood what the rider was and that it had gone too far.

Now, let me say that the administration then began to discuss and negotiate a modification to this rider. They asked for five points. First of all, before I give the five points, what are we talking about? We are talking about contracts that had been negotiated in the past on the basis of the forest procedures, on the basis of all of the in-place regulations. Nobody has done this in the dark. All of those were fully operative and negotiated, and they were fully publicized, as all timber sales are. In other words, we moved down not to the subject of timber sale, but to the right of contract.

Three points of contract: Offer, consideration, and acceptance. I learned that in my one and only year of law school. My colleague graduated; I did not. So we are talking about a legal instrument that is fully enforceable under our American jurisprudence system. Consequently, we are talking about a contract. When they say, ''Well, any substitute sale has to be agreed to by both parties,'' of course, you cannot violate a contract. Two parties had entered the contract, and if you are going to modify that contract, you have to have the two parties agree to the modification. This is not anything strange or weighted in the favor of one side or the other. It is a fundamental law of contracts. So we have these contracts, or a $150 million value of contracts, that the Federal Government entered into in good faith, and the buyer, in good faith, with consideration.

OK. What were these points then? The administration said, ''Your language is too narrow, as it has been interpreted,'' and so forth. The language was, in effect, and I want to quote it:

> The administration has the ability to offer replacement for those areas where a marbled murrelet is known to be nesting.

Oh, did we have long discussions with the White House on how do you define the presence of a marbled murrelet. They are reclusive kind of birds. If you find an eggshell, is that sufficient evidence? If you heard one fly over? So we said, ''nesting.'' And we said the replacement for those areas and those sales, if you found a marbled murrelet nesting, could then be set aside and replaced in like kind as a substitute sale. They said those were restrictions that they felt could not produce the best environmentally sound replacement policy. Two points: Expanded beyond the marbled murrelet, and do not make it replacement sale in kind. That would require an old growth, or no growth, or second growth, or whatever.

So, consequently, we lifted both of those out of the rider modification. In effect, we said, for any reason that you feel it would be environmentally unsound to pursue a sale, set it aside, and you do not have to replace it in kind. Replace it in volume with a mutual agreement because there were two parties to this contract.

We have no other way to do this except to legislate it and invalidate an existing contract. I do not think the Congress wants to get into that business.

All right. Those were two issues that we cleared up.

Then they said, ''Well, there are times when, perhaps, we do not want to have a substitute sale. We would like to have a buyout of the contract,'' which is always possible under contract, any contract. So we said, ''All right. Have a buyout.'' There is a little question as to where we are going to get the money for the buyout. But the point is, we would give them authorization for a buyout and work with the administration. As chairman of the Appropriations Committee, I have a little flexibility to do things of this kind, to make commitments. We will find ways to help finance an agreed financing system for the buyout. Then they said, ''Put a date of December 1996 as to when all of this has to be accomplished.'' That might rush us into premature cutting in order to meet a deadline. So it took a deadline off.

The last thing they asked for was a repeal on the sufficiency language, which is a red light, a red herring, or a bell in the minds of most environmental groups. But based on history and based on the record, there were people who were filing an injunction on every single timber sale to tie up every timber sale whether it had an environmental issue or not an environmental issue. We had the woods being run by lawsuits or locked up by lawsuits.

So the sufficiency language which we used in other cases, in other laws in this Congress and in this Government—wait until Superfund comes out. There will be sufficiency language in that. That is OK because that is against corporations who use the courts to stall their responsibilities to clean up. I will support it. I think it is a legitimate instrument if used carefully, and the record will show that there is plenty of evidence why sufficiency was going to have to be the implementation on this.

By the way, it went clear through the court system from the district to the ninth circuit to the Supreme Court, and the Supreme Court sent back the ruling, the ninth circuit having invalidated section 318 when the first sufficiency language appeared, and, in effect, said, ''Leave the management of the forest to the experts,'' and unanimously overruled the district court and the ninth circuit court. Of course, the ninth circuit court has a great record of being overruled. It is probably overruled more than any other circuit at certain times.

But the point is simply this. That was very legitimate. So four of the five—but listen to what we did with the four. You do not need sufficiency from the standpoint of the administration, or administering the forest, because it said for any reason you want to indicate that you do not feel a contract should be implemented, do not implement it. Have a substitution or a buyout—all power.

Let me make an observation. If the administration's position now is one of surprise, or they did not realize what they were signing and they want it repealed, let them talk to their foresters, their experts, and not to the pollsters and the political counsel at the White House. This is not a forestry issue, Mr. President. This is purely a political issue. And they need to repair that base of their support in the environmental community, and this is the only way the environmentalists say it: Do it this way, our way, or we will go out there and trash it. And they have already been doing that, when this first came about.

So, this is not a forestry or an environmental problem. This is a political problem being put into environmental wraps for the sake of the political election cycle we are in. They knew every inch of the way and every word of the rider, and now they are trying to get out from under it. By the same token, we have given them all the leeway, all of the flexibility necessary to cancel any sale by a buyout, or a negotiated replacement.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 20 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon, [Mr. WYDEN] is recognized for 20 minutes.

Mr. WYDEN. Mr. President, this past January 31, around 2 o'clock or 3 o'clock in the morning, I tried to imagine what I would say in my first Senate floor speech. I reflected a bit on what I had learned from Oregonians during the campaign that sent me here.

Though I had not slept a whole lot for many days, I had no problem piecing together what the election was all

about: Oregonians, regardless of who they voted for, are hungry for real solutions. In many ways, ideological purity—looking at Government through a set of partisan blinders—is far less important to the people of my State than making the Government work.

The message from our electorate was blunt: Put aside the partisan differences, shed the political armor, and find common ground.

I am by nature an optimist, and I believe that there are plenty of reasons to see that the water glass of democracy is more than half full. Both political parties now understand how important it is to downsize the Federal Government. Both parties recognize that our Nation needs real welfare reform. Soon the Senate will deal with a bipartisan health insurance reform bill. These are all areas where Democrats and Republicans can come together and find consensus.

But, frankly, I did not expect in the early morning hours of January 31 that my first speech would be about the so-called ''salvage rider,'' a subject that seemingly defies consensus building. And that is why our job today is so critical. More than half the forests in Oregon are owned by the Federal Government. For many Oregonians, the responsible management of these Federal lands is the acid test for determining if the Government really works or is actually broken beyond repair.

I believe that the Senate can help bring peace to our forests. Our challenge is to help persuade the warring forest factions to lay down their ideological clubs and work together so that America has healthy, productive forests in the next century.

Eminent forest scientists agree that our Western forests have genuine health problems that can be cured through salvage logging. For example, Oregon Governor John Kitzhaber's expert panel has made a number of important findings with respect to our State's Blue Mountains. They found that sizable amounts of certain species, such as Douglas fir and true firs, have died as a result of overcrowding on drier sites, drought, and insects.

A major portion of the live forest is under stress because stands are too dense, especially the true fir and Douglas fir understories beneath pine and larch, and it increases the likelihood of future mortality in both understory and overstory.

Restoration treatments including thinning and fuel reduction could reduce the risk of loss from insects and fire on large areas of these forests. Time is of the essence to capture economic value and reduce risk of catastrophic losses in the future. Salvage and restoration treatments have the potential to pay for themselves and provide funds for ecosystem restoration projects.

This story is not unique. Similar situations exist in forests throughout the West. A science-based forest health and salvage policy is needed to end this crisis, and as an Oregon Senator I am going to work with anyone, anywhere, anytime for a forestry policy that works.

In 1995, the Congress enacted a new salvage logging program. The supporters said it was a win-win policy, arguing that dead and dying trees would be salvaged for our mills and that the harvest would reap the added benefit of improving forest health. As a Member of the House, I felt compelled to vote against the plan because it was hard to find what we call the good wood in these arguments.

First, buried in the technical language of the bill was a definition of salvage that was so broad that virtually any tree in the forest could be cut. That definition specifically allows salvage sales to include what were called associated trees that are not dead or dying as long as that part of the sale did include salvage of dead or dying trees.

Second, the lack of hearings on the measure was a sure ticket, an absolute glidepath to the legal bedlam that Senator HATFIELD has described.

Third, whether or not you support the President's forest plan, a Federal judge has ruled that timber-dependent communities can actually harvest trees under it. The salvage rider threatens that harvest for a short-term gain.

Finally, I voted against this rider because it embodies what citizens have come to mistrust in American politics. While supporters of the rider said it was a good Government plan to prevent catastrophic fires and insect infestation, it has turned out to be a Trojan horse that would allow for the lawless logging of healthy old growth trees. The outcry that followed the rider's enactment is predictable and is why we are in the Chamber today.

My colleagues, it did not have to be this way. The Congress could have addressed these problems through the proper authorization process. The Senate could have let the public in on the debate. Senator CRAIG's bill, S. 391, squarely addresses forest health and could serve as a valuable starting point for a discussion of this issue. In our previous life in the House, Senator CRAIG and I worked very well together. I have always enjoyed working with Senators HATFIELD and GORTON. They have both been very kind to me in these early days of my service in the Senate, and I know we can work together again to achieve better Federal forest management.

The Senate needs to understand that the frustrations in resource-dependent communities that gave birth to the salvage rider are legitimate. That is certainly the message I got in my recent townhall meeting in Prineville, OR. Thousands of families in these communities are losing hope, and the Congress has to respond to their needs.

Under the President's plan for northwest forests, timber workers and communities were promised a harvest level of more than 1 billion board feet by 1999. This is down from unsustainable but peak harvest levels in the 1980's, but timber workers and their communities rightly feel abused when even meager promises are not kept.

Some of the original supporters of the salvage rider agree that the old growth logging that is occurring goes beyond what they have intended. In an effort to fix the problem, they have included language in the appropriations bill to give the agencies some additional flexibility to substitute alternative tracts and authority to buy back environmentally damaging sales.

These provisions are only a partial fix. They provide only a brief 45-day period allowing Federal agencies to substitute new timber for old sales which would be environmentally damaging or for a buyout of these sales. If the purchaser is not happy, the agencies have little leverage. Environmentally sensitive sales are going to go forward. The deck is stacked heavily in favor of the purchasers so that in effect they can dictate the terms.

In addition, provisions currently in the bill continue the exempting of salvage logging from environmental laws even extending this exemption for some of the most troubling sales. If these environmental laws are not working, then it is the duty of the Senate to change them. But it ought to be done in the open. It ought to be done in the clear light of day. As a new Senator, I am not going to support the politics-as-usual process by circumventing the law.

I also have no intention of turning my back on working families. If you oppose the salvage rider, you have to stand up for an alternative. You have to say what you are for if you are going to keep faith with folks in timber-dependent communities. I support a strong legally constituted forest health and salvage logging program that provides a real timber harvest and real hope for rural Oregonians.

That is why, today, I am going to support the amendment offered by Senator MURRAY. I compliment the Senator and her staff for her efforts to reach out to the broad section of stakeholders who care so much about this issue. I intend to work actively with other Senators to improve this legislation, but I believe that the Murray bill is a sounder, more comprehensive solution than the language now in the bill.

I believe that the centerpiece of reforming the salvage rider is ensuring that those who voluntarily relinquish contract rights to old-growth timber receive replacement timber. If the Murray amendment is adopted, I wish to work with my Northwest colleagues to strengthen the Murray proposal by making it a legal duty for the Clinton administration to find acceptable replacement timber from nonsensitive areas. My own view is that failure to provide certainty on the replacement timber issue virtually guarantees that this body will be back debating yet another fix to this problem.

The Murray amendment provides the agencies with tools they can use to deliver on the critical requirement of replacement volume. And the Murray amendment has other positive features. First and foremost, it restores critical habitat, forest and streambed protections in our current law. It gives citizens the right of legal redress, but the legal process will no longer drag on interminably. Instead of using scarce tax dollars for salvage buyouts, the buyouts are used as a last resort. The Murray amendment encourages and expedites legitimate salvage logging where it can treat genuine forest health problems.

There is more to do, and let me outline some followup steps if the Murray amendment goes forward. For example, I believe it is important to expedite the harvest of any remaining 318 sales that are not environmentally sensitive. These are sales that were planned under the process set up in the 1990 appropriations. The salvage rider orders the release of 318 sales which had been held up for environmental concerns. There are some who would claim that all of these sales should be suspended because of their potential environmental impacts. The fact is, Federal agencies do not challenge the release of all of them. A number of them have already been cut. If, in fact, some of these sales do not impact environmentally sensitive areas, I hope they will move forward.

A related concern is that bona fide salvage sales not be held up when; they do not trigger environmental concerns. Delay in salvaging dead and dying trees can cause the value of timber to decline substantially, even making it unmarketable. Automatically suspending salvage sales when an appeal is filed could invite meritless appeals that frustrate legitimate salvage efforts.

Finally, I am concerned that the forest health provisions in the amendment are somewhat duplicative, and that more work needs to be done on the roadless area provisions.

Mr. President, I would like to conclude my first speech in the Senate with one final comment. I am the first Senator from Oregon elected from my party in more than 30 years. But what I want to do most in the Senate is get beyond party labels, get beyond urban versus rural politics, and find common ground to help all our people. Whether you are an environmentalist or a mill owner, a fisherman or a logger, a new policy for creating and maintaining healthy forests is the common ground on which we all may stand. I urge my colleagues to support the Murray amendment and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, due to the prominent nature of this debate, perhaps the first thing we ought to do is to put in context how much, in the way of our national forests and our timber, we are talking about in the contracts that go beyond pure salvage. As a consequence, I have a picture here. The President's forest plan for the Pacific Northwest involves some 24 million acres in the States of Washington and Oregon. Mr. President, 19 million of those acres, more than three-quarters of them, are protected as statutory wilderness or park areas or set aside as research, old growth, and riparian acres.

Ten thousand acres in existing contracts are called for to be harvested in this amendment. I have indicated those 10,000 acres here.

Oh, you say, Mr. President, you cannot see it? Maybe this magnifying glass will help.

Mr. President, you still cannot see it? That is because what we are talking about is so small that, on a graphic illustration like this, you literally cannot see it. Ten thousand acres of harvest in the Pacific Northwest, already under contract, will be canceled automatically by this amendment should it pass.

As Senator HATFIELD pointed out, these 10,000 acres are not some permanent forest plan. They are unharvested acres in contracts which the Federal Government offered, received bids for, accepted the bids, and signed the contracts between 1990 and 1995. They are legal and binding contracts. And, of course, the amendment is closed-ended because it applies only to those contracts that were already signed.

But, Mr. President, let us say that we have made this a permanent amendment and said that every year the Forest Service had to execute contracts for 10,000 acres, and let us weigh it against this chart. Mr. President, grade school math tells us that it would then take 100 years to get to 1 million acres. It would take 1,000 years to get to less than half of the acres shown here in the President's forest plan.

Let me say that again, Mr. President. Out of 24 million acres, in 100 years, if this were permanent, we would get to 1 million acres; in 1,000 years we would get almost to half of these acres being harvested once. But, of course, this is not a permanent provision. It just says the Government made a deal, it entered into a set of contracts. It ought to keep those contracts.

That is talking about acres here, Mr. President. Let us talk about board feet. This is the almost 400 billion board feet of timber on those acres. This is the almost 300 billion board feet that are in those protected areas. This is the less than 100 billion board feet left. This is what we are talking about, 650 million board feet, somewhat less than one-tenth of the amount of growth each year.

Mr. President, you say you cannot see this line? I cannot see this line, standing as close to it as I am, because the number is so small. The number is so small.

What did the President of the United States say when he signed this bill, barely 6 months ago? President William Jefferson Clinton said, ''The final bill does contain changes in language that preserve our ability to implement the current forest plans and their standards and to protect other resources such as clean water and fisheries.'' That is what the President said in July of last year about this proposal.

Mr. President, this is presented as some kind of modest change, moving toward balance. In fact, of course, this amendment would not only cancel the contracts that have already been let that create legal obligations on the part of the Government, that are the subject of the charts that I have just shown, it would also cancel all of the provisions relating to salvage timber, the actual dead and dying timber, and all of the provisions relating to option 9.

Senator MURRAY, in her comments, spoke about the President's timber summit. At the President's timber summit after he was elected, his statement of balance ended up being what is now called option 9, which called for a harvest of about 1 billion board feet a year in these forests. In the nonprotected lands, that would take almost a century to work through.

But, as Senator MURRAY has admitted, almost none of that was actually harvested, even though that summit took place in 1993. Why? Because of the endless opportunities the law gave for appeals and for delay. It is almost impossible to find a single harvesting contract that was not subject to such an appeal. The Forest Service, President Clinton's Forest Service, tells us that in 1994 and in 1995, 92 percent of all of these appeals were turned down. They were frivolous. But an appeal in connection with salvage timber is as good as a cancellation. That timber is dead. It falls to the forest floor. It rots. If you go through one season stopped by these appeals, for all practical purposes the value of the salvage timber is gone. If you go through two seasons, it is absolutely and totally and completely worthless.

So the timber rider in the rescissions bill included three parts. One part said: Mr. President, you have offered the people of the Pacific Northwest option 9. The timber communities do not think it is adequate. It is a harvest of 20 percent, one-fifth of what the normal harvest is. But it was something, it was some offer. You have not been able to keep your promise. We are going to allow you to keep your promise. We are not going to change any of the environmental laws at all. No, you still abide by them. That is why the President was able to make this statement. But once you have determined that a particular offering is valid under option 9, you can go ahead and do it and you cannot be stopped by this frivolous appeal.

Second, for the whole country with respect to salvage timber, we said the

same thing. Mr. President, once your very green administration, your very environmentally sensitive administration says that a salvage sale ought to go forward, we are going to allow it to go forward. We will not allow it to be stopped by a frivolous appeal until the salvage timber has rotted out and become worthless.

But, Mr. President, nothing in either one of these provisions, option 9 or the salvage timber provisions, requires the administration to execute a single contract under option 9 or across the country for salvage timber. It is forced to do nothing that it does not want to do, and yet Senator MURRAY would cancel its ability to do something if it wants to do something.

The only mandate in the rescissions bill was this 650 million board feet, this tiny amount of existing contracts that the Federal Government signed, followed all the rules that were in effect at the time it signed them and for which it is liable if it cancels them.

Senator MURRAY's proposal will cancel all of those contracts, will allow the suspension by appeal of all of the contracts under option 9 or under salvage timber while those appeals are pending, will, in effect, result over the next few months in this season in no harvest at all in the Pacific Northwest and will create both a loss of revenue to the Federal Government, which it now expects from these sales, and very large liabilities on the part of the Federal Government to people who hold valid contracts.

Mr. President, how does she pay for it? She does not add to our deficit directly. She takes it out of general administration of the Department of Agriculture's Forest Service and out of forest research, interestingly enough, the very research which the amendment says is so vitally important. That is for the loss of income, the money that would go into those accounts.

For the loss of judgments to people who have valid contracts, she says, interestingly enough, the Secretary concerned can take it from any money appropriated to them. Mr. President, did you know that? Did you know that the Secretary could take that money from the account for Rocky Mountain National Park? Do my colleagues know that it can be taken out of agricultural research in South Carolina? No appropriation, no direction from the Congress at all, just wherever an imperial Secretary wants to take the money, no matter what it was appropriated for—to the Department of the Interior or the Department of Agriculture—the Secretary literally can take that money from anywhere.

I listened to the eloquent maiden speech of the new Senator from Oregon who wishes for a balanced and a thoughtful approach, and I wholeheartedly join him in that desire. I believe, as Senator HATFIELD, dealing with the administration both back in July and at the present time on this has provided exactly that. Senator HATFIELD's original work resulted in this statement by the President. That statement is: No problem, no problem at all, we can do everything for the environment we wish consistently with this rider.

But over and beyond that, this bill, the bill we have before us, allows buyouts as long as they are agreed to by both contracting parties, allows transfers, as long as they are agreed to by both contracting parties, allows all of the flexibility necessary.

The President of the United States promised balance. All of us want that balance. The President of the United States now, in supporting this proposition, says, ''No, this is a tough year and it is an election year. There has been a furor over this.''

There have been all kinds of misstatements. No one in the world would understand from what we have seen how little we are actually talking about: ''You must cancel the whole thing. You must allow appeals to stop any harvest of salvage timber, any harvest under option 9, cancel all of the sales under section 2001(k)'' and, besides that, another 200 million board feet of sales that there has been no controversy about whatsoever. Almost half again as much as we told the President to execute is canceled by this amendment about which there has not been any controversy, but it will be canceled if this amendment is adopted.

Mr. President, this is not balance. It is not a fair approach. The definition of what is allowed in salvage in here is so tight that there will be no salvage. You cannot salvage in any area without roads. You cannot salvage in any wilderness area. You cannot salvage in any lake or recreational area. You cannot salvage in any conservation area. That is what the whole forest system was created for.

There is no money in the salvage account, because it is all used for something else. If that is not enough, if you get around that and find one or two, it can be stopped by an appeal.

Mr. President, this amendment is a prescription for an end to all harvesting of timber in the national forests of the Pacific Northwest and, therefore, should be defeated.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. BRADLEY] is recognized for 10 minutes.

Mr. BRADLEY. Mr. President, I thank the Senator from Washington for yielding time. I do not know if I will use the entire 10 minutes.

Last year on an appropriations bill, we passed the timber salvage rider which I consider one of our bigger, if not the biggest, mistakes in natural resource management of the last 18, 19 years. We abandoned our environmental principles and endorsed a program of logging essentially without laws which undermines protections for precious resources, with only slight economic justification.

It is very difficult to accomplish all those things with one piece of legislation, but that is what the rider did. We passed the original rider with little knowledge of its potential impact and without holding any hearings. I remember standing on this floor during the debate on that rider and focusing on the language that said any tree susceptible to fire or insects could qualify as a tree for salvage, which meant the entire forest.

Members thought that they were voting to remove dead and dying trees from our national forests in order to protect forest health and capture the remaining value of trees which had been damaged by devastating fires. But we argued against that, pointing out, no, that is not what the language of the rider says. The language was not just for dead and dying trees that needed to be salvaged, but that vast areas of the national forests—healthy trees—would be cut as a result of this rider.

Unfortunately, in our view, the rider, more or less, prevailed in its breadth. The courts interpreted the law to mandate the cutting of some of America's most valuable trees.

I hope that everyone has a chance to see the pictures that the distinguished Senator from Washington has on the floor, to look at the old-growth forests that are being cut because of this rider. Anyone who has ever walked in old-growth forests understands that there is a dimension to those forests that is beyond the material. And cutting trees that are 50, 60, 100 years old means that it is going to take that long for them to regrow, if they do, and destroying habitat in the process.

Mr. President, the areas that are subject to cutting under the court decision include the healthy old-growth forests of western Oregon and Washington that have been long off-limits to timber sales because of their environmental sensitivity.

Mr. President, it would be irresponsible for this Congress to ignore those environmental problems and take actions which could make them worse. For example, a recent long-term study of the effects of timber cutting in the Northwest found that there was increased flooding even after 20 years, resulting from clear-cutting in sensitive areas. How can we appropriate millions more in this bill to repair flood damage in areas without taking the steps that the Murray amendment represents, to reduce the risks of future floods by assuring a full-growth national forest? How can we do that?

If you had the forest restored, you would have fewer floods; but we cut the forests, and we have more floods. Then we take taxpayers' dollars to make those individuals that are affected by those floods whole.

Mr. President, the timber salvage is not just an issue for the Northwest, which is another point. Even though

the focus is on those old-growth forests, the riders apply equally to forests nationwide by requiring salvage sales in areas that would otherwise have been rejected for legitimate environmental reasons.

Although agencies such as the National Marine Fisheries Service, Fish and Wildlife Service, and EPA have objected to many of those sales, courts have held that they must go forward because of this salvage amendment rider, because they are required by the letter of that law. Even worse, Mr. President, the rationale for the rider rests on improving deteriorating forest health conditions.

That is supported with very little data. We lack even the basic information needed to justify cutting trees on the scale endorsed by the rider, under conditions which suspend environmental laws and terminate almost all avenues for administrative and judicial appeal.

Senator MURRAY's amendment, I believe, would supply this missing information by requiring a new National Academy of Sciences study for forest health that provides the answers that Congress needs to regulate the forests sensibly. We do not have the answers right now. The law was passed, essentially mandating the cutting, and we do not have even the information to back it up. Last year's rider also undermines President Clinton's consensus Northwest forest plan, which took many months to produce and gave some hope for settling the region's longstanding timber wars.

Instead, under the rider, the timber wars have resumed at full force. The distinguished Senator from Washington pointed out that the President said he thought that he could work with it, and that is why he signed the bill. That was before the court decision said no. There were vast areas that were now open for salvage that the President had no idea of under the language of the law as he read it. The court broadly interpreted it so that now you are not just going in to pick up a few dead trees and dying trees, but you are slashing old-growth forests, as in the pictures that the distinguished Senator from Washington has shown to the Senate and to the country.

Mr. President, we have a chance to reverse these mistakes. We have a chance to take a more measured approach to timber salvage. That is the Murray amendment. It is supported by a wide variety of environmental groups. I know that that is not important to everyone, but it should be registered. The Sierra Club, the National Audubon Society, Wilderness Society, National Resources Defense Council, regional groups throughout the Pacific Northwest, they understand the significance of cutting old-growth forests. All this Murray amendment does is put laws back into the timber program. It is probably the biggest environmental vote that we are going to take, at least so far, this year. I urge my colleagues to support the Murray amendment and restore lawful logging to our national forests. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. GORTON. Mr. President, I yield such time as the Senator from Montana uses.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair very much, and I thank the leader on this.

Here we go again, talking about health of the forests, talking about the elimination of jobs in research, when more research is needed, and talking about a situation that existed in damaged forests before this salvage bill was passed a year ago.

It was simply management by committee at that time, and that did not work very well. It was not successful. Professional land and resource managers could not have or they could not have been allowed to apply good conservation measures when dealing with renewable resources. We are talking about renewable resources here.

And the salvage program gave some hope, hope of predictability in the communities across the Northwest that depend upon that healthy, viable forest. A diseased forest supports nobody, not this Federal Government, not people who want to own houses, not people who use wood products, nor the people who live in those communities that are dependent on the conservation or the wise use of a renewable resource.

The salvage program was passed by this Congress, with bipartisan support, as a tool to deal with forest health. The fires of 1988, 1994, and 1995 were devastating, so this Congress did exactly what it should have done in light of what the President and Vice President had promised the folks in the Northwest.

Now, are we seeing the rug pulled out from underneath them again? I just want to draw the attention of my colleagues to a couple things that I think are very, very important whenever we start considering this issue. This is where we want to get to: healthy, growing, young forests. The subject of the fire, now with a lot of things cleaned out, a lot of the undertow cleaned out, this forest is well on its way to recovery. That is where we want to get to. I think that is very important.

I want to draw your attention to this photograph. Here is a diseased forest as we find some of our forests in the State of Montana, dead and dying, with a green tree every now and again, basically a forest that has matured. If we are to regain any kind of value from this resource, we should take these forests, take the dead and dying trees, because if we do not—if we do not—as the years of 1988 and 1994 proved, this will be the scene across the great landscape of my favorite State of Montana.

This is up in the Yaak—a very dry year, lightning fires. You want to talk about air quality. Let us talk about air quality while we are talking about an environmentally impacted area. That is what it looks like when you get up a little closer, as it takes everything, the dead and dying and, yes, even the green trees. It takes it all. Devastating, dangerous. Again we can talk air quality. Want to get up a little closer? Anybody ever look down the throat of a forest fire? I have. In 1953, Edith Peek, Tango—I can name a lot of fires, most of them caused by a very natural thing called lightning. But with all the fuel that is on the forest floor, once it starts there is no stopping it. Again, it burns the diseased, the dying, and the healthy trees.

Now, after this little episode is over, this is what you have. This is what we are talking about as far as salvage is concerned. Some of these logs that are on the floor of the forest are actually usable, but as a year or 2 years goes by, they lose their value. There is no value there at all. So the salvage is not taken care of.

Another picture, same way, the subject of fire. Only take the ones that are on the floor of the forest. It makes a resource for us and everybody in this country.

A while ago we talked about water quality. This is in a forest that is subject to disease. A stream, drainage—that was not caused by man, but it can be healed by man—to protect this water quality, and nobody—nobody—is better at it than the State of Montana, or is more aware of it and more sensitive to it than my State of Montana.

When the provision was signed into law a year ago, it was a sound land management decision then. It still is. Instead of keeping an active forest salvage program in place, this amendment does a couple of things. It adds back new layers of bureaucracy while it takes away from other areas, areas where we could put more research and technology—this also promotes brandnew litigation. You know who wins in litigation. It is not the forest, and it is usually not the resource producers or the resource managers.

The salvage bill was passed by Congress and signed into law by the President. It provided a speedy process of processing and preparing. It called for environmental assessment and biological evaluation to be completed upon each sale. Let me tell you something that has happened as a result of this: Knowing that it may not end up in the courts, the different groups—both the logging industry, both the Forest Service who has responsibility of taking care of and managing that forest, and groups outside that were concerned about the environmental impact on that forest—all came together and they went into the forest and looked at some proposed sales. Everybody signed off on them. What it is, it brought them closer together because they knew that this problem was not going

to be taken to court, that we had to participate in the dialog. Everybody signed off. Everybody was happy. I think that was through the leadership of some people who worked for the Forest Service in the State of Montana that understood that if we are going to make the salvage law work, and protect the integrity of that law, we had to include a lot of people. They did that.

Really, all the groups concerned fundamentally agree to the same thing. They want a healthy forest. They want a renewable forest. They want one that is growing. Not only does it make good sense for the amenities of the area, it also makes good economic sense for the communities that depend upon the harvest of timber, and the harvest in an environmentally sensitive way—to involve people. That is what we did in Montana.

The courts are a terrible place to resolve our disputes. What happened in our case as a result of the salvage rider is this: When two sides or three sides are forced to settle their differences on the ground, knowing that the only way they will attain resolutions on the ground, they try to because reasonable people find ways to solve reasonable problems.

There was a copy of a letter sent to me from the commissioners up in Lincoln County, MT, testifying, ''We are here to personally testify that these salvage sales on the Kootenai National Forest are being done responsibly and in compliance with environmental laws, improving forest health conditions damaged by fires, creating jobs and generating a return''—a return—''of funds to the general Treasury of the United States of America,'' where those funds will dry up if this amendment is approved.

It is a testimony of people who live in the area who are concerned about their forest and who testify that, yes, the salvage rider is working. What criticism it may have, we must not lose the sight that our only goal is really for a healthy forest. Our communities cannot live without a healthy forest.

I urge my colleagues to defeat this amendment, allow us to proceed in a way where there is balance, where the balance is responsible and where we can find answers by talking to people and not yelling at them in a courtroom. That is where we solve problems—when it comes to our natural resource management, in the areas that are totally dependent on that natural resource.

Mr. President, the timber salvage provision enacted last summer is doing what it was intended to do. But the amendment offered by Senator MURRAY turns the clock back on sound land management policy and job security.

The lack of management over the years has left our communities at risk. Not only are Montana's communities which depend on the wood products industry on economic shaky ground, we have placed them at risk of serious fires.

We must not lose site of the fact that the timber salvage provision signed into law last year was in reaction to the serious fire load on the ground in the West. The fires of 1994 and 1995 were damaging. Human safety, community stability, and jobs were at stake. The work that is being done on the ground today under the salvage provision will help alleviate the potential threats during the 1996 fire season and beyond.

The provision signed into law last summer is a sound land management plan. But, with this amendment we have turned away from reason. Instead of keeping an active forest salvage program in place, the amendment would repeal sales which have been prepared, add new layers of bureaucracy, and promote new litigation. The proposal we have before us should be called the ''No Logging, No Logic, and Lots of Litigation Amendment''.

It is important to remember what the timber salvage provision supported earlier by this Congress and signed by President Clinton accomplishes. The provision speeds up the process in which a sale is prepared and offered. It calls for an environmental assessment and a biological evaluation to be completed on each sale. The land management agencies are required to implement a reforestation plan for each parcel of land. Also, the enacted provision excludes wilderness areas, roadless areas recommended for wilderness by the land managers, and any other Federal land where timber harvesting is prohibited by law.

These sales must be completed quickly because we are talking about dead and dying trees. The longer the diseased or dead trees stay in the woods, the more rapidly their value deteriorates. For instance, after fire damage a Douglas-fir will lose 20 percent of its value over 1 year. This rate of deterioration increases more rapidly with time. We need to move quickly. If we do not, the potential for jobs are lost and fire hazard increases.

Also, the funds acquired through these sales is being used on restoration activities in the woods. If we stop these sales, or decrease the value of the sales by waiting, we lose revenues for restoration activities.

The timber salvage provision has resulted in 62 million board feet of timber being sold in Montana and there is 233 million board feet in the pipeline; 143 million of this is salvage from the 1994 fires on the Kootenai National Forest.

There has been criticism that this salvage program has resulted in the sale of green trees. This simply is not true. If it were true, I would be the first in line telling the Forest Service they are not following the intent of the law and would support legislative changes.

But the fact is, 90 percent of the salvage program in Montana is dead or immediately dead timber. The remaining 10 percent harvested fits the intent of forest health definition under the law. This is the same definition the Forest Service has used. Sometimes the harvesting of green trees is necessary to implement salvage activities. But, in Montana, only 10 percent of the timber harvested under the salvage provision was green.

The amendment offered by Senator MURRAY moves us backward. It guts a fair and balanced provision and replaces it with legal bells and whistles, stopping aggressive management practices, and placing jobs at risk.

Appeals are a lawyer's heaven and a timber man's nightmare. Yet, this amendment encourages appeals. The snowballing effect of stopping these sales is large. Due to similarities in all salvage sales, if one appeal is filed it has the potential of stopping all salvage sales.

In addition, not only would this affect future sales, it would affect sales which have already been prepared. For folks on the ground in Montana, this means that they could be working today, but sent home tomorrow if this amendment were enacted.

Senator MURRAY's amendment also sacrifices Montana's interests for the President's Northwest forest initiative. The amendment directs the management agency to pay for the trade or buy out of the 318 sales in Oregon and Washington in a 1-year timeframe. These sales were sold and then canceled by the Clinton administration. The cost is around $300 million.

In order to pay for these cancellations, financial resources from other States could be diverted. This means new visitors construction, preparation of new salvage and green sales, and other activities in Montana could be diverted to pay for the President's Pacific Northwest forest initiative.

In order to address concerns raised by the White House over the 318 sales, Senators HATFIELD and GORTON included language in the bill which gives the Forest Service and BLM the opportunity to find alternative timber or funds to meet these contracts. The Murray language, however, has a 1-year period to trade or buy out these contracts. That certainly does not seem fair or balanced for the rest of the Nation, including Montana.

One last point I would like to make is that the timber salvage provision enacted last year is temporary. It sunsets at the end of this calendar year. I am hopeful that this year the Congress will send, and President Clinton will sign, a comprehensive forest health bill. In fact, the Senate Energy and Natural Resources Committee has placed Senate bill 391 on its calendar for consideration.

Mr. President, the timber salvage provision enacted last year is working. It is providing jobs to Montanans. It is helping to lessen the fire load on the ground in our forests. It is helping to minimize the risks of forest fires around communities.

Yet, the amendment offered by Senator MURRAY takes us backward. It

adds new bureaucracy, litigation, and not much common sense.

The days of not managing our woods has to end. Our national forest need management. I strongly oppose the amendment offered by Senator MURRAY because it will block effective land management decisions.

Mr. President, I ask unanimous consent that a letter to me from Governor Racicot, dated March 8, 1996, be printed in the RECORD.

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

OFFICE OF THE GOVERNOR,
STATE OF MONTANA,
Helena, Montana, March 8, 1996.

Hon. CONRAD BURNS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BURNS: Timber salvage activities have been controversial in Montana and throughout the west, and there is no question that since July of last year—when the emergency timber salvage law was passed by Congress and signed by the President—the U.S. Forest Service has labored under significant pressure and intense scrutiny in complying with Congressional salvage timber mandates.

Now, nine months after passage of the emergency salvage law, Congress is apparently considering a partial reversal of its previous action and abandoning the purpose and intent of the emergency salvage law. Such a reversal has the potential to infuse delay, disruption, chaos and economic uncertainty into timber salvage operations with forest health the number one casualty.

While I cannot speak for Forest Service performance in other states, I can speak with some certainty about the performance of the Forest Service in Montana. In meetings with the Regional Forester, in meetings with forest supervisors and in discussions with various Forest Service personnel from the Regional Forester's office to local ranger districts, I can assure you the Forest Service has surpassed expectations in forest stewardship and professional land management in implementing the timber salvage intent of Congress. It would be a disservice to the mission of the Forest Service and to forest health in Montana to countermand or withdraw the direction from Congress given in July 1995.

Thus far in Montana, some 62 million board feet of timber has already been sold under the provisions of the emergency salvage law. Some of this has already been harvested, and much of it is being harvested now. Some 233 million board feet are in the timber salvage pipeline, and 90 percent of this volume is dead or dying timber. Obviously, having been burned two years ago in 1994, the value of this dead or dying timber continues to decline and for the intent of the salvage law to be met logging operations must continue throughout 1996. Under the proposed language form Senator Murray, contracted sales could be delayed for months, thus countermanding congressional intent to expedite salvage operations.

Like many Montanans, I had some concerns about the Forest Service and its ability to meet the Congressional intent of the salvage law and at the same time meet existing environmental and forest health standards set by state and federal law and national forest plans. Forest Service personnel were granted significant discretion to implement the salvage law, and the dual goals of accelerated harvest and environmental protection seemed to present compliance problems for Forest Service officials.

To their credit, the Forest Service has walked this ''fine line'' of compliance with an impressive commitment which has yielded impressive results. The Memorandum of Agreement signed by the Forest Service and three additional federal agencies makes clear the commitment to follow proper environmental guidelines. The State of Montana, and the people of Montana, were assured by the Regional Forester that environmental standards would not be compromised, water quality would be maintained, fisheries protected, endangered or sensitive species would not be jeopardized, forest economies would be sustained and forest health would be improved.

In December of 1995, a member of my staff, joined by personnel from the Montana Department of Fish, Wildlife & Parks and the Montana Department of Environmental Quality, met with Forest Service officials to discuss timber salvage operations. The Forest Service salvage team included fisheries biologists, wildlife biologists, hydrologists and others in addition to forest rangers and federal timber managers. While the Forest Service salvage team made it clear it would follow Congressional intend to accelerate harvest of dead and dying timber, there were also assurances that environmental laws and forest standards would be followed as stipulated in the federal MOA. Thus far, those assurances have been backed up with performance. During a recent tour of salvage operations on the Kooetnai National Forest, a member of my staff joined a large group which evaluated the Fowler Fire Salvage Sale. The Fowler salvage sales is an ongoing harvest and it was clear the Forest Service personnel who planned and laid out the sale recognized environmental sensitivities and the importance of water quality. The logging contractor also did an excellent job of protecting water quality and the integrity of the area.

In addition, it was pointed out during the tour briefing the Kootenai National Forest comprises some 2.5 million acres. Of this total, some 53,000 acres burned in 1994. Of the 53,000 acres, the Forest Service identified only 15,000 acres for possible salvage sale operations. Of this 15,000, less than 7,000 acres will actually be slated for salvage timber harvest activity. While the Kootenai will see more timber salvage operations than any other national forest in Montana, abuse of the salvage directive is virtually nonexistent as was any evidence of so-called ''lawless logging.'' What was seen was low impact snow roads. INFISH buffer strips, intentions to close roads and a commitment to produce timber with environmental safeguards in place.

In a sense, Congress challenged the Forest Service with the emergency salvage law. In Montana, the Forest Service appears to have met that challenge. Through the salvage law, Forest Service personnel received additional discretion. That discretion has not been abused. If there are isolated cases of poor federal stewardship, we should identify and correct them. But it does not make sense for congress to order the Forest Service to halt, do an about face, and send the agency in conflicting and confusing directions.

Montana experienced serious fire damage in 1994. Yet we were fortunate that damage wasn't worse. It is imperative we improve the health of our forests, create jobs and economic stability for western Montana, and present—best we are able—conditions for dangerous and uncontrollable conflagrations in the future. The Public Participation in Timber Salvage Act may be well intended, but it is unwarranted in Montana, and if it prevents or retards the proper harvest of dead and dying trees, it will not help improve forest health.

Thank you for your review of this information, and if I can address any concerns or questions you may have regarding this letter, please let me know.

Sincerely,

MARC RACICOT,
Governor.

Mr. BURNS. Mr. President, I yield the floor.

MODIFICATION OF AMENDMENT NO. 3493

Mrs. MURRAY. Mr. President, I have a modification to my amendment, and I ask unanimous consent to send it to the desk. It has been cleared on both sides.

The PRESIDING OFFICER (Mr. SHELBY). Is there an objection to the modification?

Without objection, it is so ordered.

The modification follows:

Strike Section 13 of amendment No. 3493 and insert the following:

''SEC. 13. OFFSETS.—Not withstanding any provision in Title II of this Act, no more than $137,757,000 shall be obligated for 'Forest Research' and no more than $1,165,005,000 shall be obligated for the 'National Forest System.' ''.

Mr. GORTON. Mr. President, I yield 10 minutes to the Senator from Idaho.

Mr. CRAIG. Thank you, Mr. President. I join with my colleagues this morning in opposition to the Murray amendment to the salvage law that became part of the law of this land last year, as we attempted to address the devastating fires of 1994. Of course, we have watched over the last good number of months as we worked with the administration and the Forest Service to implement the necessary regulations to carry out the salvage.

I am disappointed this morning that we find ourselves in a situation now where for political purposes, I have to guess, we are here on the floor debating this issue. I say that in all due respect to the Senator from Washington who is attempting to craft an amendment to address an issue that obviously she is very concerned about.

Here are my problems, and I will not go into the detail of the 318 sales—those are valid existing contracts, carried out by multidiscipline groups on the ground, selecting the right sales, talking to the environmentalists, seeking the counsel. All of that has already been done.

Now, if it had not been done, there may be a basis to argue. But it has been done. It has been done for over several years. I know that because sitting beside me on the Senate floor is a staff assistant who was a ranger in one of the forests, who developed the teams that brought the environmentalists to the table to resolve the issue of what ought to be in those sales. Those are facts on the books. Why are we debating 318 sales if the public has already had a full dimension in participating in how those types of sales would be brought about?

The Senator from Washington said there were not adequate hearings. Mr. President, here is the record of the hearings, and these are not all the books. There have been a lot of hearings. I have conducted at least one in

the committee that I chair. We have had the administration and the Assistant Secretary before us to talk about the details of how this law gets implemented. This administration spent over 6 months putting regulations together, in a way that involved more and more people in decisionmaking, as to what were the right and the wrong sales. So there has been a phenomenal amount of involvement.

The Senator's amendment proposes to take approximately $130 million from the remaining fiscal year of the Forest Service to implement what she suggests ought to be done. Here are some calculations that come to me from staff, based on what we believe are legitimate figures. The Senator from Washington, if her amendment becomes law, will require an immediate RIF of nearly 1,700 Federal employees off the employment rosters of the U.S. Forest Service. Because she could not find offsets, she goes immediately into the law and into the budget for the U.S. Forest Service for the remainder of the fiscal year, and it appears that that is what is happening. I hope she will explain that to us and correct that. The Forest Service, through a reduction in force, has reduced employees over the last 5 years 1,000 a year; 5,000 employees in the Forest Service are now gone from where they were 5 years ago.

I hope the junior Senator from Washington can speak to us about where she finds her money and the impact on current employees and the ability of the Forest Service to carry out the remainder of this year's activities, not just in timber, but in trail maintenance, campgrounds, public safety, in all of the kinds of things that we expect them to do. I believe she is obligated to tell us the kind of impact this kind of reduction or change in the expenditure of the Forest Service would result in.

I understand that the junior Senator has attempted to remove the clause which requires the immediate suspension of active logging. I appreciate that because in my State of Idaho it could cost us thousands of jobs this year of literally thousands of working men and women in small communities across my State, who are anticipating these salvage sales, based on the legal and legitimate approach the Forest Service has used. She is suggesting that they might not get those jobs.

But here is the problem, and I wish, again, the Senator would address this. I believe that even though she has changed that provision to immediately suspend active logging, that is, through the clause required within the law, here is the result: What happens is the same effect occurs, because now all of these actions are again subject to appeal, and that could result in an automatic 60-day-plus stay or longer. And all of those sales that are now ready to be logged this spring as soon as the ground stabilizes and the snow is gone could be immediately back into the courts.

I am suggesting to the junior Senator that she really ought to correct that problem if she is sincere in suggesting that active logging not get stopped. The reason I say that is because one sale in my State, which is kind of the ''poster child'' sale, called the ''Thunderbolt,'' was one where every environmental group lined up and took this sale into court, and they kept it in court for nearly 6 months. Finally, the courts ruled that the Forest Service had done all of the right and proper things to resolve this sale.

Here is the result of it. This was a sale that was a product of the devastating fires in Idaho in 1994. It is to be 100 percent helicopter-logged, not one new road built. Only 12 percent of the burned area, or 2,200 acres, will be logged. About 16,000 acres will not be touched. The timber salvage will pay for the watershed restoration and the replanting that needs to go on in these devastated areas. That money will not now be there. Those trees will not get replanted.

Peer review teams of watershed scientists have reviewed that and reviewed this and endorsed it. I think it is important for the junior Senator from Washington to understand this. The scientists have said that the proper management of this sale, under the way it has been developed by the Forest Service, will improve the environment of the Thunderbolt area, which is a critical watershed area to the Salmon River, which is, of course, a salmon habitat for a threatened and endangered species.

Mr. President, the consequence of this amendment is dramatic. You have heard about the potential loss of jobs from the U.S. Forest Service because of the RIF's that would have to occur. Another example of the kind of job loss that is occurring in Idaho right now is as a result of not only current Forest Service action, but an inability to move these salvage sales to sale this last fiscal year because of this administration's very cumbersome process of crafting the regulation to manage this salvage requirement under last year's law, as designed by the senior Senator from the State of Washington.

We lost 100 jobs in Salmon, ID. In Metropolitan New York City that is not a big deal, but in Salmon that was the single largest work force outside of the U.S. Forest Service.

We lost 200 jobs in Council, ID. That mill shut down, and as we speak, that mill has been torn down and shipped off to a foreign country where there are logs to cut.

The Post Falls mill in Post Falls, ID, 200 jobs down, men and women not working.

Louisiana Pacific mill and Priest River, 100 jobs down, not working.

Sandpoint, ID, 55 jobs down, not working.

These are men and women who are on the welfare rolls or who are having to seek other forms of employment. They have had their lives devastated. They have had tremendous financial disruption in their families—not because there are not trees to cut, but because Federal policy, through the appropriate environmental restraints, will not allow that to happen.

If we have salvage sales next summer, many of these people will come back to work. If the junior Senator's amendment passes, these people will remain on the welfare rolls in the State of Idaho.

Another mill in Grangeville, ID, closed and lost 113 jobs. That mill was torn down, with pieces of it sold, I am told, to Argentina.

That is 738 jobs in a State with a population of 1,338,000. Those are critically important jobs.

Mr. President, in the fires of 1994, the Forest Service estimated a loss in Idaho of $665 million board feet with a salvage worth $325 million. Half of that value is already gone because we could not cut the trees last summer. The rest of that value will leave this summer if the amendment of the junior Senator from Washington becomes law. There will be no value. It will have rotted away. In other words, the money she would use could be recouped if we simply allowed those sales.

My time is up. I certainly encourage all of my colleagues to not support the junior Senator from Washington. I wish she would respond to some of the legitimate concerns we have about the impact of her bill and the loss of 1,700 jobs in the Forest Service and their inability to carry out the public policy needs for the remainder of this fiscal year, which her amendment will badly damage.

I yield the floor.

Mrs. MURRAY. I thank my colleague from Idaho for pointing out the concerns he has with the offsets. Let me first say that the money comes from general administration, and we have been assured that much of this can come from belt tightening for travel.

I will also tell my colleague from Idaho that the offset has been an item of discussion all week long because of the sequencing of amendments that have come to the floor, and we were not sure which ones would pass or not pass. Senator HATFIELD, chairman of the Appropriations Committee, has assured us that we can continue to discuss this legislation. It has a long way to go when it gets to conference, where we can reconsider this. A lot of dollar figures will be discussed and changed around. It is an item we will be able to be flexible with once it is passed.

The important point of this amendment is that we go back to trees like that in the picture, which are 250 to 300 years old and are coming down because we have a rider in place that says people are not part of the process. That is what we are focusing on.

Yes, we are concerned about jobs in the Pacific Northwest. The jobs the Senator has talked about have passed under current policy. My amendment says we are going to deal with jobs in

the long term. We are going to put a salvage amendment in place that assures that those jobs will occur when people are in the process, with scientific evidence in place, and in a way that is safe and healthy for all of us.

Mr. President, I yield 10 minutes to my colleague from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I would like to recognize and state what this amendment is all about and what it is not all about.

This amendment is about harvesting dead and dying timber in an environmentally responsible manner. That is all this amendment is about. It is not about hurting the timber industry, taking away jobs, or stopping timber harvesting in our national forests. It is not about that at all. Once a person thinks clearly and thoroughly through the actual words of the amendment, particularly as modified by the Senator from Washington, one will see that this is about trying to find an expedited way to salvage and harvest timber in an environmentally responsible way. It is not about taking away jobs, once one reads the amendment, particularly as modified by the Senator from Washington.

Mr. President, about once a month I spend a workday in my State as staff. I show up at 8 o'clock in the morning with a sack lunch. I work straight on. Sometimes I bag groceries. I deliver the mail other days. I serve meals to senior citizens. I was once a UPS worker delivering packages. I have done lots of jobs.

I have also worked on the green chains in several mills of my State, in the plywood plants, the stud mills at various and different locations working with the mill workers—talking to the mill workers, men and women who work on green chains and work in the mills. And I have a pretty good sense of where people are and what they want. It is trite, but it is true: They want jobs. But they also want hunting and fishing. They want jobs in a very responsible and environmental way.

During the summer of 1994, I spent one of my workdays with the fire crew on the Little Wolf fire on the Flathead National Forest near Kalispell, MT. I spent the day fighting the fire. It turned out that my chief was a person from the Fort Belknap Reservation, had a group going all around the country. This crew knew how to fight fire. I had a devil of a time keeping up with them. They are tough. They are good.

The Little Wolf fire was just one of hundreds of fires that raged during that long, hot summer in Montana. There were lots of fires in the West, particularly in my State, and when fall of the year finally came around and the last of the fires was finally put out, there were thousands of acres of our national forests that were burned. It is amazing how many acres were burned.

Like most Montanans, it is clear that a lot of that timber had to be salvaged. I supported and I encouraged efforts to harvest that burned timber, get it to the mills, and provide jobs. Following the fires of 1994, I wrote a letter to Forest Service Chief Jack Ward Thomas, and I asked him to make salvage logging a priority. I asked him to use winter logging—you can log in the winter under certain circumstances—to harvest these burned logs, because I believe, as I stated in my letter to him, when done in an environmentally responsible manner, it is not only good business, but it is also good, long-term, prudent forest management to salvage that timber.

After all of that, Congress did act and enacted this so-called salvage rider. And I think that is where Congress went wrong—went too far. Rather than looking for responsible ways to promote the harvest of salvaged timber, what did Congress do? Essentially Congress passed a so-called salvage rider, passed a provision that exempted the Forest Service from complying with our environmental laws, from complying with the Clean Water Act, the Clean Air Act, the National Forest Management Act, the Endangered Species Act, and all of the Federal environmental and natural resources laws.

The rider provision also prohibited the public from contesting timber sales that the public thought would impair the hunting or fishing on particular forests. It just cut the public out.

So, first, it went too far because it said that the environmental statutes do not have to be observed. And, second, it cut the public out of the process.

Some wise person once said that for every complicated problem—believe me, this is a little complicated—there is a simple solution, and it is usually wrong. Most complicated problems do not lend themselves to simple solutions. Most complicated problems lend themselves to nonsimple solutions; that is, working hard, rolling up our sleeves, dotting the i's, crossing the t's, and trying to work out a pretty reasoned and balanced solution.

That is what the Murray amendment does. It is an attempt to—and it is, if one reads the language, a provision that very much provides a framework to accomplish that result. Let me give you two examples of how the current salvage rider—that is, the so-called current salvage rider law that we now have facing us—has aroused opposition in my State.

The first example is the Hyalite drainage in the Gallatin National Forest. Where is that? The Hyalite is located about 7 miles outside of Bozeman. It is a very popular recreation, hunting area. Bozeman is in Gallatin County, one of the more prosperous parts of our State. It is sought after. A lot of people moving into Montana like to go to Gallatin. It is very near the Hyalite. Locals hike and ride bikes in 31 miles of trails. A herd of about 600 elk—and occasionally grizzly bears—make their homes in the Hyalite. And the city of Bozeman gets about 15 percent of its water from the Hyalite Creek.

The Forest Service has proposed a timber sale in the Hyalite under the salvage logging rider. The Forest Service says that they can do it; they can harvest timber without hurting recreation, without hurting wildlife, or Bozeman's drinking water.

I must say a lot of people in Bozeman are not too sure about that. If the Forest Service can cut timber and amply protect elk habitat and water quality at the same time, most people think the Forest Service should welcome accountability to the public. They should want explained to the public how they are doing this. Doing this under a law that evades all environmental protection raises obvious and understandable concerns in Bozeman.

It is kind of like buying a used car. You buy a used car. You want to believe the salesman, but you also want to have your mechanic take a look under the hood just to be safe. And the Hyalite is very important to Bozeman. The people there want the safety that the Clean Water Act and the National Forest Management Act provides. I think that is reasonable.

The second example is the Middle Fork salvage sale in the Flathead National Forest. This proposed sale is a narrow strip of land just between Glacier National Park and the Bob Marshall Wilderness Area. The trees the Forest Service wants to cut in the Middle Fork are not burned. Rather, they are trees that the Forest Service has determined are infected by root disease.

Like most Montanans, I have a very deep reverence for Glacier National Park and the Bob Marshall. We all do in Montana. Like the Grand Canyon is to Arizona or Yosemite is to California, Glacier and ''the Bob'' are part of our Montana identity. So I do not think it is asking too much in any timber sale in this area to be held to a very high conservation standard.

Ironically, I do not believe the Forest Service and the timber industry need to be excused from obeying the law. I have seen the work they do. It is good. And except for the rare exception, these men and women are good stewards of the land, and they harvest timber without hurting water quality or elk habitat.

Where there are opportunities to harvest timber that has been ravaged by fire or disease-infected timber, or ravaged by windstorms, the Forest Service, I think, should move quickly. That is the whole point of the Murray amendment. The Forest Service does not, however, need to suspend environmental laws to do so. In fact, since this salvage rider has gone into effect, the Forest Service has committed to carrying out their salvage timber program in full compliance of all environmental laws. Rather, the Forest Service needs the flexibility to protect the planning

process and avoid many of the procedural requirements that simply slow their response time down.

That is why I support the Murray amendment. It replaces the existing salvage law with a process which recognizes that salvage timber is different from green timber. It calls on the Forest Service to identify salvage logging opportunities, prepare the necessary analysis, and offer the timber up for sale in a very short timeframe—about 6 months. This is a quick turnaround when you consider that normally it takes the Forest Service much longer to prepare a green timber sale. The Murray amendment does this while honoring our environmental laws and the public's right to be involved in making the decision.

Mr. President, I was struck by an article that ran in last Sunday's Great Falls Tribune entitled ''Finding Common Ground.'' This article does something that we rarely see these days; it told the good news. It let the public know about the impressive work that groups all over our State—like the Swan Citizens Ad Hoc Committee, the Smith River Coordinated Resources Management Commission, and Blackfoot Challenge—are doing to promote jobs and economic development while protecting our quality of life.

I believe the Murray amendment is such an amendment. It will provide the framework for future consensus building on how we can manage our national forests.

I compliment the Senator for making the change which will help us moved toward our common ground.

Let me say, in closing, let us not lose sight of what this amendment is. It is about providing jobs and protecting the environment. I urge Senators to support her commonsense effort to find the median in between the common ground to get the job done.

Mrs. MURRAY. Mr. President, I thank my colleague from Montana for supporting the amendment.

I yield 5 minutes to my colleague from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. LEAHY. Mr. President, I believe very strongly that Congress should repeal the salvage rider, and I believe that Senator MURRAY's amendment is a responsible, balanced proposal to fix a bad law.

I concur with the words of the distinguished Senator from Montana, Senator BAUCUS, in commending her in working out a balanced amendment. I believe that is why her amendment is supported by conservation groups, by private businesses, resource-based industries such as commercial fishermen, editorial boards across the country, the League of Conservation Voters, a whole lot of others, because her compromise provides economic stability and jobs for workers in rural communities, and it also respects what has been a 25-year tradition of bipartisan environmental protection in this body.

It is not an extreme measure. It is a very fair, very moderate, and very responsible measure. But the current law, the current salvage rider is not. It is not balanced. It is not fair. It is not moderate. It is not responsible. So let us come together as a Senate on a reasonable alternative for protecting the public's national forest lands. These lands are for us to share today but also to have for generations to come. That includes Senator MURRAY's children, who are going to live most of their lives in the next century, as will mine. But this public resource is being abused, and we have to ask what is going to be here in that next century.

I look at some of the claims that were made. In July 1993, the American Forest and Paper Association claimed 85,000 workers would lose their jobs because of President Clinton's forest policy. Instead, 14,500 new jobs were created in the top four western timber States. The predictions were completely wrong. The American Forest and Paper Association said that they had to have the salvage rider because it would provide new jobs for 16,000 workers. Instead, it went just the opposite: 8,000 timber workers lost their jobs since that piece of legislation passed.

The salvage rider we are trying to correct is not a jobs producer—in fact, it is a jobs killer—whereas the Murray amendment will restore jobs and economic stability to working Americans. Also, the salvage rider is an expensive waste of the taxpayers' money. The Forest Service spent millions of dollars preparing salvage sales that nobody even bid on. More than 100 different sales totaling more than 200 million board feet of timber were being ignored by sawmills last fall. The sales that were supposed to be sold for more than $200 per thousand board feet could not be sold at half the price. We are losing money hand over fist. We have to agree to this amendment.

In addition to the loss to the Treasury, many rural communities face enormous costs because of the environmental destruction caused by irresponsible logging.

Mudslides linked to timber roads and clearcutting by a peer-reviewed scientific report have wiped out bridges, roads, drinking water systems, recreational resources, and fisheries. Local and Federal taxpayers will pick up the tab.

While the amendment kills jobs, wastes money and hurts communities, there has also been a breach of trust. The Senate was informed on March 20, 1995, that the salvage rider would apply to a ''group of timber sales that had already been sold under section 318 of the fiscal year 1990 Interior Appropriations Act.''

The day after President Clinton signed the bill, well-financed timber lawyers walked up the court steps to force a different interpretation. They won, and then proceeded to try to throw one of my former staffers, Tom Tuchmann, in jail for upholding environmental laws as a civil servant.

We need to repeal the salvage rider because special interests have forced old-growth logging throughout Oregon and Washington way beyond any agreement that had been forced on this administration.

Finally, it is important to reject a few other remaining myths that have been perpetrated by lawless logging proponents. Some people claim that dead trees on national forest lands have reached a crisis epidemic. The most recent Forest Service data show that through 1992, trees are dying faster on industry lands. I made sure every Senator had the facts about forest health before the original Senate vote on the rider in the spring of 1995. People claim that salvage logging protects firefighters from deadly forest fires. The families of dead firefighters came to Washington to stop the rider and support environmental laws.

The Murray amendment is not exactly the provision I wanted. It is not even exactly what Senator MURRAY wanted. I do not believe any Senator ever gets exactly what he or she wants. Democracy includes two realities—compromise and majority rules. There are some who choose to operate outside this reality, and contribute only to a war of words. I oppose the ideological stands that in the end accomplish nothing. Senator MURRAY has worked to accomplish results and deserves support.

I am proud to have been the lead cosponsor of an effort last spring to restore environmental laws, even though we lost by one vote. I am proud of the forest health data, the jobs data, the timber supply data, and Forest Service appeals data, and the letters I have sent to every Senate office in my attempts to turn the rider around. I am proud to be the lead cosponsor of the Bradley amendment to restore environmental laws. I am proud to be the lead cosponsor of Senator MURRAY's honest effort to get 51 votes to turn the salvage rider around.

My only regret thus far that we still have not prevailed.

We will soon vote on the Murray Amendment. I hope we can finally make progress on restoring environmental laws. As the weather warms we come closer and closer to a time when hundreds of millions of board feet will be cut without laws. I urge my colleagues to vote for workers, for economic stability, and for the environment. We need Senator Murray's amendment now.

I hold up photos that the Senator from Washington State [Mrs. MURRAY], provided. Look what happens if you do not follow good forestry practices. Look at this mudslide as it comes down, choking off a river. What does that do to all the other resources? Ask somebody who makes their living fishing. Ask businesses that get income from recreation what it means to them. Let us go back to the kind of responsible, bipartisan environmental efforts that this body has been famous

for and let us adopt the Murray amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank my colleague from Vermont for his excellent statement and his support.

I yield 5 minutes to my colleague from California.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized for 5 minutes.

Mrs. BOXER. I thank the Chair. I am pleased to be here in support of my colleague from Washington, Senator MURRAY.

I was always taught as a child that when you make a mistake, you admit it and fix it. I think that is what happened here. Many of us who voted for the bill in which this rider was contained believed that it would allow the logging of dead and dying trees. We did not intend for it to work out in a way that healthy old-growth trees would be cut down; they are surely our heritage. We have an obligation to fix this problem.

I have to say for my friend, Senator MURRAY, because I have worked with her early on, this was a very difficult amendment to put together. What she did was to get the workers together with the environmentalists. She found that compromise between preserving a precious environment and preserving jobs. She deserves an enormous amount of credit. I personally know how anguished she was as she tried to put together these coalitions, because it is not easy. It is very easy to go with one side. It is not as easy to try to put together the coalitions, but she has done that. I am very pleased to be able to support her. We have a chance to reverse a mistake, a mistake that opened up old-growth forests and undermined President Clinton's consensus Northwest forest plan.

We finally have a chance to restore environmental laws for our forests. They are basically now, as I read it, forests without laws. That was the effect of the court case. And with the Murray amendment, we restore lawful logging.

Our citizens must always have the right to take part in Federal decisions about how to manage our public forests. I have always believed that was very important. The Murray amendment will restore the right of appeal to citizens, and it ensures judicial review.

The Murray amendment resolves the old growth issue by suspending old-growth timber sales, commonly referred to as section 318 sales, and requires the Forest Service and the Bureau of Land Management to provide substitute timber volume or buy these sales back from the purchaser.

I believe that is very key because that is where we see the jobs are being preserved. The Murray amendment will expedite implementation of the Northwest forest plan by making sure that resources are available to complete recommended watershed analysis, and we need that analysis. We also see in this amendment a much needed National Academy of Sciences study on forest health.

So, in brief, we made a mistake. We are losing old-growth trees. We have seen the incredible photographs that the Senator from Washington [Mrs. MURRAY] has shown us—not cartoons of trees, not drawings of trees, but really what is happening in the forests. I think anyone who sees it knows that a picture is worth a thousand words. People can stand up here and say: Gee, it is not true; it is not happening; beautiful trees are not being cut down. Well, we see the photographs. We see the truth.

We can fix the problem. We can make sure that in fact trees that are not healthy can be cut down. That is not a problem. But not the healthy old-growth trees.

I am pleased to stand with my friend, and I hope that she obtains the votes necessary to overturn a mistake that we made right here in this Senate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Who yields time? The junior Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains in debate?

The PRESIDING OFFICER. The junior Senator from Washington has 9 minutes and 50 seconds; 15 minutes and 31 seconds are left to the other side.

Mrs. MURRAY. Mr. President, let me just say at this point that I appreciate the remarks of my colleague from California, Senator BOXER, about how difficult this has been, to bring people together to compromise on a very difficult and serious issue. In fact, I have heard some of my colleagues on the other side say that this debate is about politics. I say, if this is just about politics, it would be simply an amendment to repeal the rider. This is not about politics. This is about policy. This is about putting in place a timber salvage rider that works, that keeps people working, that uses our timber at its highest economic value, but leaving people in the process. That is what my constituents are so angry about. They have been left out of the process by the rider that this Congress adopted last year, and they want back in.

At this time I am very pleased to have printed in the RECORD a letter from the President, sent to me last night from Jerusalem, with his strong support of the amendment in front of us. His words should be read by all of my colleagues, but let me just read his second paragraph. It says:

> Judicial interpretation of the timber rider, as it has been applied to old growth forests, has broadened the Act's requirements to the point that it undermines our balanced approach to ensuring continued economic growth and reliable timber supply in concert with responsible management and protection of our natural resources for future generations. The timber rider must be repealed as soon as possible.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

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

THE WHITE HOUSE,
Jerusalem, March 13, 1996.

Hon. PATTY MURRAY,
U.S. Senate, Washington, DC.

DEAR PATTY: I write to convey my strong support for your amendment to repeal the timber rider attached to the 1995 Rescissions Act.

Judicial interpretation of the timber rider as it has been applied to old growth forests, has broadened the Act's requirements to the point that it undermines our balanced approach to ensuring continued economic growth and reliable timber supply in concert with responsible management and protection of our natural resources for future generations. The timber rider must be repealed as soon as possible.

Along with repeal, I must have the legal authority necessary to honor the claims of contract holders in a manner that is consistent with environmental stewardship and law, placing a priority on replacement timber volume. Your amendment will enable us to do this.

With regard to salvage logging, I believe—as you do—that salvage logging has an important role in the federal timber program. Securing a steady supply of timber to Northwest mills continues to be a priority for me. We also believe salvage logging must be based on sound science and consistent with our nation's environmental laws.

Your amendment meets my overall goals and objectives. I commend your efforts to restore the kind of balanced and reasonable approach that we established under the Northwest Forest Plan. I strongly encourage your colleagues to support your amendment.

Sincerely,

BILL CLINTON.

Mrs. MURRAY. Mr. President, let me again thank Senator HATFIELD for his understanding in the offsets of this bill, with our amendment that strikes the portion of section 13 that is found on page 27. We have made an adjustment.

If this amendment is agreed to, and I hope it is, we will continue to work with Senator HATFIELD and others in conference to assure that this amendment is properly taken care of.

I reserve the remainder of my time.

The PRESIDING OFFICER. The senior Senator from Washington.

Mr. GORTON. Mr. President, a brief history. One year ago, right now, 2 years after President Clinton had proposed his very, very modest timber plan for the Pacific Northwest, less than half of what the President had stated was in his plan for a harvest was actually being carried out, frustrated by endless litigation. This proposal was passed, two-thirds of which simply enabled the President to carry out his own promises, to keep his own commitments. One portion of it authorized the harvesting of certain contracts that had long since been executed by the Federal Government, and, Mr. President, which represent this much of the

national forests in the Pacific Northwest—this being the entire forest, this being what is already cut off. You, Mr. President, cannot see the number of acres we are talking about. I do not think you can see it when I put this magnifying glass on it. That was the true compromise.

What did the President say about it? The President said that compromise contained language that preserved the ability to implement the current forest plans and their standards to protect fisheries and the like.

Then the President changed his mind, and the senior Senator from Oregon offered him a further compromise, which is included in this proposal. Now we have an amendment which would cancel not only everything that was done last year, but would cancel more than everything that was done last year—canceling contracts that were never so much as controversial, establishing a new definition of salvage, much more restrictive than that of Clinton's own Forest Service, and a definition of salvage which will result, not in a compromise, not in authorizing salvage timber, but, in effect, prohibiting any salvage whatsoever. Even helicopter logging will be prohibited in roadless areas. There are so many restricted areas and so little money that there will be no salvage timber, not just in the Pacific Northwest, but in your State, in States all up and down the east coast, in the intermountain West—there will be nothing left.

How is this to be paid for? Because now we have to pay for these things. How is it to be paid for? It is to the credit of the junior Senator from my State that she does not just say, ''put it on the cuff, add it to the deficit.'' She takes $130 million out of the appropriation for the Forest Service.

Earlier today this was only $110 million. We checked with some people in the Forest Service who, understandably enough, do not want to be identified. That $110 million cut will cause the RIF of 1,400 employees of the Forest Service, all across the United States. So I say to the Senator from Vermont, the Senator from Alabama, the Senator from North Dakota, your forests will suffer, too. One thousand RIF's in the field of reforestation, stand improvement, recreation maintenance, watershed improvement, supposedly the very goals of this amendment, will be undercut by the RIF's of the people who would carry them out, and 400 or 500 more in the field of forest research.

So, we will devastate our national forest planning, we will devastate the very goals of a healthy forest that we are talking about, by passing this amendment. An amendment to do what? An amendment to do what? An amendment to cancel that many acres of timber harvest contracts. Can you see it? You cannot. You cannot see it. It represents a one-time harvest of one-tenth of the number of board feet that regenerate automatically in these national forests every year; one-tenth of 1 year's growth.

I am simply saying the United States of America, when it signs a contract, ought to keep its word, it ought to carry that contract out. And when the President makes a commitment—this President, this environmentalist President—we ought to empower him to carry out that commitment.

The amendment will make a mockery of the President's commitments. It will invalidate valid contracts. It will result in the loss of thousands of jobs in our forest, private sector jobs, and probably 1,500 jobs in the Forest Service itself, helping our forests to grow and to regenerate.

Mr. President, how many minutes does the Senator from Idaho need?

Mr. KEMPTHORNE. Seven minutes?

Mr. GORTON. Mr. President, I yield 7 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho [Mr. KEMPTHORNE] is recognized for 7 minutes.

Mr. KEMPTHORNE. Mr. President, today, the issue deals strictly with the management of our national forests and the health of those national forests. The amendment before us would eliminate the one tool we now have.

I think, as an Idahoan, I speak with some experience as to what this is all about, because 2 years ago we had devastating forest fires that devastated 589,000 acres of land. That is 919 square miles.

That is a number. How big is that? That is approximately three-quarters of the entire land in the State of Rhode Island. This is a huge amount of land. Yet the proposal is that we would only go in and salvage approximately 10 percent of the dead timber that is in that tremendous, huge area. This amendment would leave that dead and dying timber to simply rot, to rot. We want to go in and salvage 10 percent of that.

Also, this timber that is not removed simply adds additional fuel to future devastating fires. All the fire scientists tell us that is what we can expect now, more and more of these devastating fires of hundreds of thousands of acres at a time.

Is there benefit to the environment to get in there and do something about it? A study of the Boise National Forest demonstrated the benefits of getting in on the ground and helping forests recover after a fire. Several areas where no recovery work was performed after the 1992 Boise foothills fire experienced huge landslides, or blow-outs, as they are called. Entire hillsides washed into streams, destroying fish habitat, including habitat for the bull trout, which is being considered for listing as an endangered species.

The Boise National Forest study compares the results of varying types of intervention. The report found that salvage operations can be designed so that they are environmentally benign and, in fact, beneficial. It also found that salvage areas were in better shape than areas that had not been salvaged.

For example, soils which were baked into impermeable crusts by the fire were broken to allow water to penetrate. Stream banks were stabilized and water was filtered through straw bales to catch sediment that would otherwise choke resident fish and destroy spawning beds.

Dr. Leon Neuenschwander, professor of fire ecology at the University of Idaho, described the foothills fire as ''the most environmentally conscious salvage-logging operation'' that he has ever seen.

If this amendment is adopted, Idahoans, Idaho's forests, Idaho's wildlife are going to pay the price, straightforward. It means the end of any hope of salvaging just a fraction of this timber that has been destroyed by fire, and it also means that that fuel load remains.

It means a loss of revenue that could have been used for environmental restoration in some very sensitive watersheds. I am the chairman of the subcommittee that is dealing with the Endangered Species Act. I am an advocate that we not follow this amendment because we have species that need to be protected.

By allowing us to go forward with this sort of management, we can protect them, we can help them. But also, Mr. President, so many of our rural communities derive income from those timber receipts for their schools so that we can educate the kids of the State through this harvest, and it means leaving sensitive watersheds at risk of reburn since there will be no thinning of standing dead timber.

There was a picture shown at some point during this debate of a massive slide and blamed it all on what is taking place with logging operations.

James Caswell, who is a forest supervisor in the Clearwater National Forest in Orofino, ID, wrote a particular statement that I think is of great interest. He says:

To keep things in perspective, remember flooding and landslide activity are a natural phenomenon in this part of the country. In the Clearwater Forest alone, major events occurred in 1919, 1934, 1948, 1964, 1968, and 1974.

He said:

Photos taken in 1934 show extensive landslide activity in pristine areas, long before logging or road building took place.

It is a natural phenomenon that does occur.

It has been pointed out, too, that many of the labor unions support this amendment. I ask unanimous consent to have printed in the RECORD the letters from Douglas J. McCarron, who is the president of the United Brotherhood of Carpenters and Joiners of America, who says:

I am writing to urge your opposition to efforts to repeal the timber harvesting provisions included in the 1995 Omnibus Rescissions Bill.

Also, letters from the United Paperworkers International Union, as well as the International Association of Machinists and Aerospace Workers.

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

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
Washington, DC, March 5, 1996.

Hon. FRANK MURKOWSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MURKOWSKI: On behalf of the 550,000 members of the United Brothers of Carpenters and Joiners of America (UBC), I am writing to urge your opposition to efforts to repeal timber harvesting provisions included in the 1995 Omnibus Rescission Bill. These provisions help protect the health of our national forests. They also provide a supply of timber to help protect the livelihoods of tens of thousands of forest products-related workers nationwide, including many men and women who are members of our union.

The bill was developed in part as a response to the growing national forest health emergency. The buildup of dead, dying and diseased trees on federal lands has reached unsafe levels, standing as kindling for wildfire and threatening to infect healthy trees. The law allows for the removal of the damaged trees which can be milled if removed in a timely manner.

The bill was also designed to expedite timber sales prepared under President Clinton's Pacific Northwest Forest Plan and other timber sales sold by the U.S. Forest Service and the Bureau of Land Management (BLM) during the last live years but held up by red tape. These sales amount to less than fifteen percent of the volume historically produced from the Pacific Northwest and Northern California each year. They also constitute only slightly more than half of what was promised under the President's plan but to date has not been produced.

Our union has long believed that we can balance environmental interests with economic realities. That is why we are supporting language offered by Chairman Mark Hatfield (R–OR). This legislation will modify the timber harvesting provisions to provide greater flexibility for the timber sale purchaser and the Forest Service or BLM to alter or substitute sales as the sales conflict with environmental concerns.

We urge you to support the Hatfield amendment and oppose the full repeal of the timber harvest provisions.

Sincerely,

DOUGLAS J. MCCARRON,
General President.

UNITED PAPERWORKERS INTERNATIONAL UNION,
Nashville, TN, March 1, 1996.

Hon. FRANK MURKOWSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MURKOWSKI: On behalf of the 250,000 men and women of the United Paperworkers International Union, I am writing to urge you to oppose any efforts to repeal the timber harvest provisions of the 1995 Omnibus Rescissions Bill which was signed into law by President Clinton last summer. These provisions allow for emergency timber salvage harvests and expedite the release of existing ''green'' sales.

Timber salvage is critically important to our members and our national forests. The salvage law allows dead, dying, and diseased timber to be removed from the forests in order to decrease the threat of wildfires and insect infestation. If removed in a timely manner, this timber can be milled, thus protecting forest products-related jobs. The timber harvesting provision also calls for the release of ''green'' sales prepared under President Clinton's Northwest Forest Plan and other ''green'' sales that had been sold by the U.S. Forest Service and the Bureau of Land Management over the last five years but have been held up by red tape. the amount of ''green'' sales to be released amount to less than half of the sales promised to be provided under the President's Forest Plan but have yet to be delivered.

Repeal of the timber harvest provisions will only exacerbate the job loss occurring in timber-dependent communities throughout the nation. Since 1990, over 22,000 timber-dependent workers have lost their jobs in the Pacific Northwest and Northern California alone due to efforts to restrict timber harvesting on federal lands.

As always, we stand ready to work with Congress to develop legislation that balances environmental interests with the economic and social needs of timber-dependent workers and communities. That is why we urge your support of the legislation proposed by Senators Slade Gorton (R–Wash.) and Mark Hatfield (R-Ore.) regarding implementation of the timber sale provisions. This amendment provides flexibility to the U.S. Forest Service, the Bureau of Land Management and the timber purchaser to modify or substitute sales as needed to address environmental concerns. We hope we can count on your support of this important legislation.

Sincerely,

WAYNE GLENN,
Office of the President.

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS,
Gladstone, OR, March 4, 1996.

Hon. FRANK MURKOWSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MURKOWSKI: On behalf of the 20,000 members of the International Association of Machinists—Woodworkers Division, I urge you to oppose any effort to repeal the timber rider attached to the 1995 Omnibus Rescissions Bill, which was signed into law last summer.

The timber rider is critical to the men and women of our union. The salvage provision of the rider protects forest health by allowing for the removal of deteriorating timber from the forest floor. U.S. Forest Service figures show that 4 billion board feet of dead timber is accumulating each year on federal lands. This accumulation increases the likelihood that millions of acres of forest land will be devastated by catastrophic wildfires. The salvage provision not only improves the health of our federal forests. If removed in a timely manner, this timber can be milled, protecting jobs and communities.

The timber rider also allows for the implementation of existing sales that were promised under President Clinton's Forest Plan and other sales that have been previously approved but have not been released due to bureaucratic red tape. These sales, which amount to less than 15% of what has been historically produced from federal forest lands in the Pacific Northwest and Northern California each year, will provide economic relief to thousands of forest products workers nationwide.

The members of our union are willing to work with the Clinton administration and Congress to solve the timber supply and forest health crises. With that in mind, we believe that the recent legislation introduced by Senator Mark Hatfield (R-OR) attempts to balance the needs of the people with the future of our federal forests. If passed, this legislation would provide an adequate level of flexibility to the U.S. Forest Service, the Bureau of Land Management, and timber sale purchases to modify and/ or substitute timber sales prepared under the timber rider.

Congress is in the position to provide balance to the forest management debate. We hope that we can count on your support for the Hatfield legislation.

Sincerely,

WILSON HUBBELL,
Administrative Assistant,
Woodworkers Division.

Mr. KEMPTHORNE. Mr. President, Gifford Pinchot, who is the father of the Forest Service and he, in fact, was the adviser to the creator of our national park and forest system, President Teddy Roosevelt, was adamant that our Federal forests not be ''preserves'' but ''reserves,'' managed for the best good of the public. He specifically viewed timber harvest as a central part of forest management. I urge the Senate not to move away from the very essence of that ideal by Gifford Pinchot.

I commend the senior Senator from Washington for his efforts on this, and I say that on behalf of so many citizens throughout the Northwest who have seen the devastation of these fires.

Also, let us allow the forest managers to be the forest managers there on the ground. We cannot manage it from this Chamber. We need to allow them to be the managers, as was intended, as they have the ability to do.

With that, Mr. President, I reserve the remainder of my time.

Mr. HATFIELD. Mr. President, I oppose the amendment offered by my good friend from the State of Washington, Senator MURRAY. Let me say at the outset that I respect the motives and the determination of the author of this amendment. I look forward to what I have come to expect from the Senator from Washington—a well-informed and civil debate on the merits of current law and proposed changes to it.

I have many questions about the Murray amendment—how it would be implemented and what is meant by many of its provisions. I would have preferred to have a hearing record or some consideration by the authorizing committees before making a decision about such a comprehensive forestry program as Senator MURRAY has put forward. As a member of the Committee on Energy and Natural Resources, I am aware that Senator CRAIG's forest health bill, which has been the subject of bipartisan negotiations with the White House for over a year, and which has been the subject of hearings before the committee, is ready to be placed on the Energy Committee's markup schedule. I would be interested, as this debate progresses, to know how the Murray amendment compares to Senator CRAIG's legislation.

Regardless of my feelings about the underlying statute this amendment would repeal, I would be very reluctant as the manager of this bill to agree to such a sweeping national forest policy re-write as the one the Senator from Washington has laid before us today, particularly one drafted so quickly. I would be especially reluctant to accept such a comprehensive proposal without

the full concurrence of the authorizers. Let me remind my colleagues that law that would be repealed by the MURRAY amendment was prepared with the full cooperation of both House and Senate authorizers. The lack of involvement of the authorizers alone would compel me to oppose this amendment. Because of my personal involvement in this issue, however, I will make more detailed objections to this amendment than those which I would normally offer in my role as the manager of this bill.

Mr. President, this is a tremendously important debate. Seven short months ago, this body included the so-called salvage rider in the 1995 Rescissions Act. In the intervening months, those who have opposed this measure from the beginning have engaged in a vigorous campaign of protest, hysteria, misinformation, and civil disobedience in an effort to intimidate Congress and the Clinton Administration into reversing their support of the measure. The very small minority of Americans who advocate a no-cut, non-use policy on Federal lands lost this battle in Congress last year and now are using their anger to mislead the public that the last of our old-growth forests are about to be cut down forever, never to be replaced. This is simply not true.

I represent a State that is often sharply divided on natural resource issues. These divides generally reflect the difference between the urban and the rural way of life. During the decades I have devoted to public service, I have sought to bridge the chasm that has formed between the urban and rural citizens of my State and bring some order and balance to natural resource conflicts by addressing both sides of the debate.

Up until recently, the forest products industry has been the largest manufacturing sector in Oregon. In the past, my State alone has supplied our Nation with 20 percent of its softwood lumber needs. Just 5 years ago, 77,000 workers were employed directly by the forest products industry. Since that time, 21,800 of those 77,000 jobs have been lost and 212 mills have closed. Most often these mills are located in towns whose economies are based almost solely on the mills and the related businesses which deal directly with them.

Many of these mills, and the towns which grew up around them, located in the heart of Federal forests at the urging of the Federal Government. Prior to World War II, our Nation's Government told the forest products industry to overcut its own private lands to provide materials for the war effort, and in exchange we would open up the Federal forest lands to sustained yield management after the war.

Because of these commitments which were made over the years, I have always felt that Congress is committed to providing these communities with policies which ensure a predictable and stable supply of Federal timber to these mills. Nevertheless, meeting these commitments to mills and timber towns and protecting our environment is not the either/or choice that is presented to us by the single interest groups.

I have always recognized the need to balance a strong resource based economy with appropriate environmental protections in my State. I have personally authored legislation increasing Oregon's wilderness system from 500,000 acres to 2.1 million acres—more than any other elected official in Oregon history. I have also authored legislation increasing Oregon's wild and scenic rivers system from 4 to 42—the largest in the Nation. The next highest States are Alaska with 26 and California with 10. I have also authored legislation preserving such ecologically significant areas as the Columbia River Gorge, Hells Canyon, Newberry Crater, Cascade Head, Yaquina Head, and the Oregon Dunes.

In addition, in 1989, I coauthored a bill with then-Senator Adams which, for the first time, recognized that old growth forests need to be protected from further fragmentation and spotted owls need to be protected consistent with the Endangered Species Act. This provision was the so-called section 318 timber compromise, which was attached to the fiscal year 1990 Interior Appropriations Act.

My commitment to Oregon's environment and to its natural resources runs very deep. I am proud to have played a role in preserving these areas for future generations, and I will work this year, my last year in the Senate, to protect several other areas of my State. While I have worked diligently to protect Oregon's environment, it was always within the context of the larger picture—that 84 communities in my State were dependent on a stable supply of wood from Federal lands and that our forests could be managed, according to the best science of the day, on a sustainable basis.

Now, in listening to the rhetoric from the environmental community on the salvage provision, their true, underlying goal has finally been disrobed and can be debated. That debate is, can we manage our Federal lands at all? If you listen to the rhetoric you will hear clamoring for an end to the cutting of any green trees. Only dead and dying trees should be cut. Do not be deceived. These same extremist groups have admitted that their platform is the elimination of any and all harvesting of trees on Federal land. If my State is first to be bullied into this shortsighted program, other States will surely follow.

The sad fact of this debate is that the elimination of harvesting of trees on Federal lands is happening without one affirmative statement from Congress that this is the course of action we believe is best for the Nation. Indeed, these decisions are being made by overzealous judges who feel that their job is not only to interpret the law, but to steer it in a certain direction not necessarily intended by Congress. These decisions are being made outside of the legislative process via public relations campaigns and staged media events in a hyperbolic, uninformed, and intentionally misleading manner.

The Murray amendment lends credence to this approach and gives those who would lock up our forests forever the upper hand legislatively. All this without one hearing, one markup, or any time for internal debate and discussions with the Clinton administration.

The modest measures contained in the law sought to be repealed by the Murray amendment are largely discretionary, will expire in December 1996 and underwent Appropriations Committee hearings, markups, floor debate and months of negotiations with the Clinton administration. If last year's modest, stopgap provision cannot be sustained in law, we will have lost any semblance of balance in our national forest policies and Congress will have once again abdicated its responsibility to play a role in setting the policies governing management of our national forests.

This Senator advocated strongly for the enactment of the statute sought to be repealed by the Murray amendment, and I will energetically defend it today, as modified by the chairman's mark of the Omnibus Appropriations Act. Let me take a moment to outline the law and clarify the impetus behind its enactment.

The salvage provision included in the fiscal year 1995 rescissions bill has three separate and distinct provisions. The first provides the administration with temporary expedited salvage sale authority. The second provision grants legal protections to the administration for implementation of the President's Northwest forest plan. Finally, the statute releases certain sales prepared and offered by the Federal Government from 1990 forward that have been blocked due to consultation procedures under the Endangered Species Act.

Before I proceed with a more detailed outline of this law, let me highlight for my colleagues a seldom stated fact about this controversial law: Except for the provision directing the release of a relatively small number of sales that have been blocked by ESA consultation, the remainder of this law is discretionary. More specifically, the provisions of the law related to salvage and those related to the President's forest plan are toothless. The President is not required to offer a single sale or cut a single tree.

Immediately after signing the Rescissions Act, the President sent a memo to his agency heads saying:

> Public Law 104–19 gives us the discretion to apply current environmental standards, and we will do so. I am directing you to * * * move forward expeditiously to implement these timber related provisions in an environmentally sound manner, in accordance with * * * existing environmental laws.

A parade of administration officials have come before the Energy and Natural Resources Committee to confirm

this commitment by the President, which is fully consistent with the legislative intent of the statute, to implement the salvage program and his Northwest forest plan in complete conformity with existing environmental laws. These discretionary provisions are the very provisions the Murray amendment seeks to repeal and replace with a permanent, prescriptive, narrowly focused timber salvage program.

So to repeat, the law simply provides the President with forest policy tools that can be used to expedite salvage timber sales and sales under his Northwest forest plan. Whether the President chooses to use these tools is entirely up to him.

I would now like to discuss in further detail, each of the provisions of the salvage rider from the fiscal year 1995 Rescissions Act and, shortly thereafter, my concerns with the Murray amendment as proposed.

The first and most significant provision in the salvage law provides the administration with temporary authority for an expedited timber salvage program. This provision will expire on December 31, 1996. An expedited salvage process is needed to harvest dead trees because they pose a significant fire risk, create additional forest health concerns and the trees deteriorate rapidly, losing over half their value in the first 2 years.

In Oregon, and in Federal forests nationwide, we are in the midst of a forest health crisis. Three years ago, 50 to 70 percent of the forests in eastern Oregon's Blue Mountains area were considered dead or dying. According to the Blue Mountains Natural Resources Institute [BMNRI] in La Grande, nothing has changed in regard to fuel buildup and fire risk. In fact, the BMNRI states:

> The Blue Mountains is one of many areas in the interior West where accumulation of dead and dying trees continues to increase, thus confronting managers and the public with an unprecedented degree of catastrophic fire hazard.

The 1994 fire season was one of the worst on record. Thirty-three lives were lost and the Government spent nearly $1 billion fighting fires. Four million acres and four billion board feet of timber burned. The salvage law came about as a means of giving our Federal land management agencies the flexibility to act swiftly to address this precarious situation for Oregon's forest ecosystems, firefighters, and rural communities. Otherwise, we may face fire seasons in the future that are as bad or worse than 1994.

According to the Forest Service, nationwide we have about 18 billion board feet of standing dead and dying trees. The salvage provisions of the Rescissions Act give Federal land management agencies flexibility to address the forest health problems they believe must be addressed. Incidentally, the agencies determined that they were capable of harvesting 2 billion board feet of salvage timber nationwide for each of the 2 years the salvage provision was to be in place. For each sale, they must at least prepare an environmental assessment under the National Environmental Policy Act and a biological evaluation under the Endangered Species Act. In addition, agencies are free to follow their existing standards and guidelines for implementing Federal environmental law for each timber sale.

Without this provision, actually conducting any forest health or salvage operations would be easier said than done. Simply put, public involvement, judicial review, and administrative appeal statutes granted by Congress in existing environmental laws have been used by a small minority to block any management of public lands, even for these valuable and necessary salvage operations. These groups would rather let our dead and dying forests burn by catastrophic fire, endangering human life and long-term forest health, than harvest them to promote stability in natural forest ecosystems and communities dependent on a supply of timber from Federal lands.

The second provision of the salvage law grants legal protections for the administration to implement President Clinton's Pacific Northwest forest plan. This protection is accomplished by eliminating administrative appeals and expediting judicial appeals. This is designed to give the President the freedom to implement his plan, which has been upheld in Federal court as in compliance with all environmental laws.

All sales under this section have been prepared under the standards and guidelines of the President's forest plan. These provisions are so protective, the Northwest is producing about 10 percent of its historic volume levels under them. Again, the provisions here are discretionary. The President is not compelled to harvest one stick of timber if he chooses not to.

The third provision releases certain sales offered or awarded since 1990 in the geographic area covered by section 318 of the fiscal year 1990 Interior and Related Agencies Appropriations Act. By its own estimates, the Forest Service faces at least $150 million in contract liability for failure to move forward with these sales which it prepared and offered. Congress moved forward with them, in large part, in an effort to address this liability question.

These delayed sales represent approximately 650 million board feet of timber affecting less than 10,000 acres of Federal forest land in Oregon and Washington. To the average homeowner, this may sound like a tremendous amount of timber over a very large area. However, in the context of Federal land management in the Pacific Northwest, 10,000 acres is a minuscule amount. To illustrate, the President's Northwest forest plan covers 24.4 million acres, 19.5 million acres of which is withdrawn entirely from commercial timber harvest. The sales released under this provision represent less than an infinitesimal one twenty-four-hundredth of the land within the jurisdiction of the President's plan.

Let me also put the 650 million board feet of volume in perspective. Again, this may sound like a great deal of timber. However, throughout the 1980's, the Pacific Northwest averaged an annual harvest level of around 3.85 billion—not million—board feet. Our annual harvest levels are now about 10 percent of these 1980's levels, largely due to the significant protections of the President's forest plan. Under his plan, the President promised the people of the Pacific Northwest a first-year harvest of 2.2 billion board and an annual harvest level of 1.1 billion board feet each year thereafter. However, since that promise was made, a total of about 500 million board feet has been sold under the plan.

These sales have been held up for a variety of reasons, primarily for consultations for the threatened marbled murrelet. Habitat for this sea bird has been designated as any forest land within 35 miles of the Oregon and California coasts, and 50 miles from the coast in the State of Washington. This amounts to about 4.4 million acres, two-thirds of which is Federal. These birds are very difficult to survey because they spend an estimated 90 percent of their lives at sea. While total habitat of the bird is about 2.5 million acres in the Northwest, only 10 percent of that acreage has been surveyed. Based on this scant evidence, scientists estimate that the Northwest is home to between 18,600 and 32,000 murrelets. Over 300,000 of these birds are believed to inhabit Alaska.

Under the salvage provision, timber sales must go forward unless a threatened or an endangered species—murrelet—is known to be nesting within the acreage of the sale unit. In that case only, the administration is authorized and directed to provide replacement volume of like kind and value within the contract area of the existing timber sale. Under this language, the administration's ability to provide replacement timber is restricted more than I believe Congress intended. Specifically, replacement volume can only be offered when there is a murrelet problem, and finding like kind of timber within the contract area is proving to be very difficult.

I met with Clinton administration officials last December to discuss these and other concerns with the salvage rider.

Consistent with their specific suggestions to alter the language to reflect their concerns, Senator GORTON and I drafted and included language in the omnibus appropriations bill which gives the Forest Service and the Bureau of Land Management greater flexibility to modify or buy back sales on three specific counts.

First, under our amendment the administration may offer replacement volume for any 318 area sale on which it feels there is an environmental problem, not just those where a murrelet is

known to be nesting. The amendment would then give the agencies 45 days to reach a mutually satisfactory agreement with the purchaser regarding what that replacement volume should look like. Replacement timber can be of any kind, value, volume and location, as long as there is mutual agreement between the land management agencies and the sale purchaser.

Second, our amendment gives the administration the authority not only to offer replacement volume to a timber sale purchaser but also to offer to buy out a sale. The administration has repeatedly requested this authority and has even indicated that it is able to secure $50 million from a neutral funding source to cover the costs.

Finally, our amendment removes the requirement that these sales be operated by September 30, 1996. We have lifted this deadline so timber sale operators do not have to rush to cut these trees hastily before any additional environmental considerations can be taken into account.

In summary, Mr. President, our amendment does everything the administration has requested aside from giving them total authority to cancel contracts unilaterally with no compensation to timber sale purchasers. I remind my colleagues that, by the Forest Service's own estimates, it is financially liable to the tune of about $150 million for canceling these contracts.

The Murray amendment, by comparison, does not address the issues outlined by the administration except to relieve them from any and all responsibility to harvest these sales. This course of action is absolutely contrary to the commitments the administration made during 6 months of detailed negotiations with Congress on the fiscal year 1995 rescissions bill, which included the salvage provision.

Aside from my objection to the underlying principle that the Murray amendment allows the Clinton Administration to fully back out of the commitments it made during the deliberations on the salvage provision, the amendment raises a number of additional concerns.

First, the Murray amendment replaces the salvage portion of the rider, which expires at the end of 1996, with a comprehensive, long-term salvage timber harvest program. All this without one hearing in the authorizing committee, no hearings in the Appropriations Committee and no internal or external communications or debate.

Under the Murray amendment, any sales which have been released as part of the salvage rider would be open to immediate administrative and judicial challenge and would be stopped instantly, even if timber is already fallen and bucked and stacked on the ground. The Government has sold about 1.8 billion board feet of salvage and billions more are in the pipeline. In addition, sales cleared under the President's Northwest forest plan would be reopened to a new round of administrative and judicial appeals.

The Murray amendment's salvage program is very detailed and prescriptive. Remember, the salvage program we enacted as part of the rescissions bill gives complete discretion to the land management agencies to lay out sales in a manner consistent with existing environmental laws and standards and guidelines, as President Clinton committed to doing. The Murray amendment will allow salvage only in roaded areas. It precludes even helicopter logging in roadless areas, often where we have our most severe forest health problems. No salvage logging will be allowed in ''any area withdrawn by Federal Law for any conservation purpose.'' This is so restrictive that the language in the Forest Service's 1897 Organic Act, which allows the President to establish forest reserves, would appear to apply this restriction to the entire national forest system.

The Murray amendment will also grant the President's Council on Environmental Quality 1 year to develop salvage compliance regulations. Thus, not only will sales stop in their tracks, it will take at least a year and probably much more to even begin offering sales under the new law. In the mean time, logs will lay on the ground and rot. The Government's liabilities to the purchasers who have operated many of these sales almost to completion will increase greatly, and the backlog of dead timber from the 1994 fires and the risks associated with keeping these trees on the ground will have gone unaddressed.

To oversee this new salvage program, the Murray amendment creates a new interagency, multi-level bureaucracy for ESA compliance, including two interagency scientific teams and two layers of dispute resolution teams. Little guidance is given to these teams and the amendment uses so-called sufficiency language, to which the Senator from Washington strenuously objects, to restrict public input and exempt these new bureaucracies from the Federal Advisory Committee Act.

On that note, the amendment has its own share of sufficiency language. As one who has used sufficiency language on several occasions because of emergency situations, I have no problem with the concept of using this language. Critics of current law have strongly criticized the use of sufficiency. The sponsor of the current amendment was on record as opposed to sufficiency language even prior to her arrival in the Senate. Overall, I have tried to be sensitive to her concerns. In fact, I worked closely with her and the Clinton Administration this last fall to develop a solution to the salmon recovery funding problem in the Columbia River Basin which did not use sufficiency language at all. The Murray salvage amendment, however, is filled with sufficiency language which overturns court rulings and exempts Federal agencies from all sorts of laws.

The Murray amendment attempts to terminate all existing contracts on sales released by the salvage rider in the geographic area of covered by section 318 of the fiscal year 1990 Interior Appropriations Act. In doing so, however, the amendment terminates all remaining 318 sales, including over 300 million board feet of noncontroversial sales that were not released or affected in any way by the Rescissions Act. This opens the Government to additional millions in new and needless liability and removes much-needed timber from the pipeline of sales available for use by timber dependent communities in Oregon and Washington.

I know the sponsor of the pending amendment will concede that she has had a very difficult time finding the necessary offsets to pay for what CBO has told me is a $250 million amendment. We certainly cannot be accepting lightly any proposal that will expose the government to such huge sums of liability.

The Murray Amendment provides replacement volume authority, but replacement sales must be completed within one year, which is a near impossibility, unless another time line is agreed to. Buy-out authority is also provided, but funding appears to be subject to appropriations or through loan forgiveness or future bidding credits. If negotiations toward mutual agreements with timber sale purchasers are unsuccessful, the administration is provided with unilateral cancellation authority on these sales. Thus there is no reason for the administration to deal in good faith with these purchasers. This is the very reason we enacted this provision in the first place. The Administration had been sitting on these sales for 5 years.

Finally, the Murray Amendment directs the Secretary of Agriculture to use road construction funds to prepare timber sales. Most of the road construction account, however, is already devoted to implementation of the President's forest plan, including timber sale preparation. Under this provision, we would literally reduce the work we are able to accomplish under the President's forest plan, as modest as it has been these past 2 years, in place of preparing alternative volume sales. This is expressly opposite of congressional intent in passing the original salvage provision on the Rescissions Act and specifying that the volume of the 318 areas sales was not to count against current allowable sales quantities under the President's forest plan.

I strongly urge my colleagues to vote against the Murray amendment. It overreaches the authority of the Appropriations committee and authorizes a comprehensive, long term timber salvage program. It leaves already harvested trees on the ground to rot. It creates significant and unnecessary new areas of contract liability to the Federal Government.

The language which Senator GORTON and I have included in the pending legislation addresses the concerns raised

by the Clinton administration while still helping meet the original purposes of the act when it was signed into law by President Clinton after 6 months of congressional debate and negotiations.

I supported the salvage rider originally, and have drafted changes to it now which I urge my colleagues to support. I believe it allows us to show that we can be reasonable in what we do in the forests and harvest trees for many uses—forest health, community stabilization, ecosystem restoration and jobs for our workers.

I urge my colleagues to oppose the Murray amendment.

Mr. DOLE. Mr. President, the timber and salvage issue has been subjected to confusing direction from the Clinton administration. After first vetoing the bill, the President began to criticize the bill.

This constantly changing position of this administration on this bill hardly contributes to a solution on what has become a needed resolution both for environmental concerns as well as economic. The repeal of this amendment would stop ongoing salvage sales, creating numerous new court challenges and lawsuits. During regulatory reform this problem was noted to be a significant concern of our friends across the aisle. Now however, it is a acceptable requirement.

Second, as Senator CRAIG has pointed out, the emergency salvage law is necessary for jobs and forest health. As the amount of dead and dying trees increases, so dies the threat of wildfires. The lack of access to this timber results in lost jobs.

The Clinton forest plan is not working. The amount of timber being produced is far below what the President promised and jobs continue to be lost. The Forest Service has produced very little salvage volume. The only volume that is really being produced under this provision are in the area covered by section 318, timber that was previously sold. Yet the President wants to hold up the sale of this timber as well.

If this law is repealed the liability of the Federal Government increases, jobs will be lost, the environment threatened and a bureaucratic nightmare is created. We can move forward with managed timber sales and still protect endangered species and jobs. What we have to do is apply good management. Repealing this law is not the first step that needs to be taken. I urge my colleagues to defeat the Murray amendment.

Mr. MURKOWSKI. Mr. President, I rise in strong opposition to the Murray amendment. This proposal would create chaos in the National forests. It would repeal a measure we passed just 7 months ago, which the Forest Service and BLM have, at our urging, been moving to implement. Then it provides these agencies with new, conflicting direction.

Moreover, the Murray amendment provides the agencies with long-term direction on forest health restoration that: First, was introduced less than one week ago; second, has never been reviewed by the authorizing committees, or been subject to a hearing; and third, is fundamentally and fatally flawed. By contrast, my committee has been working on long-term forest health legislation introduced by Senator CRAIG and Senator HEFLIN for over a year. This effort has included extended discussions with minority staff and members of the Energy and Agriculture Committees and the land management agencies. While these discussions have not produced complete consensus, they have produced a bill that is well drafted, addresses many members' concerns, and will be marked-up and reported later this month.

The Murray amendment in essence asks us to put this aside and, instead, enact on the floor today a multiyear piece of legislation—with significant environmental and economic implications—that most of us have never even seen. Well let me share a few high points.

Senator MURRAY would subject all of the salvage timber sales sold in the past year to new administrative appeals and expanded judicial review. This amounts to 1.8 billion board feet of sales that will be stopped in their tracks. Loggers and mill workers will be sent home. The value of the dead and decaying timber will decline as the appeals and lawsuits are heard. In a hearing before our committee last week, Forest Service officials expressed concern over this problem. The original terms of the timber sale contracts will be violated by the Government, and contract damage claims will ensue as timber companies are forbidden to harvest under the terms and, more importantly, timeframes of the contracts.

In response to the extraordinary 1994 fire season, we chose 7 months ago to allow, under some conditions, ''logging without lawyers.'' Senator MURRAY apparently finds an unacceptable restriction on legal employment opportunities. She wants to put lawyers back to work. Maybe that's alright. I don't dislike lawyers—much. But there is a clear choice here. Creating all these new legal jobs will unemploy loggers and millworkers.

Let me give you another example. The Murray amendment prohibits forest health and salvage activities in roadless areas. Why? Don't these areas deserve treatment if they are sick? Shouldn't fire-damaged watersheds in roadless areas be stabilized? Maybe people have faith that roadless areas will recover without help. Perhaps this provision was drafted in a Christian Science reading room.

Here's another—the Murray amendment eliminates the expediting procedures for salvage sales that were developed by the Bush administration and refined by the Clinton administration. Why are we going to substitute whatever wisdom we can muster here in an hour today for provisions that represent the result of 7 years of bipartisan analysis?

On the other hand, if that doesn't trouble you, I shouldn't bother mentioning that the Murray amendment offers a completed new definition of what constitutes a salvage timber sale. Apparently the definition provided by the Forest Service scientists and used both in Public Law 104–19 and Senator CRAIG's bill, is somehow inadequate. If so, we will never find out why in the hour we have devoted to this issue.

But let me close with my favorite. Section 305 of the Murray amendment—for those of us who have had the time to be so precise—directs the Council on Environmental Quality to develop expedited NEPA compliance procedures for salvage sales. They are given a year to develop these expedited procedures. This chart shows how fast fire-killed timber deteriorates. So what the Murray amendment does is: put everything on hold; reinstate lawsuits and appeals; and maybe in a year or so we will have new, expedited procedures for salvage sales from the CEQ.

The Murray amendment appears to address forest health concerns and the needs of forest communities. But understand that no one, least of all the American people, are fooled. This is a vote to appease national environmental groups. They have a lot riding on it.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Washington.

Mrs. MURRAY. Mr. President, as we end this debate, I want to respond to one point again. I heard my colleagues go back to the offset that is in this amendment and threatening our colleagues with loss of their Forest Service funds or loss of jobs. Let me remind all of my colleagues, this money comes from the general administration fund. It can come from general belt tightening, and it will come from travel. But we also have the commitment from the chairman of the Appropriations Committee to work within the confines of the conference committee to come up with a reasonable offset. Again, because of the way that the amendments have come forward on this floor, we had to put in the offset the way it is, but it will be worked out in conference.

Let me go back to why this issue is so critical at this time. Last year, this Congress passed a rider on the rescissions bill that went too far. It allowed trees, such as shown right here, a tree that is 8 foot in diameter, to be cut down regardless of environmental laws and without public input. This tree is more than 250 years old. This tree will not be replaced in the lifetime of my grandchildren, my great-grandchildren, or my great-great-grandchildren.

Mr. President, these are the trees that, without adoption of my amendment, will continue to come down in forests across the Pacific Northwest. That is not what the intent of this Congress was, I hope, last summer, but it is the result and it needs to be stopped.

This debate is also about logging that occurs without regard to environmental impact. Without the adoption of my amendment, these types of logging disasters will occur where slides come down, block our rivers and streams and do tremendous damage to our salmon and our trout and our wildlife that inhabit these areas, much less to flooding that occurs in the Northwest because of harvesting such as this.

Mr. President, do not just take my word for this. We have received editorials from across the West, and I ask unanimous consent to have them printed in the RECORD.

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

[From the Seattle (WA) Post-Intelligencer, Mar. 6, 1996]

SENATOR MURRAY'S GOOD ''TIMBER RIDER'' PLAN

Sen. Patty Murray has introduced sensible legislation to undo the damage contained in the controversial ''timber salvage rider.''

Congress ought to adopt it forthwith.

The Seattle Democrat's bill would cancel the harvest of healthy old-growth trees in environmentally sensitive areas and give companies that had bought the timber the right to log elsewhere in the national forests or buy back their logging rights from the Forest Service.

The controversy was set in motion by congressional passage of a measure masquerading as a means to quickly harvest sick or dying trees.

Sponsored by Republican Sen. Slade Gorton, the salvage rider expanded the definition of salvage and re-opened to logging healthy areas that had been put off limits to loggers after the sales were made because of endangered species habitat restrictions.

But little interest was shown by the timber industry in felling the sick trees that supposedly are threatening healthy stands. They have until September, when the rider expires, to rid the woods of this menace.

An unfortunate feature of Gorton's legislation was that it allowed ''salvage'' harvesting without regard to environmental law, so the sales could not be appealed in court.

A critical feature of Murray's legislation is that it restores existing environmental laws to the harvest. That feature must be preserved.

There is no persuasive argument to be made for suspending environmental laws in national forests. Gorton's own bill to cope with the furor caused by his rider also envisions buy-backs and exchanges that would allow logging on less environmentally sensitive lands.

But Gorton would force the Forest Service, already reeling under budget cuts, to eat the $100 million it may take to buy back the trees. That doesn't make real-world sense.

President Clinton initially—and rightly—resisted the salvage rider but relented and signed it when Republican lawmakers attached it to a budget bill he wanted. On a recent visit to Seattle, Clinton admitted the rider was a ''mistake.''

It was a huge mistake, as all the guilty parties now seem to realize. The sooner they make it right and put it behind them, the better off they'll be.

[From the Portland (OR) Oregonian, Mar. 12, 1996]

FIX THE TIMBER RIDER—SENATOR MURRAY'S PROPOSAL COULD FORCE NEEDED COMPROMISE ON OLD-GROWTH SALE PROVISION

Senator Patty Murray, D-Wash., is offering the Senate a chance it ought to grab to reconsider the increasingly notorious timber rider that Congress passed last year.

The rider, proposed by Sen. Slade Gorton, R-Wash., was aimed at expediting salvage sales of burned and diseased trees on federal lands by freeing those sales from the normal appeal procedures under environmental laws. Environmental groups opposed it. Its most controversial provision, which Murray would largely repeal, ordered the administration to proceed with suspended sales of old-growth timber in Western Oregon and Washington that don't meet current forest and stream protection standards.

Murray is proposing an amendment that would cancel the old-growth sale mandate but require the administration to either make other timber available to purchasers or buy back the standing timber they bought but can't log.

Additionally, the Murray proposal would allow appeals of proposed timber sales, including salvage ones, but it would shorten the appeal period. On salvage sales, that's the solution Congress should have adopted at the beginning.

Regarding the Western Oregon and Washington old-growth sales, Murray's proposal would provide more flexibility for the U.S. Forest Service than a modification proposed by Sen. Mark Hatfield, R-Ore., and Gorton to the original rider. They would allow forest managers to substitute other timber for the purchased tracts or to buy back the sale, but only if the purchaser consented. A House-passed version allows the timber exchange but does not include a buyback provision.

As we noted a while back, the Hatfield proposal is a considerable improvement over the confines of the original rider. Murray's amendment is even more desirable, rolling the original rider back even further. It isn't perfect and its passage wouldn't resolve the controversy. But it could force a compromise that the administration and responsible members of both the timber industry and the environmental camp would grudgingly accept.

[From the Great Falls (MT) Tribune, Mar. 10, 1996]

BAUCUS BACKS A GOOD LOGGING COMPROMISE

Senator Max Baucus has drawn some criticism for cosponsoring a new salvage logging bill, but it makes sense. And if both loggers and environmentalists are mad about it, the legislation appears to be pretty well balanced.

The legislation was originally proposed by Sen. Patty Murray, D-Wash., to repeal the controversial logging law.

Her bill would permit emergency timber harvests when needed to reduce fire threats but would do so within the confines of existing environmental laws.

Her bill would immediately suspend all of the old-growth sales and reinstate environmental laws in regard to the salvage sales, reopening them to citizen appeals for 30 days.

It limits the expedited salvage logging to areas already with roads and places a priority on areas which have the best chance of restoring forest health and reducing wildfire risks.

Murray also would tighten up the definition of salvage timber in an effort to close loopholes critics say subject live, healthy stands to the salvage cutting.

In too many compromises, each side focuses on what has been lost, rather than what has been gained.

That's too bad because this legislation makes sense.

[From the Seattle (WA) Post-Intelligencer, Feb. 27, 1996]

TIMBER RIDER ''MISTAKE''

It's good news, as far as it goes, that President Clinton says the timber salvage rider legislation he signed was ''just a mistake'' and should be repealed.

The rider expires at the end of this year. The timber companies therefore are hurrying to make lumber of healthy old-growth trees in endangered habitat zones, not merely diseased or fire-prone ones the law supposedly was meant to address.

So by the time political outrage and the tortuous machinery of Congress can be brought to bear on this matter, the old-growth trees that are the center of the dispute may well have vanished.

In that case, all we're likely to be left with thanks to this monumental blunder is renewed warfare in the Northwest woods and more delightful vistas of sawed-off stumps.

[From the Seattle (WA) Times, Feb. 28, 1996]

TIMBER SALVAGE BILL WAS CLEAR-CUT BAIT 'N SWITCH

The Northwest timber wars have been joined again, with chain saws whining in the ancient forests of Washington and Oregon while environmentalists resort to civil disobedience and street demonstrations in an attempt to stop them.

All this due to a little congressional bill called the ''Emergency Salvage Timber Sale Program,'' passed by Congress last year.

President Clinton, who eventually signed that bill, now says he believed that it would apply only to diseased or fire-prone forests—not to what's left of old-growth forests. Timber interests, including Republican Sen. Slade Gorton, say that's hogwash; he knew, or should have known, what he was signing.

The record favors the president. Nearly a year ago, last March 3, Gorton faxed to The Times a six-page press release laying out eight arguments for this timber bill. His document refers repeatedly to ''salvage logging.'' There is no mention of old-growth timber.

''We're not talking about clear-cuts in the Olympics,'' Gorton argued in his release. ''These operations will pull dead, dying, burnt, diseased, blown-down and bug-infested timber out of the forest, and reforest the salvaged areas. It's an important part of restoring these forests to health.''

Gorton's arguments made sense. That's why he won support from the White House and others who were willing to relax environmental laws to allow salvage logging, generate much-needed jobs and reduce the fire danger in Northwest forests.

Only later was the bill expanded to include long-delayed sales of old-growth timber. A year later, Gorton's plan has generated little or no salvage logging. Instead, loggers are attempting to clear-cut an ancient stand of Douglas firs in the Olympics, where fire is not an issue. Gorton's backers, including this newspaper, feel lured into a bait-and-switch game.

The amount of timber at issue is modest—certainly not enough to undermine the biological health of Northwest forests. And Gorton makes a reasonable argument that the old-growth timber is being cut under 6-year-old contracts that should be honored.

The point is this: Gorton won initial, bipartisan support by peddling his salvage rider as one thing. And the Northwest is being asked to live with quite another. This puts President Clinton on solid ground to reconsider his agreement to a good deal gone bad.

[From the Salem (OR) Statesman Journal, Mar. 6, 1996]

LIMIT SALVAGE TO DEAD TIMBER

ENVIRONMENT MUST RULE THE HARVEST DECISION

Sen. Mark Hatfield has tried to bring accord out of the discord about the timber salvage bill, but his compromise proposal offers little hope of satisfying either side.

It has two major weaknesses. It extends the time during which logging is exempt from environmental laws—which environmentalists would protest. And it allows the federal government to buy out the timber-cutting contracts, provided the timber companies that hold the contracts agree and the government comes up with the money. The chance that the companies would agree to be bought out and that the government would put up the money to do so is slim.

The cleanest solution is to revise the measure.

Allow the cutting of dead and dying trees. That was the purpose of the bill in the first place. Many environmentalists disagree with the salvage, but there are good arguments to go ahead. We see some of them every day in Oregon when we drive by forests turned brown by disease or fire.

Then remove form the measure the rest of the timberlands. Let these tracts stand on their own merits as either suitable for harvesting or as essential to the environment. Most of the timber already has undergone environmental assessment. Supposedly, the federal government is satisfied that the sales are environmentally sound.

If the assessment of the risk to the environment has changed in the years since the sales were first considered, then they can be canceled or the conditions revised. For timber that already has been sold, the government would return the money.

Sen. Patty Murray, D-Wash., offered a reasonable compromise this week. She would encourage salvage logging but without suspending environmental assessment is done quickly, this is a reasonable alternative.

What has angered most citizens about the salvage bill was not the cutting of green timber itself—although there is considerable opposition—but the suspension of environmental laws and the right of appeal to the courts. The public must continue to have the right to argue the management of public timber and to appeal to the courts.

Anything less will not satisfy the public regardless of how carefully a timber management plan is devised.

[From the Bellingham Herald, Mar. 12, 1996]

OUR VIEW: OK MURRAY'S COMPROMISE TIMBER PLAN

Forestry: Senator's proposal is fair to both environmentalists and timber interests.

Timber workers and communities deserve a measure of help to get through the painful transition they face. But the helping hand shouldn't exact too great a cost on the environment.

Legislation introduced by U.S. Sen. Patty Murray, D-Wash., strikes the proper balance.

Murray's bill would amend a law enacted last summer purportedly to let salvage timber—dead and dying trees—be logged through September 1996 from tens of thousands of acres of federal old-growth forests in the West and South. What the law actually does is allow logging of any old-growth timber in the areas that have been opened up.

A poll last fall indicated that 60 percent of Americans support environmental regulations, including those that protect endangered species and restrict logging in the 10 percent of old-growth forests still left standing.

The salvage timber law sponsored by U.S. Sen. Slade Gorton, R-Wash., was enacted to provide temporary economic relief to timber workers and communities reeling from economic hardships. A 1990 court ruling has all but shut down logging in old-growth forests on federal lands.

Murray's bill would halt logging of healthy old-growth trees but permit salvage logging on a permanent basis. It also would speed up the process by which the timber sales are approved.

Too risky, environmentalists complain. Gorton's entire law must be repealed to avoid further environmental damage.

Too risky, environmentalists complain. Gorton's entire law must be kept intact to avoid exacerbating an already dismal economic picture.

Murray attempted to amend Gorton's bill and implement the compromise last summer. That effort failed by one vote.

The compromise would correct the imbalance created by Gorton's law. It would be fair to both sides. Lawmakers should pass it this year.

[From the Reno Gazette-Journal, Mar. 13, 1996]

THE ASSAULT ON OUR FORESTS MUST BE STOPPED

(1995 timber salvage law amendments are needed to stop the willy-nilly cutting of trees.)

The 1995 timber salvage law was a bad law—a very bad law indeed. It pretended to help the nation's forests by making it easier for the logging industry to take away dead and dying trees, but in reality it endangered the forests by permitting loggers to chop down huge numbers of perfectly healthy trees. In addition, this act eviscerated the protection of wildlife and removed the mandate of clean water—which also freed the axes of the timber men to chop, chop, chop willy-nilly.

This law, proposed by Sen. Slade Gorton, R-Wash., slipped through Congress and past President Clinton's veto pen on the pretext that there was an emergency of unparalleled proportions: i.e., all those dead and dying trees were a fire hazard of such great potential that any measure was justified in order to reduce the hazard. But while there certainly was a need to get cracking on the problem in places such as the Lake Tahoe basin, where homes and other structures could be wiped out by a wildfire, there was no need to destroy environmental protections at the same time—unless, of course, the real aim was to conduct a sneak raid on environmentalism itself. And that does indeed seem to have been the subterranean motive.

The law worked just as intended: Loggers cut swaths of green timber and placed the remaining old growth forests of the Pacific Northwest in greater danger than ever. It was profit at any cost and at all costs.

Now there is a chance to end the assault. An amendment by Sen. Patty Murray, D-Wash., would halt all timber sales in these ancient forests and would put other salvage sales under stiffer environmental rules. It would give the federal government a year to provide alternate timber but would also permit the government to buy back previous timber sales. Also to the good, it would permit appeals under environmental laws. Finally, it would restrict salvage operations to dead and dying trees, and would permit the cutting of healthy trees only to the extent necessary to protect loggers and to provide reasonable access.

At the same time, our own Sen. Harry Reid has proposed an amendment to eliminate the prohibition of Endangered Species listings. These two amendments would do much to provide the forests with the protection that they need, and both should be passed by the U.S. Senate.

Unfortunately, these amendments not only must compete against the original legislation, which retains its ardent supporters, but they must also contend with a much weaker amendment by Gorton and Sen. Mark Hatfield, R-Ore., which would protect some old-growth forests from the axe, but only if replacement timber can be found elsewhere. That is not an acceptable substitute for the real protection that the Murray-Reid amendments would give. These are the amendments that should—indeed must—be adopted.

Mrs. MURRAY. Mr. President, I have an editorial from the Seattle Post-Intelligencer: ''Senator Murray's good 'timber rider' plan.''

From the Portland Oregonian: ''Fix the timber rider. Senator Murray's proposal could force needed compromise on old-growth sale provision.''

From the Great Falls Tribune, from the Seattle PI, from the Seattle Times, which talks about the amendment that was adopted last year and calls it a ''cut bait 'n' switch.''

From the Statesman Journal in Salem, OR: ''Limit salvage to dead timber.''

From the Bellingham Herald: ''OK Murray's compromise timber plan.''

And from the Reno Gazette-Journal: ''The assault on our forests must be stopped.''

Mr. President, I have a long heritage in the Pacific Northwest. I was born and raised there. My father was born and raised there, and, in fact, my mother was born and raised in Butte, MT. In fact, my husband's grandfather was born in Seattle back at the end of the last century.

We know the people in this region. We know why they are angry today. They are angry because the rider that passed last year through this Congress left them—people, my brothers, my sisters, my friends, the people I have run into in the grocery store and at town-hall meetings across my State—it has left those people out of the decision-making process when it comes to our Federal force.

People in our region want to be involved. They want to have a say, and they do care. They care deeply. Because of the rider that was passed last year, Federal agencies are out in the woods running timber sales today with little or no accountability, and that makes my constituents angry.

Under the rider that passed last year, our ordinary citizens have no ability to influence Government decisions. That makes them angry.

Under the rider that was passed last year, our timber communities have once again become the center of a political storm. They deserve better than that. My rider directly makes sure that those people in our timber communities do not have a policy that is in place for just a few short months, with timber, like I have shown you before, being cut down.

Mr. President, my policy assures that these timber workers will be at work

logging dead and dying trees—true salvage, not green trees. It will assure that those jobs are there for the long run.

Most important, my amendment puts people back into the process. People have a right to a say about the forests that we all own. People have a right to know that what they own is cared for and cared for well. That is what the environmental laws are all about that have passed in this Congress over the last four decades. That is what was taken away in the rider that was passed last summer. That is what is corrected in our amendment before us today.

Mr. President, I cannot urge my colleagues strongly enough to please vote for the amendment in front of you, the Murray amendment, with the support of Senators WYDEN and BAUCUS and LEAHY, and many others, Senator SAM NUNN. The reason is, we have to get our timber areas out of war. We need to reduce anger, and most importantly, we need to put common sense, common sense and rationality, back into our timber policy across this country.

That is what my amendment does. That is what your vote for this amendment will do. Help me send a message back to my constituents that this Congress does have the ability to listen when people are angry, this Congress does have the ability to put in place commonsense, practical solutions to problems that are out there, and that this Congress will not make a mistake a second time.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on the Murray amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, is there any time remaining? No one has offered to use it. Could the Chair indicate what the time situation is?

The PRESIDING OFFICER. There are 2 minutes, 57 seconds on the Senator's side, and 22 seconds on the other side.

Mr. HATFIELD. Mr. President, I yield back our time.

Mrs. MURRAY. Mr. President, I yield back my time as well.

The PRESIDING OFFICER. All time having been yielded back, the Senate will proceed to vote on agreeing to amendment No. 3493, as modified, offered by the Senator from Washington. The yeas and nays have been ordered. The clerk will call the roll.

Mr. JEFFORDS. Mr. President, on this vote I have a pair with the Senator from Kansas [Mr. DOLE]. If he were present and voting, he would vote ''no.'' If I were permitted to vote, I would vote ''yea.'' Therefore, I withhold my vote.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Kansas [Mr. DOLE] are necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is absent on official business.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 54, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—42

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Murray
Bradley	Harkin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Chafee	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden

NAYS—54

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bond	Grams	Murkowski
Breaux	Grassley	Nickles
Brown	Gregg	Pressler
Burns	Hatch	Reid
Byrd	Hatfield	Roth
Campbell	Heflin	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Johnston	Snowe
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kyl	Thomas
Domenici	Lott	Thompson
Faircloth	Lugar	Thurmond
Frist	Mack	Warner

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Jeffords, for

NOT VOTING—3

Bennett	Dole	Moynihan

So the amendment (No. 3493), as modified, was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I know some Members are concerned about what the procedure is going to be for the remainder of the day and into the night.

As the majority leader said yesterday, and after consultation with the Democratic leader today, our intent is to finish this bill. There are still an awful lot of amendments pending. We would appreciate Members coming to the floor and being prepared to go forward with their amendments. If they have a serious amendment, we need to know about it. If they are not going to offer it, we need to know about that.

I want to be very clear that our intent is to complete the amendments and finish this bill tonight. So when the Sun starts setting in the West, I hope Members will not express great concern about what the schedule is going to be. Our intent is to go forward. We do not want to leave any misconception about how we are going to act on this legislation.

So come on to the floor and let us get these amendments going and complete the bill tonight.

I yield the floor.

INTERSTATE 95 FIRE

Mr. SPECTER. Mr. President, as many of my colleagues may be aware, a monstrous fire yesterday in Philadelphia has caused enormous damage to a long 2-mile stretch of Interstate 95. The Philadelphia Inquirer reports today that the eight-alarm blaze burned the bottom of I-95 as if it were a pot over an open flame, snapping support wires, charring concrete, and sending a column of sooty smoke south along the Delaware River. Early roadway damage estimates range from $2 to $5 million.

I would like to discuss with the distinguished chairman of the Appropriations Committee the availability of emergency funding to restore this important roadway, which is so critical to the economy of my State and the eastern seaboard and to the quality of life of millions of Pennsylvanians.

I understand that title II of this bill provides $300 million for the emergency fund of the Federal Highway Administration to cover expenses arising from the January, 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States and other disasters. Would my colleague agree that the substantial highway damage that occurred on Interstate 95 should be considered a disaster for the purposes of this legislation?

Mr. HATFIELD. I recognize the concerns raised by the Senator from Pennsylvania. In providing the $300 million in appropriations for the emergency fund, it was the committee's intent to provide sufficient funding to cover a range of unforeseen disaster, such as the damage that has occurred on Interstate 95 in Philadelphia. When critical highways are impacted to such a degree that they must be closed and repaired, it is important that Congress ensures the availability of funds to restore the flow of commerce and individuals who are dependent on them. I would be glad to work with the Senator from Pennsylvania to ensure that the conference report on this legislation reflects the Congress' intention that the Interstate 95 fire should be considered as a disaster by the Federal Highway Administration.

Mr. SPECTER. I thank the distinguished chairman and look forward to working with him in conference on this issue.

Mr. CRAIG. Mr. President, are we in a quorum?

The PRESIDING OFFICER. No. We are not.

AMENDMENT NO. 3494 TO AMENDMENT NO. 3466

(Purpose: To provide for payment for attorney's fees and expenses relating to certain actions brought under the Legal Services Corporation Act)

Mr. CRAIG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 3494.

In the matter under the heading ''PAYMENT TO THE LEGAL SERVICES CORPORATION'' under the heading ''LEGAL SERVICES CORPORATION'' in title V of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, strike ''$291,000,000'' and all that follows through ''$1,500,000'' and insert the following: ''$290,750,000 is for basic field programs and required independent audits carried out in accordance with section 509; $250,000 is for a payment to an opposing party for attorney's fees and expenses relating to civil actions named In the Matter of Baby Boy Doe, and Doe v. Roe and Indian tribe, with docket numbers 19512 and 21723 (Idaho February 23, 1996); $1,500,000''.

Mr. CRAIG. Mr. President, I bring to the Senate this afternoon what in Idaho has been a phenomenally serious and frustrating matter in relation to a young adopted child and his adoptive parents. I say that because 6 years ago the Swenson family of Nampa, ID, adopted a 2-month-old child. They went through all of the legal and appropriate channels to do so. They found out several months into the adoption of that child, when the legal processes were underway, that the native American tribe from which this child had come—and the child was half white, half native American—wanted the child returned even though the natural parents did not. As a result of that, a legal fight began. And Legal Aid Services of Idaho became involved in defending, supposedly, the child—even though the child was then less than 2 years old, and the child thought he was a member of the Swenson family—a loving, caring family.

I and my staff visited with the Legal Services Corporation, suggesting they not become involved—that it was not the intent of Congress for Legal Services to use their money for these purposes, that there were truly poor and needy people who needed Legal Services to defend them, and that they ought to go elsewhere to find their clients.

Another reason I argued that was because the Indian tribe—in this instance the Oglala Sioux—had their own attorney and their own money. They were planning to defend themselves and to argue that this child ought to be returned to their tribe. Believe it or not, this legal fight went on for 6 years. That legal fight was just settled a few months ago in the Idaho Supreme Court. Legal Aid Services of Idaho took this fight all the way to the Supreme Court, expending thousands and thousands of dollars of taxpayers' money.

Here is the headline in the local press of February 23, ''Casey's Adoption Final Today.'' The Supreme Court of Idaho finally said to the Swenson family, ''You are entitled to your son,'' the son now being 6 years old.

The story seemed to have a marvelous positive ending, but the tragedy is that the Swenson family spent $250,000 protecting their adopted son. They sold their farm. Here are pictures of the farm being auctioned off less than a month ago to pay the legal fees because of the attack by Legal Services.

Of course, we know Legal Services Corporation and their grantees are funded by tax dollars. They should be protecting the poor. That is Congress' intent. The ranking minority member of the appropriations subcommittee has fought for years to assure that kind of direction. I argued with Legal Services that that is where their money ought to be spent. But, oh, no, they had to take on this family. They bankrupted the family in an attempt to gain custody of this child. The family won. The happy ending is here. But the family is bankrupt.

My amendment today is simple. It takes the necessary moneys from Legal Services Corporation and gives them to that family. We think that is fair and appropriate. And I have worked with the chairman, and the chairman of the subcommittee, and the ranking member of the subcommittee to deal with this because I think this sends a clear message to Legal Services Corporation and its grantees: Do what the law intends you to do. Defend the poor where it is necessary against a more powerful society. But do not enter into these areas where clearly those who might need defending have the resources and support they need.

In this instance, that was all very, very clear throughout this fight. It was simply a fight that Legal Services attorneys would not stay out of, for political reasons.

I yield the remainder of my time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from South Carolina.

Mr. HOLLINGS. The distinguished Senator from Idaho is right on target. I have been a champion and remain a champion of Legal Services. I have learned over my 20-some, almost 30 years now that from time to time there are excesses. In the early days, we were paying for everybody to come up here and break up the Congress. And Senator Javits and I, we put the provisions in there that cases should relate to domestic, to landlord-tenant cases, employment cases, and everything else.

This, of course, is a domestic case, but it is a case wherein a very responsible entity, namely the Indian tribe, had their own counsel and everything else of that kind. We are not going to use Legal Services moneys to sue the Governor of New Jersey. We are not going to use Legal Services to sue where the others have attorneys. This particular corporation, started by Associate Justice Lewis Powell when he was head of the American Bar Association, is one of the finest that there is, very much needed, and we need increases. The Senator from New Mexico and I cosponsored the amendment to increase the amount for Legal Services. We are not going to get the support of the Members of Congress when these excesses are allowed to go unnoticed.

I am tickled that the distinguished Senator from Idaho has raised the question. If we can get some discipline over there and against these excesses, I think it will help Legal Services overall. So I agree to the amendment.

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3494) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, I thank the chairman of the Appropriations Committee and the ranking member of the subcommittee. The ranking member has been gallant in his effort to maintain the Legal Services System that responds to the poor and the needy, and I truly appreciate his willingness to look at this issue and to accept it and for the chairman to accept it also. I do believe it sends a message, but it also does something very significant in our society: It rights a wrong.

Mr. HOLLINGS. Exactly.

Mr. CRAIG. I thank the Senator.

Mr. HOLLINGS. I thank the distinguished Senator.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I would like to add to information on the previous amendment that the subcommittee chairman, Senator GREGG, I am informed, approved of the amendment as well.

Mr. President, we are now at a time when the so-called big issues, not all of them, but a goodly number of them, have been disposed of. We invite Senators who have other amendments to be considered, first of all, to consider whether they want to offer the amendments.

We had 116 amendments that had been designated as of last night. I was hoping that we could reduce that considerably, and I am pleased to say that on our side, the acting majority leader, Senator LOTT, has been doing yeomen work to get them reduced in number, and Senator DASCHLE, the Democratic leader, had indicated to me earlier this morning that, likewise on the Democratic side of the aisle, there has been an effort to try to reduce these numbers of amendments.

Mr. President, the House of Representatives is expecting to pass a 1-week extension of the existing CR perhaps this afternoon. They will send that over to the Senate once they have adopted it. The Senate, in this process now, would be then privileged to have a vote on that CR or to continue work on the current vehicle, the omnibus appropriations bill. I am very hopeful that we can keep on this bill to clean it up and finish it because we have to go to the House for a conference following our action. One week is not a very long time in the consideration of this vehicle and that which we are substituting for the House-passed omnibus package.

I am very hopeful that we can finish this and launch our conference with the House and by Friday midnight pass the 1-week extension that the House will probably pass today.

I think that is an orderly progression of our responsibility because I am fearful that if we extend this CR for 1 week, there is no pressure to finish this bill, and that will put us into next week on this vehicle and shortening the time, we have to understand, necessary to allow for a conference with the House.

I hoped we could escape any additional CR, but that is not the way the Senate has worked its will. I wish to indicate again that if Senators are serious about the amendments they have listed, I hope they will appear in the Chamber and provide the body an opportunity to discuss and to dispose one way or another of the amendments.

Senator HATCH has indicated that he will be here at 1 o'clock in order to offer an amendment. I see the Senator from North Dakota in the Chamber, looking as though he is preparing to ask for recognition, and hopefully he is preparing to offer an amendment, because, very frankly, I do need a soft shoe or catchy tunes. We have about a 20-minute interval facing us that I do not want to waste until the Senator from Utah arrives on his schedule for submission of an amendment.

Am I reading the actions of the Senator from North Dakota correctly?

Mr. DORGAN. Mr. President, I will advise the Senator from Oregon I should like to seek the floor for 2 minutes on an unrelated item. I think there is one amendment referenced for me which may occur but would require no floor time. So I will not ask for additional time from the Senator from Oregon.

I appreciate the difficulty is to try to get this bill done, and I understand the urgency with which he requests Senators to come and offer their amendments. I share the interest in seeing that this bill gets completed. If there are no other Senators seeking recognition when the Senator from Oregon relinquishes the floor, I would ask for 2 minutes on an unrelated subject.

Mr. HATFIELD. Mr. President, I hope it is in the form of a unanimous-consent, and then I would say that I would object to that unanimous consent request from the Senator from North Dakota unless it includes a soft shoe or a catchy tune for the rest of the time we are waiting for the Senator from Utah.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I would say to my friend from Oregon, the soft shoes and loud tunes, was it, are better reserved for other Members of the Senate. In fact, we have seen one example of that in the Senate. It was played and replayed on the nightly news, and I thought it had less to do with talent than it had to do with the mere shock of seeing it occur on the Senate floor.

Let me ask unanimous consent to speak for 2 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE FARM BILL

Mr. DORGAN. I seek the floor—and I would not have done it had other Members wanted to continue on this bill—for 2 minutes to say that we are dealing with a lot of important issues in the Senate on this continuing appropriations bill, but there is another issue that is of enormous importance to North Dakota and to the farm belt. That is the farm bill which is now in conference.

I want very much, now that conferees are appointed, for them to work around the clock in order to resolve the differences on the farm bill, bring it to the floor of the House and Senate and get a farm bill in place.

The fact is, farmers in North Dakota, tens of thousands of them, are now ready to go to the fields. In a matter of weeks, they will be in the fields doing spring planting. The farm bill that was supposed to have been passed last year was not. It is now mid-March 1996, and we do not yet have a farm bill.

I have discerned that really if this is a revolution in the 104th Congress, it is a revolution with two speeds: One is a full gallop when it comes to the larger economic interests. Let Wall Street have a headache, and we have a dozen people rushing in with medicine bottles. Let some of the larger corporate interests complain about a bellyache, and we have people who want to tuck them in bed. But let family farmers out there go around without a farm bill and people say there is no need for a farm program; we do not need to get a farm bill for the family farmer. There is slow motion in dealing with issues family farmers need dealt with.

Farmers in North Dakota and Kansas and South Dakota, Nebraska need to understand what is the farm program. What are the conditions under which they will plant this spring? Will there be a safety net or will there not be a safety net? I would like Congress to provide that answer, and I would like them to provide that answer sooner rather than later.

A couple of weeks ensued when the House was in recess after the Senate passed its bill and a number of weeks lapsed while we were waiting for conferees to be appointed. It is time for the conference now that it is established to start working around the clock and get this done. It ought not take a long period of time.

Farmers deserve an answer. I know that each individual farmer does not have a lot of economic clout, and I guess that is why we do not see the rush to serve their needs like we see when some of the larger economic interests float around this institution.

I hope very soon the conference will convene and the conference will complete its work, bring its work to the Congress, and tell the family farmers of this country what will be the farm bill for 1996. This Congress owes that to the farmers, and farmers deserve to hear it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE TRAGEDY IN DUNBLANE

Mr. WELLSTONE. Mr. President, I will be very brief. I actually do not have any prepared remarks, but I was thinking that maybe later on I would write up a resolution, or the leadership could write up a resolution, that there ought to be some words, some kind of statement by the United States Senate, maybe it is a message of love, to the people of Dunblane, Scotland.

The slaughter of 16 children is just the ultimate nightmare. All of us who have children or grandchildren—or whether we have or do not have children or grandchildren, it does not make any difference—just in terms of our own humanity, I think we all can feel, and we know the horror of what has happened.

So, as a Senator from Minnesota, I just wanted to send my prayers and my love to the people of Dunblane and to tell them that today, in the U.S. Senate, it is not as if they are not in our thoughts and prayers.

Mr. President, I wish it was in my power to do more. I wish it was in our power to do more. But I think something should be said about it on the floor of the Senate, so I rise to speak, to send my love to the people of Scotland. I believe I speak for other Senators as well. Maybe later on today we can have a resolution that I know all of us will support.

Sometimes when you do this it seems unimportant, but it really is not, because it is kind of a way in which all

the people of the world reach out and hug one another at these moments. So, later on, maybe we can have a leadership resolution or some kind of resolution that all Senators can sign on to, and we can send that to the parents, to the families of Dunblane.

I hope and pray this never happens again.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3495 TO AMENDMENT NO. 3466

(Purpose: To provide additional funding for the Office of National Drug Control Policy)

Mr. HATCH. Mr. President, today I am going to offer an amendment to increase the drug czar's office. I think it is critical to this country that we start taking the matter of drug control more seriously than we have over the last number of years.

So, I rise to offer an amendment to provide an adequate level of funding for the Office of National Drug Control Policy, better known as the drug czar's office.

This amendment increases ONDCP's budget by a modest $3.9 million to a total of $11.4 million for fiscal year 1996. That is still well below ONDCP's funding level during President Bush's administration but higher than the administration has requested. In fiscal year 1992, when George Bush was President, ONDCP was getting $18.1 million for operating expenses.

We all know why this amendment is necessary. By many accounts, President Clinton has downgraded the war on drugs. One of his first acts upon taking office was to cut the drug czar's staff from 146 down to 25. The President said he was fulfilling a campaign pledge to cut staff, but several of us on both sides of the aisle warned that the new drug czar would not be effective without the tools to do his job. We were right. Indeed, the President's own drug czar conceded in 1993 that drugs were no longer ''at the top of the agenda.'' That was in the Washington Post on July 8, 1993.

For 3 years, President Clinton gave us an imbalanced strategy focusing primarily on the treatment of hardcore users. The strategy left law enforcement and interdiction agencies twisting in the wind. Federal drug prosecutions fell, drug seizures dropped, the ability of U.S. forces to seize or otherwise turn back drug shipments in the transit zone plummeted by 53 percent. This is just over the first 3 years of President Clinton's administration.

Although the President's stated policy was to focus on hardcore users, President Clinton also presided over record increases in the quality and purity of drugs reaching American streets, as well as staggering increases in the number of drug-related emergency room admissions of hardcore users.

As for supply reduction efforts, there appeared to be none. As recently as 1 month ago, White House staff were arguing that more money for interdiction would be wasted money. This irresponsible talk was coming from people who are supposed to be advocates for the drug war, not advocates against the drug war.

It is indisputable that under President Clinton's leadership, we have been losing ground on this issue. Just look at what has happened since 1992 with our young people. Last year, the number of 12 to 17-year-olds using marijuana hit 2.9 million, almost double the 1992 level, according to the National Household Survey on Drug Abuse in November of 1995.

LSD use is way up among high school seniors. Mr. President, 11.7 percent of the class of 1995 have tried it at least once. That is the highest rate since recordkeeping started in 1975.

A parents' group survey released this November found that one in three high school seniors now smoke marijuana—one in three.

Methamphetamine abuse has become a major problem, particularly in the Western States, including mine. Emergency room cases are up 256 percent over the 1991 level.

After 3 years of inaction, President Clinton now wants to give his drug officials a fighting chance. OMB has requested $3.4 million to beef up the office. This will allow them to hire 80 additional staff.

Mr. President, in closing, I want to give the President some credit for giving us a new drug czar who, by all accounts, is dynamic and energetic. The unanswered question here is whether the selection of General McCaffrey signals President Clinton's newfound commitment to lead in the drug war or whether it is more simply an election year makeover.

Adopting this amendment is ultimately about helping our children, about helping the 48.4 percent of the class of 1995 that had tried drugs by graduation day. It is about doing something to stem the increasing number of 12 to 17-year olds using marijuana, currently 2.9 million of them. I urge my colleagues to support this amendment and give General McCaffrey the tools he needs to do this job.

Mr. President, we have to get serious about this drug problem. It is eating us alive. It is funding most, if not all, of the organized crime in this country. It is debilitating our young people. One in three seniors is trying marijuana, one in three senior high school students in the senior class happens to be trying marijuana. Think about that. There is an 85 times greater likelihood for them to move on to harder drugs, especially cocaine, if they have tried marijuana.

The vast majority of these kids think, today, both users and nonusers, that marijuana usage is less harmful to them than ordinary tobacco usage, than smoking simple cigarettes. Both, as anyone who knows anything about health will tell you, both are harmful to you. It is terrible to smoke cigarettes because they are going to lead to cancer and heart disease and a whole raft of other problems, but it is even worse to smoke marijuana, which can lead to all kinds of debilitations that deteriorate our society as a whole and make it difficult for people to do what is right and to live up to what is right.

On top of all that, we have those in the administration who are arguing that the only side of the equation that really needs to receive some consideration happens to be the demand side, that means those who are taking drugs. They take the limited resources that we have and put almost all of them toward hard-core drug addicts, of whom the potential of saving is very, very low.

I am not saying we should not help hard-core drug addicts. We should. But we certainly ought to be putting what limited resources we have into helping these first-time offenders and these young kids who have really got caught up in the drug world to come out of it and rehabilitate themselves. It is important to do the demand side of the equation. I am for that.

I think we ought to put money in that, and the drug czar needs to spend some time on it. But unless we are doing the supply side as well, we will never make any headway because we have to interdict and stop the flow of drugs coming into this country and we have to interdict and stop those who are making drugs in this country, especially with the new methamphetamine rise that is inundating the Western States and is moving eastward with rapidity.

We have to start fighting against these things, and we have to have our young people understand the importance of fighting against drug abuse in our society today.

I look at all the drive-by shootings, kids with weapons, the murders in our country's Capital here. I look at all these things, and I know that a lot of this is driven by the drug trade, it is driven by the drug community, it is driven by those who should know a lot better.

Mr. President, there is a second half to this amendment that we are going to file here today. This is an amendment that I am filing on behalf of myself and Senator GRASSLEY. We are adding various funds to the budget, even above what the President has requested for the drug czar, because I believe that this drug czar has to have our support,

and we simply have to do a good job in helping him to get his job done.

Let me just say that, in addition to the drug czar's office, we are including in this amendment that no less than $20 million shall be for the District of Columbia Metropolitan Police Department to be used at the discretion of the police chief for law enforcement purposes, conditioned upon appropriate consultation with the chairmen and ranking members of the House-Senate Committees on the Judiciary and Appropriations.

In other words, what we are going to do is we are going to quit mouthing off about the greatest city in the world and how corrupt it is and how drug ridden it is and how murder ridden it is, and we are going to put our money where our mouths are and put $20 million into helping this police chief to clean up this mess.

I met with Chief Soulsby a week ago. I have to say I have a lot of confidence in him. One of his problems is that he has politicians interfering with the use of these law enforcement moneys from time to time. We are going to stop that by giving these funds directly to him. He will have to consult with both the Judiciary Committees of the House and the Senate and both of the Appropriations Committees of the House and the Senate as to how he is going to use these funds.

We are going to give him a chance to straighten this out and to start making a turnaround on what is needed here in the District of Columbia. If we find $20 million is not enough to really make that much of a dent, I will come back and fight for more.

This is the greatest city on Earth, in the sense of governmental action. This is the seat of our Government. It is an absolute crime that people cannot walk down the streets in the District of Columbia without absolute assurance they are not going to be shot by some drug-infested, drug-crazed human being, or that they are safe in their homes, which is what is happening here. Not only are they not safe on the streets, they are not even safe in their homes. The people of this community, the vast majority of whom are law-abiding, decent, honorable, religious citizens, deserve better.

I am convinced that Chief Soulsby will do an excellent job if he is not hindered by some of the politicians in this town. By the way, I think some of the politicians are very good, so I do not mean to lump them all in a category of people who have been part of the problem here. But there are some who are part of the problem as well. There are some in the police department who need to be put in the appropriate positions or drummed out of the department. I am hoping that Chief Soulsby will set a system in motion that will get the very best people to be part of our police department in the metropolitan police department of Washington, DC.

This is the first step of trying to make this a better system. But while we are making this first step in accordance with what I said I would do, then I think we ought to also consider that we have 37 different Federal law enforcement organizations in this town, 37 different Federal law enforcement agencies. They are not coordinated with the metropolitan police department. We have to use all these agencies to make this the safest and most important capital city in the world.

I think we have to put our money where our mouths are and we have to start now. I am going to rely on Chief Soulsby, and the administration of the city under Mayor Barry. I am going to rely on the help of ELEANOR HOLMES NORTON, who is the Representative over in the House of Representatives, who I believe is very eager to do a good job in this area for her constituents and for whom I have the greatest fondness and admiration, and others who, in the best interest of this city, want to do what is right.

So, Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CRAIG). The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. GRASSLEY, and Mr. SHELBY proposes an amendment numbered 3495.

Mr. HATCH. 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 755 between lines 20 and 21 insert the following:

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Salaries and Expenses,'' $3,900,000.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–52, $650,000 are rescinded.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–52, $650,000 are rescinded.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–52, $500,000 are rescinded.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDING FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available for installment acquisition payments under this heading in Public Law 104–52, $1,900,000 are rescinded: *Provided*, That the aggregate amounts made available of the Fund shall be $5,064,249,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–52, $200,000 are rescinded.

CHAPTER 12

On page 755, line 22 redesignate the section number, and

On page 756, line 8 redesignate the section number.

D.C. METROPOLITAN POLICE DEPARTMENT

Page 29, line 18, insert the following:

''*Provided further*, That no less than $20,000,000 shall be for the District of Columbia Metropolitan Police Department to be used at the discretion of the police chief for law enforcement purposes, conditioned upon appropriate consultation with the Senate Committees on the Judiciary and Appropriations.''

Mr. HATCH. Let me add in closing that this earmark would be applied against the crime control block grant. We think it is about time we do this.

I also mention for the record that the chairman and ranking member of the D.C. Appropriations Committee, Senators JEFFORDS and KOHL, support that part of the amendment granting $20 million for the District of Columbia Police Force to be utilized by Chief Soulsby, with his consultation, with both Judiciary Committees and both Appropriations Committees.

Mr. KERREY. Mr. President, I support this amendment which will provide $3,900,000 in supplemental funding to the Office of National Drug Control Policy to permit our new Drug Czar, General McCaffrey to increase staffing by some 80 full-time equivalent positions.

During the debate on fiscal year 1996 funding for this Office, many of us were critical of the administration's dedication to reducing drug use in this country.

Continued surveys show that drug use among our Nation's youth, particularly those aged 12–17, show increases for use across the spectrum of illegal drugs.

The latest National Household Survey, released early this year, found that any drug use, and specifically, crack and cocaine use for 12 to 17-year-olds had increased above the previous year.

In addition, the recent Pulse Check Survey found that the distribution of heroin and cocaine by the same dealers and in the same markets appear in more areas than ever before.

Equally disturbing, Mr. President, is the fact that the number of hard-core drug users remains unchanged despite an investment of over $100 billion on the so-called ''War on Drugs'' since 1987. In 1987 we had 2.7 million hard-core drug users; in 1996, we still have 2.7 million hard-core drug users.

The significance of these statistics, Mr. President, is that while hardcore

drug represent less than 1 percent of the population in this country, they consume 66 percent of all illegal drugs and are responsible for 34–36 percent of all violent crime in this country.

It very well could be that this is a given, that no matter what we do to reduce drug use in this country, we will always have 2.7 million hardcore users.

However, I believe we have an obligation to see that we use the latest innovations in both the public and private arenas to reach this group, Mr. President, before we write them off.

We have a new Drug Czar, who I believe, exemplifies the meaning of the word ''Czar''. He is a decorated war hero and general and someone who brings enormous credibility to this drug war.

I have met with him, Mr. President, and he is very impressive.

General McCaffrey has taken this job, not because he wanted it or sought it out, but because he recognizes the devastating effects drug abuse has on this country and he wants to personally dedicate himself to seeing that we do conduct an all-out effort, on every level, to rid this country from the scourge of drugs for the long term.

He has asked for the resources he believes he needs to put together a strategy that will work. What we've done up to this point clearly is not working.

He has asked for an additional $3.4 million to increase the number of full-time staff at ONDCP to 125. In addition, he has requested permission to detail 30 planners from the Department of Defense to ONDCP.

Currently, ONDCP has 45 personnel who are responsible for overseeing the proper implementation of an annual $14.6 billion national drug control budget.

The Office budget is currently $7.5 million. If this amendment is successful, it will bring the total budget for his office operations up to $11.4 million or less than 1 percent of the total annual amount spent on Federal drug control programs.

Mr. President, General McCaffrey has the confidence of this Senator and Members on both sides of the aisle, to lead our anti-drug efforts. I think we have an obligation to give him an opportunity to show us what he can do.

I urge my colleagues to support this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATCH. Mr. President, I also note for the RECORD that Senator SHELBY, who worked very hard on the Appropriations Committee, would also like to be added as a cosponsor. I hope other Senators will also be cosponsors.

I hope all Senators will vote for this so we can do good for our Nation's Capital while at the same time adding enough funds now for the drug czar's office.

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. BREAUX. 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. BREAUX. Mr. President, I ask the Chair, what is the pending business and what are the time restraints on it?

WHITEWATER DEVELOPMENT CORP. AND RELATED MATTERS —MOTION TO PROCEED

The Senate resumed consideration of the motion.

The PRESIDING OFFICER. The hour of 1:30 p.m. having arrived, there will now be one-half hour of debate, equally divided, prior to voting on the motion to invoke cloture on the motion to proceed to Senate Resolution 227.

Mr. BREAUX. With that understanding, I yield myself 5 minutes in opposition to the pending motion.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. BREAUX] is recognized for 5 minutes.

Mr. BREAUX. Mr. President, I was thinking about the Whitewater proceedings and the stalemate we have on the floor of the U.S. Senate with how to proceed. I think the American public really has an interest in this, not just the two political parties, Democrats and Republicans.

When I talk to people back in Louisiana and we talk about this Whitewater investigation, most of my constituents are not really certain or sure what all of this is about. They know there are some accusations that have been presented and that there have been some denials of those. But most people today are very confused about the entire subject that has become known as Whitewater.

I think the American people have an interest in this that is a superior interest, even more superior than the interests of the Democratic Party members on my side and the Republican Party members on that side of the aisle. There is an American interest in this which goes far beyond politics, and I really think that is the solution we should be seeking as we try to resolve this issue on how to handle the so-called Whitewater affair. What do we need to do that puts the American people's interests in the front seat and the political parties' interests in the back seat for a change?

Let me suggest what I think the people in my State and the people in America really would like to see. They would like to see this thing resolved. They would like to see it resolved outside the political arena. They would like to see it resolved. The people's interests are finding out what really happened, how to resolve it, and, if anything bad happened, that it will not happen again, and it is not who gets the credit or the blame.

What we are doing in this debate is arguing about which party is going to get the proper advantage and the manner in which the Whitewater affair is brought to conclusion. That should not be what determines how we act and what we do.

Let me make a suggestion of some of the things that I have heard from the people in my State. They have told me, ''Senator, when politicians investigate politicians, it produces political results, especially in an election year.'' That is pretty simple and pretty accurate and pretty easy for people to understand. When politicians investigate politicians, it produces political results, especially in a political election year. That is why we had such a difficult time trying to bring this to a resolution that makes sense to the average American, who is less concerned about the politics of all of this, but is far more concerned about just getting it behind us.

If wrong was done, it should be punished. If it was not done, we should go on with the other problems facing the Congress and not spend the time we have been spending debating this issue endlessly while other problems continue to fester.

Let me suggest that the Congress has already spoken about how to get this done outside of the political arena. Does anybody remember what the Congress did and why we did it when we created an independent counsel? I remember the arguments, and I thought they made a lot of sense. The argument for doing that in investigating Whitewater was simple. Let us take the politics out of it and make sure we do not have politicians investigating politicians, producing political results. Therefore, this Senate created the independent counsel, and the independent counsel has been adequately funded. There is no term limit. They could go on forever and always until they bring a conclusion to this whole case.

As we stand here on the floor of the Senate, there is a trial going on, for gosh sakes, in the State of Arkansas on Whitewater. People have been indicted. There is a Federal prosecutor who is presenting the evidence in a court of law, in a Federal court. They are moving to a conclusion of this, and it is being done outside of the political arena.

We have a former Reagan Justice Department official, Kenneth Starr, who was established as the independent counsel. We said we are going to take it out of Congress and out of politics and give it to an independent counsel who does not have any political baggage. He is not a Democratic person, a Democratic chairman, or a Democratic ranking member, or a Republican chairman, or Republican ranking member; he is an independent counsel. What did we do? We have given that person

unlimited funding. Does any agency in the Government get that? Not the defense or anything else. He has unlimited funding. He has a professional staff of over 130 people that have been working since they began in January 1994. Guess how much money they have spent? They have spent $25.6 million investigating this one issue. Yet, we are spending time on the floor of the Senate saying, no, we like the politics so much that we just cannot let it go. We like the investigation so much, so let us extend it, and we need a little bit more money to continue doing that.

We spent $400,000 in the Banking Committee in 1994 investigating, and $950,000 in 1995 with the special Whitewater Committee investigating it. The Senate spent $1.3 million-plus investigating this as a political interest for everybody in this body.

Let me suggest that what the American people want—not what Congress wants—which is what Congress should want, is to bring this to a conclusion, bring it to a conclusion in a fair manner, prosecute and convict those who did wrong, exonerate those who have been falsely accused, if there are any; and if there has been no wrongdoing, finish it. The way to finish it is not by a continuation of politics as usual. I am not impugning anybody who has served hours over here, but it is time for the Congress to recognize what the American people want, and what they would like to see is a nonpolitical conclusion. A nonpolitical conclusion says that politics be damned; if somebody did something wrong, they will be prosecuted. If they did not, they will not.

I think the American people recognize that, in a political election year with a November Presidential election, it is not going to be possible for a political investigation to produce anything but political results. The only way to ensure that that does not happen is to continue to allow the independent counsel, which we all created just for this purpose, to do his job. He has spent $25 million doing it already. Let them complete it. No one has suggested that they are not doing their job. Then, when that investigation is over, completed, at least the American public will be able to say, you know, they checked it out and they did it in the right fashion, and the politicians did not do it, the professionals did it.

I urge rejection of the motion.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Florida.

Mr. MACK. Mr. President, there was a recent ''Nightline'' program that dealt with a new book on the market that, I believe, is entitled ''Blood Sport.'' It is a book that was written by an individual by the name of James Stewart, a Pulitzer Prize-winning author. One of the books he wrote was entitled ''Den of Thieves.'' He has an impeccable set of credentials.

My understanding of the genesis of this book is that Susan Thomases, an attorney and close personal friend of the Clintons, went to Mr. Stewart and suggested it for the purpose of, as my colleague from Louisiana had indicated, trying to come to a nonpolitical conclusion.

So maybe where I ought to start in summing up what this ''Blood Sport'' is all about is going to the last comments I had intended to make which had to do with the conclusion that is reached in Mr. Stewart's book. I am going to have some quotes. The quotes are going to come actually from ''Nightline,'' not necessarily from the book, because Ted Koppel, in essence, asked Mr. Stewart what was the conclusion that he drew as a result of doing this book. He said it was ''a study in the acquisition and wielding of power and, in the end, a study of the arrogance of power—the things they can do and get away with as an elected official and then how honest and candid they are when questioned about it.''

It is interesting that at the time when there seems to be more and more interest developing in the country with respect to what went on with Whitewater, we had this ''Nightline'' show again the other night, this new book ''Blood Sport''—and now Time magazine apparently is going to be doing a series for 3 weeks about Whitewater—that my colleagues on the other side of the aisle now seem to be an extension of the White House strategy to deal with the issue. All through this process they have delayed, they have misinformed, they have done everything possible, frankly, to move it to a point where they would be able to say ''this is political.''

So what are we supposed to do? Is this because this is a political year, we are supposed to stop the pursuit of truth?

Again, the charge that I think my colleagues on the other side of the aisle have opened themselves up for is that they are now an extension of the activities of the White House. They are going to do whatever they can to keep us from moving forward on this issue.

In his book, Mr. Stewart kind of outlined what he saw as the mindsets of the Clintons with respect to Whitewater. Again he said on ''Nightline'' that they had ''an attitude bordering on negligence from the beginning,'' that they had the ''belief that someone else will take care of us because of our power as high elected officials in Arkansas.'' They had ''a willingness to accept favors from those who were regulated by the State.''

I am sure that the chairman remembers the hearings that we had with Beverly Bassett Schaffer, who was an individual who was appointed to a position of securities commissioner, I believe, in Arkansas and who received a phone call from Mrs. Clinton, acting as an attorney for Madison, asking the question, ''Who should I send some papers with regard to the preferred stock issue, who should I send those to in your office?'' Mind you, there has been a lot said from the First Lady's perspective that she was trying to do everything possible to make sure that there was no impression created that she would be using her position for her personal gain.

I ask you, if there really was a concern about this, why would you risk shattering everything that you were trying to accomplish by making a phone call down to the commissioner herself, and say, ''Who should I send it to in your office?'' It makes absolutely no sense.

On some of the basic underlying issues, again, author Stewart flatly contradicts Hillary Clinton. He said, ''It is simply not true'' that the Clintons had no active role in the Whitewater investment. To the contrary, Mrs. Clinton ''singlehandedly took control of the investment'' in 1986 once the McDougal empire began to crumble. She handles everything from loan renewals to correspondence. She also had possession of all the records, many of which, by the way, are now missing.

Mr. Stewart points out that the Clintons are likely guilty of at least one Federal crime, the same Federal crime for which the McDougals are now on trial.

Mind you, the reason I did this this way today was that I wanted to use an unbiased source, if you will. The friends on the other side of the aisle say we are being political about this. I am responding to both a book and to a series of articles that will take place, the first of which was in Time magazine this week, and ''Nightline.'' I mean, this is what he is saying, that the crime that I was referring to a moment ago is knowingly inflating the value of their share of Whitewater investment to a financial institution.

In a 1987 financial disclosure statement, Mrs. Clinton listed the value of their share of Whitewater as nearly double the bank's recent estimates, and she did this to get more money to shore up a failing investment. If that is proven, that is in fact is fraud.

There also are some interesting comments with respect to the Foster suicide. Stewart believes that the reasons Mr. Foster listed in his suicide note do not actually reflect the true nature of all that was bothering him at the time, and notably again the author said there were things ''so serious that he''—Foster—''will not dare write them down.'' Those things involve—again, this is what the author is suggesting—those things involve the First Lady, Whitewater, and ethical violations which put Web Hubbell in a Federal prison.

Mr. Stewart also believes, as I do, that it is entirely possible that the billing records that mysteriously turned up in the White House residence were formerly in Vince Foster's office. If that is so, one or more felonies have been committed, and it is just a question of figuring out who the guilty parties are.

With respect to damage control efforts, according, again, to the author,

Mr. Stewart, after White House staff had introduced the notion of cooperating fully with the investigators, Mrs. Clinton interrupted and said—and I am quoting him now as he is quoting here—''I am not going to have people pouring over our documents. After all, we are the President.''

The suggestion here is that by virtue of the grandeur of power of their office, they should not have to endure the experience of legitimate investigation. In essence, it says to me that the First Lady believes she and the President are above the law.

A moment ago I read the conclusion—I am going to state it again—of what Mr. Stewart's book is about. He said it was ''a study in the acquisition and wielding of power and, in the end, a study of the arrogance of power—the things that they can do and get away with as an elected official, and then how honest and candid they are when questioned about it.''

If any of my colleagues on the other side of the aisle are listening, I would ask you to ponder the final words of Mr. Stewart—I believe an unbiased source, a source that Mrs. Clinton and her friend Susan Thomases believes to be evenhanded and capable of finding out the truth about their involvement in Whitewater. He said, ''The truth is important in our society. Just as important in our society, I do not think that you can put a price tag on these things.'' And then he goes on to say that if you feel the investigation has been harsh or nasty, the reason for that—again quoting him—''is because the truth was never honored in the first place.''

So I ask my colleagues on the other side of the aisle that it is time to quit filibustering. It is time to stop being an extension of the White House strategy. It is time to allow the American people to get the facts and to let them draw their own conclusions as to who is right and who is wrong.

I yield the floor.

Mr. SARBANES. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Maryland has 7 minutes remaining. The Senator from New York has 4 minutes remaining.

Mr. SARBANES. Mr. President, I yield myself 5 minutes.

Mr. President, I think that a very significant statement was made on the floor of the Senate yesterday by the distinguished Senator from Hawaii, Senator INOUYE.

Senator INOUYE, as we know, chaired the Iran-Contra hearings. He served on the Watergate hearings. And he said yesterday in the course of his remarks—and I am now quoting him—''This Republican extension request''—referring to the resolution that is before us—''is unprecedented, and it is unreasonable.''

Let me repeat that. It ''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.''

He is correct on that. This is unprecedented in all the previous inquiries and investigations. My distinguished colleague from Connecticut earlier in the debate put in a table which indicated that all of those inquiries have had fixed dates for their conclusion.

Senator INOUYE later went on in his statement—referring back to the work of the Iran-Contra Ccommittee, which completed its work actually in significantly less time than is being proposed for this committee—to say, and I quote him: ''Yes, there were requests by Democrats and Republicans''—this is back at the time when we were going to undertake the Iran-Contra hearings.

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.

At that time, one of the most consistent spokesman that the Iran-Contra inquiry not extend into the election year and not be open ended, as some Democrats, who were in control of the Congress, were intending, one of the most consistent exponents of a limitation in that regard was Senator DOLE, who repeatedly, both in this Chamber and in conversations with the media, underscored the point of having a closing date and keeping the matter out of the Presidential election year. What happened was that the Democrats responded to Senator DOLE and, in fact, not only agreed to an ending date but moved that date forward to get it even further away from the election year. In fact, Senator DOLE recognized and acknowledged that in the course of debate in this Chamber.

We have a comparable situation here. In fact, Senator DOLE said:

> I am heartened by what I understand to be the strong commitment of both the chairman and vice chairman to avoid a fishing expedition. 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.

In fact, what they did was they moved it up. That was thanks very much to Senator INOUYE's leadership, who, as I said, stated yesterday, and let me just quote him again:

> 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.

When this resolution was passed by an overwhelming bipartisan vote, an essential premise of it was the ending date of February 29. Many of us believed the committee could have completed its work within that timeframe.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARBANES. I yield myself the remaining amount of time. Is there 2 additional minutes?

The PRESIDING OFFICER. Two additional minutes.

Mr. SARBANES. Senator INOUYE indicated yesterday that the Iran-Contra Committee intensified its hearings as it approached its deadline in order to complete the work. They did 21 days of hearings in the last 23 days.

This committee, in contrast, in the last 2 weeks of February, before the February 29 date, did 1 day of hearing—in the last 2 weeks. The Iran-Contra Committee did 21 out of 23 days. This committee, the Whitewater Committee, has worked at a much more intense pace at an earlier time. Back last summer, in 3 weeks in the latter part of July and the first part of August, the committee held 13 days of hearings.

The minority leader, Senator DASCHLE, did not put out a proposal: Well, you have reached February 29. This is the end of it. In an effort to be reasonable and accommodating, he said, we will agree to an extension of 5 weeks in which to conduct hearings, an additional month beyond that in which to submit the report. Let me point out this committee itself held 13 days of hearings during a 3-week period last summer. The Iran-Contra Committee held 21 days of hearings in less than a 4-week period in July and August 1987. So an intense hearing schedule of that sort is clearly possible. It has been done before. It could be done again.

I submit that the proposal offered by the minority leader is a reasonable proposal. It is an effort to provide an accommodation in this matter, allow the committee to continue its work and bring it to an appropriate conclusion, and avoid moving this thing into an election year with a perception, increasing perception, that it is being done for partisan political reasons.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I do not think it behooves anyone to denigrate a proposal to accomplish that which I believe the American people want and are entitled to. More importantly, it is our constitutional responsibility to get the facts and hold these hearings.

The offer put forth by our colleagues on the other side is inadequate. It is a step in the right direction, but it is inadequate because there are key witnesses, facts, and information that will not be available to us by April 5. They just will not be available to us. There is no way, that witnesses who are presently on trial, or who will be called to testify while the trial is taking place will be available to this committee. Their proposal will place us in the position that, come April 5, we will be back

here and they will say once again you are doing it.

That is why we have to reject it. I hope we can come to some kind of meaningful understanding that would give us the ability to go forth and have, at least, a reasonable opportunity of getting as many of the facts as we can, and avoid the political season and the conventions.

Now, my colleague, Senator MACK, has pointed out that much of the delay has been occasioned because the administration has not promptly produced—and/or people who work for the administration—documents that were subpoenaed and requested.

Second, this is not some political conspiracy. There have been nine people who have pled guilty already—nine. David Hale pled guilty. He was a former judge, friend of the Clintons, and friend of their business partners, the McDougals; Matthews pled guilty to trying to bribe Hale; Fitzhugh, he worked in the bank, pled guilty; Robert Palmer, real estate appraiser for the Madison bank, pled guilty; Web Hubbell, former law partner of the First Lady, pled guilty; Chris Wade, former real estate broker for Whitewater, pled guilty; Neal Ainley, former president of the Perry County Bank—by the way, that is the bank that lent Governor Clinton $180,000 for his 1990 gubernatorial race—pled guilty; Stephen Smith, former Clinton aide, former president and coowner of the Madison Bank and Trust that was owned by Governor Tucker, he pled guilty; Larry Kuca, former director, Madison Financial Corp., pled guilty.

Now, let me tell you, we are going to attempt to bring a number of these people in to get the complete story. I have to say it seems to me that my colleagues have become an extension of the White House in attempting to keep the facts from coming to the American people. If they want to do that, then they are going to have to take the onus of these things. Again, this is just the beginning. This is the third time we have come to the Senate for an extension, and we run into this filibuster, this stonewall. The New York Times says it is silly. It is silly.

The Washington Post says just because Democrats want to bring this to an end does not mean it will end. The people are entitled to the facts.

We have offered a compromise and I think it is reasonable—4 months, an extension for 4 months for the public hearings. This proposal would give us an opportunity to do our job, and that is to get all the facts and to present them to the people as best we can. We may not be able to get all of them, but at least we can do the best we can.

Finally, this was an undertaking that was voted overwhelmingly, 96 to 3. To attempt to turn this, now, into a political witch hunt, which is how it has been characterized, is wrong and it is improper. We have not been able to complete our work because there has been a conscious effort to shield the facts from the committee and the American people.

The PRESIDING OFFICER. The time of the Senator has expired.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion to invoke cloture on the motion to proceed to S. Res. 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 shall be brought to a close?

The yeas and the nays are ordered under rule XXII.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Kansas [Mr. DOLE] are necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is absent on official business.

The PRESIDING OFFICER (Ms. SNOWE). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—51

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bond	Grams	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Pressler
Campbell	Hatch	Roth
Chafee	Hatfield	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Jeffords	Snowe
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kyl	Thomas
Domenici	Lott	Thompson
Faircloth	Lugar	Thurmond
Frist	Mack	Warner

NAYS—46

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bradley	Heflin	Pell
Breaux	Hollings	Pryor
Bryan	Inouye	Reid
Bumpers	Johnston	Robb
Byrd	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Wellstone
Dorgan	Lautenberg	Wyden
Exon	Leahy	
Feingold	Levin	

NOT VOTING—3

Bennett Dole Moynihan

The PRESIDING OFFICER. The ayes are 51, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, thank you very much.

VISIT TO THE SENATE BY THE HONORABLE JOHN BRUTON, PRIME MINISTER OF IRELAND

Mr. HELMS. Madam President, I ask unanimous consent that the Senate stand in recess for 7 minutes while we formally welcome the distinguished Prime Minister of Ireland, John Bruton.

[Applause.]

RECESS

There being no objection, at 2:24 p.m., the Senate recessed until 2:31 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. SNOWE).

Mr. SMITH. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

REBUTTAL TO PRESIDENTIAL SPEECH

Mr. SMITH. Madam President, I want to just take a moment of the Senate's time to respond briefly to a speech that President Clinton delivered in New Jersey last Monday. The President decided to give a very political speech on the environment and made several misstatements that I believe need to be corrected.

It is interesting that in that speech he decried the fact that there were political divisions now over the environment. I read the speech, and for the life of me I cannot understand how his speech could do anything except to exacerbate political divisions, if there are any.

The President of the United States accused the Congress of moving forward on Superfund legislation that would ''let polluters off the hook and make the taxpayers pay.'' I am the chairman of the Superfund Subcommittee on the Environment and Public Works Committee and have been working on the bill for almost 2 years. I think I know what I am talking about when I say very frankly and bluntly that is a false statement. There is not another nice way to say it. It is simply not true.

Let me take a moment to explain. Since its inception, the Superfund Program has been paid for by industries that were considered, in a broad sense, to be responsible for the bulk of the toxic waste problem. That is how we pay for Superfund. Those taxes that

are collected are collected as follows: an excise tax on 42 feedstock chemicals; an excise tax on imported chemical derivatives; an excise tax on petroleum; and the corporate environment income tax. All of those taxes together paid by these large corporations who are responsible for much of the environmental—some of these environmental problems we had, paid into a fund called Superfund. Together, all of those taxes raise roughly $1.5 billion every year. They are then deposited into that Superfund.

Maybe I am missing something. I do not think the average taxpayer is importing chemical derivatives. It is safe to say that the taxpayer is not—I repeat not—being asked to pick up the tab for the Superfund Program. That is not the way it is now. That is not the way it is going to be under the legislation that we are drafting—in a bipartisan way, I might add—here in the Senate.

I believe those taxes should be extended. In fact, I included an extension of those taxes in the Superfund reform legislation that I introduced last year as we were making changes in that legislation. I am still advocating the extension of those taxes. Both the House and the Senate passed a temporary extension of the taxes last year. Guess what? We passed the extension of these taxes on these companies that pollute, and the President vetoed—I repeat, the President vetoed—that legislation.

I read the whole speech, and I did not find any reference to that in the President's speech last Monday. That, in fact, at the very same time standards that help us put money in the Superfund trust fund to clean up the sites, like the one the President visited in New Jersey, was vetoed by the President of the United States. I find it outrageous he would go to New Jersey, to one of those brown-field sites, and say that. It is false.

Let there be no misunderstanding: The taxpayers have never—never, I repeat—been asked to pay for polluters, and not a single bill introduced in Congress, including my own, would ask the taxpayers to do it.

Mr. President, read the bills. Read the bills that have been introduced. Read my bill, Mr. President. The bill that I am working on with your colleagues in the Senate, every day, as we speak—staff, working to get a bipartisan bill—that Superfund Program has always been, and will be in the future, financed by taxes on various industries. Nothing has changed.

Second, the President claimed on Monday—this is particularly disturbing—''a small army of powerful lobbyists'' have descended upon the Capitol to launch a ''full-scale attack'' on our environmental laws. According to the President, these lobbyists and congressional Republicans just cannot wait to gut each and every one of our environmental laws—every one of them.

I have a message to deliver to the President. Check in with the EPA, your own EPA, Mr. President. Talk to them. For the past several weeks and months, my staff has been in daily discussions with the Democrat and Republican Senate staff and the EPA, trying to work out a commonsense approach to reform our Nation's Superfund Program, a program that has spent $30 billion and cleaned up 50 sites in 15 years, Mr. President. It does need reform. It needs more than that. It needs a dramatic overhaul, and you know it.

While we are working toward this solution together, the President is making it more difficult with inflammatory and inaccurate rhetoric. The only individuals working on drafting legislation are elected officials and their representatives. To suggest otherwise, that somehow this Senator or any Senator or any Congressman is allowing a lobbyist to write a bill, is an insult and demagogic at worst.

Let me just say this, Mr. President, give one example. You tell me where any lobbyist in any Senator's office is writing a bill. Put your words up there one more time, Mr. President, and back it up with fact. Show me one case, one example, where any Senator is using a lobbyist to write his bill. You have insulted me, personally, Mr. President, and that is exactly the way I take it. You have insulted many other people, good people, in both parties in the House and the Senate.

As the chairman of the Senate Subcommittee on Superfund and Risk Assessment, as a father, a sportsman, environmental issues are as much concern to me as you. It may come as a surprise, Mr. President, but my daughter drinks the same water as your daughter does, breathes the same air. My sons and I fish in the same rivers, or rivers that are similar. There is not a Senator or Congressman that I know who wants to trash our environment.

Do we have differences as to how to clean it up? Of course. To say we want to trash it or imply that we do is outrageous. That is exactly what the President implied last Monday. Apparently, the President believes that his way is the only way to a clean and healthy environment. I am sorry, I disagree.

When the President hits the campaign trail, he tends to get a little bit excited and he says some things he really does not mean. I am willing to forgive that. Mr. President, admit it: You were wrong in what you said.

President Clinton campaigned on a tax cut, and he raised taxes. He vetoed a tax cut. He campaigned on welfare reform, and he vetoed welfare reform. He campaigned on a balanced budget, and he vetoed a balanced budget. In those instances where the President has taken a strong position on an issue, he always finds a way to change his mind.

Given that fact, I will give the President the benefit of the doubt. I will assume he did not intend to impugn the integrity of dozens of hard-working men and women who are working in the various committees, working on environmental legislation in the House and the Senate. I am certain that this false accusation just slipped out in the heat of the moment and was not carefully thought out. This is a campaign year, but it need not be a year where bipartisan consensus is made impossible by cheap political shots. That is exactly what this is, Mr. President. You owe every one of us an apology—myself, my staff, Democrats who have worked on this issue, we would not be working day in and day out with the Senate Democrats and EPA officials if we did not think there was a real opportunity to pass a strong Superfund reform bill early this year. That is exactly what we are going to do, in spite of that rhetoric. That is my goal, to get this bill on the floor of the Senate within the next couple of months, hopefully, that all of us can support and be proud of.

We are going to put it on your desk, Mr. President. Maybe you will veto that like you did the balanced budget that you promised, or welfare reform that you promised. But we are going to put it on your desk. I suggest, Mr. President, with the greatest respect, that you tone down the rhetoric a little, read the speeches before you deliver them, see what your staff puts in them. I do. Maybe you ought to do that, too. Talk to some of your colleagues in the Senate and in the House and find out what we are really doing before you take any more cheap shots.

Madam President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I ask unanimous consent to proceed as in morning business for 5 minutes.

Mr. PRYOR. Reserving the right to object, Madam President. I will not object to my friend's request, but I would like to inquire of the managers as to the status of the legislation. Are we moving along with amendments? It seems like in the last hour or 2 we have made speeches as in morning business.

Mr. CRAIG. Madam President, the manager of the bill has just stepped off the floor, but I know they are working to reduce the number of amendments, to try to resolve as many issues as they can, to get us to a final passage document. The manager has just returned to the floor.

Mr. PRYOR. Madam President, then if we are going to make speeches as in morning business, may I ask unanimous consent that after the distinguished Senator from Idaho has completed his statement, I be recognized for a 10-minute period.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Idaho.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 1614 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

GENERIC DRUGS

Mr. PRYOR. Madam President, my colleagues, Senators CHAFEE and Senator BROWN, and I have submitted an amendment that every authority I have consulted says should already be the law but for a simple congressional mistake. According to our United States Trade Representative, the Secretary of Health and Human Services, the Food and Drug Administration and the Patent and Trademark Office, our amendment should have been part of the GATT implementing legislation known as the Uruguay Round Agreements Act.

Congress made a mistake, Madam President. We left the amendment out of the GATT legislation. We forgot. It is as simple as that. It has happened before, and it will undoubtedly happen again.

The very unfortunate result of our error is that every day a few pharmaceutical companies are earning an extra $5 million a day, courtesy of the American taxpayer, the American consumer, the American veteran, and the American senior citizen. Today, however, we have a unique opportunity, Madam President, to correct that mistake. We could implement the law as it was intended, saving consumers billions of dollars and fulfilling our obligations under the GATT treaty, all in one stroke. Let us take this opportunity today to put our mistake behind us.

Madam President, I know this issue is familiar to all of my colleagues. Last December we brought this amendment to the floor and sought a vote which we never got. There was an effort to kill the amendment with a sense-of-the-Senate resolution and call for future hearings. When I withdrew the amendment, along with my colleagues—Senators CHAFEE and BROWN—from consideration, I promised, like McArthur, to ''return.'' Today, my colleagues and I have returned to the floor of the Senate.

Here is the single fact which I urge my colleagues to keep in mind. Ambassador Kantor testified only 2 weeks ago that the Pryor-Chafee-Brown amendment ''would do nothing more than fulfill our obligations to be faithful to what we negotiated in the GATT treaty.'' He confirmed that it would ''carry out the intent not only of the negotiations and what the Administration intended, but also what the Congress itself intended.''

Those were the words of our U.S. Trade Representative, Ambassador Mickey Kantor. In other words, Madam President, all of us in the Congress believed that the substance of this amendment was part of the GATT agreement which we enacted into law. We assumed at that time that the GATT transition provisions were universal in nature and scope, but we in fact neglected to include a specific, conforming amendment. As a result, if we do not accept this amendment, we are then deliberately carving out a special exemption from the GATT treaty for one single industry—indeed, for a small number of pharmaceutical companies within this single industry.

As my friend and colleague—and almost seat mate—Senator PAUL SIMON of Illinois, has stated, ''This is as classic a case of public interest versus special interest as you could find.'' A very fine statement by Senator SIMON.

Madam President, I received a letter from several of my colleagues yesterday about this issue. But there is a misconception that they have raised and must be dispelled. I am certain they did not have the facts which I feel at this time must be discussed. In this letter, my colleagues write:

> The committee learned during the Judiciary hearing that because of ongoing patent litigation, no potential generic manufacturer of Zantac can expect to enter the market before September of this year, regardless of what Congress does or doesn't do.

I am afraid that this allegation is in fact untrue. I am sure it will come as no surprise that it was the company called Glaxo and the Pharmaceutical Research and Manufacturers Association who made this allegation before the Judiciary Committee 2 weeks ago. What they neglected to share with our colleagues were some very critical facts—facts which I hold in my hand. As Paul Harvey would say on the radio, Madam President, ''Here is the rest of the story.''

There is litigation over Zantac, which is the best selling prescription drug in the world. It is delayed because it was Glaxo—the company that has the patent—who asked the court to delay its ruling, thus denying all generic competition.

I have in my hand a copy of the brief submitted by Glaxo's lawyers to the court. Madam President, should we not inquire into the reason that Glaxo gave the court for delaying action and for restraining immediate competition from a market after 17 years of monopoly protection and extremely high prices? It was simple. It was because of the GATT loophole. Glaxo told the court in its brief that it has a patent extension which would shield it from generic competition until the year 1997.

Madam President, the reason Glaxo will not face any generic competition until 1997 is because of the very same GATT loophole we are trying to correct. Glaxo wants to delay the court. They want to delay action in the Congress because every day that we delay, Madam President, is another jackpot payday for Glaxo—and for every other company benefiting from this loophole.

Let me reemphasize this point: The reason these companies are shielded from generic competition is that Congress made a mistake and forgot a conforming amendment when the GATT legislation was passed. The court is now delaying its ruling because we in the Senate have not acted on the Pryor-Chafee-Brown amendment. Every day that we delay is another day the court has no reason to act. Now we need to give the court that reason to act.

As soon as we have enacted this amendment, the courts will take notice and have reason to act. They will have a statutory basis for allowing immediate generic competition for Zantac and other drugs on the market. As a result, we will see generic Zantac reach the market as quickly as possible at something like one-half of the price of brandname Zantac.

So now we can see why Glaxo would have us believe we have plenty of time to act. They want us to delay. Why not? Every day is an extra $5 million in their pockets, courtesy of the American consumer and the American taxpayer. The companies opposed to our amendment are the very reasons why the courts are taking their time. But if we pass this amendment, the courts will act expeditiously—no ifs, no ands, and no buts.

Madam President, we must also remember that there are a dozen other drugs affected by this GATT loophole, costing hundreds of millions of dollars more for the American consumer than they should. None of these products are affected by litigation, and all of these products would be available much more rapidly as generics once the amendment is enacted.

Madam President, I mentioned the hearing held 2 weeks ago by the Judiciary Committee. The hearing did one thing and one thing only: It confirmed what we already knew—that Congress made a mistake. After a year of exhaustive review, discussion, and debate, we held a single 3-hour hearing and discovered once again that the Washington Post was right when they called this ''an error of omission.'' And the New York Times was right once again when they wrote on the morning after the hearing that ''Glaxo's trade loophole'' should be closed.

Let me quote from that New York Times editorial:

> Congress finds it hard to remedy the simplest mistakes when powerful corporate interests are at stake. In 1994, when Congress approved a new trade pact with more than 100 other countries, it unintentionally handed pharmaceutical companies windfall profits. More than a year later, Congress has yet to correct this error.

And most recently, Madam President, on March 6th, the Des Moines Register of Des Moines, IA, wrote that it is ''patent nonsense'' to let this ''costly congressional blunder'' go uncorrected, which ''Congress could correct in a jiffy.''

Let me conclude, Madam President, with the following observation: We have a vast body of evidence at our disposal from the U.S. Trade Representative, the FDA, the Department of Health and Human Services, the Patent Office, and the CONGRESSIONAL

RECORD. That body of evidence shows that Congress made a mistake.

Today is our opportunity to correct that mistake—to spare the American consumers unnecessary expenses and guarantee 100 percent equitable treatment for all American companies under the GATT treaty.

The alternative is to ignore the evidence—to choose to side with a few drug companies. There were two Glaxo lobbyists actually testifying at last month's hearing.

They happened to disagree with the U.S. Government, with our U.S. Trade Representative, with our Patent Office, and many others.

I am asking today, on behalf of Senator CHAFEE, Senator BROWN and myself, for this body to consider the possibility that Glaxo has a deep financial interest in this issue and may not be as objective as four or five executive agencies of our Federal Government.

This is not a partisan issue. It is not a partisan choice. It never has been. It is about fixing a mistake. It is about doing right. It is about serving consumers. It is about taking on a special interest which has entered this fight and making certain that the public interest prevails.

I thank the Chair for recognizing me. I yield the floor.

Mr. LOTT. Madam President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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. THOMPSON). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask for third reading.

The PRESIDING OFFICER. Are there further amendments?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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, it is 3:15. The chairman of the Appropriations Committee is here ready to work. The leadership is working to identify amendments that are going to be offered. There are a couple of amendments that are pending that have been set aside, but it is our hope that those amendments will be acted on. If the Members do not show up and offer their amendments, I would support the chairman's effort to go to third reading.

I think it is totally ridiculous that on Thursday afternoon at 3:15, Senators who have amendments on the list to be offered will not show up and offer their amendments. This is what makes the Senate look so bad. That is why we wind up working at night, like nocturnal animals, instead of human beings who work in the daylight.

Members will show up later on this afternoon and they will want to go have supper with their families, they will want to keep commitments they have made, they will want to see their children before they go to sleep, they would like to have a good night's sleep. They are not going to be able to do that because they will not show up and offer amendments now, in the middle of the afternoon.

This is the kind of thing that leads to bad relationships between Members, because they get exhausted. They do not do the work during the day, and then they try to do it at night.

I urge my colleagues, this is not a partisan thing, it is not a leadership thing, this is just an individual Senator saying: Please, let us do our work. The committee staff and the committee leadership is here, ready to work. Come over, bring your amendments, let us get some time agreements, let us get our work done, let us move this bill through.

This is an embarrassment. We have been working on this omnibus appropriations bill since Monday. That is why we started on Monday, so we could, hopefully, get it done. Do the Members want to be here next Tuesday, Wednesday, and Thursday night doing the same thing?

I just make one last plea, I am not going to do it again today, that Members come on over and bring their amendments and offer them now, or forever hold your peace. I hope the chairman, when these amendments that are pending are completed—and I urge they be acted on shortly—that we go to third reading. We have always threatened it, but we have never done it. This would be a good one to give it a shot on.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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. Without objection, it is so ordered.

AMENDMENT NO. 3497 TO AMENDMENT NO. 3466

(Purpose: To restore funding for the Competitiveness Policy Council)

Mr. HATFIELD. Mr. President, I ask unanimous consent to send an amendment to the desk that has been cleared on both sides that does not appear on the list that we have adopted.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. BINGAMAN, proposes amendment numbered 3497 to amendment No. 3466.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council, $100,000.

Mr. HATFIELD. Mr. President, during a previous time of trying to assimilate the various amendments, in the Judiciary and now, there was a Bingaman amendment relating to the Competitive Policy Council in which Senator DASCHLE, the minority leader, and Senator LOTT, as the assistant majority leader, had entered into an understanding, an agreement, in their attempt to reduce the number of amendments.

Unfortunately, there was a slippage of communication, and the staff at that time was not informed of this agreement. So we are now validating that which had been agreed to by Senator DASCHLE and Senator LOTT. It has no budgetary impact, but it does make good the commitments made.

So, Mr. President, I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 3497) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was adopted and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD: Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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. Without objection, it is so ordered.

AMENDMENT NO. 3495

Mr. HATFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment by the Senator from Utah to the substitute of the Senator from Oregon.

Mr. HATFIELD. I thank the Chair.

AMENDMENT NO. 3495, AS MODIFIED

Mr. HATFIELD. Mr. President, I would like to clear the parliamentary situation at this moment in order to make way for Senator HARKIN by sending to the desk a modification of Senator HATCH's amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment as modified is as follows:

On page 755, between lines 20 and 21, insert the following:

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(Including Transfer of Funds)

For an additional amount for ''Salaries and Expenses,'' $3,900,000.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDING FUND

Limitations on Availability of Revenue

(Rescission)

Of the funds made available for installment acquisition payments under this heading in Public Law 104–52, $3,500,000 are rescinded: *Provided*, That of the funds made available for advance design under this heading in Public Law 104–52, $200,000 are rescinded: *Provided further*, That the aggregate amount made available to the Fund shall be $5,062,449,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

(Rescission)

Of the funds made available under this heading in Public Law 104–52, $200,000 are rescinded.

CHAPTER 12

On page 755, line 22, redesignate the section number, and

On page 756, line 8, redesignate the section number.

Mr. BIDEN. Mr. President, I support the amendment offered by Senators HATCH, SHELBY, and GRASSLEY regarding the drug office. I strongly support the addition of $3.9 million to help our new Drug Director—General McCaffrey—with the increased staff he needs. As my colleagues know, I have the distinction of being the author of the law that opened the Office of National Drug Control Policy. It took more than a decade worth of effort to start this office—the Reagan administration opposed my every effort to have a Drug Director. It was not until 1988 that they finally relented.

Let me also offer a little history about why the Drug Office staff was reduced in the first place. Under the previous administration, the Drug Office had become overrun with political appointees. Frankly, it became a political dumping ground with the greatest percentage of political appointees of any Cabinet agency. This was not the only reason for the reduction in staff, but it was the key reason I did not oppose the reduction.

But, today we have a new Drug Director, an accomplished, impressive general who has been tasked with the difficult job of bringing action to our national effort against drugs. The General has asked for, and the President has formally requested, an additional $3.9 million to increase the staff by 80 personnel.

Today, we are offered an amendment sponsored by Republican Senators that provides what General McCaffrey requested. It is my hope that this signals that my Republican colleagues will be as supportive of General McCaffrey's future requests as they are of this one.

Mr. GRASSLEY. Mr. President, I am pleased to support additional funding for the Office of National Drug Control Policy to cover certain salary and expenses. The efforts by the new director, General McCaffrey, to restore the effectiveness and credibility of that office must be welcomed as a step in the right direction—at last. In supporting this legislation, I am expressing my hope and that of many of my colleagues that the administration will now put the drug issue back into the picture of its policy priorities.

As many Members in both the House and Senate have remarked in the last several years, we have seen little in the way of serious leadership or direction from the administration on this issue. Drug policy sank without a trace almost from day one when the President fired virtually the whole of the drug czar's staff at that time. Lee Brown, his first incumbent, never had a chance. Without staff, without support, without credibility, he was left to languish in obscurity along with drug policy. Now we are preparing to vote to restore funding to that office in order to reinstate the positions cut in 1993. I hope everyone appreciates the irony of this process. Nevertheless, if restoring these positions will put us back on the track of serious and sustained narcotics control policies, then it is money well spent.

In doing this, however, we are engaging in an act of faith. We have seen no performance yet. What we are doing is investing in a possibility. It is an investment that I believe we must make, but we must also expect sound performance in return. We need to see a renewed emphasis on drug policy. We need to see a renewed strategy linked to meaningful and measurable performance criteria. We need to see a serious effort to promote drug policy on the Hill and with the American public. We need a drug czar who will fight for drug policy even if that means embarrassing some of his fellow cabinet members.

I hope that this money will help do these things, and I for one will be looking closely to see that we get a return on our faith.

Mr. HATFIELD. Mr. President, I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 3495), as modified, was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, what we have just done is very simple; that is, that Senator HATCH had cleared the concept on both sides of the aisle in terms of expanding the support for the drug czar. The question was on the offset. This is budget neutral. The money has been offset from GSA. That has also been cleared. I thank the Chair.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask that the pending amendment be set aside.

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

AMENDMENT NO. 3498 TO AMENDMENT NO. 3466

(Purpose: To establish a fraud and abuse control program in order to prevent health care fraud and abuse)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes amendment numbered 3498 to amendment No. 3466.

Mr. HARKIN. Mr. President, I ask unanimous consent that further 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. HARKIN. Mr. President, I am back on the floor today to try to attack the problem I have spoken about many times over the years, a problem I have been working on, first as chairman of the appropriations subcommittee dealing with labor, health, human services, and education, and now as ranking member of that under the able leadership of Senator SPECTER. I have been for years working on the waste, fraud, and abuse situation, particularly as it pertains to the Medicare Program.

I have asked for and obtained over the last several years many investigations by the GAO and by the Inspector General's Office of HHS. Quite frankly, Mr. President, what they have come up with is just startling. I am not going to take the time of the Senate here today. I have spoken about this many times before on the Senate floor. Again, every day that we put off attacking this problem and making the necessary changes is a day that wastes, literally, hundreds of millions of dollars in waste, fraud, and abuse, money that is going out and not coming back, money of our taxpayers that is being wasted.

How extensive is this, Mr. President? The General Accounting Office and others have estimated that up to 10 percent of health care expenditures in Medicare is lost every year to fraud, waste, and abuse. Well, 10 percent of what? Medicare this year is spending about $180 billion. So 10 percent of that is $18 billion. GAO has said about up to that much is being lost every year.

As we know, we are trying to find some savings in Medicare to reach a balanced budget, to make the Medicare

system more secure, to make sure that it meets its obligations through the next 7 years. Quite frankly, the trustees have said we need about $89 billion to do that over the next 7 years. Obviously, if we are wasting $18 billion a year and we are talking about 7 years, we are talking about $126 billion going out for waste, fraud, and abuse during that period of time.

Assuming that we cannot save every dollar, we cannot end every iota of waste and abuse—which I wish we could—if we could only save 60 percent of it, or 50 percent of it, we would be well on or way toward finding that $89 billion.

Common sense dictates that waste, fraud, and abuse should be the first target of any responsible plan to reduce Medicare expenditures. I am pleased, on a bipartisan basis, the Appropriations Committee—and I especially want to pay tribute to the good work of Senator SPECTER and our chairman, Senator HATFIELD, for their help in doing this—the Appropriations Committee agreed to my amendment to this bill to restore the cut in funding for the HHS inspector general to tackle this problem.

The amendment I am offering today builds on that. It is very similar to an amendment I offered last year, I regret to say, unsuccessfully, to the budget reconciliation bill. However, we did get, I believe, 44 votes on that, and I know that a lot of Senators I talked to since that time now, I think, have a deeper appreciation for the magnitude of what we are talking about in terms of waste and abuse. I am hopeful that we might gain even more votes on this amendment yet.

This amendment I offer would significantly expand the abuse-fighting activities that have been proven to save money, strengthen the penalties for committing fraud, cut waste in Medicare payments by insisting on greater competition, as well as through the use of state-of-the-art private sector technologies. It would provide new incentive to consumers and providers to expose Medicare abuses and would reduce excessive paperwork and duplicative forms.

Mr. President, this proposal just makes common sense. It would reduce the budget deficit. The CBO estimated the nearly identical amendment I offered last year would have reduced the deficit by $4.8 billion over 7 years. I am convinced, however, based on years of analysis by the GAO and the inspector general and others, that this would save much more money than that.

For example, every dollar invested in antifraud activities by the inspector general and the Justice Department results in significant savings to taxpayers. I have a chart here to show that. Mr. President, this is a chart showing the savings per employee.

From 1991 to 1995; this is from the inspector general's office, HHS: If you take every employee, including the secretaries, that are in the inspector general's office, the savings per employee, 1991, was $4.8 million, and it has gone up to $9.7 million last year.

Now, talking about the savings per dollar spent. For every dollar we put into the inspector general's office last year, they returned $115 to the taxpayers of this country. Let me reemphasize that: For every $1 that we put into the inspector general's office, they returned back—this is real money; this is not phony money; this is money they actually brought back or stopped from being paid out—$115 they returned to the taxpayers for every $1 we put into the inspector general's office.

Yet their efforts to stop Medicare waste, fraud, and abuse are underfunded. In addition, efforts to combat health care fraud and abuse are not coordinated adequately between Federal, State, and local agencies. As a result, many fraud schemes move from State to State to avoid detection. I point out, Mr. President, because of the underfunding of the inspector general's office, right now there are 24 States in which there is no presence by the inspector general's office. Not only that, Mr. President, you wonder why there is so much waste, fraud, and abuse? Right now, less than 5 percent of the payments are audited. If you have 24 States in which there is not even an inspector general's presence, and you only audit, say, 3 to 5 percent of the claims, you can see the chances of being caught are pretty slim. That is why we need to invest more in fighting waste, fraud, and abuse.

This amendment would change that by more than doubling our investment in fighting fraud and abuse. The Medicare trust fund would invest directly in these efforts, providing a stable, adequate source of funding, and reaping a huge return in savings to Medicare.

The amendment would also require greater coordination of Federal, State, and local law enforcement efforts to combat health care fraud. All agencies investigating health care fraud and abuse will share information and otherwise coordinate activities, since fraudulent schemes are often replicated in different health programs.

The fight against Medicare fraud and abuse is also limited by inadequate sanctions and loopholes in the law that make it easier for offenders to escape any penalty. This amendment would strengthen sanctions against providers who rip off Medicare. Those convicted of health care fraud and felonies related to controlled substances would be kicked out of Medicare. Penalties for those found to have provided kickbacks, charged Medicare excessive fees, or submitted false claims or otherwise abusive activities—the penalties would be increased. Maximum fines would be increased from $2,000 to $10,000 for violation. In addition, fines could be imposed on HMO's and other managed care plans for abusive activities. No such penalty exists under current law.

Mr. President, think about this: Right now the maximum fine if you submitted a false claim or otherwise abusive activities is $2,000. That is hardly an incentive for someone to stop this practice when they may be filing false claims for thousands and thousands of dollars a year. Again, Mr. President, a lot of times these claims come in, and if they are ever caught they just claim they made a mistake, just made a mistake. Well, the fines and penalties is just a slap on the wrist, and off they go.

I must tell you, Mr. President, after looking at this for the last almost 7 years now, I am convinced that there is absolutely near zero kind of a sanction or a threat of sanction against anyone filing false claims or abusive activities.

Lastly, right now a managed care plan that submits the claims for the group itself, right now, no fine or no such penalty can be imposed on those HMO's, an invitation to raid the Medicare trust fund.

Mr. President, this amendment would also strengthen criminal remedies available to combat health care fraud and abuse by creating a new health care fraud statute, authorizing forfeiture of property gained through the commission of health care fraud. Well, if we can have forfeiture of property for controlled substances, then if people commit fraud against the health care system and they gain property by doing so, we ought to have that right of forfeiture. It creates a criminal statute prohibiting obstruction of criminal health care investigations and provides other legal tools to go after criminal health care fraud cases.

This is all in my amendment as a result of, as I have said, over 7 years of investigations by my subcommittee and by the GAO and the inspector general's office. These hearings, along with the IG's office, have repeatedly documented massive losses to Medicare due to excessive payments for equipment, services and other items.

For example, Medicare pays over $3,000 a year to rent portable oxygen concentrators that only cost $1,000 to buy. Mr. President, I was on a radio program, a call-in radio show, as I am sure all of us do in our own States, WMT radio in Cedar Rapids, several weeks ago. I was talking about this Medicare fraud and abuse. I had a caller call in. We found out who he was and we later got hold of him. He has been on an oxygen concentrator now for 4 years. The rent has been $300 a month. Medicare pays it. He has been on it for 4 years. Medicare pays $300 a month, or $3,600 a year for 4 years. They paid over $14,000 in rent. They could have bought it for $1,000. That is the kind of abuses that are taking place.

We found cases where Medicare is paying up to $2.32 for a gauze pad that the Veterans Administration purchases for 4 cents. Also, a recent series of reports by the HHS inspector general found that Medicare had been billed for such outrageous items as a trip to Italy to inspect a piece of sculpture, country club memberships for executives, golf shop gift certificates, and

Tiffany crystal pictures for executives. These items are not specifically disallowed as indirect costs to Medicare. My amendment closes that loophole.

That is a fact. Right now, an executive or health care provider can take a trip, write it off, and have Medicare pay for it.

My amendment would also end Medicare's wasteful reimbursement practices with regard to durable medical equipment, medical supplies, and other items by requiring competitive bidding to assure Medicare gets the best price possible. This system has been successfully used by many in the private sector and the Veterans' Administration.

For example, take the oxygen concentrator I just spoke about. While Medicare pays over $3,000 a year to rent it, the Veterans' Administration pays less than half that much every year for the same oxygen concentrators, many times from the same company, the same supplier. Why? Because the Veterans' Administration engages in competitive bidding and Medicare does not.

When I tell audiences that in Iowa and other places around the country where I speak about this, they are dumbfounded. They say, you mean the Veterans' Administration puts out for competitive bids certain items that Medicare does not? I say, yes, Medicare has no competitive bidding, none whatsoever, zero.

Well, now, it would seem to me that if you really want to have a really conservative approach to this, what we ought to do is mandate competitive bidding, like the Veterans' Administration does. I want to make this clear, also. Some people say, well, you cannot have competitive bidding because it would reduce the quality. Well, under my provision, quality standards would have to be maintained and access could not be reduced. In other words, we issue the quality standards and then say, OK, now you competitively bid on it.

For the life of me, I cannot understand why, after all of these years, after all the documentation, after all the hearings and investigations that have gone on year after year, this Congress cannot pass legislation mandating competitive bidding for Medicare. I tell my audiences that, and they do not believe it. They absolutely do not believe that Medicare does not engage in competitive bidding. Well, they do not and, to this day, we have not mandated that they do so.

Last year, I finally got the Director of HCFA, Health Care Financing Administration, who administers Medicare, to agree that, yes, they could utilize competitive bidding and, yes, it could be implemented and, yes, it would save them money. So the head of the agency himself says it will save them money. He says they can do it. Yet, this Congress will not let them do it.

So I say to people around America, if you are mad, if you are upset about all the waste in Medicare, do not take it out on Medicare because they are only doing what the Congress tells them to do. The Congress, so far, has told them you cannot engage in competitive bidding.

I must say, Mr. President, this really is the heart of this amendment. It is the guts of this amendment. Oh, we can dance around the edges, we can provide increased penalties, which we ought to do, and which this amendment does, and we can provide for more computers and software to catch these practices, and this amendment does that; but if you adopted all those and still did not adopt competitive bidding, Medicare will be throwing billions of dollars away in wasteful spending because we would not be getting the best deal for the taxpayer.

What would we do around here if the Defense Department did not engage in competitive bidding? What if they said they were going to go to contractors and say, ''What do you want for this piece of military equipment?'' And the contractor says, ''I want $1,000.'' We say, ''OK, that is what you will get.'' Now, if you think the stories about toilet seats that cost $600, and things like that which came up in the past are abusive, wait until you see some of the things that come out in Medicare.

Well, I have a device—and we do not show things like that on the floor, but I have a blood glucose monitor, as small as the palm of my hand, which is used with people with diabetes; it tells them their glucose level. We found out Medicare is paying up to $211 for each one of these. I sent my staff to a local K-Mart, and they bought one for $49.99 Yet, Medicare is paying $211 for it. We got that one item stopped. It took a while to get it stopped. That will save about $25 million over 5 years. But that is just one item.

Mr. President, we also found, thanks to the good work of the GAO, that while Medicare once led the health care industry in technology for processing claims and preventing waste and abuse, it has fallen way behind. A recent report by the General Accounting Office found that, in 1994, $640 million in improper payments could be prevented if Medicare had employed commercially available detection software that is already used in the private sector.

In fact, many of the same insurers that administer Medicare use this software to stop inappropriate payments for their private sector business.

I had a witness testify before my subcommittee—I think it was last year or the year before maybe. Their organization is the claims processor for Medicare in the Northwestern part of the United States. They also process for their own individual claims—in this case with Blue Cross-Blue Shield. They told me that they have one set of software for what they do privately and another set for what they do for Medicare. Yet Medicare will not adopt what they use on the private side to catch and stop these abusive payments.

This is a study that I had done. It came out in May 1995 from the GAO: ''Commercial Technology Could Save Billions Lost to Billing Abuse.'' Here is what it said. It said HCFA could save over $600 million annually by using commercial systems to detect code manipulation. Also beneficiaries—the people themselves—would save over $140 million a year that they are paying out of pocket to this code manipulation.

There are a lot of examples here of unbundling. Here is one where a physician was paid for interpreting two xrays because he unbundled. He put it under two codes. He was paid $32. When the GAO investigated it, he should only have been paid $16 rather than $32. That may not sound like a bunch of money. But that is twice what he should have been paid, and multiply that by thousands and thousands every day throughout the Nation it adds up to real money. The GAO came up with a lot of examples of this.

Let me say at the outset, is this doctor who submitted two charges when he should have only charged once being fraudulent? Maybe; maybe not. It may have been an honest mistake on that doctor's part. Maybe the nurse, or his assistant, or maybe his secretary, or his administrator who takes care of his billing said, ''Well, he took one x ray here and another x ray here. So that is two different things. So we will apply under two different codes.'' It could have been an honest mistake. Yet, he got paid $32 when he only should have been paid $16. Using commercially available software that we have on the market today that would have been stopped. Blue Cross would not have paid that. They would not have paid $32. They would have paid $16.

So, again, whether it is an honest mistake, or whether a fraudulent claim, we need the software that will stop that.

I might point out that GAO found out that only 8 percent of doctors had billed inappropriately—8 percent. So 92 percent of the doctors are doing just fine. But the 8 percent are the ones that are really digging into our pockets. That is why we need the software. So even if we adopted the software there would not be any impact on the vast majority of providers out there.

So, Mr. President, my amendment would require Medicare contractors to employ this private sector commercial software within 180 days—6 months. What is the cost of this? GAO estimated the cost of doing this would be $20 million the first year and savings of over $600 million—not a bad deal for the taxpayers and for the beneficiaries under Medicare.

So, Mr. President, we know that Medicare beneficiaries and other health care consumers are the front line in detecting and reporting Medicare fraud and abuse. Currently though

they have little information and incentive to aggressively watch for and report such activities. Likewise the providers lack the incentives to report problems.

Let me relate what happened to me a couple of years ago. Shirley Pollock's—a constituent of mine in Atlantic, IA—mother-in-law had been in a nursing home for a few weeks. And when she got the Medicare report which said ''This is not a bill'' because Medicare paid the claim. On that Medicare claim it reported that Medicare had paid for over $5,000 in bandages for about 3 weeks of nursing home care.

Shirley Pollock looked at this. Of course, it said, ''This is not a bill.'' She went to the nursing home, and said, ''I have been here with my mother-in-law. I know she did not use $5,000 worth of bandages in 3 weeks.'' She was told, ''Do not worry about it. You do not have to pay it anyway.''

I tell you. If you want to get heads nodding if you ever go to a senior citizens meeting, relate a story like that and you will see a lot of heads nod because the same things have happened to senior citizens all over this country. They get the report of what Medicare has paid. It says, ''This is not a bill.'' A lot of times they just throw it away because it says ''This is not a bill.'' And if they ever question the payment they are told, ''Do not worry about it. You do not have to pay it. Medicare pays it.''

Thank goodness for people like Shirley Pollock. She was not going to take that for an answer. She said, ''Someone is paying it, and it is not right.'' She got hold of my office. We looked into it, and found that was right. They should never have paid that. So we got that taken care of.

But there is not enough incentive out there for people to come forward like that.

So what my amendment does is make it easier for Medicare beneficiaries to check their bills for errors—first of all, by giving them assured access to itemized bills. It would also require that when beneficiaries receive their statements from Medicare they are asked to carefully review it, and to report any suspected problems to a listed toll-free number.

Third, it would establish rewards of up to $10,000 for reports by consumers that lead to criminal convictions for health care fraud and up to 10 percent of amounts recovered from abusive billings.

Three things: The first thing is itemization. I do not know how many of you have ever looked at a Medicare claim form; payment form. When these things come into Medicare, no itemization is required. You do not have to itemize. So a lot of the times, as GAO pointed out, Medicare is paying for things and they do not even know what is there.

So, Mr. President, let say you are a provider and you submitted a bill to Medicare for $1,000. You do not have to itemize what that thousand dollars is for. Medicare pays you. But you obviously have an itemized list someplace because it makes up $1,000. So if you, as a provider, have the list, it would seem to me that itemized account ought to also be made available to the consumer so the consumer can look at it and see whether or not they got something. That ought to be available to Medicare, too. I know some people say, well, this is more paperwork. The fact is that the provider who is putting a claim on Medicare for reimbursement already has to have that itemized list. With the modern computers that we have that can read all this data, that is not a problem at all.

One constituent of mine said, you know, it is like when you go to a grocery store and you pile your cart full of groceries and you go through the checkout counter. What if they just added up all your groceries and they gave you a bill and said, ''Here, your groceries are $83.50, but you don't get a an itemized list of what you bought.'' You would not stand for it. So just as easy as it is for a checkout counter in a grocery store to give you a long list of everything you bought and the number and how much it cost, the same thing could happen in Medicare for the services, the equipment and devices provided.

Second, a little bit of an incentive. There is nothing like a little bit of incentive, so we provide for up to a $10,000 reward for any person who provides information that leads to a criminal conviction of health care fraud, and up to 10 percent of amounts recovered from abusive billings. So there would be an incentive in there for people to take a very careful look at what they are being billed.

Mr. President, I have taken a lot of time, but I wanted to lay this out because this is a comprehensive plan to combat waste and abuse in Medicare and other health programs. It is a commonsense approach. I hope we can adopt it. It will save us money for the taxpayers. It will save the Medicare trust fund money. It will save beneficiaries money because there is a lot of this money that is out of pocket that they have to spend. I pointed out that GAO said that by having this new technology, it would save beneficiaries $140 million a year.

So any way you cut it, I believe this is an amendment that will help make the Medicare system more sound, more secure, and save us in fraud, waste, and abuse.

I do not know the disposition of the managers of the bill as to this amendment. It is my understanding that if this amendment were adopted, it would be approved by the administration.

Yes, I just have had reassurance of that, that the administration would accept these provisions. As I said, I have spent several years of subcommittee investigations and my own time on this. There is nothing in this amendment that has not been carefully thought out and looked at by the Inspector General's Office, the Justice Department, the Health Care Finance Administration, and others to make sure that it will really do the job. So I hope it can be adopted and sent down to the White House, whatever happens to this bill otherwise, and get it approved and save us a lot of money.

I yield the floor.

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

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. 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. SANTORUM. Mr. President, I just want to respond to what the distinguished whip said about Members working on their amendments.

I have been, over the past 18 hours or so, working with members of the Appropriations Committee, and Senator HATFIELD and the staff have been very cooperative in trying to work on something that we can do to address the concerns I have about disaster relief funds in this bill being declared an emergency and off budget and therefore adding to the deficit. We are working and have been and will continue to work to try to come to some agreement where we can put this spending within the context of the budget laid out last year so we do not cause an increase in the deficit. I know everyone wants to work on that in good faith, so this negotiation will continue. I wish to tell the Members and the whip this is ongoing, and I am optimistic we will come to some favorable conclusion on that issue.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, is the Harkin amendment the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. I ask unanimous consent that the HARKIN amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3500 TO AMENDMENT NO. 3466

(Purpose: Delete language concerning certification of population programs)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. DOLE, proposes an amendment numbered 3500.

Mr. MCCONNELL. 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 756, Title III—Miscellaneous Provisions, strike section 3001, beginning on line 14 ''The President,'' through line 25, ending ''such restrictions.''

Mr. HATFIELD. Mr. President, I ask if the Senator will yield.

The PRESIDING OFFICER. Does the Senator from Kentucky yield?

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 3498

Mr. HATFIELD. Mr. President, the Senator from Iowa [Mr. HARKIN] has presented an amendment that deals with a mutual concern of issues.

I am grateful that the Senator put together a way to deal with these issues. The only problem is that under the current parliamentary situation, this is an appropriations measure, and, as the Senator realizes, out of this rather extensive amendment, which is almost 100 pages, there is a lot of legislation in the amendment as well as earmarks relating to appropriations.

I would have to, probably, raise a point of order against the amendment being considered on this vehicle. Both from the standpoint of our personal working relationship, that I treasure, and our mutual interest that we share on so many of these issues, I would not like to do that, and I would like to also assure the Senator that I am willing to cooperate and work with him to find some suitable alternative to this particular vehicle. It is fragile enough, without adding more problems to it, in terms of so much legislation.

So, I just say I deeply regret the situation I am in, but in order to move this bill on through to a conference with the House and, hopefully, to the signature of the President, I wonder if the Senator would consider the possibility of postponing this action to a time when we could join together in partnership?

Mr. HARKIN. Mr. President, if the Senator will yield?

Mr. HATFIELD. I yield.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I understand. I do not want to add to the problems our distinguished chairman has with this bill. I was hoping perhaps the Finance Committee and others would approve of this and let it go on through. As I said, I know it is authorization, but we have other authorizing things that are in this bill, too. But I understand for some reason there are some who do not want this on this bill. I had hoped we could have prevailed on this, but I understand the chairman's position on this. I know he is in a position where he has to try to get this bill through.

We do not want to hold it up any longer. We want to get it through as soon as possible. There are some very important things in this bill, like education and other things that we got in it, that I hope we can hold.

With the assurance of the chairman that perhaps we can find some other vehicle to get this thing through this year, Mr. President, I then ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

So the amendment (No. 3498) was withdrawn.

Mr. HATFIELD. Mr. President, I thank the Senator. Let us put our staffs together, sooner rather than later, to try to work out some strategy.

Mr. HARKIN. I thank my colleague.

Mr. HATCH. Mr. President, I ask unanimous consent that, notwithstanding the existing unanimous consent limiting amendments, that I be able to offer the D.C. Police amendment which was originally a part of my drug czar's amendment. The floor manager and several Members expressed their hope that this amendment would not be considered as part of the drug czar's amendment.

I understand it has been cleared on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3499 TO AMENDMENT NO. 3466

(Purpose: To provide assistance to the District of Columbia Police Department)

Mr. HATCH. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 3499 to amendment numbered 3466.

Mr. HATCH. 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:

Page 29, line 18, insert the following: ''*Provided further*, That no less than $20,000,000 shall be for the District of Columbia Metropolitan Police Department to be used at the discretion of the Police Chief for law enforcement purposes, conditioned upon prior written consultation and notification being given to the chairman and ranking members of the House and Senate Committees on the Judiciary and Appropriations.''

Mr. HATCH. Mr. President, I ask that the amendment be temporarily set aside.

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

AMENDMENT NO. 3500

Mr. HATFIELD. I thank the Senator from Kentucky.

Mr. President, do we have a time agreement?

The PRESIDING OFFICER. There is no limitation on debate at this time.

Mr. MCCONNELL. I had heard it might be acceptable to the other side to have 1 hour equally divided. That would certainly be appropriate and agreeable with me.

Mr. HATFIELD. We will proceed.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. The chairman of the Appropriations Committee, my good friend, has inserted language in the underlying bill which affects a provision in the recently passed foreign operations bill. The very reason it only recently passed is because the foreign operations bill was ping-ponged back and forth across the Capitol, between the House and the Senate, over a period of 3 or 4 months, during which we had nine different votes in the two Houses on the question of abortion.

I understand the concerns that Senator HATFIELD has raised with regard to this provision. However, this is not a new topic of debate. In trying to pass the foreign operations bill, as I just indicated, we voted nine times on modifications, amendments, and variations of the language that my good friend from Oregon is now attempting to change. I fear that his language, like earlier proposals, will simply reopen a contentious debate in which Congress and the administration simply do not agree. This is just an area of deep-seated disagreement.

Over on the House side, initially, Congressman CHRIS SMITH and others sought restrictions on population funding that would assure none of our resources was used by institutions which carry out abortions. At no point has anyone opposed supporting legitimate and voluntary family planning servvices.

I believe the proposal put forward by Congressman SMITH, which I included in my chairman's mark for the foreign operations bill, was reasonable. Our proposal would have had no adverse impact on the availability of family planning. But the administration objected to the application of the so-called Mexico City standards on population programs.

As a result, after months of debate and nine votes, we reached a stalemate. At the time of final passage, Senator HATFIELD and I agreed the entire issue was more appropriately dealt with by the authorization committees.

To encourage them to continue negotiations and reach a settlement of this policy matter with the administration, we delayed the provision of any population funds until July 1, and at that point disbursed the funds on a limited basis over the next 15 months.

Frankly, I continue to believe we have done the best possible job we could under the circumstances. I have never been involved in a more difficult legislative endeavor than trying to reach some kind of compromise which the previously passed bill embodied.

I hope we take the view, at least for this fiscal year, that a deal is a deal. I think the language in the bill jeopardizes the commitment we made to allow the authorization process to resolve the issue. I really hope we will not reopen this matter today. I think we run the risk of losing the entire omnibus resolution. I do not think the House is going to budge 1 inch on this issue.

So it seems to me we potentially put the omnibus—we actually do put the

omnibus appropriations bill in the very same position the foreign operations bill was in for months, stuck in a legislative ditch.

My good friend, the chairman of the full committee, certainly appreciates the issue, that issue, was an enormously complicated problem. I know he has a big task in managing this 781-page bill. But I urge my colleagues, regardless of whether you consider yourself pro-life or pro-choice, we finally struck a deal on the foreign operations bill which has already passed and was signed by the President, which carries us through September 30. We finally, after nine votes, reached a compromise. Nobody was particularly happy with it, but it is now the law. I hope we will not undo that compromise here, halfway through this fiscal year, and run the risk of putting this omnibus appropriations bill in the very same condition that the foreign operations bill was in in October, November, December, and January.

So, I hope my colleagues will support the amendment I have at the desk. I think it will allow us to get past this issue. We are going to have to deal with it again in next year's bill. We are already beginning to develop the foreign operations appropriations bill for next fiscal year, and this issue obviously is not going to go away. But we have reached a compromise for the current year, and I hope we stick to that. We take the view that a deal is a deal, at least for this fiscal year.

I urge all of my colleagues to support the McConnell amendment, which, hopefully, we will be able to vote on sometime in the near future. Senator DOLE, I might add, is a cosponsor of my amendment.

With that, Mr. President, I have really completed my remarks. I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I want to echo my colleague's remarks, because we have an excellent working relationship. I think sometimes, on highly emotional issues like this one—emotional on both sides of the issue—that there is always a fear, with good friends differing on an issue, of rupturing a good friendship.

I want to assure the Senator from Kentucky I have no intention of doing that. The Senator needed help on the Jordan funding system. We worked that out in the Appropriations Committee. The Senator has sought our help even today on this appropriations bill. We have been responsive to that.

So whether we agree or disagree on this issue does not in any way impair my concern and desire to help the Senator when he makes the request for help as chairman of the committee.

But I also at the same time am a little bit dismayed that my colleague would move to strike this provision I have included in the committee substitute concerning international voluntary family planning. I would like to review the history of this last year. Let me state briefly where things stand.

First of all, let me say this is not a negotiated compromise. We, at no time—the Senate had no opportunity to negotiate this issue with the House. We were given this kind of approach, and it was that or nothing. So this is not a negotiated settlement on this issue or even a provision of this bill that has been worked out with the House.

In late January, when the Senate passed H.R. 2880 to keep the Government from shutting down, the bill included a provision restricting the expenditure of funds for the International Family Planning Program administered by the U.S. Agency for International Development.

Again, let me underscore, this so-called compromise was worked out on the House side unilaterally and presented to us. Our choice was to accept it or to shut the Government down. If anybody remembers, I stood on the floor of the Senate and apologized for having the Senate put in this position.

As a result, we put forth our own bill, an original appropriations omnibus bill that is now before the Senate, because we were not going to be put into that situation of being handed a document of controversial issues and told, ''Take it or shut the Government down.'' And that is where we were.

The Senate has a right to have its views expressed, to have its views debated, to have its views understood and negotiated with the House. This is not a compromise. This is a unilateral demand of the House to take it or shut the Government down, and we had no option. I want to make that point clear.

The bill included a provision restricting the expenditure of funds for the International Family Planning Program. These funds for international voluntary family planning were cut by 35 percent from 1995 fiscal year levels. However, interestingly, listen to this, two further restrictions were added which ensured that no funds may be allocated, unless authorized, until July 1, 1996, and thereafter funds may only be allocated each month in amounts no larger than 6.67 percent of the total.

This will effectively lead to an 85-percent cut in funding for fiscal year 1996 because the authorizing committee failed to act on this matter and has yet to act on this matter, the Senate Foreign Relations Committee.

They had a chance in a recent conference on the foreign aid reauthorization bill to act, and they did not act.

I want to say clearly that I am pro-life to the extent that I do not necessarily have to have exceptions for rape and incest, because I believe that life begins at the point of implantation, not at conception. Over 50 percent of the eggs abort naturally at conception before they are implanted, and you have 10 days to 2 weeks to take care of that situation, even in rape and incest.

So I speak as a pro-life Senator. I have voted pro-life for more years and more often probably than 90 percent of the other Members of this Senate, because I have been here now almost 30 years.

I am pro-life as it relates to capital punishment, too, and I am pro-life as it relates to war as well. But nevertheless, I am unabashedly pro-life, and I come from a State that is the most pro-choice State in the Union, by all surveys. In fact, it is so pro-choice that we had, through an initiative, an assisted-suicide proposal that passed in a vote of the people. So if we did not get them zapped in the womb, we can zap them at the other end of the lifespan.

But nevertheless, that is the character of my State. We have the lowest church membership per capita of any State in the Union. We have the highest percentage of atheists per capita of any State in the Union, according to the New York University religious survey.

I am just stating the political environment from which I come. You, obviously, can understand this is carried into my political elections as a handicap. I stand unashamedly as a pro-life Senator.

But let me say this. There are ways to reduce abortion and the demand for abortion, and that is contraception. ''Family planning'' is perhaps a more subtle way to express it. I think anybody who has had biology 101 understands why. So I will not go into the details of how this reduces the demand for abortion. It is pretty obvious.

Therefore, it seems to me when we make available family planning devices and contraception abroad in those countries that do not have access and that are experiencing the continued population explosions that are going to impact not just their country but the whole world, we have an opportunity to deal with a cause rather than just the effect. I think after the period of time that this bill has been bouncing around, we even have more ramifications and we have more evidence of why this position is a valid position.

A very recent methodological summary, put together by a coalition of groups, including the Alan Guttmacher Institute, estimates that this restriction on funding will lead to 1.9 million unplanned births and 1.6 million more abortions. These figures have been attacked by groups such as the Population Research Institute, an arm of the pro-life Human Life International, which claims that the Alan Guttmacher Institute is funded by Planned Parenthood and, thus, cannot be trusted to give accurate numbers, though it ironically cites the Guttmacher statistics to support its own assertions.

Now, you cannot have it both ways. If you say this is not a credible institute in making the studies on one hand, you cannot turn around and cite their statistics to prove your case on

another question that relates to abortion. That is precisely what the PRI has done.

But listen to this. The PRI's, Population Research Institute, a pro-life organization, most recent study states that the actual number of unplanned births resulting from a 35-percent cut in funding will be 500,000, and they further estimate that there will be 450,000 more abortions as a result of the cuts.

Now, is that not interesting? If you take the Guttmacher estimate, it is a higher level. But even the PRI studies show, yes, it will not be 500,000, or as Guttmacher says it will not be a million, but it will be 450,000.

PRI goes on to argue that they believe other countries will donate more funds to make up for the lack of United States contributions.

In effect, they are saying, we, in a way, are going to answer this problem in the United States by asking other countries to increase their contributions. However, using PRI's own numbers, this would result in 129,000 more abortions, hardly negligible, as PRI claims, 129,000 more abortions. In my view, whether the number is 1.6 million, 450,000 or 129,000 makes little difference. Even one more abortion is one too many.

That is why I cannot understand why my colleagues who say they are pro-life would object to the provision that I have included in this committee substitute.

This provision states the following:

SEC. 3001. The President may make available funds for population planning activities or other population assistance pursuant to programs under title II and title IV of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, . . . notwithstanding the provisions of section 518A of such Act, if he determines and reports to the Congress that the effects of those restrictions would be that the demand for family planning services would be less likely to be met and that there would be a significant increase in abortions than would otherwise be the case in the absence of such restrictions.

Bear in mind, we have not put language in here that automatically makes that money available to family planning. The President has to certify that there is a relationship between the absence of that money or the great reduction of that money and as a result more abortions.

So for those, again, who are concerned that perhaps we are just giving the President more money to spend, there is that restriction in this provision. Let me repeat, funds would be made available only if the President certifies there would be a significant increase in abortions as a result of these restrictions.

Honestly, I cannot believe that anyone who claims to be pro-life and opposed to abortion would support a funding restriction that may lead to increases in abortions. If the President makes a certification that the action taken by Congress will lead to an increase in abortions, I would expect every Member in Congress who takes a pro-life stand to act to reverse this horrible result. To oppose the committee position makes no sense to me at all.

We can argue the merits of family planning until we are blue in the face. I believe the evidence proves that international voluntary family planning programs have contributed to reducing unplanned pregnancies and abortions worldwide. I can give you some recent examples of where international voluntary family planning has made a difference specifically. In Hungary, where voluntary family planning services were introduced 8 years ago, the abortion rate has dropped by 60 percent and continues to fall. Although programs in the Newly Independent States and in Russia, where the average woman—listen to this—the average woman has between four and eight abortions during her lifetime, are too new to make reliable calculations, similar success is expected, or was before the funding cuts.

Mr. President, I stated in this Chamber on February 6:

The family planning language included previously in H.R. 2880 is not prolife, it is not prowoman, it is not prochild, it is not prohealth, and it is not profamily planning. It inflicts the harm of a profound misconception on the very poor families overseas who only ask for help in spacing their children through contraception, not abortion.

The statistics provided by the Alan Guttmacher Institute prove this, and those from the Population Research Institute fail to refute it. Therefore, I implore my colleagues, especially those who take a pro-life position, to carefully examine the language I have introduced in this bill. If you are opposed to abortion or in favor of family planning, you should vote to oppose the McConnell motion to strike.

I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, we have visited and revisited this issue many times. We struggled with the House of Representatives over this issue for 3 frustrating, unproductive months, and we could not resolve it. We finally agreed to let the matter be resolved in the authorizing legislation. Why then, as some of my colleagues are asking, would Senator HATFIELD choose to reopen the debate in the current legislation? I suggest, Mr. President, for two very important reasons:

First of all, the authorizers punted. They did not address the issue in the authorizing language. Thus, we are left with an authorizing bill that was reported out of conference which does not address this issue. This part of the compromise, which we added to the last CR, was not fulfilled.

Second, the language that Senator HATFIELD has added to the current continuing resolution is sound policy. As he has just so eloquently stated, the simple, honest truth is that maintaining effective family planning programs is the best hope we have of limiting abortions. It is an elementary equation, I believe, that contraception does reduce abortions.

Mr. President, arguments to the contrary are just misinformed. We cannot prevent abortions worldwide by preventing women from having access to the very information and services that enable them to prevent unplanned pregnancies.

I applaud my friend from Oregon for his thoughtfulness on this issue. Senator HATFIELD is not an advocate of abortion rights, and yet he authored the provision in the omnibus budget bill that Senator MCCONNELL is trying to strike out.

Why would a Senator who does not support abortion take the lead on restoring funding for international population assistance programs? It is because Senator HATFIELD judiciously realizes the most effective way we can use our budget dollars is to prevent abortions and to promote effective, safe, and comprehensive pregnancy-prevention services.

Senator HATFIELD's provision restores funding for population-assistance programs if the President determines that cutting this funding would increase the number of abortions being performed. If you are against abortions, it seems to me, Mr. President, you must be for Senator HATFIELD's language.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I would like to thank the Senator from Kansas, Mr. President, for her very astute and calmly stated remarks on a very, very tough issue. I appreciate her contribution.

Mr. President, this is a unanimous-consent agreement that is cleared on both sides. I ask unanimous consent that there be 1 hour for debate on the pending McConnell amendment, to be equally divided in the usual way, and that following the conclusion or yielding back of time, the Senate proceed to vote on or in relation to the McConnell amendment, and that no amendment be in order to the McConnell amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. I thank the Chair.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I, too, would like to thank the Senator from Oregon for his leadership on this issue.

Mr. President, yet again, the Senate is debating funding and restrictions on the international family planning account. In many ways it is a debate I cannot understand, for the supporters of this amendment are only ensuring

that the incidence of abortion worldwide will increase, and that is a trend that would disappoint and trouble every single Member of this body. Mr. President, I rise to oppose strongly this amendment, that is, the amendment of the Senator from Kentucky, and to support Senator HATFIELD's very reasonable and practical provision on population in the omnibus appropriations bill.

My colleagues are all familiar with the difficult disagreements that have ensued this year over the U.S. population program. For months now, the Senate and House have lobbed amendments back and forth concerning what restrictions should be placed on family planning assistance in our foreign aid program. Unfortunately, as I have always argued, the debate in Congress has almost always been perilously miscast, as it is miscast again today. This is not, as some have portrayed it, a debate about a woman's right to abortion. The law has been on the books, Mr. President, since 1973, unchallenged, that U.S. assistance cannot be used to finance abortions.

That is the law. That is the way it has been for 23 years. The problem we are addressing here is access to family planning services. The only connection this has to abortion is that more widespread voluntary family planning will reduce the number of abortions worldwide. That is a goal that everybody, I think, without question, shares.

The genius of the Hatfield provision is that it spells this out clearly and precisely. It says that if the President cannot determine that our population program does not reduce the incidence of abortion, then the restrictions laid out in the continuing resolution passed in January will go into effect.

Mr. President, there is an ironic and dangerous twist to this debate. The opponents of the Hatfield language seem to be caught up in a shortsighted goal to advance what is both an isolationist and antiabortion agenda. This is based on the somewhat perverse assumption and wrong assumption that population assistance increases the incidence of abortion.

Mr. President, we will take a look at how wrong that reasoning is. Over 100 million women worldwide, and who knows how many couples, do not use family planning because they do not have access to basic health care. One out of five of the women will undergo unsafe abortions. Statistics indicate that some will die. Some will be disabled. Some will never be able to bear children again. Some may deliver babies that have no chance of leading a healthy life.

The U.S. population program educates women and couples about family planning and increases access to contraception and basic health care. Mr. President, it saves women's lives. It is a life saver. Why would we want to cut that account by 85 percent or deeper than any other foreign aid account as currently written in January's continuing resolution?

For example, Mr. President, in Africa, 1 out of every 21 women die as a result of complications of pregnancy. That is roughly 200 times the rate for European women. Mr. President, African women deserve the right to family planning. Their lives depend on it. Their nation's development depends on it. The countries of the former Soviet Union, including Russia, where women have no sustained access to family planning and virtually no access to any quality contraception, the average woman undergoes nine abortions in her lifetime. An average of nine abortions in those places where people do not have access to family planning.

Our population programs in Russia and throughout Africa are designed to reduce the rate of abortion. There is no rational justification to cut these programs.

Mr. President, it is a well-documented fact that when couples have access to family planning, the incidence of abortion goes down. That is the whole confusion in this debate. If you want to increase abortion, support the McConnell amendment and the language of a January continuing resolution; if you want to really and truly reduce the incidence of abortion, as I do, and if you oppose abortion outright as Senator HATFIELD does, then the population program is one of the most important foreign aid accounts we have. Family planning simply stated is an important part of the solution to abortion.

If this is not true, then the President cannot report it. Under the Hatfield language, the population program would be reduced. I think this is really a very good compromise, for if population programs do not reduce the incidence of abortions, then I agree, we should reexamine them.

Mr. President, fact, statistics, logic and United States national interest dictate that the population program is an essential cornerstone of our goal of global development. I urge the defeat of the McConnell amendment. I sincerely thank the Senator from Oregon not only for his courage but also for his wisdom in crafting the underlying amendment.

Mr. LEAHY. Mr. President, what is the parliamentary situation on time?

The PRESIDING OFFICER. Debate is limited to one hour, 30 minutes each side.

Mr. LEAHY. Would the Senator from Oregon yield me 4 or 5 minutes?

Mr. HATFIELD. I yield 5 minutes to the Senator from Vermont.

Mr. LEAHY. Mr. President, the foreign operations conference report, which was signed into law on February 12, categorically prohibits the use of any funds for abortion. It also prohibits the use of any funds in China.

But that legislation contains a provision that was inserted by the House at the behest of the right-to-life lobby, which will cut funding for voluntary, international family programs by one-third.

Those family planning programs have one purpose—to give couples in developing countries the means to avoid unwanted pregnancies and reduce the number of abortions. The funds are used to purchase and distribute contraceptives, to improve the quality and safety of contraceptives, to educate couples about spacing the births of their children, and maternal and child health.

Why anyone would be against that is a mystery to me, but that is what the House did. And because they recessed immediately afterward, the Senate had no opportunity to amend it. We were presented with the choice of closing down the Government again, or accepting the House provision word for word.

Anyone who wants to see fewer abortions, and fewer women die from botched abortions, should deplore what the House did, and support the Hatfield language in this bill.

The House provision would prohibit the obligation of any family planning funds before July 1 unless they are specifically authorized.

The whole purpose of that provision was to give an incentive to the authorizing committees to resolve the Mexico City issue. We were told that was what they wanted—an opportunity to resolve it themselves.

But the authorization conferees hardly discussed the issue. In fact, they specifically decided not to authorize these programs. In one of the more hypocritical maneuvers I have seen in a long time, the House authorizers revealed that their real agenda is to destroy the international family planning program.

Without an authorization, the House provision says that only 65 percent of the fiscal year 1995 level for family planning may be obligated, and then only at the rate of 6.7 percent per month.

What will be the effect of the House provision? According to conservative estimates: 7 million couples in developing countries who have used modern contraceptives, will be left without access to them; there will be 4 million more unintended pregnancies; 1.9 million more unplanned births; 1.6 million more abortions; 8,000 more women dying in pregnancy; and 134,000 more infant deaths.

Mr. President, that would be unforgivable, particularly since it is entirely avoidable.

The United States has been the world's leader in the effort to stabilize population growth. Tens of millions of people are born into terrible poverty each year. Anyone with an ounce of sense knows that if we make it harder for people to avoid pregnancy, the result will be more abortions, not less.

The Hatfield language ensures that that will not happen. It would prevent the House provision from going into affect if the President determines that it would result in significantly more abortions.

Every Senator, whether pro-life or pro-choice, should support the Hatfield

language, and oppose this amendment. I want to commend Senator HATFIELD for his leadership on this, and for his determination to correct this problem. He is solidly pro-life, but he is also a stalwart supporter of family planning because he knows what family planning is the way to reduce abortions.

That is what we all want, and why all Senators should vote to keep the Hatfield language in the bill.

Mr. President, I ask unanimous consent that a two newspaper editorials which are representative of dozens of similar editorials from around the country expressing strong support for Senator HATFIELD's position, be printed in the CONGRESSIONAL RECORD.

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

[From the Washington Post, Mar. 12, 1996]

FAMILY PLANNING FIASCO

The continuing resolution that brought government workers back to the job last January is due to expire at the end of the week. One of the matters that must be settled before that can be done is the future of American assistance to family planning efforts abroad. This has nothing to do with abortion, since no U.S. funds can be spent outside the United States for that purpose. Rather, what is at stake is this country's extremely valuable and long-supported work in the developing world to provide couples with information and materials needed to plan the spacing and total numbers of their children.

In January, one regular appropriations bill was attached to the continuing resolution by the House. It cut international family planning money 35 percent below 1995 levels, and it put two additional restrictions on these expenditures: Nothing can be spent before July 1, and thereafter the funds would be doled out at the rate of 6.7 percent a month until the new fiscal year begins on October 1. This amounts to an effective cut of 85 percent in a single year, which is a terrible idea. Sen. Mark Hatfield, chairman of the Appropriations Committee, has put a saving clause in the pending bill that would allow the president to spend appropriated funds without these two restrictions if he can demonstrate that they will have the effect of reducing demand for family planning services and lead to a significant increase in abortions. That won't be hard to do. An effort will be made, probably today, to strike the Hatfield language and retain the restrictions.

The united States contributes about 17 percent of all public funds spent on family planning in the developing world outside China, which does not receive this kind of aid. Various organizations have made estimates on what would follow a cut of 85 percent—how many unplanned children would be born, how many women would die in childbirth or having abortions, for instance. Predictably, these figures have been challenged by others who believe that the poorest people in the world will simply buy their own contraceptives or remain abstinent. But the exact numbers don't matter, for the damage will be severe. American foreign aid has been instrumental in the developing world's increasing family planning success. This, in turn, has spurred economic progress and brought about tremendous improvement in the health and welfare of women and children in recipient countries. Legislators more interested in pleasing an extreme slice of the American electorate than in saving lives and reaching out to the poor of the world should not be allowed to succeed.

[From the Portland, Press Herald, Mar. 12, 1996]

SENATE SHOULD PROTECT NEEDED INTERNATIONAL AID

The abandoned baby girls pictured here testify eloquently to the need for U.S. support of voluntary international family planning programs.

A key vote on that support is expected in the Senate today.

The babies shown here, abandoned in India, are far from alone. World population expands by nearly 100 million people a year. Ninety percent are born in developing countries. Countless are desperately poor and unwanted.

Family planning programs, long supported by U.S. aid, provide assistance that can break the desperate cycle. They give families the power to plan. They do not provide abortions. U.S. law has forbidden use of foreign aid funds for abortion for two decades.

Even so, opponents continue to attack the funding on that basis. That's why the Hatfield Amendment coming before the Senate is so important. It would enable the president to override restrictions, now in place on family planning aid if he can report to Congress that they unwisely ''will result in significantly more abortions, as well as a greater unmet need for family planning services.''

That is an amendment in the best interest of everyone involved.

The Senate should approve it.

Mr. LEAHY. On behalf of the Senator from Oregon [Mr. HATFIELD], I yield 5 minutes to the Senator from Maine, [Ms. SNOWE].

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I thank the Senator from Vermont for yielding me this time to speak on this very important issue.

I regret that the Senate is in a position to address this issue once again because the Senate has spoken on many occasions in support of international family planning. So I think it is unfortunate that we are here today to have to fight an amendment that, basically, would decimate family planning support by the U.S. Government on behalf of international family planning programs around the country.

I think everybody knows that the United States has traditionally been a leader in international family planning assistance. This has been the case ever since this issue rose to international prominence with the 1974 U.N. Population Conference in Bucharest. At that time, a number of Third World developing countries perceived family planning as a Western effort to reduce the power and influence of Third World countries.

It is a sad irony that we are here today because the U.S. Government became a leader on this issue to influence the Third World countries, to insert themselves into the developing family planning programs. They have done that. We have been a traditional leader in international family planning and have had unrivaled influence worldwide for setting standards for these programs. An estimated 50 million families around the globe use family planning as a direct result of U.S. leadership and population assistance programs. Now we are confronted with the idea of basically eliminating any U.S. support for U.S. international family planning programs.

The passage of the continuing resolution back in January came at a terrible price to these programs. After the date of July 1, funding may be provided at 65 percent of the 1995 level, appropriated on a monthly basis at 6.5 percent for 15 months.

As a result, U.S. population assistance expenditures could drop from $547 million last year to only $72 million during 1996. This means a loss of revenue to the program of $475 million, or a cut of 85 percent in funding for 1996.

Senator HATFIELD, who has been a champion in fighting for international family planning assistance programs throughout his career, included language in the omnibus appropriations bill that would restore the funding. The Hatfield provision would nullify the funding cuts in the continuing resolution. If not, this will lead to a significant increase in abortion. Senator MCCONNELL is offering an amendment that would basically strike the Hatfield language and preserve the cuts contained in the continuing resolution. This will have a devastating impact on women, children, and families all over the globe, particularly in the developing countries. The Alan Guttmacher Institute, and other respected research institutions, predict that as a result of these cuts, at a minimum, 7 million couples in developing countries who would have used modern contraceptives will be left without access to family planning. Four million more women will experience unintended pregnancies.

We can expect 1.9 million more unplanned births; 1.6 million more abortions and countless miscarriages; 8,000 more women dying in pregnancy and childbirth, including those from unsafe abortions; and 134,000 infant deaths.

So let us make very clear what the impact of the McConnell amendment will be. It will result in more abortions, more women dying, and more children dying. It appears to be incongruous— in fact, it is inconceivable— that opponents of abortions would support cuts to family planning which would result, undoubtedly, in many more abortions, particularly because current law prohibits the use of any U.S. population assistance funds for abortion-related activities.

So this debate should not be about the fact that population assistance programs support abortion. They do not. In fact, they reduce the incidence of abortions worldwide. So the issue is not about encouraging abortion. It is about preventing unwanted pregnancies and preventing abortions, and because of the continuing resolution, organizations that provide family planning services with American funds are already determining which of their programs will have to be cut or eliminated. A local affiliate of International

Planned Parenthood in Brazil estimates that 250,000 couples who rely on its services will lose access to family planning and related health care. In Peru, a country that is among the poorest in Latin America and where 90 percent of women surveyed say they want to prevent or delay another pregnancy, more than 200,000 couples will lose services.

Families in these extremely poor countries cannot afford to lose this vital U.S. family planning assistance. But this will become a certainty should the Senate pass the McConnell amendment.

Mr. President, the United States has been a model nation on international family planning programs, and other countries look to our leadership and to our example. The implications of these reductions in U.S. aid contained in the continuing resolution are far broader than one might think. If other countries follow our lead, the impact will be devastating to the health of women and families of developing nations. Ironically, last Friday, March 8, was International Women's Day. Is this the gift that Congress will bequeath to the women around the world in honor of International Women's Day? Greater poverty? Increased maternal death? More abortions? Increased infant death?

I urge my colleagues to reject the McConnell amendment because hanging in the balance are lives around the world. I hope we will not want to set this kind of example for other countries with respect to this very critical program if we are going to do everything that we can to reduce the explosion in population growth in other countries, and particularly in the developing world. The increase in population alone worldwide was 100 million, the greatest increase ever, and that is not the direction we want to take. In fact, the United States ought to take the leadership and reject the MCCONNELL amendment and support Senator HATFIELD's provision.

Mr. HATFIELD. Mr. President, I yield 6 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the distinguished Senator from Oregon.

Mr. President, again, I join with my colleagues in encouraging colleagues to vote for the Hatfield provision.

In the final days of January, in an effort to avert a third Government shutdown, this body passed by unanimous consent a continuing resolution which included a provision that will decimate international family planning programs. After studying this provision more closely, we now know that the effects will be far greater than was known at the time the Senate acted on the bill.

We are currently in the sixth month of the fiscal year. Unfortunately, we are living under an extraordinary reduction in family planning funding. In fact, it has received no funding from any continuing resolution since October 1, 1995. As we know, the January continuing resolution prohibits any funding for family planning until July 1. Beginning in July, the program will be funded at a level reduced 35 percent from the 1995 funding level, to be allocated on a month-by-month basis for the next 15 months. So, in effect, you really have a reduction that is catastrophic.

Mr. President, in dollar figures, the family planning program has been cut from $527 million in 1995 to $72 million in 1996, which is an 85-percent cut in 1 year. One can only conclude that that cut is not just a cut to try to reduce overall spending commensurate with the other reductions in the budget; it is punitive, purposeful, and it is wrong. Fortunately, in the continuing resolution before us today—the 10th continuing resolution and I certainly hope the last funding bill we are going to debate in 1996—we have the opportunity to reverse those cuts and restore critical funding for these vital family planning programs.

I congratulate Senator HATFIELD for his efforts to try to do this and express my very firm support and conviction that the international family planning programs are in our best interest and do not have to do with abortion. To the degree that any arguments about abortion enter into this debate, it is a preventive measure. I think everybody has spoken to the fact that this planning money will reduce abortions and avoid a catastrophic situation which will only result in a great deal more abortions than we would want.

Funding for these programs is an investment that will save the lives of thousands of women and prevent millions of unplanned births and abortions in the future. These programs ensure that mothers all over the world are going to give birth to, more often than not, healthy babies, and that the competition for resources in our world is not even more severe for those babies who are born into it because of continued significant overpopulation problems.

I joined Senator SIMPSON in representing the United States at the 1994 International Conference on Population and Development in Cairo, where the United States went to great lengths to play a leadership role in galvanizing the international community to action on this issue. The conference called for a global effort, which we signed onto, which we helped lead, and which the Vatican signed onto, to help address the overpopulation and to work together to promote maternal and child health care, as well as educational opportunities for women and for girls, and, most importantly, family planning programs. After pledging to provide world leadership in the area of international family planning, we should not now abandon our global partners at this juncture.

Mr. President, I again want to just emphasis what I think we must understand and underscore in this debate. Family planning does not mean abortion. In fact, family planning has been proven to rule out the incidence of abortion through education and contraception. Family planning programs help women and families living in impoverished countries to begin childbearing at a later stage of life, to space their children apart, and to avoid unwanted pregnancies. The issue of helping families to better plan for children is in the interest of everybody on this planet.

In addition, Federal law, now in effect, prohibits the United States from funding any abortions abroad. The U.S. Agency for International Development has widely and strictly abided by that law. Those who argue that international family planning programs fund abortions are simply wrong, and they argue in contravention of the law of the United States.

Mr. President, by denying people access to the family planning programs worldwide and by slashing their funding, there will be an estimated 4 million more unintended pregnancies, close to 1 million infant deaths, tens of thousands of deaths among women—and I emphasize, for those who oppose permitting women to choose abortion as an alternative—that the result of cutting this money will create 1.6 million more abortions. I think none of us want to encourage that abortion.

So, Mr. President, I simply say that these programs provide 17 million families worldwide with the opportunity to responsibly plan their families, to responsibly space their children, to provide a better life for those children, to provide for healthy children, and to avoid adding to a population problem that hurts all of us and hurts the unborn generation even more severely.

I hope my colleagues will vote against the McConnell amendment which is counter to all of our interests.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank the Chair.

Mr. President, I strongly oppose the pending amendment. I believe Senator HATFIELD and the Appropriations Committee have recommended a very prudent policy with respect to international family planning assistance. To strike the language as they have proposed—as the pending amendment would do—I think would be a very serious mistake.

On Thursday of last week, I spoke in this Chamber about the severe restrictions the current continuing resolution places on U.S. funding for international family planning. If these restrictions remain in place, I too, fear that abortions will come to be regarded as the only form of birth control in many desperately poor developing nations.

I know some of my colleagues would prefer that we not raise such an unpleasant prospect, but this is exactly what will occur. As family planning services become less accessible, more unwanted pregnancies and more abortions will be the inevitable result.

The language in the bill before us simply stipulates that the restrictions on family planning assistance will be lifted if it is determined that they will result in a significant increase in abortions and a greater unmet need for family planning services. It surely seems to me that those who are eternally concerned about the practice of abortion—and we all should be—would be eager to embrace this or any other policy that helps to reduce the number of abortions that are actually performed.

That is where we are. It is an extraordinary thing through the years for me—and, yes, I am pro-choice on abortion, and, yes, I believe that men should not even vote on the issue. That is my view. I have held it for many a year. And I respect those on other side of the issue. It is a deeply personal issue in every sense—an intimate personal issue, and not one of us will ever change our opinion.

If you can reflect on why we are not getting things done in the appropriations area, you might reflect that four appropriations bills have been stalled continually on the issue of abortion. Let us just vote up or down somewhere along the line about once a year on abortion, and then move on instead of hanging on, tacking it on, driving us all to an emotional and tattered edge continually. That is what we do with the issue, and we are all good at it.

The population of the Earth has doubled since 1940—since the beginning of mankind to 1940. Since 1940 until 1996, the population of the Earth has doubled. If anybody can believe and tell me how it doubles again in the year 2067, how the resources of the Earth can sustain human beings who will be starving, who will be out of water, food, clothing, timber, just because of how many footprints will fit on the Earth, and then what legacy have we left but poverty and starvation and all the rest—which to me is really a remarkably bizarre result. That is where we are.

So, I thank the Chair. I thank Senator HATFIELD and all of those who admire him in all things that he does to try to bring reason and responsibility to all of our debates and good common sense.

Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield 3 minutes to the Senator from New Jersey.

Mr. President, before he is recognized, I ask unanimous consent to have printed in the RECORD a letter from the Department of State representing the administration's viewpoint on this particular issue.

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

U.S. DEPARTMENT OF STATE,
Washington, DC.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express the Administration's strong and unqualified support for your efforts to remedy the severe limitations imposed on U.S. international family planning programs in the FY 1996 Foreign Operations Appropriations legislation.

As you know, the final agreement reached in Congress on the FY 1996 Foreign Operations Appropriations bill delays population funding until July 1, 1996, and then requires that these funds be disbursed over a 15-month period, at a rate of 6.7 percent per month. The net effect of these restrictions would be to reduce U.S. funding for international family planning programs to approximately $75 million in FY'96, from an appropriated level of $525 million in FY'95.

This kind of massive reduction in U.S. funding will have a major deleterious impact on women and families all over the world. Family planning services help to prevent unintended pregnancies and abortion, reduce maternal and infant mortality and encourage overall family health. Experts inside and outside the government are in agreement that the congressionally imposed constraints will prevent access to family planning for almost 7 million couples. As a result, more than four million women will experience unplanned pregnancies—leading to as many as 1.6 million more abortions.

For the past 25 years, the United States has been the world's leader in encouraging the provision of voluntary family planning services around the world. Our efforts have helped to reduce rapid population growth rates to the benefit of our international economic and security interests, as well as those of the countries and families with whom we have worked.

The Administration wants to work with you and your colleagues in the Congress to encourage global health and reduce recourse to abortion. We believe that your amendment will do both and we enthusiastically support its adoption.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

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

Mr. LAUTENBERG. Mr. President, I thank the distinguished Senator from Oregon.

Mr. President, I oppose efforts to undermine the provision Senator HATFIELD included in this bill, which is intended to reduce the need for abortion.

In the continuing resolution approved by the Congress in January, funding for voluntary international family planning programs was capped at 65 percent of the level provided in fiscal year 1995. This represented a steep reduction below the President's budget request for international family planning programs in fiscal year 1996. Even more, the continuing resolution prevented the Agency for International Development from spending any of those funds until July 1, 1996.

These draconian cuts and restrictions will hamstring the voluntary population program, result in an increase in abortions, and undermine the United States development efforts in the long run.

Unfortunately, the Senate was not given much opportunity to debate this or any other provision in the last continuing resolution, which was required immediately to keep the Government functioning. The House of Representatives sent us the bill at the 11th hour and then adjourned for a long recess. Because the House of Representatives was no longer in session, the Senate effectively had no choice but to accept this provision along with the rest of the provisions included in the continuing resolution. To do otherwise would have resulted in a Government shutdown.

Though advocated by opponents of abortion, the irony is that the funding restriction in current law will result in more—not fewer—abortions. On the other hand, the provision Senator HATFIELD included in this bill is intended to reduce the need for abortion by freeing up funds for voluntary international family planning programs. Let me repeat that statement. The provision in the bill before us is intended to reduce the need for abortion. For this reason, I do not understand why Members of the Senate who oppose abortion are seeking to delete it.

Ask yourselves, ''What is the net effect of reduced funding for voluntary family planning and reproductive health programs?'' Less money? But what does that actually mean? Does it mean programs will be available to help educate women in developing countries about how to avoid unwanted pregnancies? Absolutely not. Does it mean fewer abortions? Clearly not.

The funding restriction on voluntary family planning programs in current law will, I believe, inevitably result in more abortions. It is estimated that approximately 50 million couples worldwide benefit from U.S. funded family planning services.

But because of the draconian reductions included in the last continuing resolution, estimating conservatively, approximately 7 million of these couples will no longer have access to the very services that enable them to plan the timing and size of their families. Millions of families in Africa, Asia, Latin America, and Caribbean will no longer have access to information so vital to making family planning decisions.

Blocking access to this information in developing countries can only have one result: an increase in unintended pregnancies. And that can only lead to an increase in abortion.

These cuts are clearly at odds with America's long-term development interests. Without the funds to train personnel in population control or educate families in the poorest countries, there is no doubt that population sizes will increase. Unchecked population growth perpetuates hunger, disease, and poverty. It undermines opportunities for economic growth and political stability in developing countries. It also has

a lasting and harmful effect on our ability to protect the global environment.

And who are those most affected by these cuts in voluntary family planning programs? Mostly, it's poor women and their children in developing countries. Poor women who seek to chart a better future by planning the number of children they will bear. Women who seek to elevate themselves politically and economically and pursue greater opportunities for their children.

Mr. President, I commend Senator HATFIELD for rectifying this wrong in the bill that is before us. The provision he has included in the bill will enable the President to restore voluntary international family planning funding if he certifies that funding restrictions will result in an increase in abortions. I wholeheartedly endorse his remedy and urge my colleagues to fully support it as well. It gives the President a necessary tool to use to head off the devastating effects funding cuts on family planning services will certainly engender.

Mrs. MURRAY. Mr. President, I rise in strong opposition to the McConnell amendment. This amendment would continue the assault on our International Family Planning Assistance Program, and leave millions of families worldwide without these vital services.

In January, in hopes of averting another Government shutdown, the Senate attached the foreign operations appropriations bill to the continuing resolution. As a member of this subcommittee, I was happy to see these programs receive much needed funding. Unfortunately, the continuing resolution contained a provision that drastically cut funding for our international family planning programs.

Essentially, this language said that none of the appropriated funds can be spent until July 1. After that, money can only be spent on a month-to-month basis at a rate of 6.7 percent a month until the new fiscal year begins on October 1. The result of this is that funding for U.S. population assistance will be reduced by about 85 percent from last year's level. This is a disastrous situation that will severely hamper this program.

Mr. President, shortly after the last continuing resolution passed, Senator HATFIELD vowed to fix this problem. I want to commend him for his leadership and action on this issue. Senator HATFIELD's solution states: ''If the restrictions in current law will result in significantly more abortions as well as a greater unmet need for family planning services, the restrictions will be nullified.'' I think this is a responsible and direct approach.

Without the Hatfield language, millions of couples will lose access to these valuable services. There will be a higher incidence of unplanned pregnancies, an increase in infant deaths, and more women dying from unsafe conditions.

Ironically, by denying support to international family planning assistance, a vote for the McConnell amendment may well have the unintended effect of increasing the incidence of abortion.

Mr. President, the United States has been a leader in international population assistance since 1965. During that time, we have made significant progress in increasing access to health care, improving women's health worldwide, and providing family planning services. But this progress will stop if we don't fund the programs.

This last year, the Senate continually showed its support for international family planning and its funding. Now we have an opportunity to rectify a very troubling situation.

I strongly urge my colleagues to vote against the McConnell amendment and support the Hatfield language.

Mr. CHAFEE. Mr. President, I would like to take just a moment to speak in favor of the provision in this appropriations measure regarding international population assistance. The amendment before us would strike this provision, a move I believe would be unwise.

The international family planning program was cut 35 percent in the Fiscal Year 1996 Foreign Operations Act from fiscal year 1995 levels. In addition, two restrictions were added, the effects of which will lead to an 85-percent cut to the program. The net effect of this cut is a budget which will go from $547 million in 1996 to $72 million.

Senator HATFIELD added a provision to this bill which states that if the President determines that the restrictions in current law result in more abortions and a greater need for family planning services which is not met, the funding restrictions will be lifted. This seems to me, Mr. President, to be a reasonable approach. I am sure that those who are opposed to abortion do not want to support a policy which increases abortions.

I must say, Mr. President, I am always perplexed by those who oppose family planning and also oppose abortion. Study after study has shown that lack of family planning leads to more unintended pregnancies which leads to more abortions. Consider two countries: Russia has very little contraception available, and abortion is the primary method of birth control. The average Russian woman has at least four abortions in her lifetime. Alternatively, Hungary has made family planning services more widely available and the abortion rate has dropped dramatically.

Mr. President, the United States plays a critical role in providing family planning services abroad. It has been certified over and over again that none of the funds are used to pay for abortions, as required by law. I feel strongly that we should continue our leadership role in this area. I urge my colleagues to defeat the McConnell amendment and support the Hatfield language in the bill.

Mr. HELMS. Mr. President, as the Senator from Kentucky asserted, section 3001 of the pending bill is unacceptable to the House. And unless that section is dropped, it will surely lead to another Federal shutdown. Simply put, section 3001 is another enormous additional gift of the American taxpayers' dollars to various pro-abortion organizations, and the House will never agree to it.

Because of this issue, the fiscal year 1996 foreign operations appropriations bill bounced back and forth between the House and Senate for several months until a compromise was worked out on the previous continuing resolution. And unless section 3001 is changed, Congress will be in precisely the same predicament as before; section 3001, as currently drawn, will grind the Federal Government to a halt, and the blame will perch squarely on the shoulders of section 3001's supporters in the Senate.

Mr. President, I am bewildered at suggestions that section 3001 of the pending bill is somehow pro-life. The author of section 3001, Chairman HATFIELD, stated on the Senate floor this past month, and repeated in Saturday's Washington Post that ''For those of us who take a pro-life position, this is the most effective way to reiterate our profound opposition to the practice of abortion.'' Mr. President, I have constantly sought to protect the lives of unborn children throughout my 24 years in the Senate. I respectfully disagree with my good friend, Senator HATFIELD's statement—I find it difficult to understand his conclusion that section 3001 is even remotely a pro-life position.

After all, the loudest proponents of Senator HATFIELD's so-called pro-life language are the leaders of the abortion industry and their lobby. Any statistics purporting to claim that the compromise worked out in the previous continuing resolution would cause more abortions and more unintended pregnancies are bound to be contrived, and are based on studies produced by recipients of international population control funding—which was reduced substantially in the previous CR. In fact, it occurs to me that the numbers were cooked up to ensure that these groups can receive even more of the American taxpayers' money. The best that can be said of them is that they are purely hypothetical estimates based on guesses.

Mr. President, I wonder about the groups coming up with these statistics, who are they and how did they obtain such doubtful statistics? Among the groups cited in Saturday's Washington Post was the Futures Group which just happens to be the recipient of substantial funding from the Agency for International Development's population control program. Another group cited by the Washington Post was the Alan Guttmacher Institute, the research arm of the Planned Parenthood Federation of America—an active promoter of abortion.

Then, of course, there is the International Planned Parenthood Federation whose role in this massive lobbying campaign is perhaps the most transparent because as currently drawn, section 3001 will guarantee that the International Planned Parenthood Federation will receive 100 percent of its U.S. taxpayer funding—with no strings attached. The International Planned Parenthood Federation is a major force behind efforts to overturn the compromise worked out in the previous CR, which was agreed to by the House and the Senate and by President Clinton.

This is because the International Planned Parenthood Federation, and many of its affiliates, are in the business of promoting and performing abortions. They make no bones about it. Consider, if you will, excerpts from the Federation's own 1994–95 annual report supplement:

Where it was suspected that abortion was likely to be made illegal/or delegalized in a country, FPAs [family planning affiliates] should act immediately to raise awareness and, with IPPF's [International Planned Parenthood Federation's] regional and international support, lobby where possible to prevent this from occurring.

* * * * *

The FPA [family planning affiliate] of Nepal has initiated efforts aimed at liberalizing abortion law.

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The FPA [family planning affiliate] of Sri Lanka's recent research into attitudes toward abortion was a major factor in the successful lobby of the Government to change the law to permit abortion for victims of rape and incest in 1994, a major step forward for the Region. The FPA is continuing to push for further liberalization.

* * * * *

Under the project ''Motivation of Leadership,'' AUPF [IPPF's affiliate in Uruguay] held several meetings with parliamentarians from different political parties interested in promoting a law to legalize abortion. It is likely that a new attempt to liberalize the abortion law may succeed before the end of 1995.

* * * * *

The FPAs [family planning affiliates] of Swaziland, Burkina Faso, Zambia and Senegal have conducted research to identify existing laws on abortion. The research findings are expected to be used for advocacy for legal and policy reform [that is, to liberalize abortion laws].

Finally, Mr. President, the Planned Parenthood Federation of America boasted in its 1994–95 annual report about having performed 133,289 abortions in the United States. There is no telling how many abortions International Planned Parenthood affiliates are responsible for worldwide. How could anybody be duped into believing that the International Planned Parenthood Federation seeks to protect the lives of unborn children? Of course, it does not. The Federation is in the business of destroying the lives of helpless, innocent unborn children. It is, in fact, the world's leader in promoting abortions, and that crowd is thrilled by Senator HATFIELD's proposed language in this bill.

Clearly, the primary supporters of this provision are pro-abortion. Having read Senator HATFIELD's characterization of section 3001 as pro-life, one is obliged to wonder what the pro-life groups have to say? They strongly oppose the current language in section 3001. In the same Washington Post article, the Christian Coalition asserted that ''We consider Senator HATFIELD's argument preposterous, that somehow, giving money to International Planned Parenthood organizations is going to reduce abortions. That is absurd.'' National Right to Life has informed me that they are appalled at section 3001 and the claims that is somehow represents the pro-life view.

Mr. President, I must say to those who may be inclined to support section 3001, that if they genuinely want to ''reiterate [their] profound opposition to the practice of abortion,'' they should vote for the amendment offered by the Senator from Kentucky. This entire effort is orchestrated by a handful of powerful organizations in the abortion business and their well-heeled lobbyists—including the Agency for International Development. The Senate should stand up to these groups and reject their tactics by supporting the pending amendment.

Mr. President, a vote for the pending amendment—not section 3001 of the continuing resolution—will protect the lives of unborn children. A vote against the amendment is a boon for the abortion industry and its lobby, and will very likely result in another Government shutdown.

Mr. President, I ask unanimous consent that two articles be printed in the RECORD. The first is the March 9, Washington Post article and the second is an article by Nicholas Eberstadt that appeared in the March 11, Washington Times. Mr. Eberstadt's analysis refutes the statistics used to support the language in the bill, and should be required reading.

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

[From the Washington Times, March 11, 1996]

BIRDS, BEES AND BUDGET CUTS

(By Nicholas Eberstadt)

For advocates of Third World population control—or as they new prefer to say, ''stabilizing world population''—the resort to scare tactics in debates and policy battles, is nothing new. Quite the contrary: The specter of disastrous consequences (famine, plague, vast and needless human suffering) is routinely invoked by the neo-Malthusian lobby in its attempts to silence opponents and to proselytize the unconvinced.

The latest dire claims from this alarmist approach to public policy discourse have just been unveiled in Washington. Today Congress is being warned that millions of unwanted third World pregnancies (thus, unwanted Third World births and abortions) will be on its hands if it does not immediately reverse itself, and add hundreds of millions of dollars to the prospective foreign aid program population budget. The gambit, and its supporting ''evidence,'' are entirely of a piece with the anti-natalist movement that authored them: amazing, but not surprising.

The background to this unfolding drama was a January 1996 vote, in the House of Representatives and the Senate, to cut America's international ''population assistance'' funds by about 35 percent from the level of the previous year. The slated total—about $380 million—would mean a reduction of over $200 million. It looked to be a dramatic cutback (although due to the enthusiastic, high-level support that population programs have enjoyed in the Clinton administration, the ''cutback'' would still have left these programs with more money than they had under President Bush).

The claxons immediately sounded. Nafis Sadik, executive direct of the United Nations Population Fund (UNFPA), raised the threat, among several others, of a renewed global population explosion. ''The way U.S. funding is going,'' she told the New York Times, ''17 to 18 million unwanted pregnancies are going to take place, a couple of million abortions will take place, and I'm sure that 60,000 to 80,000 women are going to die because of those abortions—and all because the money has been reduced overnight.''

Treated as a serious prognosis (rather than, say, a rhetorical outburst disguised by numbers), Dr. Sadik's prophecy, would have had some remarkable implications. For its arithmetic to work, for example, population growth in such places as Latin America and Indonesia (where, currently, modern contraceptives are widely used) would basically have to double from one year to the next. To all but the most committed anti-natal advocates, the implausibility of this official UNFPA assertion was patent. Implausible (or easily falsifiable) claims do not make good debaters' points. The Sadik prophecy was thus quietly retired before the battle to cancel the congressional cutbacks began in earnest.

The ammunition that is now being used in the effort to overturn the funding reduction programs comes from the Alan Guttmacher Institute, the research arm of the Planned Parenthood Federation of America. On its face, the Guttmacher analysis sounds inherently more reasonable than Dr. Sadik's. Instead of 17 to 18 million unwanted Third World pregnancies, the Guttmacher analysis indicates that U.S. population aid cutbacks will result in about 4 million. (To be more exact: 3,956,544 ''unwanted pregnancies from budget cuts''—this is a very precise study.) Unlike the Sadik pronouncement, moreover, the Guttmacher paper offers a meticulous explanation of its methodology, a detailed breakdown of its calculations, and a long list of citations and references utilized in the exercise.

Yet for all its seeming rigor and statistical precision, this Guttmacher study is nothing but an elegant fantasy. For despite its sober and careful tone, there is absolutely no reason to expect the correspondence between ''budget cuts'' and extra Third World pregnancies anticipated in its pages to occur in a real world populated by human beings.

The reason the Guttmacher study is so flawed as to be useless is both simply and fundamental: It ignores the fact that human beings—in poor countries as well as rich ones—respond to changes in their circumstances, and strive to improve their lot in the face of constraint.

Forget for the moment that the impending congressional cuts might well be made up by other governments (Western aid-giving countries, or even Third World aid-taking countries themselves). For the Guttmacher study to make sense, there would have to be a fixed, mechanical and determinative relationship in our world between a population's usage level of publicly provided modern contraceptives and its levels of pregnancy or fertility. By the logic animating this exercise,

less public money for contraception would mean that a corresponding proportion of adults would automatically cease practicing birth control.

These Guttmacher assumptions would be perfectly reasonable if Third World parents were blind automatons or heedless beasts. Beasts, after all, do not deliberately regulate their procreation, and automatons are built to follow an immutable routine. Everything we know about Third World parents, though, suggests that a more human vision of them would be rather more successful in describing, and predicting, their behavior—including their ''population dynamics.''

After all: Survey results from country after country in Asia, Africa, and Latin America consistently demonstrate that parents throughout the Third World (like parents in rich countries) have pronounced views about their own ''desired family size''—and that their own ''desired family size'' is in fact the best predictor of their country's fertility level. Though they may be deemed ignorant by the planners who propose to improve their lives, Third World parents do not believe that babies are simply found under cabbages. They know how to make babies and how to avoid births, and put the sort of effort into achieving those objectives that would be expected of major life decisions.

If international funding for government-sponsored family planning programs falls, Third World parents will not fatalistically abandon their views about their own desired family size and fall into a breeding frenzy, as the Guttmacher study implicitly presumes. Instead they will attempt to achieve their goals by other means. They may use ''traditional'' family planning methods (which brought low fertility to Europe before modern contraceptives were invented). They may practice abstinence—no modern method is more effective than this. They may even spend some of their own money to purchase modern contraceptives. (Though population planners talk endlessly about the ''unmet need'' for modern contraceptives in the Third World, the simple fact is that poor people have an ''unmet need'' for practically everything—and their spending decisions reveal their preferences and priorities.)

Since it is completely tone-deaf to the very human qualities at the center of the family formation process, the Guttmacher calculations cannot provide a realistic estimate of the demographic consequences of Congress' impending population fund cutbacks. In truth, that impact is probably incalculable. Depending upon how couples behave, it is possible that those cutbacks would have a small demographic impact—or virtually none at all. Conversely, if the Guttmacher methodology were actually valid, the population funding increases during the Clinton years should be credited with bringing birth rates in Third World countries down significantly—but not even the neo-Malthusian lobby has been bold enough to make this extravagant claim.

The current population funding contretemps, of course, is not the first occasion upon which junk science has been brought to Capital Hill in the hope of influencing legislation. It is not the first time that representatives and senators have heard claimants depict catastrophes in their effort to fend off cuts to their own particular spending programs. By and large, however, such conduct is still the exception in Washington. For the population-control lobby, by contrast, such conduct now seems to define the norm. As long as that population lobby exists, demographic demagoguery—like death and taxes—promises to be a fact of life.

[From the Washington Post, Mar. 9, 1996]

ABORTION FORECAST RENEWS FIGHT FOR OVERSEAS FAMILY PLANNING AID

(By Barbara Vobejda)

A new law that deeply cuts U.S. aid for international family planning will result in at least 1.6 million more abortions in developing countries in one year, according to a study that has reignited a battle over the funds and split the antiabortion community.

The study, issued this week by a group of population organizations, also estimates that the funding cuts will mean that 7 million couples in developing countries who would have used modern contraceptive methods no longer will have access to them, resulting in 1.9 million more unplanned births, 134,000 more infant deaths, and 8,000 more women dying in childbirth and pregnancy, including from unsafe abortions.

Those numbers are fueling renewed efforts by Sen. Mark O. Hatfield (R–Ore.), who chairs the Appropriations Committee, to rally support among antiabortion groups in his effort to restore the overseas family planning funds.

''For those of us who take a pro-life position, this is the most effective way to reiterate our profound opposition to the practice of abortion,'' Hatfield said on the Senate floor last month. ''All the antiabortion speech this chamber can tolerate will not reduce the number of unintended pregnancies as swiftly or as surely as our support for voluntary family planning.''

Hatfield is attempting to attach language to the interim spending measure Congress must pass before government funding expires March 15. The language would allow the president to restore funds if he certifies that the lack of aid will lead to a significant increase in abortions.

While Hatfield has support in the Senate and from the White House, he must win over the House, where there is strong opposition from some antiabortion lawmakers.

In late January, Congress approved legislation that cut funding for the U.S. Agency for International Development's family planning program by 35 percent, from $547 million to $356 million. The funds were further reduced by restrictions that prevent any spending until July 1 and require that funds be parceled out at a monthly rate over the next 15 months. As a result, funding for this fiscal year was reduced by about 85 percent from 1995.

The study on the effect of the cuts took into account the 35 percent cut, but not the spending restrictions, which would presumably further raise the number of abortions and deaths. It was conducted by demographers and others at the Futures Group, Population Action International, the Population Reference Bureau, the Population Council and the Alan Guttmacher Institute.

The cut in funding follows years of disagreement over the use of U.S. aid for family planning overseas. The reduction was attached to the continuing resolution approved in late January at the urging of Rep. Christopher H. Smith (R–N.J.), an ardent abortion foe.

Hatfield, who also opposes abortion, has had mixed success in his efforts to find support among antiabortion advocates. Some groups have dismissed the new study and Hatfield's efforts to restore funding.

''We consider Sen. Hatfield's argument preposterous, that somehow, giving money to International Planned Parenthood organizations, is going to reduce abortions. That is absurd,'' said Brian Lopina, who heads the Washington office of the Christian Coalition.

Opponents to family planning assistance have argued that, despite a ban on use of the funds for abortions, the assistance frees up other money that can then be used for abortion.

But others with strong antiabortion views contend that family planning assistance is the most effective way to reduce abortions. ''To knock out this funding based on a misguided pro-life agenda is absolutely the wrong thing to do,'' said Gordon Aeschliman, president of the Christian Environmental Association, which conducts development projects in 14 countries.

He said antiabortion groups that work over seas see the ''clear connection'' between family planning and reduced human suffering. ''Unfortunately, in the U.S., the strong wing in the pro-life movement sees family planning as the same as forced abortion, which is inaccurate.''

Ms. MIKULSKI. Mr. President, I strongly oppose the McConnell amendment. It is another attempt to deny health care to the world's poorest women.

The McConnell amendment seeks to maintain a provision of the foreign operations bill that would decimate America's effort to improve health care for the world's poorest women. A recent report by the Alan Guttmacher Institute estimates that these cuts will mean that 7 million couples in developing countries would no longer have access to contraceptives. There would be almost 2 million unplanned births. And there could be up to 1.6 million additional abortions.

Those who support the McConnell amendment claim to want to reduce the number of abortions. But the effect of this provision will be just the opposite. Family planning prevents unwanted pregnancies and abortions. You would think this basic fact would not need to be restated on the floor of the U.S. Senate.

U.S. international family planning funds are not spent on abortion. So now, some insist on going after basic health care services that prevent pregnancy.

Over 100 million women throughout the world cannot obtain or are not using family planning because they are poor, uneducated or lack access to care. Twenty million of these women will seek unsafe abortions. Some women will die, some will be disabled. We could prevent some of this needless suffering.

This issue won't go away. The majority of the Senate opposes the irrational and cruel effort to end U.S. assistance for international family planning. I commend Senator HATFIELD for his principled stand on this issue. We will continue the fight to enable the world's poorest women to control and improve their lives.

Ms. MOSELEY-BRAUN. Mr. President, we have done better in this legislation than our House counterparts in protecting the lives and health of women around the globe.

There is a provision in this bill that allows restrictions on dispensing international family planning funds to be lifted if the President determines that the restrictions would result in significantly more abortions and a greater unmet need for family planning services.

The McConnell amendment would deny the President the ability to make this determination and leave the current funding restrictions in place. I strongly urge my colleagues to vote against the McConnell amendment because the clear outcome will be an increase in abortion and an increase in infant death—something no Senator can support.

According to the Alan Guttmacher Institute and a consortium of expert demographers, the current funding restrictions will result in at least 1.9 million unplanned births and 1.6 million abortions. The McConnell amendment would result in over 1.6 million abortions. This amendment is not about allowing women to choose, but about forcing them into a choice they don't want to make.

If we do not retain the language in the bill and overturn the current funding restrictions, we could cause 8,000 women around the world to die in pregnancy and childbirth and 134,000 infants to die from low birth weight and undernourishment. That is something that I cannot live with and I do not believe my colleagues can either.

We should encourage families who are trying to make deliberate decisions about their ability to have and care for additional children. We should provide women with an option to unwanted pregnancy and abortion. We should not force families into dangerous or unwanted pregnancies.

I support the language currently in the bill because it allows the President to lift the restrictions on family planning funds. It allows the President to make a sound public policy decision based on the facts. And the facts are that if women are denied family planning assistance, many will turn to abortion.

I oppose the McConnell amendment because it would result in abortions, in infant death, and in maternal death. I urge my colleagues to oppose the McConnell amendment.

I ask unanimous consent that an article from the Atlanta Constitution, written by the director of the population unit at CARE, that illustrates the need for international family planning funds, be printed in the RECORD.

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

[From the Atlanta Constitution]

CUTTING MONEY, COSTING LIVES

(By Maurice I. Middleberg)

Last July, I snapped a photograph of a couple who had become family planning providers in the remote Andean village of Cushcandahy, Peru, 11,000 feet in the mountains. Their modest home displayed a sign: ''Plantification Familiar Aqui (Family Planning Here).''.

Thanks in part to funds from the U.S. Agency for International Development, CARE has trained more than 1,400 workers and introduced family planning services to thousands of people in Peru, from the Amazon basin to the Andean mountaintops.

Unfortunately, the efforts of CARE and other humanitarian agencies to bring family planning to villages around the globe have been jeopardized by the congressional resolution of the budget impasse. The funds available for family planning were cut by 35 percent. Even worse, a set of unprecedented procedural requirements threatens to reduce the actual flow of funds to a trickle.

Meanwhile, here are the facts: Some 120 million women in the developing world want to stop or postpone childbearing but do not have access to family planning services. Women in the developing world are 100 times more likely than American women to die as a result of childbirth. Half a million women—one every minute of every day—die each year from complications of pregnancy and childbirth; 5 million women suffer serious illnesses or trauma.

In developing countries, more than 10 percent of births end in the death of the infant before his or her first birthday, a rate more than 10 times as high as in the United States. High infant mortality is in part attributable to the fact that many births are high risk; that is, they occur to very young women, to women over age 35, to women who have already had many pregnancies or who have given birth in the preceding 24 months. In many countries, simply spacing births could reduce the infant mortality rate by one-fifth.

Ten million to 12 million illegal abortions occur each year in the developing world. CARE does not support abortion services directly or indirectly. Reducing funding for family planning services means that fewer women will be able to avoid the unwanted pregnancies that too often conclude in abortion.

We find the action by Congress particularly puzzling in view of its laudable decision to protect other child health programs such as immunization. It may be a simple lack of understanding of the health benefits of family planning.

The cuts in family planning programs are disporportionate—three times the 11 percent cut in foreign aid overall. In addition, agencies cannot get the funds until July 1, nine months into the fiscal year and five months after Congress appropriated the money. Therefore, the funds will be doled out at a rate of one-fifteenth of the appropriation each month.

As we were entering the village of Cushcandahy, the local health worker said to me, ''In these villages, they say that only God and CARE come to visit.'' The truth is that God and CARE have relied on the compassion and enlightened self-interest of the American people to build the links between Atlanta and Cushcandahy.

International family planning programs are of virtually no budgetary significance, totaling only a few hundredths of 1 percent of the U.S. government budget. They also have been extraordinarily successful: In 1965, 10 percent of women in the developing world used contraceptives; today, more than 50 percent do.

Congress should rethink the excessive cuts and burdensome rules it has mandated and restore a program that reflects American interests and generosity.

Mr. HATFIELD. Mr. President, I yield back all the time of Senator MCCONNELL at his direction, and I yield back whatever time I might have. 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 amendment of the Senator from Kentucky. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. DOLE], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is absent on official business.

I further announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''nay.''

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—43

Abraham	Gorton	Mack
Ashcroft	Gramm	McCain
Bond	Grams	McConnell
Breaux	Grassley	Murkowski
Brown	Gregg	Nickles
Burns	Hatch	Pressler
Coats	Heflin	Santorum
Cochran	Helms	Shelby
Coverdell	Hutchison	Smith
Craig	Inhofe	Thomas
D'Amato	Johnston	Thompson
DeWine	Kempthorne	Thurmond
Faircloth	Kyl	Warner
Ford	Lott	
Frist	Lugar	

NAYS—52

Akaka	Feingold	Moseley-Braun
Baucus	Feinstein	Murray
Biden	Glenn	Nunn
Bingaman	Graham	Pell
Boxer	Harkin	Pryor
Bradley	Hatfield	Reid
Bryan	Hollings	Robb
Bumpers	Inouye	Rockefeller
Byrd	Jeffords	Roth
Campbell	Kassebaum	Sarbanes
Chafee	Kerrey	Simon
Cohen	Kerry	Simpson
Conrad	Kohl	Snowe
Daschle	Lautenberg	Specter
Dodd	Leahy	Wellstone
Domenici	Levin	Wyden
Dorgan	Lieberman	
Exon	Mikulski	

NOT VOTING—5

Bennett	Kennedy	Stevens
Dole	Moynihan	

So the amendment (No. 3500) was rejected.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, is there any order for offering amendments?

The PRESIDING OFFICER. Amendments will be laid aside to offer amendments.

If the Senator will withhold, the Senate is not in order. I ask Members of the Senate, those who have business, to

please do so off the Senate floor, so the Senator from Arkansas can be heard.

Mr. BUMPERS. Mr. President, I had understood that we were going back and forth. I do not think there are any takers on the Democratic side for an amendment right now. I may be mistaken. If there is an amendment over here, somebody should offer it right now. Otherwise, Senator COHEN and I have an amendment that we were supposed to offer at the earliest possible time, but I do not see him on the floor.

Mr. SANTORUM. The Senate is not in order.

Mr. BUMPERS. I am really talking, trying to take up time, hoping he will come to the floor and offer an amendment.

The PRESIDING OFFICER. The Senator from Arkansas has the floor. The Senate will please come to order so the Senator can be heard.

Mr. BUMPERS. 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. COHEN. 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. 3501 TO AMENDMENT NO. 3466

(Purpose: To permit recipients of Legal Services Corporation grants to use funds derived from non-Federal sources to testify at legislative hearings or to respond to requests for certain information)

Mr. COHEN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] for himself and Mr. BUMPERS, proposes an amendment numbered 3501 to amendment No. 3466.

Mr. COHEN. 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:

In section 504 under the heading ''Administrative Provisions-Legal Service Corporation—

(1) redesignate subsection (e) as subsection (f); and

(2) insert after subsection (d), the following new subsection:

''(e) Nothing in this section shall be construed to prohibit a recipient from using funds derived from a source other than the Legal Services Corporation to comment on public rulemaking or to respond to a written request for information or testimony from a Federal, State or local agency, legislative body or committee, or a member of such an agency, body, or committee, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made.''.

Mr. COHEN. Mr. President, the amendment that I am offering today with Senator BUMPERS is very simple and very straightforward. It would permit legal services organizations across the country to use non-Federal funds to cover the costs of testifying at legislative hearings, commenting on administrative regulations, and responding to requests for information from public officials.

Mr. President, I find it ironic that as we are seeking to devolve more and more responsibility to the States, that we would preclude those organizations representing low-income individuals from testifying before legislative bodies, offering comment on regulatory proposals, or responding to inquiries from lawmakers.

We have a situation in the State of Maine in which the chairman of the Judiciary Committee, a Republican, has a very cooperative relationship with Pine Tree Legal Assistance. This Republican Senator has urged that the restriction on the use of non-Federal money be lifted so that Pine Tree can be called to testify before the committee.

I do not understand why we would seek to preclude non-Federal funds from being used in a way that will actually, hopefully, avoid lengthy court battles. We are talking about the possibility of turning Medicaid over to the States in the way of a block grant and reforming a host of critical social programs. During these reform efforts, the States will be adopting regulations and proposals that would have an impact upon the lives of those that the programs are designed to serve. Yet, the very lawyers who would be called upon to help the poor are relegated to bringing lawsuits or to representing them in court, when in fact their expertise would be helpful to legislators that formulate policies, to agencies that implement the programs, and to lawmakers who seek some clarification in fairly esoteric areas of the law.

This amendment is very simple. It says that legal services organizations across the country are not precluded from using non-Federal funds for the purposes of testifying at legislative hearings, commenting on administrative regulations, and responding to requests for information from public officials.

Mr. President, there have been a number of restrictions included in the bill to preclude activities which the Congress has decided that no longer should be carried out by legal services attorneys. But it seems to me that this list of restrictions should not include a blanket prohibition on the participation of attorneys representing the poor before legislative bodies.

So I hope that this amendment will be supported by a wide variety of our colleagues because it does not present a threat to the proponents of restricting activities of legal services lawyers. Rather, it will ultimately be beneficial to lawmakers and government officials who are seeking to craft programs that will have a direct impact upon the poorest of our society.

So I hope that my colleagues will join Senator BUMPERS and myself in supporting this legislation.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I was wondering if the Senator from Maine would be willing to enter into a time agreement and have a specific vote at 6:30 on this?

Mr. COHEN. What time?

Mr. GREGG. At 6:30.

Mr. COHEN. Does Senator BUMPERS have any objection to a time limitation on this?

Mr. BUMPERS. What was the request?

Mr. GREGG. A vote at 6:30.

Mr. BUMPERS. It is fine with me. We can probably do it in less time than that.

Mr. GREGG. Mr. President, I withdraw my request.

Mr. COHEN. I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, let me begin by saying I hope the Senator from New Hampshire and the senior Senator from Texas will look very carefully at this amendment and accept it. It is not only a harmless amendment, it is a very beneficial amendment.

It is an amendment that corrects a problem that apparently was not foreseen. It would be difficult for me to believe that the Congress intended that Legal Services Corporation grant recipients not even to be permitted to testify if a congressional committee asked them to, or to respond to the committee's questions.

Let us assume that the Senator from New Hampshire wanted the answer to a question about a lawsuit brought in New Hampshire in which a Legal Services grantee was involved. They would not even be able to answer it. The Senator from Maine has crafted this amendment in a way that could offend nobody in Congress because it allows Legal Services grantees use only non-Federal funds to respond to inquiries. They can only use money that the grantee has received from non-Federal sources to answer specific questions in writing.

To me, what we have done to the Legal Services Corporation is a real travesty, but I am not here to reopen that debate. But, Mr. President, just to give you some idea of what we did, we put 19—count them—19 specific restrictions on the Legal Services Corporation of things that they have always done and can no longer do.

We had never before restricted the Legal Services Corporation on any of those things as long as they were using their own self-generated money. But now the way the bill is crafted, the Presiding Officer or any Member of the Senate or any of the committees of the Senate could call a Legal Services grantee and ask them for information,

and the way the bill is crafted now they could not answer it.

What kind of nonsense is that? This amendment simply says that the Legal Services professionals can respond to specific requests for comment on proposed rules, or legislative proposals, if they are asked and if they have comments to offer. We are a lot better hearing from them during the rulemaking process than we are hearing their arguments later in the courtroom.

This amendment precludes lobbying. There are two things, it seems to me, that have really caught the attention and the exasperation of the Senate more than anything else—one is lobbying by the Legal Services Corporation and its grantees and the other are class actions.

I sit on the appropriations subcommittee that funds them, so I can tell you, it has been draconian what we have done to them. But consider the fact that unless this amendment is adopted, those Legal Services providers will be prohibited from responding even to congressional inquiries about their activities. Think about that. You cannot even ask them about their activities because they would be prohibited from answering. The way the law is drafted now, they will not be able to appear at hearings to answer questions.

So, Mr. President, the amendment permits only specific responses to specific written requests for information by State legislators, by Members of Congress and committees of Congress, or agency officials. And the response can be made only to the official who made the inquiry. I do not think I have ever argued for an amendment that was needed as badly as is this one. I cannot imagine it not being accepted. I hope it will be, and we can get on to another amendment. Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, I support this amendment. It is a very modest amendment to allow legal service providers who receive non-Federal funds to participate in a very limited way in responding to areas which are of interest on the legislative process and representation of the poor.

The pendulum has swung very far in opposition to the representation of the poor from community legal services because of concerns which have arisen over their representation of plaintiffs in class actions or over other kinds of representation.

We have really come a long way, Mr. President, in our society in relatively few years. It has only been since 1963, in the landmark case of Gideon v. Wainwright, that an individual was entitled to representation in a criminal case, as Justice Hugo Black put it, before he was hauled into court.

Before that time, in a criminal case there was no requirement there be a defense counsel except in capital cases. Now we have seen evolve, with community legal services, broader legal representation of the poor, a much needed, highly controversial subject which has occupied much floor time and debate here. By and large, we have maintained representation for the poor. Now there is a restriction which goes much, much too far.

To have an amendment that says a recipient may use funds derived from sources other than the Legal Services Corporation to comment on public rulemaking, which is a very limited matter, hardly inspiring litigation, or to respond to a written request for information or testimony from a Federal, State or local agency, legislative body or committee, or a member of one of those entities, so long as the response is made only to the parties that make the request, and the recipient does not arrange for the request to be made, is extraordinarily limited and circumscribed.

I hope this amendment could be accepted; if not, that there be a very strong vote in support of this amendment. I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 3502 TO AMENDMENT NO. 3466

(Purpose: To require that contracts to carry out programs of assistance for Bosnia and Herzegovina using funds appropriated for that purpose be entered into only with corporations and other organizations organized in the United States)

Mr. FAIRCLOTH. Mr. 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 North Carolina [Mr. FAIRCLOTH] proposes an amendment numbered 3502.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 751, line 7, insert after ''1974:'' the following: ''*Provided further*, That contracts to carry out programs using such funds shall, to the maximum extent practicable, be entered into with companies organized under the laws of a State of the United States and organizations (including community chests, funds, foundations, non-incorporated businesses, and other institutions) organized in the United States:''.

Mr. FAIRCLOTH. Mr. President, this amendment is very simple. The bill provides $200 million in foreign aid for Bosnia. Much of the money will be used to reconstruct Bosnia. This amendment requires, to the maximum extent possible, any contract derived from the aid from this $200 million should go to American businesses or organizations. It is not mandatory, but to the greatest extent possible, this money should come back to American businesses.

This amendment has been cleared on both sides. I am told the administration does not oppose it. I urge its adoption.

Mr. GORTON. Mr. President, I am informed that the amendment proposed by the Senator from North Carolina has been cleared by both sides. Both sides accept it, and it can be adopted by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3502) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. FAIRCLOTH. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3503 THROUGH 3507, EN BLOC, TO AMENDMENT NO. 3466

Mr. GORTON. Mr. President, I send a package of five amendments to the desk and ask they be made in order, notwithstanding the fact, in one instance, one of the amendments amends an amendment already numbered.

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

The clerk will report the en bloc amendments.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] PROPOSES AMENDMENTS NOS. 3503 THROUGH 3507, EN BLOC, TO AMENDMENT NO. 3466.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments (Nos. 3503 through 3507), en bloc, are as follows:

AMENDMENT NO. 3503

Purpose: *To partially restore funds in the Department of the Interior's and the Department of Energy's administrative accounts*

On page 405, line 17, strike ''$567,152,000'' and insert in lieu thereof ''$567,753,000''.

On page 412, line 23, strike ''$497,670,000'' and insert in lieu thereof ''$497,850,000''.

On page 419, line 22, strike ''$1,086,014,000'' and insert in lieu thereof ''$1,084,755,000''.

On page 424, line 21, strike ''$729,995,000'' and insert in lieu thereof ''$730,330,000''.

On page 428, line 6, strike ''$182,339,000'' and insert in lieu thereof ''$182,771,000''.

On page 447, line 7, strike ''$56,456,000'' and insert in lieu thereof ''$57,340,000''.

On page 447, line 13, strike ''$34,337,000'' and insert in lieu thereof ''$34,516,000''.

On page 474, line 21, strike ''$416,943,000'' and insert in lieu thereof ''$417,092,000''.

On page 475, line 21, strike ''$553,137,000'' and insert in lieu thereof ''$553,240,000''.

On page 440, line 19, strike ''March 31, 1996'' and insert in lieu thereof ''September 30, 1996''.

Mr. GORTON. Mr. President, the purpose of this amendment is to partially reinstate funds to the Department of the Interior and Department of Energy administrative accounts. Accounts within those departments were reduced to offset C&O Canal repair and park maintenance. Due to the lateness in the year, it is recognized that the Department of the Interior's Departmental Office account and the Office of

the Solicitor account need flexibility to move funds within those two offices. Therefore, the reduction areas for those two offices are not identified.

The amendment changes the availability of $8 million of unobligated and unexpended funding within the Operation of Indian Programs from March 31, 1996. These funds would have otherwise expired as of September 30, 1995. The availability of the funding has been extended to help cover employee severance, relocation, and related expenses. The amendment is necessary because of the delay in the completion of the fiscal year 1996 Interior appropriations bill.

AMENDMENT NO. 3504

(Purpose: To provide emergency funding for the U.S. Fish and Wildlife Service to repair dmage caused by flooding in Alaska)

On page 740, line 6 of the bill, strike ''$34,800,000'' and insert ''37,300,000'' in lieu thereof.

Mr. GORTON. Mr. President, Senator STEVENS amendment provides an additional $2.5 million to the Fish and Wildlife Service Construction account in the emergency supplemental appropriations title of this bill. These funds would be used to repair flood damage to Fish and Wildlife Service facilities along the Kenai River in Alaska. I have been informed by the Fish and Wildlife Service that these projects would have been included in the Department's emergency request to the Office of Management and Budget, but that the extent of the damages was not known in time.

AMENDMENT NO. 3505

On page 740 of the bill, insert the following after line 3:

RESOURCE MANAGEMENT

For an additional amount for Resource Management, $1,600,000, to remain available until expended, to provide technical assistance to the Natural Resource Conservation Service, the Federal Emergency Management Agency, the U.S. Army Corps of Engineers and other agencies on fish and wildlife habitat issues related to damage caused by floods, storms and other acts of nature: *Provided*, That the entire amount shall be available only to the extent that 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, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. GORTON. Mr. President, Senator KEMPTHORNE'S amendment provides $1.6 million to the Fish and Wildlife Service's Resource Management account in the emergency supplemental appropriations title of this bill. These funds would enable the Fish and Wildlife Service to provide technical assistance on fish and wildlife issues to FEMA, the Natural Resources Conservation Service, the Corps of Engineers and other agencies involved in disaster response.

AMENDMENT NO. 3506

On page 480, line 14, after ''*Provided*,'' insert ''That of the funds provided, $800,000 shall be used for inhalant abuse treatment programs to treat inhalant abuse and to provide for referrals to specialized treatment facilities in the United States: *Provided further*,''.

AMENDMENT NO. 3507

On page 744, beginning on line 1, strike ''emergency'' through ''Mine'' on line 2, and insert in lieu thereof the following: ''response and rehabilitation, including access repairs, at the Amalgamated Mill''.

Mr. GORTON. These amendments, Mr. President, have also been cleared on both sides. They consist of a Gorton amendment restoring funds to administrative accounts within the Interior bill and changing the date for availability of Bureau of Indian Affairs funds that otherwise would expire on September 30, 1995; second, a Stevens amendment providing funds for flood damage to Fish and Wildlife Service facilities on the Kenai River; third, a Kempthorne amendment to provide emergency funds that will enable the Fish and Wildlife Service to provide technical assistance to other agencies involved in disaster response; a Daschle amendment providing funds to the Indian Health Service for inhalant abuse treatment; and a Hatfield amendment on an amalgamated mill site.

I ask they be adopted en bloc, with each description printed in the RECORD.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

So the amendments (Nos. 3503 through 3507), en bloc, were agreed to.

Mr. GORTON. I move to reconsider the vote, and I move to lay that motion on the table.

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

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, after consultation with the Democratic leader, I ask unanimous consent that all remaining first-degree amendments in order to H.R. 3019 under the previous consent agreement must be offered by 8 p.m. this evening—I emphasize offered by 8 p.m. this evening—with the exception of the managers' package, two amendments by the majority leader, and two amendments by the Democratic leader, and one each for the managers of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. I suggest the absence of a quorum.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Does the Senator withhold his request?

The Senator from California.

PRIVILEGE OF THE FLOOR

Mrs. BOXER. First, Mr. President, I ask unanimous consent that Elyse Wasch of my staff be granted privilege of the Senate floor during the consideration of this amendment.

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

AMENDMENT NO. 3508 TO AMENDMENT NO. 3466

(Purpose: To permit the District of Columbia to use local funds for certain activities)

Mrs. BOXER. Mr. President, I discussed this with the manager, Senator GORTON. At this time I ask that the pending amendment be laid aside, and I will send to the desk an amendment.

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

Mrs. BOXER. 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 California [Mrs. BOXER], for herself and Mrs. MURRAY, proposes an amendment numbered 3508 to amendment numbered 3466.

On page 222, line 4, insert ''Federal'' before ''funds''.

Mrs. BOXER. Mr. President, thank you very much.

I am perfectly willing to agree to a short time agreement because I know the manager is anxious to move on. I would be happy to agree to 10 minutes on a side for this amendment. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. Mr. President, I think that the offer made by the Senator from California is an appropriate one as far as I can tell. As a consequence, we will agree to 20 minutes equally divided, 10 minutes on a side.

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

Mrs. BOXER. May I ask that there be no second-degree amendments permitted on my amendment. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. Mr. President, for the moment—because I know there is an opponent of this amendment—I am not going to be able to agree to that. I hope we will be able to do so very shortly.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. I do not believe anyone will, in fact, make a second-degree. I think there will be opposition. But it is very difficult for me to accept this time agreement where we will be able to just talk 10 minutes on each side, if I do not have an agreement about second-degree amendments, I am going to have a problem.

Mr. GORTON. Then I suggest that the Senator from California simply proceed with her argument, and we will see what we can do with that unanimous-consent request.

Mrs. BOXER. I thank the manager very much. I do not believe we are going to have a problem. It is a very straightforward amendment which I would like to explain.

As I understand the comments of the Senator from Washington, at this time we are not operating under a time agreement, and I will just proceed.

The PRESIDING OFFICER. The Senator from California should know that the Senate is still under a time agreement as a result of unanimous consent.

Mrs. BOXER. I ask unanimous consent that the unanimous consent be vitiated given the fact that we were not able to get agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. Thank you, Mr. President. I will not take a great deal of time. This is a very simple, straightforward amendment.

Mr. President, my amendment would restore the current law, the law that we have lived under since 1993, as it pertains to abortion funding policy for the District of Columbia.

In 1993, this body decided no Medicaid funding could be used for abortion but that, in fact, the District of Columbia was free to use its locally raised revenue as it saw fit. So that if women who did not have the ability to pay for an abortion—they were in trouble, they were in crisis, and they needed help—they would be able to get it. That policy has been overturned by this Congress in this continuing resolution, and it started in December.

So right now the District of Columbia is treated quite differently than any other city or State in this great country. It is the only jurisdiction, Mr. President, in the country which is told that it cannot use its locally raised funds as it sees fit.

All I do with this amendment is clarify that point by saying no Federal funding can be used for abortion in Washington, DC, except for rape, incest, and the life of the mother.

So there is still a very broad prohibition on Medicaid funding—which I have to say to my friend I certainly do not support, but I know that the votes are not here to change that prohibition on Medicaid funding.

So I am addressing this amendment just to the District's locally raised funds. What we say by way of my amendment is the District of Columbia should be treated as every other jurisdiction—have the right to make local funding decisions as it decides.

What we have here now is that none of the funds appropriated under the act shall be expended for any abortion, except where the life of the mother would be endangered if the fetus were carried to term, or if the pregnancy is a result of an act of rape or incest. What my amendment says is that none of the Federal funds—which means that the District of Columbia funds which are locally raised—could be used if the people in D.C. decide that is the proper policy.

I want my colleagues to understand that what I am offering is not a change really at all. It is going back to the way the law was since 1993.

I have stood on this floor, and I have listened to my friends on the other side of the aisle talk quite eloquently about the importance of letting State and local jurisdictions decide how to spend their own revenue. As a matter of fact, they talked about getting Federal funds as a block grant and deciding how to expend the Federal funds that are in a block grant. In other words, the virtue of local control seems to really be a strong point on the other side of the aisle except when it comes to women's reproductive health care. When they now say that the locally raised funds cannot be used for abortion, I think it is inconsistent at its best and I think it is mean spirited at its worst.

I want to quote one friend of mine, Senator GREGG, Republican Senator from New Hampshire, who said in another context—I am quoting directly from the RECORD:

> Federal programs should be returned to the States to be operated as State programs with the flexibility being given to the State government where there is as much compassion as in Washington to deliver these services to the needy and to the more needy.

That is a statement from January 3, 1996, so here is a Senator from New Hampshire saying that the local people are just as compassionate and should make the decisions on how to serve the needy, and my amendment says you are right, Senator GREGG, that is what we ought to be doing. And that is in fact what the District of Columbia has been doing with its locally raised revenues since 1993. They have determined that since there is a ban on Medicaid funding for abortion except in rare circumstances, they would come to the rescue, if you will, when women find themselves in deep trouble, deep trouble, and make an agonizing choice, which is their own choice, and they will stand by their side. I think it is wrong for us to dictate to the District on this issue.

Again, I think it is most inconsistent. So if the Boxer amendment passes here, the District would have the ability to spend its own money the way it wishes in terms of providing reproductive health care services of abortion to low-income women.

Now, I have to say that in this bill we are denying abortion services to low-income women, and I think that simply stops them from exercising their right to choose. The right to choose means nothing, Mr. President, even with Roe v. Wade and subsequent decisions affirming Roe v. Wade, if you cannot afford to get an abortion and there is nobody there to help you.

In its wisdom, this Congress says no Medicaid funding may be used for abortion except in certain circumstances, in narrow circumstances. I oppose that. I do not have the votes to overturn that. Maybe someday I will have those votes. Maybe someday we will have a pro-choice Senate and a pro-choice House. We do not have that right now. But, at the minimum, we should not be telling the District of Columbia what to do with its own funds.

So, Mr. President, I am going to hope that there will be no second-degree amendment to my amendment at this time. I urge my colleagues to accept my amendment and let the District of Columbia decide how to spend its locally raised revenues without congressional interference.

Mr. President, I would like to ask the manager of the bill what he has in mind in terms of how to deal with my amendment. I am anxious to get it voted on or set aside to be voted on. I do not think we need to have much debate unless there are many who wish to speak.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I appreciate the courtesy of the Senator from California in her desire to move this entire matter forward.

I see the Senator from Indiana is in the Chamber, and I say, Mr. President, that the Senator from California was willing to agree to 10 minutes to a side and no second-degree amendments. We did not want to make that agreement without the presence of the Senator from Indiana. And now, if the President will inquire of the Senator from Indiana, we will see if we can get an agreement on disposing of this amendment.

Mr. COATS. If the Senator will yield, I just walked in the Chamber and I am not 100 percent sure of even what the amendment says. I think I have the gist of what the amendment is, and I think that there are probably a number of Senators who may want to speak on the amendment. I could easily check that and try to find out within the next few minutes as to whether or not that is the case and whether or not a reasonable time limit would entertain. But I cannot speak for other Members. I would like to speak in opposition to this amendment, but I cannot speak for other Members, and I am not prepared to agree to a time limit at this particular point.

Mrs. BOXER. If I might take back my time.

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

Mr. GORTON. Mr. President, at the present time, as I understand it, there is no time agreement, so the Senator from California has not forfeited any rights to further time. And so I hope we are going to be able to arrange a time agreement relatively soon, but obviously we cannot do so right now.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the reason I obtained the floor—I just asked if the Senator would answer a question for me—is because I spoke to the Senator from Indiana yesterday about my

intention on this. I hope he realizes I am proceeding in good faith. I am trying to make the point that we should go back to the 1993 law that said that although Medicaid funding could not be used, no Federal funding could be used for abortion, that the District would have the ability to decide what they wanted to do with their local funds without being dictated to. In fact, we now change the law and we tell them they may not use their own funds.

I am very happy to agree to any time agreement that the Senator feels is reasonable, but I would like to at least get an agreement that there not be any second-degree amendments.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. As I said before——

Mrs. BOXER. I would yield to my friend for a question—or a comment.

Mr. COATS. I thank the Senator. I appreciate the Senator from California yielding.

As I indicated before, I can speak for myself. I cannot speak for others. It is true that the Senator spoke to me about offering the amendment. In the context of what we are doing here, a time limit is reasonable. It is just that I cannot speak for other Senators who I know would want to speak in opposition to the Senator's amendment. I would be happy to check with those Senators and try to get an answer back to the Senator from California and announce to the Senate a reasonable time agreement.

In answer to the Senator's other point, it appears to me that the Senator's amendment attempts to extend the rights that our States, 50 States do not have to the District of Columbia. This Senator is not prepared to do that. I do not know if other Senators are prepared to do that.

I think that question has to be addressed in the Chamber as well as the viability of the commingling, of extending the full abortion rights to the District of Columbia when we are not really certain how the funds are commingled between District funds and Federal funds. Everybody knows that the District of Columbia is bankrupt. We do not know how they are applying the funds or what Federal funds they are going to be getting or how the services would be funded or how the funds would be separated. I think there a number of questions that have to be asked.

In response to the Senator's question, I would be happy to try to ascertain what response other Senators might want to give.

Mrs. BOXER. I would like to take back my time and thank my colleague.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Clearly, there is much that could be debated on this. I, for one, do not see it as so complicated because every city and every county in America has the ability to use its own funds. When I am in working in Washington I have an apartment in the District of Columbia, where I stay. If I park in the District of Columbia and a meter runs out, I pay a fine to the District of Columbia, and therefore they clearly have their own locally raised funds.

My colleague is right. I do not believe that they should be treated differently than any other city, any other county, and any other State vis-a-vis the ability of any city, county, or State to use their own locally raised money as they will.

For example, I was on the board of supervisors of a county, a suburban county north of San Francisco, a beautiful place called Marin County, and the board of supervisors there quite unanimously—we came from different parties, different views—did give funding to Planned Parenthood for their clinic in which they, in fact, provided family planning services. They also provided abortions.

Now, that is a county. We do not stand up here and say that county cannot use its own legally raised funds in any way to assist Planned Parenthood.

If I might ask the manager, in an attempt to be as helpful as I can in moving the process, would it suit the manager's purposes if I asked unanimous consent to lay this amendment aside? If I can ask that question without losing my right to the floor, if that would help my friend, then I would be glad to ask that it be laid aside with no second-degree amendments allowed until we take it up again.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. The first part of the request by the Senator from California is perfectly acceptable. But as I heard the remarks from the Senator from Indiana, he is not prepared to say there will not, under any circumstances, be a second-degree amendment.

Certainly we can lay this amendment aside now while the contending parties try to reach an agreement on how it will be dealt with, and go on to something else. I have, for example, a short colloquy I would like to enter.

If the Senator from California would like to lay the amendment aside, recognizing she will certainly be recognized again to bring it back up and she has forfeited none of her rights?

Mrs. BOXER. Mr. President, I ask unanimous consent the amendment be laid aside until it is brought back.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Washington.

Mr. GORTON. 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.

Ms. MIKULSKI. 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. 3509 TO AMENDMENT NO. 3466

Ms. MIKULSKI. Mr. President, I ask unanimous consent to lay aside the pending amendment so I may offer an amendment, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 3509 to Amendment No. 3466.

Ms. MIKULSKI. 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:

Strike page 692, line 21 through page 696, line 2, and insert:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the ''Act'') (42 U.S.C. 12501 et seq.), $400,500,000, of which $265,000,000 shall be available for obligation from September 1, 1996, through September 30, 1997: *Provided*, That not more than $25,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a) (4)): *Provided further*, That not more than $2,500 shall be for official reception and representation expenses: *Provided further*, That not more than $59,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.): *Provided further*, That not more than $215,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the Americorps program), of which not more than $40,000,000 may be used to administer, reimburse or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further*, That not more than $5,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12581(b)): *Provided further*, That, to the maximum extent feasible, funds appropriated in the preceding proviso shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That not more than $18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than $43,000,000 shall be available for school-based and community-based

service-learning programs authorized under subtitle B of title I of the Act (41 U.S.C. 12521 et seq.): *Provided further*, That not more than $30,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): *Provided further*, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639), of which up to $500,000 shall be available for a study by the National Academy of Public Administration on the structure, organization, and management of the Corporation and activities supported by the Corporation, including an assessment of the quality, innovation replicability, and sustainability without Federal funds of such activities, and the Federal and non-federal cost of supporting participants in community service activities: *Provided further*, That no funds from any other appropriation, or from funds otherwise made available to the Corporation, shall be used to pay for personnel compensation and benefits, travel, or any other administrative expense for the Board of Directors, the Office of the Chief Executive Officer, the Office of the Managing Director, the Office of the Chief Financial Officer, the Officer of National and Community Service Programs, the Civilian Community Corps, or any field office or staff of the Corporation working on the National and Community Service or Civilian Community Corps programs: *Provided further*, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal cost per participant in all programs.

SENSE OF SENATE

It is the Sense of the Congress that accounting for taxpayers' funds must be a top priority for all federal agencies and government corporations. The Congress is deeply concerned about the findings of the recent audit of the Corporation for National and Community Service required under the Government Corporation Control Act of 1945. The Congress urges the President to expeditiously nominate a qualified Chief Financial Officer for the Corporation. Further, to the maximum extent practicable and as quickly as possible, the Corporation should implement the recommendations of the independent auditors contracted for by the Corporation's Inspector General, as well as the Chief Financial Officer, to improve the financial management of taxpayers' funds. Should the Chief Financial Officer determine that additional resources are needed to implement these recommendations, the Corporation should submit a reprogramming proposal for up to $3,000,000 to carry out reforms of the financial management system.

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

On page 624 of the bill, line 10, strike ''$10,103,795,000'' and insert ''$10,086,795,000'', and on page 626, line 23, strike ''$209,000,000'' and insert ''$192,000,000''

Ms. MIKULSKI. Mr. President, this is an amendment on national service, which we will not debate at this time. I wish to just file it while we are continuing our conversation with the subcommittee chairman, so I, therefore, ask unanimous consent the amendment be temporarily laid aside, and I suggest the absence of a quorum.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. 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. 3496 TO AMENDMENT NO. 3466

Mr. GORTON. Mr. President, I ask unanimous consent the pending amendment be laid aside and I call up amendment No. 3496.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for himself and Mrs. MURRAY, proposes an amendment numbered 3496 to Amendment No. 3466.

Mr. GORTON. 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 appropriate place in the bill insert the following:

SECTION 1. DESIGNATION.

The Walla Walla Veterans Medical Center located at 77 Wainwright Drive, Walla Walla, Washington, shall be known and designated as the ''Jonathan M. Wainwright Memorial VA Medical Center.''

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Walla Walla Veterans Medical Center referred to in section 1 shall be deemed to be a reference to the ''Jonathan M. Wainwright Memorial VA Medical Center.''

Mr. GORTON. Mr. President, as was the case with the distinguished Senator from Maryland, I simply want this amendment to be considered as proposed, against the unanimous consent that will limit amendments in the future, that I hope fervently soon will be adopted.

With that, it having been proposed, I ask unanimous consent it now be laid aside for consideration later.

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

Mr. GORTON. 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. GRAMM. 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. GRAMM. Mr. President, what is the pending business?

The PRESIDING OFFICER. All the amendments have now been temporarily set aside.

AMENDMENT NO. 3501

Mr. GRAMM. Mr. President, I would like to go ahead and speak in opposition to the Cohen-Bumpers amendment, while we are here waiting for some resolution on other issues.

Would that be in order?

The PRESIDING OFFICER. Yes, it would be in order.

Mr. GRAMM. Mr. President, we have had an amendment offered by Senator COHEN, on behalf of himself and Senator BUMPERS. What their amendment does is it seeks to empower the Legal Services Corporation to engage in commenting on public rulemaking, testifying before legislative committees, briefing regulators and legislators on pending bills and legislation. Let me try to give our colleagues a little history of where we have come from, because I think this is typical of the problem we have in dealing with an agency like the Legal Services Corporation.

When the Commerce, State, Justice bill was reported out of the Appropriations Committee, I am proud to say that we killed the Legal Services Corporation. In subcommittee, a level of funding for legitimate legal aid was entered into as a compromise, and the bill came to the floor. Then Senator DOMENICI, the Senator from New Mexico, offered an amendment to restore the Legal Services Corporation and provide more money for it, but as part of that amendment he restricted what the Legal Services Corporation could do. Those limitations were not as great as those that we had coming out of committee, but the point is, in that amendment he banned the Legal Services Corporation from lobbying and from engaging in the process of debating rulemaking.

I remind my colleagues, the objective of the Legal Services Corporation is to provide legal services to poor people. As we all know, the Legal Services Corporation has become very heavily involved in public policymaking. The Legal Services Corporation files lawsuits against election dates, they file lawsuits involving numerous areas where people are trying to engage in their relationship with each other, and they have become very heavily involved in lobbying and in testifying before committees and doing other things that have nothing to do with their narrow mandate.

Senator DOMENICI offered an amendment to raise their level of funding, which I opposed. I spoke against it. We had a long and spirited debate on it and I lost. Senator DOMENICI's provision prevailed. It provided more money, but with strict limits on what the Legal Services Corporation could do.

The appropriations bill that is before us adds $22 million for the Legal Services Corporation above the level agreed to in conference. In addition, in the contingency section of the bill, the Legal Services Corporation would get another $9 million.

Now we have an amendment by Senator COHEN and by Senator BUMPERS that seeks to lift the restrictions on the Legal Services Corporation.

Granted, there is a figleaf which seeks to differentiate between what Senator DOMENICI has done and what

they are doing, and that figleaf is that it allows them to do these things if anyone asks them to do it in a written request.

Mr. President, that is obviously going to happen. This amendment is going to eliminate the restrictions in the Domenici amendment, and my colleagues who offered this amendment both voted for the Domenici amendment.

So, what we are saying here is we had a debate about killing the Legal Services Corporation. That was successful in committee. An amendment was offered on the floor that said, ''OK, we'll give them this money, but only under strict limitations to see that they do what their mandate is.''

That amendment was adopted. As far as I know, all the supporters of this amendment voted for it.

Then we came in and added another $31 million to Legal Services Corporation in this bill, and now we are going back and lifting the restrictions so that the Legal Services Corporation will be able to spend the money on lobbying largely unencumbered and can, in fact, get back into exactly the kind of activities that the Domenici amendment at least claimed to prohibit.

Could the Domenici amendment have been adopted had this provision been part of it? My guess is it could not.

I do not know where the votes are on this. I am opposed to the Legal Services Corporation because I think it is a runaway Government program which spends entirely too much time and energy and money promoting political and social causes that are not part of its mandate. We live in a great free country. If someone wants to promote their views and philosophy and values, they have a right to do it, but they do not have a right to do it with the taxpayers' money.

I thought we had restrictions that were reasonable under the Domenici amendment. We are now in the process of lifting those restrictions. I am strongly opposed to this amendment and hope to see it defeated.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am saddened by the position taken by the Senator from Texas.

Mr. President, was I recognized?

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. SIMON. Mr. President, I wonder if my colleague will yield so I may offer two amendments and ask unanimous consent that they be set aside.

Mr. BUMPERS. Absolutely.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENTS NOS. 3510 AND 3511 TO AMENDMENT NO. 3466

Mr. SIMON. Mr. President, I offer these two amendments, and I send them to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes amendments numbered 3510 and 3511 to amendment No. 3466.

Mr. SIMON. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3510

On page 771, below line 17, add the following:

SEC. 3006. (a) Subsection (b) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by adding after paragraph (3), flush to the subsection margin, the following: ''Notwithstanding any other provision of law, including the matter under the heading 'NATIONAL SECURITY EDUCATION TRUST FUND' in title VII of Public Law 104–61, the work of an individual accepting a scholarship or fellowship under the program shall be the work specified in paragraph (2), or such other work as the individual and the Secretary agree upon under an agreement having modified service requirements pursuant to subsection (f).''.

(b) such section is further amended by adding at the end the following:

''(f) AUTHORITY TO MODIFY SERVICE AGREEMENT REQUIREMENTS.—The Secretary shall have sole authority to modify, amend, or revise the requirements under subsection (b) that apply to service agreements.''.

(c) Subsection (a) of such section is amended by adding at the end the following:

''(5) EMPLOYMENT OPPORTUNITY OUTREACH.—The Secretary shall take appropriate actions to make available to recipients of scholarships or fellowships under the program information on employment opportunities in the departments and agencies of the Federal Government having responsibility for national security matters.''.

AMENDMENT NO. 3511

On page 582, line 14, strike ''$1,257,134,000'' and insert ''$1,257,888,000''.

On page 582, line 16, before the semicolon insert the following: '', and of which $5,100,000 shall be available to carry out title VI of the National Literacy Act of 1991''.

On page 582, line 16, strike ''$1,254,215,000'' and insert ''$1,254,969,000''.

On page 587, line 15, strike ''and III'' and insert ''III, and VI''.

On page 587, line 17, strike ''$131,505,000'' and insert ''$139,531,000''.

On page 587, line 20, before the semicolon insert the following: '', and of which ''$8,026,000 shall be available to carry out title VI of the Library Services and Construction Act and shall remain available until expended''.

On page 591, between lines 3 and 4, insert the following:

SEC. 305. (a) Section 428(n) of the Higher Education Act of 1965 (20 U.S.C. 1078(n)) is amended by adding at the end the following new paragraph:

''(5) APPLICABILITY TO PART D LOANS.—The provisions of this subsection shall apply to institutions of higher education participating in direct lending under part D with respect to loans made under such part, and for the purposes of this paragraph, paragraph (4) shall be applied by inserting 'or part D' after 'this part'.''.

(b) The amendment made by subsection (a) shall take effect on July 1, 1996.

On page 592, line 7, strike ''$196,270,000'' and insert ''$201,294,000''.

On page 592, line 7, before the period insert the following; '', of which $5,024,000 shall be available to carry out section 109 of the Domestic Volunteer Service Act of 1973''.

Mr. SIMON. Mr. President, I ask unanimous consent that the amendments be set aside.

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

Mr. SIMON. I thank my colleague.

AMENDMENT NO. 3501

Mr. BUMPERS. Mr. President, if I may have the attention of the Senator from Texas for a moment, there is no point belaboring this issue. I want to make three or four salient points.

First, the 19 restrictions that were put on the corporation's grantees are not touched in this amendment. They are still intact. Many of them deal with lobbying.

Second, no Federal funds can be used to carry out the actions permitted by this amendment. Only non-Federal funds received by a grantee may be used.

Third, the request has to come from a legislator, a Member of Congress, or an agency to a grantee. Let me give the Senator from Texas this illustration.

Let us assume that in the State of Texas the legislature thinks that the Legal Services Corporation's grantees in that State are doing a super job, but the Federal funds have been cut off, we have reduced Legal Services Corporation funding.

Let us assume the Texas State Legislature wants to give a few million dollars to some of the Legal Services Corporation grantees, but before doing so, they would like for some of those people to come in and testify as to what their activities have been and maybe limit the use to which they can put the money the legislators propose to give them.

First, they have to make a request, we will say, of the Dallas grantees, Legal Services of Dallas. If the State Legislature of Texas or a legislator or a committee wants to ask that grantee to come in, they would have to direct it in writing and the grantee would have to respond to that specific request, and only money that the grantee had generated on its own—not Federal money, money of its own—could be used to answer a written inquiry.

It seems to me almost ludicrous to say we are not going to allow a committee of Congress or a State legislative committee or a Senator or a State legislator to get information that they need to make these decisions, particularly when the grantees are using their own money.

What kind of a fix would we be in here? The Legal Services Corporation can come in and testify before the Senator's committee and tell him why they think they need more money, but a grantee could not. The Senator from Texas, as chairman of this committee, can write to the head of the local Legal Services provider in Dallas and say, ''Please come forthwith before my committee and testify.''

As the bill is drafted, even if he submitted it in writing, they could not honor that request.

I sit on the Appropriations Subcommittee that able Senator from Texas chaired. I was there when the debate took place about how much we were going to give the Legal Services Corporation, and I, indeed, did support Senator DOMENICI's amendment. I never heard of such unintended consequences.

All Senator COHEN and I are doing is trying to redress a problem that believe the Senate did not intend to cause. Our amendment does not in any way allow grantees or the corporation to do anything to avoid complying with those 19 specific restrictions. I hope the Senator from Texas will reconsider.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Texas.

Mr. GRAMM. Mr. President, let me remind my colleagues that the restrictions imposed in the Domenici amendment applied to all funds at the Legal Services Corporation, not just taxpayer funds. We have spent years debating this issue when the Legal Services Corporation has gotten involved in labor disputes, when the Legal Services Corporation has gotten involved in the politics of disputing election dates, when the Legal Services Corporation has become involved, basically, in political and partisan causes.

It has often reminded me of an analogy you might have of the pastor of the First Baptist Church going to the Baptist student union and he discovers a brothel in one of the back rooms. The argument that would be made by the Senator from Arkansas is, ''Well, it just so happens that we didn't use the money from the Baptist Church for that room. Actually, only 80 percent of our budget comes from the Baptist Church, and that room was not part of the funds that came from the Baptist Church, and the electricity it used, and the natural gas for heating were not part of that budget.''

The point is, no pastor would ever buy into that logic. So when the Domenici amendment was offered, it recognized this problem and said, ''If you take taxpayer money, your job is to represent poor people, your job is not advocating political causes.'' That was the purpose of the Domenici amendment.

If our colleague from Arkansas was willing to limit this to simply appearing before committees to ask for money, I might be willing to agree to that. But clearly he is not going to agree to that limitation. When you allow the Legal Services Corporation to be involved in all of these activities based on a written request, what you are doing is circumventing the limitations that we imposed in the Domenici amendment.

So, we first get the money by saying we are going to restrict the activities, and then we come back in a second amendment and we take the restrictions off. It seems to me that those who voted for the Domenici amendment basically had put together a deal that they wanted the money, the money was supposed to go to help poor people get legal services, and they were willing as part of that to have strict limits on what the Legal Services Corporation could do with its money. It could not lobby, it could not be involved in political activities. There were a series of other restrictions that were included, including restrictions not just on the Federal money but all money commingled with it. We are now seeing an effort to undo that. I am opposed to it. I think this is bad policy. I do not know where the votes are, but if this amendment is voted on, and I intend to vote against it.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent that I may submit an amendment.

The PRESIDING OFFICER. The amendment will be submitted and numbered.

Mr. THOMAS. Mr. President, if none of my colleagues are asking for time, I wish to discuss the amendment.

The PRESIDING OFFICER. The Parliamentarian informs the Senator from Wyoming that he has not reserved the right to debate the submitted amendment pursuant to the unanimous-consent agreement at the desk.

Mr. THOMAS. Then, I guess I cannot do it. I ask the Presiding Officer what the arrangement is going to be now. We have a limited amount of amendments that can be proposed?

The PRESIDING OFFICER. Yesterday, there was a unanimous-consent agreement that was entered into reserving the right to offer amendments by certain named Senators. The name of the Senator from Wyoming was not included in that.

Mr. THOMAS. Mr. President, I ask unanimous consent to have it considered.

Mrs. BOXER. I object temporarily.

The PRESIDING OFFICER. Objection is heard.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, before I send an amendment to the desk and ask for its immediate consideration—well, I ask unanimous consent to temporarily set aside the current pending amendment.

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

Mr. COATS. Before I send this amendment to the desk and ask for its immediate consideration, might I inquire as to whether this Senator's name is on that list?

The PRESIDING OFFICER. The name of the Senator from Indiana is on the list.

Mr. COATS. This Senator is pleased to hear that information.

AMENDMENT NO. 3513 TO AMENDMENT NO. 3466

(Purpose: To amend the Public Health Service Act to prohibit governmental discrimination in the training and licensing of health professionals on the basis of the refusal to undergo or provide training in the performance of induced abortions)

Mr. COATS. 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 Indiana [Mr. COATS], for himself and Mr. GRAMS, proposes an amendment numbered 3513 to amendment No. 3466.

Mr. COATS. 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:

At the appropriate place, insert the following:

Sec. . ESTABLISHMENT OF PROHIBITION AGAINST ABORTION-RELATED DISCRIMINATION IN TRAINING AND LICENSING OF PHYSICIANS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

''ABORTION-RELATED DISCRIMINATION IN GOVERNMENTAL ACTIVITIES REGARDING TRAINING AND LICENSING OF PHYSICIANS

''SEC. 245. (a) IN GENERAL.—The Federal Government, and any State that receives Federal financial assistance, may not subject any health care entity to discrimination on the basis that—

''(1) the entity refuses to undergo training in the performance of induced abortions, to provide such training, to perform such abortions, or to provide referrals for such training or such abortions;

''(2) the entity refuses to make arrangements for any of the activities specified in paragraph (1); or

''(3) the entity attends (or attended) a postgraduate physician training program, or any other program of training in the health professions, that does not (or did not) require, provide or arrange for training in the performance of induced abortions, or make arrangements for the provision of such training.

''(b) ACCREDITATION OF POSTGRADUATE PHYSICIAN TRAINING PROGRAMS.—

''(1) IN GENERAL.—With respect to the State government involved, or the Federal Government, restrictions under subsection (a) include the restriction that, in granting a legal status to a health care entity (including a license or certificate), or in providing to the entity financial assistance, a service, or another benefit, the government may not require that the entity fulfill accreditation standards for a postgraduate physician training program, or that the entity have completed or be attending a program that fulfills such standards, if the applicable standards for accreditation of the program include the standard that the program must require, provide or arrange for training in the performance of induced abortions, or make arrangements for the provision of such training.

''(2) RULES OF CONSTRUCTION.—

''(A) IN GENERAL.—With respect to subclauses (I) and (II) of section 705(a)(2)(B)(i) (relating to a program of insured loans for training in the health professions), the requirements in such subclauses regarding accredited internship or residency programs are subject to paragraph (1) of this subsection.

''(B) VOLUNTARY ACTIVITIES.—Nothing in this section shall be construed to—

''(i) prevent any health care entity from voluntarily electing to be trained, to train, or to arrange for training in the performance of, to perform, or to make referrals for induced abortions;

''(ii) prevent an accrediting agency or a Federal, State or local government from establishing standards of medical competency applicable only to those individuals or entities who have voluntarily elected to perform abortions; and

''(iii) affect Federal, State or local governmental reliance on standards for accreditation other than those related to the performance of induced abortions.

''(c) DEFINITIONS.—For purposes of this section:

''(1) The term 'financial assistance', with respect to a government program, includes governmental payments provided as reimbursement for carrying out health-related activities.

''(2) The term 'health care entity' includes an individual physician, a postgraduate physician training program, and a participant in a program of training in the health professions.

''(3) The term 'postgraduate physician training program' includes a residency training program.''.

Mr. COATS. Mr. President, I do not intend to debate this amendment at this particular time. I have been in negotiations with the Senator from California relative to her amendment. We are attempting to work out an agreement whereby we can offer our amendments for a limited period of debate and prevent second degrees from being offered so that the amendments can be dealt with on their merits and voted on an up-or-down basis. I want to put the amendment in place so that when we reach that agreement we can proceed on that basis. I will just very briefly describe this amendment, without debating it, for my colleagues' information.

Until January 1, 1996, the Accrediting Council for Graduate Medical Education did not require that a hospital train its residents to perform induced abortions. Such training, if it was necessary, was done on a voluntary basis. On January 1, 1996, the accrediting council changed its standards and now requires those facilities and residents to undergo training in induced abortion procedures in order to receive its accreditation.

As a consequence, most Federal Government rules regarding reimbursement to these hospitals and regarding grants and loans available to residents and resident training programs are pegged to the hospitals and training programs receiving the accreditation of the Accrediting Council for Graduate Medical Education. These facilities, if they choose not to require this abortion training, will lose their Federal funding.

It is important that they retain this. While there is a conscience clause exemption, obviously that does not apply to secular hospitals, most of which do not require mandated abortion training. That is the essence of the amendment. It is a nondiscrimination amendment which would prevent any government, Federal or State, from discriminating against hospitals or residents that do not perform, train, or make arrangements for abortions. It would prevent, therefore, governments from denying these providers Medicare reimbursement, loans, or licenses to practice medicine.

It does not—it is important for my colleagues to understand this—this legislation does not prevent the accreditation council, a private, quasi-Government accrediting agency, the ACGME, it does not prevent them from promulgating any standard that they wish to promulgate regarding abortion. We are not telling them who to accredit and who not to accredit.

We are simply saying that if they did not accredit because a hospital, for whatever reason—conscience reasons, moral reasons, religious reasons, community standards reasons, business reasons—decided not to mandate the requirement of teaching their residents abortion procedures, that they will not be in a position of losing their funds.

That is a quick summary of the amendment. We probably will have time to debate it more at length, but I did want to offer it and will continue to work with the Senator from California in achieving some type of balanced approach to these two amendments.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I appreciate the fact that the Senator from Indiana and I are really working to try to expedite these issues. They are difficult issues. They are divisive issues in the Senate. We certainly disagree, but we are never disagreeable to each other. I think that if we can devise a way that we can debate the amendments and dispose of them and do it in a way where everybody gets a chance to explain the amendments, I will certainly be happy to agree to reasonable time limits.

Let me just say on the amendment by the Senator—and I am not going to debate at length, as he did not debate at length; I do not intend to do that—it gives me great concern because, in the end, I think what we are going to have is a situation where there will be enormous pressure on hospitals across this country not to teach their residents how to do surgical abortions. I just do not want to go back to the days of the back alleys. I feel this would lead us back to those very dangerous days.

I will not take the Senate's time at this point to debate this at length. I know we will have a chance to do that later.

At this time, I yield the floor.

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from Oregon, notes the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

AMENDMENTS NOS. 3514 THROUGH 3517, EN BLOC, TO AMENDMENT NO. 3466

Mr. BOND. Mr. President, I send four amendments to the desk en bloc: the first, on behalf of Senator PRESSLER; the second by me, relating to clarifying the rent-setting requirements on housing assistance under section 236; the third, for me, increasing the amount available under the HUD drug elimination grant program; the fourth, by me, to establish a special fund in the Department of Housing and Urban Development to meet milestones in restructuring its administrative organization.

I ask all four amendments be filed and set aside.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes amendments Nos. 3514 through 3517, en bloc, to amendment No. 3466.

Mr. BOND. Mr. President, I ask unanimous consent reading of the amendments be dispensed with.

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

The amendments (Nos. 3514 through 3517), en bloc, are as follows:

AMENDMENT NO. 3514

(Purpose: To provide funding for a Radar Satellite project at NASA)

Within its Mission to Planet Earth program, NASA is urged to fund Phase A studies for a radar satellite initiative.

AMENDMENT NO. 3515

(Purpose: To clarify rent setting requirements of law regarding housing assisted under section 236 of the National Housing Act to limit rents charged moderate income families to that charged for comparable, non-assisted housing, and clarify permissible uses of rental income is such projects, in excess of operating costs and debt service)

On page 689, after line 26 of the Committee substitute, insert the following new section:

SEC. . (a) The second sentence of section 236(f)(1) of the National Housing Act, as amended by section 405(d)(1) of The Balanced Budget Downpayment Act, I, is amended—

(1) by striking ''or (ii)'' and inserting ''(ii)''; and

(2) by striking ''located,'' and inserting: ''located, or (iii) the actual rent (as determined by the Secretary) paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located,''.

(b) The first sentence of section 236(g) of the National Housing Act is amended by inserting the phrase ''on a unit-by-unit basis'' after ''collected''.

On page 631, after the colon on line 24 of the Committee substitute, insert the following:

''*Provided further*, That rents and rent increases for tenants of projects for which

plans of action are funded under section 220(d)(3)(B) of LIHPRHA shall be governed in accordance with the requirements of the program under which the first mortgage is insured or made (sections 236 or 221(d)(3) BMIR, as appropriate):

Provided further, That the immediately foregoing proviso shall apply hereafter to projects for which plans of action are to be funded under such section 220(d)(3)(B), and shall apply to any project that has been funded under such section starting one year after the date that such project was funded:''.

AMENDMENT NO. 3516

(Purpose: To increase in amount available under the HUD Drug Elimination Grant Program for drug elimination activities in and around federally-assisted low-income housing developments by $30 million, to be derived from carry-over HOPE program balances)

On page 637, line 20 of the Committee substitute, insert the following new proviso before the period:

''*Provided further*, That an additional $30,000,000, to be derived by transfer from unobligated balances from the Homeownership and Opportunity for People Everywhere Grants (HOPE Grants) account, shall be available for use for grants for federally-assisted low-income housing, in addition to any other amount made available for this program under this heading, without regard to any percentage limitation otherwise applicable''.

AMENDMENT NO. 3517

(Purpose: To establish a special fund dedicated to enable the Department of Housing and Urban Development to meet crucial milestones in restructing its administrative organization and more effectively address housing and community development needs of States and local units of government and to clarify and reaffirm provisions of current law with respect to the disbursement of HOME and CDBG funds allocated to the State of New York)

On page 779, after line 10, of the Committee Substitute, insert the following:

MANAGEMENT AND ADMINISTRATION
DEPARTMENTAL RESTRUCTURING FUND

In addition to funds provided elsewhere in this Act, $20,000,000, to remain available until September 30, 1997, to facilitate the down-sizing, streamlining, and restructuring of the Department of Housing and Urban Development, and to reduce overall departmental staffing to 7,500 full-time equivalents in fiscal year 2000: *Provided*, That such sum shall be available only for personnel training (including travel associated with such training), costs associated with the transfer of personnel from headquarters and regional offices to the field, and for necessary costs to acquire and upgrade information system infrastructure in support of Departmental field staff: *Provided further*, That not less than 60 days following enactment of this Act, the Secretary shall transmit to the Appropriations Committees of the Congress a report which specifies a plan and schedule for the utilization of these funds for personnel reductions and transfers in order to reduce headquarters on-board staffing levels to 3,100 by December 31, 1996, and 2,900 by October 1, 1997: *Provided further*, That by February 1, 1997 the Secretary shall certify to the Congress that headquarters on-board staffing levels did not exceed 3,100 on December 31, 1996 and submit a report which details obligations and expenditures of funds made available hereunder: *Provided further*, That if the certification of headquarters personnel reductions required by this Act is not made by February 1, 1997, all remaining unobligated funds available under this paragraph shall be rescinded.

CLARIFICATION OF BLOCK GRANTS IN NEW YORK

(a) All funds allocated for the State of New York for fiscal years 1995, 1996, and all subsequent fiscal years, under the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625) shall be made available to the Chief Executive Officer of the State, or an entity designated by the Chief Executive Officer, to be used for activities in accordance with the requirements of the HOME investment partnerships program, notwithstanding the Memorandum from the General Counsel of the Department of Housing and Urban Development dated March 5, 1996.

(b) The Secretary of Housing and Urban Development shall award funds made available for fiscal year 1996 for grants allocated for the State of New York for a community development grants program as authorized by title I of the Housing and Community Act of 1974, as amended (42 U.S.C. 5301), in accordance with the requirements established under the Notice of Funding Availability for fiscal year 1995 for the New York State Small Cities Community Development Block grant program.

Mr. BOND. I ask unanimous consent that the amendments be set aside.

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 3518 TO AMENDMENT NO. 3466

Mr. LAUTENBERG. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 3518 to amendment No. 3466.

Mr. LAUTENBERG. 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:

AMENDMENT NO. 3518

At the end of title III, insert:

SEC. . Section 347(b)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (P.L. 104–50), is amended to read as follows:

''(3) chapter 71, relating to labor-management relations,''.

Mr. LAUTENBERG. Mr. President, the amendment I have sent to the desk would serve to restore the basic right to organize to thousands of hard-working employees at the Federal Aviation Administration. As many Members are aware, the FAA is poised to announce a substantial restructuring of its personnel system. The authority allowing the FAA Administrator to reform the personnel system was granted as part of the fiscal year 1996 Transportation Appropriations Act. The Administrator was directed to have the new personnel system in place and functional on April 1, 1996.

Unfortunately, the legislative language enabling these reforms to be implemented had the unintended effect of taking away the right of FAA employees to be represented by a union and to have the terms and conditions of their employment negotiated by their union. Obviously, we did not intend this language to have that effect. I raised this concern during conference committee deliberations on the transportation bill. However, it was thought by the House subcommittee leadership that this problem could be addressed in the Statement of Managers. As such, the statement of managers accompanying this provision in the transportation appropriations conference report states unequivocally that, and I quote:

The conferees do not intend that the personnel management reforms included in this bill, force the disestablishment of any existing management-labor agreement, or lead to the dissolution of any union representing FAA employees.

Regrettably, since that time, our legislative language has been restrictively interpreted by the Federal Labor Relations Authority. Based on their reading, they are refusing to hear any FAA labor dispute cases, effectively leaving the FAA's thousands of employees without recourse or resolution in ongoing cases pertaining to pay and compensation, benefits, and discipline.

The April 1 deadline for implementation of the new personnel system is upon us. If this situation is not resolved by April 1, thousands of FAA employees will be left without the right to organize. As such, I am taking this opportunity to include this technical fix in the continuing resolution in order to ensure its timely passage and avert any further negative impact.

I am pleased to be joined in this amendment by the ranking member of the Senate Commerce Committee, Senator HOLLINGS, and the ranking member of the aviation subcommittee, Senator WENDELL FORD. The FAA reform bill, as reported by the Commerce Committee, would serve to correct this error. However, it is not clear at this time that the Commerce Committee bill can become law before April 1.

Mr. President, we need FAA reform. The procurement and personnel reforms contained in the appropriations bill will assist the FAA in meeting current and future responsibilities for the safety of our aviation system. However, other aspects of the reform agenda have yet to be addressed. Air traffic continues to rise while it becomes more and more difficult each year to fund all of the FAA's needs.

Everyone will be asked to make sacrifices as part of the process of reforming the FAA. And the FAA employees are willing to do their part. They are among the most dedicated employees in the Federal Service. But it is unfair in the extreme to deprive them of rights guaranteed to virtually all other Federal employees under Chapter 71, of title 5, United States Code—to organize

and be represented in collective bargaining. Rectifying this error will assure these dedicated employees of a fair process for negotiating their grievances and a structured process for resolving disputes.

I am not aware of any opposition to this restoration of rights for FAA employees and I would ask my colleagues to join Senator HOLLINGS, Senator FORD, and me in providing a just remedy by adopting this amendment.

Mr. President, I ask unanimous consent the amendment be set aside for consideration of it at a later time.

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

Mr. SANTORUM. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

AMENDMENTS NOS. 3484 THROUGH 3488, EN BLOC, TO AMENDMENT NO. 3466

Mr. SANTORUM. I send en bloc amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes amendments Nos. 3484 through 3488, en bloc, to amendment No. 3466.

Mr. SANTORUM. I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments (Nos. 3484 through 3488), en bloc, are as follows:

AMENDMENT NO. 3484

(Purpose: Expressing the Sense of the Senate regarding the budget treatment of federal disaster assistance)

SEC. . SENSE OF THE SENATE REGARDING THE 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

(Purpose: Expressing the Sense of the Senate regarding the budget treatment of federal disaster assistance)

SEC. . SENSE OF THE SENATE REGARDING THE THE BUDGET TREATMENT OF FEDERAL DISASTER ASSISTANCE.

SENSE OF THE SENATE.—It is the Sense of the Senate that 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

(Purpose: to require that disaster relief provided under this Act be funded through amounts previously made available to the Federal Emergency Management Agency, to be reimbursed through regular annual appropriations Acts)

(The text of the amendment numbered 3486 is printed in today's RECORD under ''Amendments Submitted.'')

AMENDMENT 3487

(Purpose: To reduce all Title I discretionary spending by the appropriate percentage (.367%) to offset federal disaster assistance)

At the end of title II of the committee substitute, add the following:

SEC. . (a) Not withstanding 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.

Mr. SANTORUM. I ask unanimous consent that the amendments be set aside.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so I might send an amendment to the desk.

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

AMENDMENT NO. 3519 TO AMENDMENT NO. 3466

Mr. GRAMM. 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 Texas [Mr. GRAMM] proposes an amendment numbered 3519 to amendment No. 3466.

Mr. GRAMM. I ask unanimous consent the 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 the committee substitute, insert the following:

''Notwithstanding any other provision of this Act, no part of any appropriation contained in this Act which is subject to the provisions of section 4002 shall be made available for obligation or expenditure.''.

Mr. GRAMM. Mr. President, this appropriations bill has an extraordinary provision in it. In fact, I am not aware that a similar provision has ever been in a bill that I have seen considered in the Congress. This is the contingency provision whereby we seek to bribe the President to enter into a budget by saying we will give him $4.8 billion to spend if he will enter into any budget that we will agree to.

Mr. President, if such a proposal were made by a private party, they would be subject to being sent to the Federal penitentiary. I do not understand, if our objective is to lower spending and balance the budget, how bribing the President with additional funds will get us closer to home or closer to the achievement of that objective.

I know there are many people in this body who are committed to the principle that somehow if we will just give the President enough money to spend, he will do what we want him to do. It seems to me that he will take the money and spend it, and we will end up not doing what we want to do. The problem is, what I want to do is not spend the money.

We, in trying to bribe the President by giving him $4.8 billion, are, in essence, using as the bribe the money that I want the President to help us save.

Now, we have adjusted this contingency fund because we decided on an amendment offered by Senator SPECTER to go ahead and give him $2.7 billion now. So the contingency fund is actually substantially lower than the $4.8 billion. The point remains: We need to be cutting spending, not increasing it.

While I am very much in support of working out a budget agreement, I do not believe that we are going to succeed by giving the President more money in return for reaching a budget agreement, when we hope the budget agreement will spend less money.

It seems to me a contradiction in terms, movement in the wrong direction, and wrongheadedness. Might I say, it shows how we have lost our way in this Congress. If anybody told me when the Contract With America was passed, when we sent it to the President, that we would be now, several months later, offering to give the President $4.8 billion of new discretionary spending authority if he would simply agree to any budget—there is no requirement in this bill this budget be balanced that he would agree to. If he will just agree to any budget with us, we will give him $4.8 billion.

As I said, the number has been slightly adjusted because we decided not to wait until the agreement. There was such excitement about spending this money that we took $2.7 billion and decided to go ahead and spend it, not to even wait on the contingencies. I assume this amendment will not be adopted. But I want to give people an opportunity to vote to strike this contingency fund out. It seems to me that we ought to be cutting spending, not increasing it. And if we have trouble getting the President to agree to a budget, it seems that the solution is to make these temporary spending bills

tighter and tighter and tighter, until the President will finally realize that it is in his interest, as well as the country's interest, to agree to a budget.

So I urge my colleagues to vote for this amendment.

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. WELLSTONE. 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. WELLSTONE. Mr. President, in a moment, I am going to send an amendment to the desk. This is a sense-of-the-Senate amendment. I will read this:

To urge the President to release already-appropriated fiscal year 1996 emergency funding for home heating and other energy assistance, and to express the sense of the Senate on advanced-appropriated funding for fiscal year 1997.

I am working with colleagues on both sides of the aisle, and later on I think we will be able to work out an agreement, and I can summarize it at that point. My understanding is that we need to get amendments in.

I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 3520 TO AMENDMENT NO. 3466

(Purpose: To urge the President to release already-appropriated fiscal year 1996 emergency funding for home heating and other energy assistance, and to express the sense of the Senate on advance-appropriated funding for FY 1997)

Mr. WELLSTONE. 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 Minnesota [Mr. WELLSTONE], for himself, Mr. JEFFORDS, Mr. KOHL, Mr. KERRY, Mr. LEAHY, Ms. SNOWE, Mr. SANTORUM, Mr. KENNEDY, Mr. GLENN, and Mr. PELL, proposes an amendment numbered 3520 to amendment No. 3466.

Mr. WELLSTONE. 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 appropriate place, insert the following:

The Senate finds that:

Record low temperatures across the country this winter, coupled with record snowfalls in many areas, have generated substantial and sustained demand among eligible low-income Americans for home heating assistance, and put many who face heating-related crises at risk;

Home heating assistance for working and low-income families with children, the elderly on fixed incomes, the disabled, and others who need such help is a critical part of the social safety net in cold-weather areas;

The President has released approximately $900 million in regular Low Income Home Energy Assistance Program (LIHEAP) funding for this year, compared to a funding level of $1.319 billion last year, and a large LIHEAP funding shortfall remains which has adversely affected eligible recipients in many cold-weather states;

LIHEAP is a highly targeted, cost-effective way to help approximately 6 million low-income Americans to pay their energy bills. More than two-thirds of LIHEAP-eligible households have annual incomes of less than $8000; more than one-half have annual income below $6000.

LIHEAP program funding has been substantially reduced in recent years, and cannot sustain any further spending cuts if the program is to remain a viable means of meeting the home heating and other energy-related needs of low-income people in cold-weather states;

Traditionally, LIHEAP has received advance appropriations for the next fiscal year. This allows states to properly plan for the upcoming winter and best serve the energy needs of low income families.

Congress was not able to pass an appropriations bill for the Departments of Labor, Health and Human Services, and Education by the beginning of this fiscal year and it was only because LIHEAP received advance appropriations last fiscal year that the President was able to release the $578 million he did in December—the bulk of the funds made available to the states this winter.

There is currently available to the President up to $300 million in emergency LIHEAP funding, which could be made available immediately, on a targeted basis, to meet the urgent home heating needs of eligible persons who otherwise could be faced with heating-related emergencies, including shut-offs, in the coming weeks;

Therefore, it is the sense of the Senate that:

(a) the President should release immediately a substantial portion of available emergency funding for the Low Income Home Energy Assistance Program for FY 1996, to help meet continuing urgent needs for home heating assistance during this unusually cold winter; and

(b) not less than the $1 billion in regular advance-appropriated LIHEAP funding for next winter provided for in this bill should be retained in a House-Senate conference on this measure.

Mr. SARBANES. Mr. President, I rise today to express my support for the amendment offered by the Senator from Minnesota, Senator WELLSTONE. This amendment reiterates the Senate's strong commitment to maintaining funding for the Low Income Home Energy Assistance Program [LIHEAP] despite efforts in the House of Representatives to terminate this program and urges House and Senate conferees to continue to fund LIHEAP at the Senate level of $1 billion.

Congress first authorized the Low-Income Home Energy Assistance Program in 1981 at a time of unprecedented energy costs in order to help low-income households maintain an adequate level of heat in their homes to ensure their health and safety. This program helps an approximate 6.1 million households each year in the 50 States, the District of Columbia, and the U.S. commonwealths and territories. For many of these households, which represent the most vulnerable segment of the population, including the elderly, the disabled, the working poor and children, the assistance they receive through LIHEAP can mean the difference between having to choose between heating their home in the cold winter months or other vital needs such as food, warm clothing, and medical care.

Mr. President, a recent study by the National Consumer Law Center indicated that there is a widening gap between the level of LIHEAP funding and the total heating and cooling costs for low-income families. While the LIHEAP benefits provided to these needy families can not meet their entire energy costs, the average benefit of $216 per household for heating assistance can prove critical to the efforts of senior citizens and working poor families on a fixed income to stay safely in their homes.

In my own State of Maryland, LIHEAP funds cover only about 20 percent of the cost of the average heating bill for eligible recipients. The Maryland Energy Assistance Program, which administers the LIHEAP program, draws on support from other public sector sources, non-profit agencies, private industry and public utilities in order to best meet the compelling energy needs of approximated 90,000 low-income Marylanders.

This collaboration between public and private sector entities has resulted in a number of innovative programs to make home energy more affordable to the most vulnerable group of Maryland citizens. Special payment arrangements with utilities, expanded public education and energy conservation programs, including weatherization assistance, and direct access to other energy-related programs, serve to make the LIHEAP program in Maryland a successful coordinated effort.

Mr. President, this winter has seen record snowfalls in the Mid-Atlantic region and bitterly cold temperatures across much of the country. This severe winter weather threatened the safety of millions of Americans and strained States' ability to help needy families at a time when the budgetary impasse made the very future of the LIHEAP program uncertain. This program is effective and over the years has helped many families in need with their energy bills. Support of Senator WELLSTONE's amendment will send a strong message to the House of Representatives that the Senate will persist in its efforts to maintain adequate funding for the Low-Income Home Energy Assistance Program and I urge my colleagues to join me in supporting it.

SYMPATHIES TO THE PEOPLE OF SCOTLAND

Mr. WELLSTONE. Mr. President, while I have the floor, I do not want to interrupt if there are other Senators with amendments. I want them to have an opportunity to offer them. If not, let me just take a moment to read a resolution that has been accepted on both sides extending sympathies to the people of Scotland:

Whereas, all Americans were horrified by the news this morning that 16 kindergarten children and their teacher were shot and killed yesterday in Dunblane, Scotland, by an individual who invaded their school;

Whereas, another 12 children and 3 adults were apparently wounded in the same terrible assault;

Whereas, this was an unspeakable tragedy of huge dimensions causing tremendous feeling of horror and anger and sadness affecting all people around the world;

And, whereas, the people of the United States wish to extend their sympathy to the people of Scotland in their hours of hurt, pain, and grief;

Therefore, be it resolved by the Senate of the United States that the Senate on behalf of the American people does extend its condolences and sympathies to the families of the little children and others who were murdered and wounded, and to all the people of Scotland with fervent hopes and prayers that such an occurrence will never ever again take place.

Mr. President, I wanted to read this on the floor. This has been accepted. This is the unanimous voice of the U.S. Senate.

I wish there was more that we could do. But I think it is important that we recognize what has happened and send our love and our support.

Mr. President, I yield the floor.

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

Mr. BOND. Mr. President, I ask unanimous consent that all pending amendments be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 3521 AND 3522 TO AMENDMENT NO. 3466

Mr. BOND. Mr. President I send to the desk two amendments for Senator MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. MCCAIN, proposes amendments numbered 3521 and 3522 en bloc to amendment No. 3466.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3521

(Purpose: To require that disaster funds made available to certain agencies be allocated in accordance with the established prioritization processes of the agencies)

On page 756, between lines 10 and 11, insert the following:

SEC. 1103. ALLOCATION OF FUNDS.

Notwithstanding chapters 2, 4, and 6 of this title—

(1) funds made available under this title for economic development assistance programs of the Economic Development Administration shall be made available to the general fund of the Administration to be allocated in accordance with the established competitive prioritization process of the Administration;

(2) funds made available under this title for construction by the United States Fish and Wildlife Service shall be allocated in accordance with the established prioritization process of the Service; and

(3) funds made available under this title for community development grants by the Department of Housing and Urban Development shall be allocated in accordance with the established prioritization process of the Department.

AMENDMENT NO. 3522

(Purpose: To require the Secretary of Veterans Affairs to develop a plan for the allocation of health care resources of the Department of Veterans Affairs)

SEC. . PLAN FOR ALLOCATION OF HEALTH CARE RESOURCES BY DEPARTMENT OF VETERANS AFFAIRS.

(A) PLAN.—(1) The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care facilities of the Department so as to ensure that veterans having similar economic status, eligibility priority and, or, similar medical conditions who are eligible for medical care in such facilities have similar access to such care in such facilities regardless of the region of the United States in which such veterans reside.

(2) The Plan shall reflect, to the maximum extent possible, the Veterans Integrated Service Network, as well as the Resource Planning and Management System developed by the Department of Veterans Affairs to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care, and shall include procedures to identify reasons for variations in operating costs among similar facilities and ways to improve the allocation of resources so as to promote efficient use of resources and provision of quality health care.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary of Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall set forth—

(1) milestones for achieving the goal referred to in that subsection; and

(2) a means of evaluating the success of the Secretary in meeting the goals through the plan.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the plan developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

(d) PLAN IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) within 60 days of submitting such plan to Congress under subsection (b), unless within such period the Secretary notifies the appropriate Committees of Congress that such plan will not be implemented along with an explanation of why such plan will not be implemented.

Mr. BOND. Mr. President, I ask that those amendments be set aside.

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

Mr. BOND. 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. BOND. 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. BOND. Mr. President, I ask unanimous consent that the pending amendments be set aside.

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

AMENDMENT NO. 3501

Mr. BOND. Mr. President, I would like to move to an amendment that has been cleared which I would like to call up on behalf of Senators COHEN and BUMPERS numbered 3501.

The PRESIDING OFFICER. That amendment has already been filed.

Mr. BOND. That amendment has already been filed. I understand that it has been cleared on both sides. It is an amendment to permit recipients of Legal Services Corporation grants to use funds derived from non-Federal sources to testify at legislative hearings, or to respond to requests for certain information.

As I understand it, this amendment is acceptable to both sides. Therefore, it will not require a rollcall vote. I assume that we can move to a voice vote to adopt this amendment.

Mr. CRAIG. Mr. President, I rise to express my serious concerns with the Cohen-Bumpers amendment regarding the ability of Legal Services Corporation grantees to testify on legislation or rulemaking before Federal, State, or local government bodies. I will not block this amendment at this time, but I think this is a topic worthy of greater deliberation and one that should be revisited.

Earlier today, I offered an amendment, which was accepted on both sides, that was prompted by the oft-reported tendency of LSC grantees to exceed the bounds of the law, of its own rules, and of appropriate behavior in pursuing agendas that are often political or ideological, and not oriented toward providing legal services.

The Senate had a significant debate over LSC funding during our original consideration of the Commerce-State-Justice appropriation bill because of this very issue.

Even in rejecting the Appropriations Committee's recommendation to replace the current LSC system with block grants to the States, the Senate still voted, in adopting the Domenici amendment, to try to focus the activities of LSC grantees on their mission to provide legal representation to the needy in legal proceedings. That is the only LSC-grantee activity that the Federal Government has any business funding, directly or indirectly. Political and policymaking advocacy clearly are—and ought to be—considered inappropriate.

In this area and others, the Senate has come down firmly against Federal subsidies for lobbying and advocacy. Three times last year, the Senate adopted different Simpson-Craig amendments along these lines that related to Federal grants, in general. The one that became law, in the Lobbying Disclosure Act of 1995, prevents any Federal grants, awards, or loans from going to IRS 501(c)(4) organizations that engage in lobbying activities.

The Senate has been building this record on indirect subsidies of lobbying

and advocacy for two reasons: First, the public should not be forced to subsidize political and policymaking advocacy on behalf of special interests, and second, dollars are fungible.

Most LSC grantees take money from multiple sources. It all gets mixed in one pot. The more you put in the pot from any source, the more you subsidize every item in that grantee's agenda, including those that Federal dollars should not support.

I supported the block grant approach to providing legal aid because local control generally leads to better oversight. Even in the Domenici amendment, which was a compromise, there were provisions designed to address the concern that we lack adequate oversight and accountability when it comes to how LSC grantees use their funds.

I understand the balance that the authors of this amendment believe they are striking, and I am not unsympathetic. There are some matters on which it would be appropriate for LSC grantees to offer testimony or information, in a way that is directly relevant to their mission to provide legal representation to the needy.

However, I think there is a risk here that this amendment may enable what is essentially lobbying. I don't believe the Senate wants LSC grantees to use Federal dollars to free up non-Federal funds to pay for activities we don't want supported by Federal dollars. An indirect subsidy is as real as a direct one.

This is an issue that deserves more lengthy and serious debate, and this language deserves closer examination and possibly fine-tuning than can be given in the final rush to finish a 780-page omnibus appropriations bill. I look forward to that process.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 3501) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3520

Mr. WELLSTONE. Mr. President, I will take just a few minutes to summarize the amendment that I just submitted which has been laid aside for the moment.

This amendment deals with energy assistance. As I said to the Chair, I think there is broad bipartisan support.

Mr. President, there are really two parts to the amendment. I mean part of what we are talking about is really bolstering the Senate's position about funding next year for energy assistance as we go into conference. This is a commitment that there at least be $1 billion for the whole Nation for energy assistance for people in our country.

The second part of the amendment deals with the emergency assistance in the here and now. Mr. President, in my State of Minnesota last year there were 110,000 households who received this. This is a lifeline program for many elderly people, for many families with children, the low- and moderate-income citizens, and quite frankly it has enabled people not to be put in the position of ''heat or eat''.

In my State this year, fewer households have been served. I think last year we received about $50 million. This year we received about $35 million. What is going to happen if there is no additional assistance as these bills accumulate? It is warm right now in Washington, but we have had brutally cold weather, and we are going to go back to more of that weather this month. The bills will accumulate, and the real concern is that people will not be able to afford those bills.

Mr. President, this is an amendment that, as I said, I believe will have broad bipartisan support. I think it really is all about values and our priorities.

I think what we are saying in this sense-of-the-Senate amendment is that in the United States of America people should not go cold. Surely in our country, we can extend a hand and help people who need that help. This is a program that has not required very much by way of investment in resources. But it makes a huge, very concrete, and important difference in the lives of many people. To the cold weather States, like my State of Minnesota, this is a program that is hugely important.

So, Mr. President, I propose the sense-of-the-Senate amendment because this is an issue that is staring people in the face. It is extremely important that people do not go without heat. Therefore, I think it is extremely important that this amendment be agreed to.

I can talk more about the amendment later on. Other colleagues are here on the floor. As I said, I hope there will be good bipartisan support for this.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry. My understanding is that it is in order now to send to the desk amendments provided that you have a prior consultation with the managers of the bill and get what is known as a ''slot'' to speak.

The PRESIDING OFFICER. The Senator should ask unanimous consent that the pending amendment be laid aside. When that is granted, an amendment is in order if the Senator's name is on the list.

Mr. WARNER. Mr. President, I ask unanimous consent that the pending amendments be laid aside.

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

Mr. WARNER. Parliamentary inquiry. Is it not correct that the name of the Senator from Virginia is on the list?

The PRESIDING OFFICER. The Senator is authorized to offer a relevant amendment.

AMENDMENT NO. 3523 TO AMENDMENT NO. 3466

(Purpose: To prohibit the District of Columbia from enforcing any rule or ordinance that would terminate taxicab service reciprocity agreements with the States of Virginia and Maryland)

Mr. WARNER. Mr. President, I offer an amendment which I send to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3523 to amendment No. 3466:

At the end of title I of section 101(b), add the following:

SEC. 156. None of the funds provided in this Act may be used directly or indirectly to implement or enforce any rule or ordinance of the District of Columbia Taxicab Commission that would terminate taxicab service reciprocity agreements with the States of Virginia and Maryland.

Mr. WARNER. I thank the Chair.

Mr. President, this is not going to be regarded as an earth-shaking amendment, but it is one that is very important in my judgment to every one of us in the Senate and, indeed, in the House of Representatives. We have every day constituents who come to visit us from our States, from many places, and they have to rely upon the indigenous transportation. Part of that transportation is taxicabs operated under the jurisdiction of the District of Columbia, the jurisdiction of the sovereign State of Maryland, and the jurisdiction of the sovereign State of Virginia. For some 50 years, there has been a general format of understanding between these three jurisdictions as to how the taxis will allocate the various customers, business and the like.

Out of the blue, the D.C. Taxi Commission, without any notification, to my knowledge, of either the appropriate authorities in Maryland and Virginia, said that henceforth they are going to start a certain policy which would be at considerable variance with what had been in place for some 50 years and what is now operating.

Speaking for myself, I have lived in the greater metropolitan area for many years. I have been concerned about the quality of the taxi service, the ability of the drivers to understand even the simple basic things—language, locations. I am concerned about the overall public safety as that is associated with those cabs, primarily those cabs that are licensed in the District of Columbia.

But, anyway, the purpose of this amendment is to not permit any of the funds appropriated for the District of Columbia to be used for the purpose of trying to implement such agreements as the D.C. Taxi Commission acting unilaterally wishes to put in effect.

In my judgment, the proper way is to go to the Council of Governments, referred to as COG, and COG has many

times taken into consideration the needs and requirements of the District of Columbia, the Commonwealth of Virginia, and the great State of Maryland, and resolved them. That is what should be done in this case. So I think it is a matter, while not of earth-shaking proportions, that should be considered by the Congress in terms of saying to the District: Wait a minute. You are not to implement any agreement which will impact on our constituents coming from many places to visit the Nation's Capital. Let the Council of Governments arbitrate a fair allocation between the States of Virginia and Maryland and the District of Columbia and work out an appropriate agreement.

So, Mr. President, I will soon consult with the managers. Perhaps they can accept this amendment at this time. Otherwise, I will ask that it be laid aside.

Mr. President, to accommodate the managers and the leadership, I will ask unanimous consent that my amendment be laid aside temporarily.

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

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. After consultation with the Democratic leader and lots of other people, I ask unanimous consent that all remaining first-degree amendments in order to H.R. 3019 under the previous consent agreement must be offered by 8 p.m. this evening, with the exception of the managers' package, two amendments by the majority leader, two amendments by the Democratic leader, one for the Democratic manager, and one for the minority manager, and it be in order for the mover of the amendment to withdraw his or her amendment.

Mr. WARNER. Mr. President, reserving the right to object, and I certainly do not wish to object, I am also here to protect the interests of the Armed Services Committee and the desires of the chairman of that committee, Senator THURMOND, to put in sequence here an amendment on behalf of himself and other members of the committee.

Could I inquire of the manager if Senator THURMOND could be given an appropriate slot, or whatever terminology the distinguished leader wishes to use, to put that amendment in?

Mr. LOTT. If I might respond, Mr. President, certainly that would be in order if the amendment is offered by the designated hour. No time has been set yet as to the order that they will be brought up. We are just trying now to ascertain exactly what amendments we have, and when the manager, the distinguished chairman, returns there will be an order set up then. I am sure this will be put in the sequence.

Mr. WARNER. As I understand, the distinguished majority whip assures the Senator, speaking on behalf of Senator THURMOND——

Mr. LOTT. I do give that assurance to the distinguished Senator from Virginia.

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

Mr. WELLSTONE. Mr. President, reserving the right to object, I wanted to ask the Senator, does this mean that it is—in terms of this agreement, I gather that the leaders can offer amendments for Senators if they were not here before 8 if those amendments had been on the list as part of the original agreement?

Mr. LOTT. That is my understanding, Mr. President.

Mr. WELLSTONE. Is that the Senator's understanding?

Mr. LOTT. Yes, it is.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object further, Mr. President, I wonder if the distinguished leader would consider this unanimous consent request, and I state it at this time.

Mr. President, I ask unanimous consent that the amendment that I will soon send to the desk on behalf of Senator THURMOND be filed under Senator THURMOND's name in lieu of one of the relevant amendments reserved by the Senator from Arizona, Mr. MCCAIN. Would there be any objection to that?

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

Is there objection to the unanimous consent request of the Senator from Mississippi?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alaska object?

Mr. MURKOWSKI. The Senator seeks recognition.

The PRESIDING OFFICER. The question before the body is the unanimous consent request of the Senator from Mississippi.

Is there objection? Without objection, it is so ordered.

The Senator from Mississippi.

Mr. LOTT. Mr. President, in light of this new agreement, for the information of all Senators, there will be no votes between now and 8:30 p.m., and any votes ordered between now and 8:30 will be stacked to occur at 8:30 p.m. this evening on a case-by-case basis. With that, I yield the floor.

AMENDMENT NO. 3524 TO AMENDMENT NO. 3466

(Purpose: To reconcile seafood inspection requirements for agricultural commodity programs with those in use for general public consumers)

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, if it is in order, I will send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment of the Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself and Mr. STEVENS, proposes an amendment numbered 3524 to Amendment No. 3466.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page , beginning with line , insert the following:

SEC. . SEAFOOD SAFETY.

(a) Notwithstanding any other provision of law, any domestic fish or fish product produced in compliance with the ''Procedures for the Safe and Sanitary Processing and Importing of Fish and Fish Products'' (published by the Food and Drug Administration as a final regulation in the Federal Register of December 18, 1995) or produced in compliance with food safety standards or procedures accepted by the Food and Drug Administration as satisfying the requirements of such regulations, shall be deemed to have met any inspection requirements of the Department of Agriculture or other Federal agency for any Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

Mr. MURKOWSKI. Mr. President, this amendment would simply end featherbedding in the Department of Agriculture relative to the process of seafood inspection as we know it today. I am especially concerned about the current regime for the canned salmon industry in the United States.

As the Chair is well aware, a significant portion of that industry is based in my State of Alaska, and a good portion of that industry is controlled, through the State of Washington. As a consequence of the development of the industry over the years, there is an inspection program operated by the State of Alaska which meets all the criteria of the Federal Food and Drug Administration. This assures the consistent quality and wholesomeness of the salmon canned in Alaska. However, the USDA and only the USDA requires yet another, completely redundant layer of inspection, the cost of which is charged back to the canner.

That means we have a situation where salmon going into the marketplace, going into the Safeway, going into Giant, going on the shelves of the grocers throughout the United States—is subject to an inspection that has been traditional in the industry involving both State and Federal oversight.

However, for reasons unknown to the Senator from Alaska, the Department of Agriculture believes that what is good enough for the American salmon consumer is not good enough for the Federal programs that purchase this salmon with taxpayer dollars. So, the USDA demand that the salmon it purchases, available for our programs for the homeless and others, be inspected by an additional USDA inspector who must actually stand in the cannery at all times. This procedure is only required for salmon that goes into the USDA program.

This is an additional cost to the Federal Government, and additional cost to the canner; additional cost, ultimately, to the consumer. It is really

featherbedding. The USDA wants to keep Federal inspectors employed, even though they are not responsible for the safety of the salmon, and even though the commercial product sold in every grocery in the Nation is not subject to this continuous inspection.

This particular amendment simply would alleviate this burden and no longer make necessary this inspection by the USDA.

I might add, the inspection process as required by USDA often requires far more than just putting one inspector in each cannery. The canneries work well beyond an 8 to 5 day. They work when the fish are in, which requires in many cases a continuous 24-hour a day operation to ensure the quality of the pack.

USDA's insistence is outdated. It has roots that are unfathomable. But the main issue is not its cause but its effect. The programs that protect the average consumer are necessary. They are appropriate. I support them. But it is not necessary nor is it appropriate for the Department of Agriculture to add an additional bureaucratic layer beyond the ones in place for you and me.

As a consequence, Mr. President, I ask my colleagues, at the appropriate time, to consider adopting this amendment. I have discussed it with some of the floor managers. I do not know whether the Senator from Virginia has any interest in the subject or not.

Mr. President, I will further offer an additional amendment which I will send to the desk. I ask the pending amendment be set aside.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

AMENDMENT NO. 3525 TO AMENDMENT NO. 3466

(Purpose: To provide for the approval of an exchange of lands within Admiralty Island National Monument)

Mr. MURKOWSKI. 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 Alaska [Mr. MURKOWSKI] proposes an amendment numbered 3525 to amendment No. 3466.

Mr. MURKOWSKI. 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:

SECTION 1.

(a) SHORT TITLE.—This section may be cited as the ''Greens Creek Land Exchange Act of 1996.''

(b) FINDINGS.

The Congress makes the following findings:

(1) The Alaska National Interest Lands Conservation Act established the Admiralty Island National Monument and sections 503 and 504 of that Act provided special provisions under which the Greens Creek Claims would be developed. The provisions supplemented the general mining laws under which these claims were staked.

(2) The Kennecott Greens Creek Mining Company, Inc., currently holds title to the Greens Creek Claims, and the area surrounding these claims has further mineral potential which is yet unexplored.

(3) Negotiations between the United States Forest Service and the Kennecott Greens Creek Mining Company, Inc., have resulted in an agreement by which the area surrounding the Greens Creek Claims could be explored and developed under terms and conditions consistent with the protection of the values of the Admiralty Island National Monument.

(4) The full effectuation of the Agreement, by its terms, requires the approval and ratification by Congress.

(c) DEFINITIONS.

As used in this section—

(1) the term ''Agreement'' means the document entitled the ''Greens Creek Land Exchange Agreement'' executed on December 14, 1994, by the Under Secretary of Agriculture for Natural Resources and Environment on behalf of the United States and the Kennecott Greens Creek Mining Company and Kennecott Corporation;

(2) the term ''ANILCA'' means the Alaska National Interest Lands Conservation Act, Public Law 96–487 (94 Stat. 2371);

(3) the term ''conservation system unit'' has the same meaning as defined in section 102(4) of ANILCA;

(4) the term ''Greens Creek Claims'' means those patented mining claims of Kennecott Greens Creek Mining Company within the Monument recognized pursuant to section 504 of ANILCA;

(5) the term ''KGCMC'' means the Kennecott Greens Creek Mining Company, Inc., a Delaware corporation;

(6) the term ''Monument'' means the Admiralty Island National Monument in the State of Alaska established by section 503 of ANILCA;

(7) the term ''Royalty'' means Net Island Receipts Royalty as that latter term is defined in Exhibit C to the Agreement; and

(8) the term ''Secretary'' means the Secretary of Agriculture.

(d) RATIFICATION OF THE AGREEMENT. The Agreement is hereby ratified and confirmed as to the duties and obligations of the United States and its agencies, and KGCMC and Kennecott Corporation, as a matter of Federal law. The agreement may be modified or amended, without further action by the Congress, upon written agreement of all parties thereto and with notification in writing being made to the appropriate committees of the Congress.

(e) IMPLEMENTATION OF THE AGREEMENT.

(1) LAND ACQUISITION.—Without diminishment of any other land acquisition authority of the Secretary in Alaska and in furtherance of the purposes of the Agreement, the Secretary is authorized to acquire lands and interests in land within conservation system units in the Tongass National Forest, and any land or interest in land so acquired shall be administered by the Secretary as part of the National Forest System and any conservation system unit in which it is located. Priority shall be given to acquisition of non-Federal lands within the Monument.

(2) ACQUISITION FUNDING.—There is hereby established in the Treasury of the United States an account entitled the ''Greens Creek Land Exchange Account'' into which shall be deposited the first $5,000,000 in royalties received by the United States under part 6 of the Agreement after the distribution of the amounts pursuant to paragraph (3) of this subsection. Such moneys in the special account in the Treasury may, to the extent provided in appropriations Acts, be used for land acquisition pursuant to paragraph (1) of this subsection.

(3) TWENTY-FIVE PERCENT FUND.—All royalties paid to the United States under the Agreement shall be subject to the 25 percent distribution provisions of the Act of May 23, 1908, as amended (16 U.S.C. 500) relating to payments for roads and schools.

(4) MINERAL DEVELOPMENT.—Notwithstanding any provision of ANILCA to the contrary the lands and interests in lands being conveyed to KGCMC pursuant to the Agreement shall be available for mining and related activities subject to and in accordance with the terms of the Agreement and conveyances made thereunder.

(5) ADMINISTRATION.—The Secretary of Agriculture is authorized to implement and administer the rights and obligations of the Federal Government under the Agreement, including monitoring the Government's interests relating to extralateral rights, collecting royalties, and conducting audits. The Secretary may enter into cooperative arrangements with other Federal agencies for the performance of any Federal rights or obligations under the Agreement or this Act.

(6) REVERSIONS.—Before reversion to the United States of KGCMC properties located on Admiralty Island, KGCMC shall reclaim the surface disturbed in accordance with an approved plan of operations and applicable laws and regulations. Upon reversion to the United States of KGCMC properties located on Admiralty, those properties located within the Monument shall become part of the Monument and those properties lying outside the Monument shall be managed as part of the Tongass National Forest.

(7) SAVINGS PROVISIONS.—Implementation of the Agreement in accordance with this section shall not be deemed a major Federal action significantly affecting the quality of the human environment, nor shall implementation require further consideration pursuant to the National Historic Preservation Act, title VIII of ANILCA, or any other law.

(f) RESCISSION RIGHTS.

Within 60 days of the enactment of this section, KGCMC and Kennecott Corporation shall have a right to rescind all rights under the Agreement and this section. Rescission shall be effected by a duly authorized resolution of the Board of Directors of either KGCMC or Kennecott Corporation and delivered to the Chief of the Forest Service at the Chief's principal office in Washington, District of Columbia. In the event of a rescission, the status quo ante provisions of the Agreement shall apply.

Mr. MURKOWSKI. Mr. President, I ask the amendment be set aside for future consideration.

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

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, moments ago I received a request to send an amendment to the desk on behalf of the chairman of the Armed Services Committee, the senior Senator from South Carolina [Mr. THURMOND].

AMENDMENT NO. 3526 TO AMENDMENT NO. 3466

(Purpose: To delay the exercise of authority to enter into multiyear procurement contracts for C–17 aircraft)

Mr. WARNER. 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 Virginia [Mr. WARNER], for Mr. THURMOND, for himself, Mr. NUNN, Mr. WARNER, Mr. COHEN, Mr. LOTT, Mr. SMITH, Mr. COATS, Mr. SANTORUM, Mr. INHOFE, Mr. EXON, Mr. ROBB, Mr. BRYAN, and Mr. KEMPTHORNE, proposes an amendment numbered 3526 to amendment No. 3466.

Mr. WARNER. 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 754, line 4, strike out the period at the end and insert in lieu thereof '': *provided further,* That the authority under this section may not be used to enter into a multiyear procurement contract until the day after the date of the enactment of an Act (other than an appropriations Act) containing a provision authorizing a multiyear procurement contract for the C–117 aircraft.''.

Mr. WARNER. Mr. President, this amendment is cosponsored by Senators NUNN, myself, COHEN, LOTT, SMITH, COATS, SANTORUM, INHOFE, EXON, ROBB, BRYAN, and KEMPTHORNE. We are contacting other Members, all of those being members of the Senate Armed Services Committee. I am of the opinion there will be other members of the committee that will seek to become cosponsors. For that purpose, I ask unanimous consent now that further Members may add their names.

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

Mr. WARNER. Mr. President, I would like to briefly address the amendment.

Mr. President, I rise to introduce an amendment which would allow the Senate Armed Services Committee an adequate opportunity to review the proposed multiyear contract for the C–17 program. I would think that all Members who have an interest in ensuring that taxpayer dollars are spent wisely on defense programs would support this amendment.

This morning, at a hearing of the Senate Armed Services Committee, I joined with my colleagues in telling the Secretary of the Air Force and the Chief of Staff of the Air Force how concerned we are with the approach which the administration has adopted concerning the C–17 program. Quite simply, a supplemental appropriations bill is not an appropriate vehicle for granting the authorization to proceed with such a large acquisition program. In my view, there is no justification for bypassing the authorizing committee in a decision of this magnitude.

We are talking about a program to purchase 80 additional C–17 aircraft, over 7 years, at a cost of almost $22 billion. If we proceed with the administration's proposal—as contained in the Senate bill—we will be giving the Pentagon the authority to sign a contract which commits this Nation to a major acquisition program with a $22 billion price tag. We will be rubber-stamping a Defense Acquisition Board [DAB] recommendation that an additional 80 C–17 aircraft is the proper solution for our airlift requirements in the future, and that this multiyear contract is the best way to achieve that goal. We must not be rushed into such a decision. This program deserves careful and thorough scrutiny by the Armed Services Committee.

By treating this program separately—by dealing with it outside of the normal authorization process—we will not have the opportunity to weigh this program against the other competing priorities in the procurement accounts—across the services. The C–17 program, as proposed, will eat up a substantial share of the procurement budget for the next 7 years. We must understand the full impact of this decision—for the entire defense budget—before committing ourselves to such a program.

I remind my colleagues that this is a program which has been plagued by problems in the past. The Armed Services Committee has stood by the C–17 program in its lean years. It appears that our faith in this program has been justified. The C–17 is performing well in Bosnia, and it appears that the problems of the past have been corrected.

Our argument today is not with the aircraft—but with this unusual expedited process that would effectively strip the Armed Services Committee of its responsibilities to examine a proper authorization for the 7-year multiyear contract for the C–17.

I urge my colleagues to support the pending amendment.

AMENDMENT NO. 3527 TO AMENDMENT NO. 3466

Mr. WARNER. 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 Virginia [Mr. WARNER] for Mr. HATFIELD, for himself and Mr. DOLE, Mr. MCCONNELL, and Mr. LEAHY, proposes an amendment numbered 3527 to amendment No. 3466.

Mr. WARNER. 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:

To the substitute on page 750, between lines 18 and 19, add the following:

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS FOR DEFENSE OF ISRAEL AGAINST TERRORISM

For emergency expenses necessary to meet unanticipated needs for the acquisition and provision of goods, services, and/or grants for Israel necessary to support the eradication of terrorism in and around Israel, $50,000,000: *Provided,* That none of the funds appropriated in this paragraph shall be available for obligation except through the regular notification procedures of the Committees on Appropriations: *Provided further,* That the entire amount 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, as amended:

Mr. WARNER. I ask unanimous consent that be laid aside.

Mr. COATS. Mr. President, I wonder if I could ask the Senator from Virginia to just yield for a moment? I have an amendment I would like to offer on behalf of Senator DOLE. I need to beat the clock. May I take 30 seconds to do that?

Mr. BURNS. If the Senator will yield, this Senator has three to offer before 8 o'clock.

Mr. WARNER. Mr. President, I wish to accommodate my colleagues.

Let me just say in one further sentence, the purpose of the amendment by Mr. THURMOND and myself is to go to the jurisdiction of our committee over a very important contract, relating to C–17's.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

AMENDMENT NO. 3528 TO AMENDMENT NO. 3466

(Purpose: To allow the refurbishment and continued operation of a small hydroelectric facility in central Montana by adjusting the amount of charges to be paid to the United States under the Federal Power Act)

Mr. BURNS. 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 Montana [Mr. BURNS] proposes an amendment numbered 3528 to amendment No. 3466.

Mr. BURNS. 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 appropriate place insert the following:

SEC. CONTINUED OPERATION OF AN EXISTING HYDROELECTRIC FACILITY IN MONTANA.

(a) Notwithstanding section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1) or any other law requiring payment to the United States of an annual or other charge for the use, occupancy, and enjoyment of land by the holder of a license issued by the Federal Energy Regulatory Commission under part I of the Federal Power Act (16 U.S.C. 792 et seq.) for project numbered 1473, provided that the current licensee receives no payment or consideration for the transfer of the license a political subdivision of the State of Montana that accepts the license—

(1) shall not be required to pay such charges during the 5-year period following the date of acceptance; and

(2) after that 5-year period, and for so long as the political subdivision holds the license, shall not be required to pay such charges that exceed 100 percentum of the net revenues derived from the sale of electric power from the project.

(b) The provisions of subsection (a) shall not be effective if:

(1) a competing license application if filed within 90 days of the date of enactment of this act, or

(2) the Federal Energy Regulatory Commission issues and order within 90 days of the date of enactment of this act which makes a determination that in the absence of the reduction in charges provided by subsection (a) the license transfer will occur.

Mr. BURNS. Mr. President, I also ask unanimous consent the present amendment be set aside.

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

AMENDMENT NO. 3529 TO AMENDMENT NO. 3466

(Purpose: To provide for Impact Aid school construction funding)

Mr. BURNS. 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 Montana [Mr. BURNS] proposes an amendment numbered 3529 to amendment No. 3466.

Mr. BURNS. 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 591, between lines 3 and 4, insert the following:

SEC. 305. (a)(1) From any unobligated funds that are available to the Secretary of Education to carry out section 5 or 14 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on September 30, 1994) not less than $11,500,000 shall be available to the Secretary of Education to carry out subsection (b).

(2) Any unobligated funds described in paragraph (1) that remain unobligated after the Secretary of Education carries out such paragraph shall be available to the Secretary of Education to carry out section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707).

(b)(1) The Secretary of Education shall award the funds described in subsection (a)(1) to local educational agencies, under such terms and conditions as the Secretary of Education determines appropriate, for the construction of public elementary or secondary schools on Indian reservations or in school districts that—

(A) the Secretary of Education determines are in dire need of construction funding;

(B) contain a public elementary or secondary school that serves a student population which is 90 percent Indian students; and

(C) serve students who are taught in inadequate or unsafe structures, or in a public elementary or secondary school that has been condemned.

(2) A local educational agency that receives construction funding under this subsection for fiscal year 1996 shall not be eligible to receive any funds under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for school construction for fiscal years 1996 and 1997.

(3) As used in this subsection, the term ''construction'' has the meaning given that term in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)).

(4) No request for construction funding under this subsection shall be approved unless the request is received by the Secretary of Education not later than 30 days after the date of enactment of this Act.

Mr. BURNS. Mr. President, I ask unanimous consent the present amendment be set aside.

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

AMENDMENT NO. 3530 TO AMENDMENT NO. 3466

(Purpose: To establish a commission on restructuring the circuits of the United States Courts of Appeals)

Mr. BURNS. 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 Montana [Mr. BURNS] proposes an amendment numbered 3530 to amendment No. 3466.

Mr. BURNS. 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 the amendment add the following:

Subtitle B—Commission on Restructuring the Circuits of the United States Courts of Appeals

SEC. 921. ESTABLISHMENT AND FUNCTIONS OF COMMISSION.

(a) ESTABLISHMENT.—There is established a Commission on restructuring for the circuits of the United States Courts of Appeals which shall be known as the ''Heflin Commission'' (hereinafter referred to as the ''Commission'').

(b) FUNCTIONS.—The function of the Commission shall be to—

(1) study the restructuring of the circuits of the United States Courts of Appeals; and

(2) report to the President and the Congress on its findings.

SEC. 922. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of twelve members appointed as follows:

(1) Three members appointed by the President of the United States.

(2) Three members appointed by the President pro tempore of the Senate.

(3) Three members appointed by the Speaker of the House of Representatives.

(4) Three members appointed by the Chief Justice of the United States.

(b) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(c) QUORUM.—Seven members of the Commission shall constitute a quorum, but three may conduct hearings.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairman.

SEC. 923. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

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

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 924. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—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 such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 925. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its final report.

SEC. 926. REPORT.

No later than 2 years after the date of the enactment of this subtitle, the Commission shall submit a report to the President and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

SEC. 927. AUTHORIZATION OF APPROPRIATIONS.

On page 79, line 10 add the following:

''Of which not to exceed $3,000,000 shall remain available until expended for the Twelfth Circuit Court of Appeals.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 3531 TO AMENDMENT NO. 3466

Mr. COATS. Mr. President, on behalf of Senator DOLE, myself, and Mr. LIEBERMAN, 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 Indiana [Mr. COATS], for Mr. DOLE, for himself, Mr. COATS, and Mr. LIEBERMAN, proposes an amendment numbered 3531 to amendment No. 3466.

Mr. COATS. 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 404, between lines 17 and 18, insert the following:

Subtitle N—Low-Income Scholarships

SEC. 2921. DEFINITIONS.

As used in this subtitle—

(1) the term ''Board'' means the Board of Directors of the Corporation established under section 2922(b)(1);

(2) the term ''Corporation'' means the District of Columbia Scholarship Corporation established under section 2922(a);

(3) the term ''eligible institution''—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 2923(d)(1), means a private or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 2923(d)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through activities described in section 2923(d)(2); and

(4) the term ''poverty line'' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 2922. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the ''District of Columbia Scholarship Corporation'', which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this subtitle, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the Board of Education, the Superintendent, the Consensus Commission, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this subtitle, and, to the extent consistent with this subtitle, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is hereby established in the District of Columbia general fund a fund that shall be known as the ''District of Columbia Scholarship Fund''.

(7) DISBURSEMENT.—The Mayor shall disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year for which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this subtitle shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this subtitle shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) $5,000,000 for fiscal year 1996;

(ii) $7,000,000 for fiscal year 1997; and

(iii) $10,000,000 for each of fiscal years 1998 through 2000.

(B) LIMITATION.—Not more than $250,000 of the amount appropriated to carry out this subtitle for any fiscal year may be used by the Corporation for any purpose other than assistance to students.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors comprised of 7 members, with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 2 members of the Board from a list of at least 6 individuals nominated by the Speaker of the House of Representatives, and 1 member of the Board from a list of at least 3 individuals nominated by the Minority Leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 2 members of the Board from a list of at least 6 individuals nominated by the Majority Leader of the Senate, and 1 member of the Board from a list of at least 3 individuals nominated by the Minority Leader of the Senate.

(D) DEADLINE.—The Speaker and Minority Leader of the House of Representatives and Majority Leader and Minority Leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be chairperson of the Board.

(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this subtitle.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(13) CONGRESSIONAL INTENT.—Subject to the results of the program appraisal under section 2933, it is the intention of the Congress to turn over to District of Columbia officials the control of the Board at the end of the 5-year period beginning on the date of enactment of this Act, under terms and conditions to be determined at that time.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG–16 of the Educational Service of the District of Columbia, to be fixed by the Board .

(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this subtitle.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 2933(c).

SEC. 2923. SCHOLARSHIPS AUTHORIZED.

(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (d)(1) and enhanced achievement scholarships under subsection (d)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) SCHOLARSHIP PRIORITY.—

(1) FIRST.—The Corporation shall first award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia kindergarten, except that this subparagraph shall apply only for academic years 1996, 1997, and 1998; or

(B) have received a scholarship from the Corporation in the year preceding the year for which the scholarship is awarded.

(2) SECOND.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students described in subsection (a) who are not described in paragraph (1).

(c) SPECIAL RULE.—The Corporation shall attempt to ensure an equitable distribution of scholarship funds to students at diverse academic achievement levels.

(d) USE OF SCHOLARSHIP.—

(1) TUITION SCHOLARSHIPS.—A tuition scholarship may be used only for the payment of the cost of the tuition and mandatory fees for, and transportation to attend, an eligible institution located within the geographic boundaries of the District of Columbia.

(2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may be used only for the payment of—

(A) the costs of tuition and mandatory fees for, and transportation to attend, a program of nonsectarian instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program;

(B) the costs of tuition and mandatory fees for, and transportation to attend, after-school activities that do not have an academic focus, such as athletics or music lessons; or

(C) the costs of tuition and mandatory fees for, and transportation to attend, vocational, vocational-technical, and technical training programs.

(e) NOT SCHOOL AID.—A scholarship under this subtitle shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

SEC. 2924. SCHOLARSHIP PAYMENTS AND AMOUNTS.

(a) AWARDS.—From the funds made available under this subtitle, the Corporation shall award a scholarship to a student and make payments in accordance with section 2930 on behalf of such student to a participating eligible institution chosen by the parent of the student.

(b) NOTIFICATION.—Each eligible institution that desires to receive payment under subsection (a) shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this subtitle is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this subtitle, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this subtitle is refused admission, of the reasons for such a refusal.

(c) TUITION SCHOLARSHIP.—

(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $3,000 for fiscal year 1996, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 50 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $1,500 for fiscal year 1996, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—

(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, an enhanced achievement scholarship may not exceed the lesser of—

(A) the costs of tuition and mandatory fees for, and transportation to attend, a program of nonsectarian instruction at an eligible institution; or

(B) $1,500 for 1996, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, an enhanced achievement scholarship may not exceed the lesser of—

(A) 50 percent of the costs of tuition and mandatory fees for, and transportation to attend, a program of nonsectarian instruction at an eligible institution; or

(B) $750 for fiscal year 1996 with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(e) ALLOCATION OF FUNDS.—

(1) FEDERAL FUNDS.—

(A) PLAN.—The Corporation shall submit to the District of Columbia Council a proposed allocation plan for the allocation of Federal funds between the tuition scholarships under section 2923(d)(1) and enhanced achievement scholarships under section 2923(d)(2).

(B) CONSIDERATION.—Not later than 30 days after receipt of each such plan, the District of Columbia Council shall consider such proposed allocation plan and notify the Corporation in writing of its decision to approve or disapprove such allocation plan.

(C) OBJECTIONS.—In the case of a vote of disapproval of such allocation plan, the District of Columbia Council shall provide in writing the District of Columbia Council's objections to such allocation plan.

(D) RESUBMISSION.—The Corporation may submit a revised allocation plan for consideration to the District of Columbia Council.

(E) PROHIBITION.—No Federal funds provided under this subtitle may be used for any scholarship until the District of Columbia Council has approved the allocation plan for the Corporation.

(2) PRIVATE FUNDS.—The Corporation shall annually allocate unrestricted private funds equitably, as determined by the Board, for scholarships under paragraph (1) and (2) of section 2923(d), after consultation with the public, the Mayor, the District of Columbia Council, the Board of Education, the Superintendent, and the Consensus Commission.

SEC. 2925. CERTIFICATION OF ELIGIBLE INSTITUTIONS.

(a) APPLICATION.—An eligible institution that desires to receive a payment on behalf of a student who receives a scholarship under this subtitle shall file an application with the Corporation for certification for participation in the scholarship program under this subtitle. Each such application shall—

(1) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subsection (c);

(2) contain an assurance that the eligible institution will comply with all applicable requirements of this subtitle;

(3) provide the most recent audit of the financial statements of the eligible institution by an independent certified public accountant using generally accepted auditing standards, completed not earlier than 3 years before the date such application is filed;

(4) describe the eligible institution's proposed program, including personnel qualifications and fees;

(5) contain an assurance that a student receiving a scholarship under this subtitle shall not be required to attend or participate in a religion class or religious ceremony without the written consent of such student's parent;

(6) contain an assurance that funds received under this subtitle will not be used to pay the costs related to a religion class or a religious ceremony, except that such funds may be used to pay the salary of a teacher who teaches such class or participates in such ceremony if such teacher also teaches an academic class at such eligible institution;

(7) contain an assurance that the eligible institution will abide by all regulations of the District of Columbia Government applicable to such eligible institution; and

(8) contain an assurance that the eligible institution will implement due process requirements for expulsion and suspension of students, including at a minimum, a process for appealing the expulsion or suspension decision.

(b) CERTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after receipt of an application in accordance with subsection (a), the Corporation shall certify an eligible institution to participate in the scholarship program under this subtitle.

(2) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subsection (d).

(3) EXCEPTION FOR 1996.—For fiscal year 1996 only, and after receipt of an application in accordance with subsection (a), the Corporation shall certify the eligibility of an eligible institution to participate in the scholarship program under this subtitle at the earliest practicable date.

(c) NEW ELIGIBLE INSTITUTION.—

(1) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this subtitle for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(A) a list of the eligible institution's board of directors;

(B) letters of support from not less than 10 members of the community served by such eligible institution;

(C) a business plan;

(D) an intended course of study;

(E) assurances that the eligible institution will begin operations with not less than 25 students;

(F) assurances that the eligible institution will comply with all applicable requirements of this subtitle; and

(G) a statement that satisfies the requirements of paragraph (2), and paragraphs (4) through (8), of subsection (a).

(2) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in paragraph (1), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this subtitle unless the Corporation determines that good cause exists to deny certification.

(3) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under paragraph (1) from an eligible institution that includes an audit of the financial statements of the eligible institution by an independent certified public accountant using generally accepted auditing standards completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this subtitle unless the Corporation finds—

(A) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in section 2926(a); or

(B) consistent failure of 25 percent or more of the students receiving scholarships under this subtitle and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(4) DENIAL OF CERTIFICATION.—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(d) REVOCATION OF ELIGIBILITY.—

(1) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this subtitle for a year succeeding the year for which the determination is made for—

(A) good cause, including a finding of a pattern of violation of program requirements described in section 2926(a); or

(B) consistent failure of 25 percent or more of the students receiving scholarships under this subtitle and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(2) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of its decision to such eligible institution and require a pro rata refund of the payments received under this subtitle.

SEC. 2926. PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.

(a) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this subtitle shall—

(1) provide to the Corporation not later than June 30 of each year the most recent audit of the financial statements of the eligible institution by an independent certified public accountant using generally accepted auditing standards completed not earlier than 3 years before the date the application is filed; and

(2) charge a student that receives a scholarship under this subtitle the same amounts for the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(b) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon an eligible institution as a condition of participation in the scholarship program under this subtitle.

SEC. 2927. CIVIL RIGHTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this subtitle shall be deemed to be a recipient of Federal financial assistance for the purposes of the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(b) REVOCATION.—Notwithstanding section 2926(b), if the Secretary of Education determines that an eligible institution participating in the scholarship program under this subtitle is in violation of any of the laws listed in subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

SEC. 2928. CHILDREN WITH DISABILITIES.

(a) IN GENERAL.—Nothing in this subtitle shall affect the rights of students or the obligations of the District of Columbia public schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(b) PRIVATE OR INDEPENDENT SCHOOL SCHOLARSHIPS.—

(1) DETERMINATION OF ELIGIBLITY FOR SERVICES.—If requested by either a parent of a child with a disability who attends a private or independent school receiving funding under this subtitle or by the private or independent school receiving funding under this subtitle, the Board of Education shall determine the eligibility of such child for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(2) REQUIREMENTS.—If a child is determined eligible for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) pursuant to paragraph (1), the Board of Education shall—

(A) develop an individualized education program, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), for such child; and

(B) negotiate with the private or independent school to deliver to such child the services described in the individualized education program.

(3) APPEAL.—If the Board of Education determines that a child is not eligible for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) pursuant to paragraph (1), such child shall retain the right to appeal such determination under such Act as if such child were attending a District of Columbia public school.

SEC. 2929. CONSTRUCTION PROHIBITION.

No funds under this subtitle may be used for construction of facilities.

SEC. 2930. SCHOLARSHIP PAYMENTS.

(a) IN GENERAL.—

(1) PROPORTIONAL PAYMENT.—The Corporation shall make scholarship payments to participating eligible institutions on a schedule established by the Corporation.

(2) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—

(A) BEFORE PAYMENT.—If a student receiving a scholarship withdraws or is expelled from an eligible institution before a scholarship payment is made, the eligible institution shall receive a pro rata payment based on the amount of the scholarship and the number of days the student was enrolled in the eligible institution.

(B) AFTER PAYMENT.—If a student receiving a scholarship withdraws or is expelled after a scholarship payment is made, the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any scholarship payment received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

(b) FUND TRANSFERS.—The Corporation shall make scholarship payments to participating eligible institutions by electronic funds transfer. If such an arrangement is not available, then the eligible institution shall submit an alternative payment proposal to the Corporation for approval.

SEC. 2931. APPLICATION SCHEDULE AND PROCEDURES.

The Corporation shall implement a schedule and procedures for processing applications for awarding student scholarships under this subtitle that includes a list of certified eligible institutions, distribution of information to parents and the general public (including through a newspaper of general circulation), and deadlines for steps in the scholarship application and award process.

SEC. 2932. REPORTING REQUIREMENTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this subtitle shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution's programs.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) CONFIDENTIALITY.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

SEC. 2933. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Department of Education shall provide for an independent evaluation of the scholarship program under this subtitle, including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level; and

(3) the satisfaction of parents of scholarship students with the scholarship program.

(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

(c) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate congressional committees. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students

who have participated in the scholarship program.

(d) AUTHORIZATION.—There are authorized to be appropriated for the study described in subsection (a), $250,000, which shall remain available until expended.

SEC. 2934. JUDICIAL REVIEW.

The United States District Court for the District of Columbia shall have jurisdiction over any constitutional challenges to the scholarship program under this subtitle and shall provide expedited review.

SEC. 2936. OFFSET.

In addition to the reduction in appropriations and expenditures for personal services required under the heading ''PAY RENEGOTIATION OR REDUCTION IN COMPENSATION'' in the District of Columbia Appropriations Act, 1996, the Mayor of the District of Columbia shall reduce such appropriations and expenditures in accordance with the provisions of such heading by an additional $5,000,000.

SEC. 2937. OFFSETS.

Notwithstanding any other provision in this Act or in the District of Columbia Appropriations Act, 1996, the payment to the District of Columbia for the fiscal year ending September 30, 1996, shall be $655,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law, 93–198, as amended (D.C. Code, sec. 47–3406.1).

SEC. 2938. FEDERAL APPROPRIATION.

Notwithstanding any other provision in this Act or in the District of Columbia Appropriations Act, 1996, the Federal contribution to Education Reform shall be $19,930,000, of which $5,000,000 shall be available for scholarships for low income students in dangerous or failed public schools as provided for in Subtitle N and shall not be disbursed by the Authority until the Authority receives a certification from the District of Columbia Emergency Scholarship Corporation that the proposed allocation between the tuition scholarships and enhanced achievement scholarships has been approved by the Council of the District of Columbia consistent with the Scholarship Corporation's most recent proposal concerning the implementation of the emergency scholarship program. These funds shall lapse and be returned by the Authority to the U.S. Treasury on September 30, 1996, if the required certification from the Scholarship Corporation is not received by July 1, 1996.

SEC. 2939. EDUCATION REFORM.

In addition to the amounts appropriated for the District of Columbia under the heading ''Education Reform'', $5,000,000 shall be paid to the District of Columbia Emergency Scholarship Corporation authorized in Subtitle N.''

Mr. COATS. Mr. President, given the time, I yield the floor.

AMENDMENT NO. 3532 TO AMENDMENT NO. 3466

Mr. COVERDELL. 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 Georgia [Mr. COVERDELL] for himself, Mr. STEVENS, and Mr. INOUYE, proposes an amendment numbered 3532 to amendment No. 3466.

Mr. COVERDELL. 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:

In the pending amendment, on page 540, line 11 after ''Act'' insert: ''and $5,000,000 shall be available for obligation for the period July 1, 1995 through June 30, 1996 for employment-related activities of the 1996 Paralympic Games.''

In the pending amendment, on page 597, line 21 after ''expended'' insert: '', of which $1,500,000 shall be for a demonstration program to foster economic independence among people with disabilities through disability sport, in connection with the Tenth Paralympic Games.''

Mr. LAUTENBERG. Mr. President, may I ask our colleague to just withhold for 1 minute while I fashion a unanimous consent request here? There are amendments still ready to go.

When the Senator from Georgia finishes, it will be past the bewitching hour of 8 o'clock.

I ask unanimous consent if we can keep the amendment filing period open for another 30 minutes—another 15 minutes?

Mr. MURKOWSKI. Mr. President, I object.

Mr. LAUTENBERG. Will the Senator from Alaska accept a 5-minute delay?

Mr. MURKOWSKI. The Senator will accept 5 minutes.

Mr. LAUTENBERG. I submit the unanimous consent request for 5 minutes.

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

Mr. COVERDELL. Mr. President, I ask unanimous consent that the amendment be temporarily set aside.

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

The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I simply rise to express some disappointment in the fact that we have had an amendment with respect to China and Taiwan that we intended to offer. It has been approved by the administration and the ranking minority member of Foreign Relations supports it. Yet, the other side of the aisle has objected to its submission.

I am very sorry about that. It would seem to me that this body would want to speak out on the China effort. However, through their staff and through their workings, they have kept us from doing that. We will have to bring it up in another fashion.

This was submitted by Mr. HELMS, Mr. DOLE, Mr. MURKOWSKI, Mr. PELL, Mr. SIMON, Mr. MACK, Mr. GRAMS, Mr. PRESSLER, Mr. BROWN, Mr. LUGAR, Mr. D'AMATO, Mr. LIEBERMAN, Mr. ROTH, and Mr. FORD. I simply want to say we will have to find another way, but I should think this body would want to speak out on the current situation in China or Taiwan.

Mr. MURKOWSKI. I wonder if I can ask my good friend from Wyoming if he recalls sometime ago this body voted 97 to 1 on a resolution welcoming President Li as he visited his alma mater in New York and the issue of our responsibility to Taiwan at that time was discussed at great length in this body. I think it is fair to say my friend from Wyoming participated in that debate. This body did vote overwhelmingly to support the resolution welcoming President Li to visit his alma mater.

I believe, as the Senator from Wyoming has indicated, the amendment has broad bipartisan support and, in view of the recent action by the P.R.C. to intervene in the first free election process in Taiwan, that my friend from Wyoming could give me any indication as to why anyone would object in this body to allowing a substitution so that this amendment could be presented tonight?

It is my understanding the amendment was not filed. As a consequence when an effort was made to get a ruling from the Parliamentarian, the Parliamentarian indicated that substitution would be appropriate if it was perhaps unanimous—I am paraphrasing it—and there was an objection.

What would be the basis for someone to object to the consequence of the bullying tactics of the P.R.C.?

Mr. THOMAS. I have to say to the Senator that I am not certain. This was designed with the assistance and involvement of the administration to support some of the things they are doing, certainly to rededicate ourselves to the commitments that we have made through the Taiwan agreements.

In any event, I am sure we will make another effort. I am very disappointed we were not able to bring that forward.

Mr. MURKOWSKI. If I may follow up with another question. Is the understanding of the Senator from Alaska correct that the objection was from the other side of the aisle?

Mr. THOMAS. Yes, that is correct, it was from the other side of the aisle.

Mr. MURKOWSKI. I hope we have an opportunity tonight to get an explanation as to why there is an objection in this body for bringing up a topic that is, obviously, before the entire world as we look at what China has initiated relative to the launching of missiles to an area adjacent to the island of Taiwan, initiated a naval activity of significant magnitude, when clearly the elections are about to take place on the 23d of March. And it seems, indeed, unfortunate that we cannot get an explanation as a consequence of the commitments that were made under the Taiwan Relations Act to ensure that Taiwan was adequately provided with enough defensive capability to meet their needs subject to a declining amount over the years, as well as a requirement that the President of the United States evaluate the threat to the security of Taiwan, relative to any threat that might exist, and report back to the Congress relative to that threat.

I say to my friend from Wyoming, we have obviously had a significant threat, as evidenced by the missiles, as evidenced by the naval activity. I ask my friend from Wyoming if he would not agree that an expression of support to reaffirm the Taiwan Relations Act would not seem to be appropriate, timely, and in order at this time?

Mr. THOMAS. I certainly agree with that analysis and suggest to the Senator that we did involve ourselves very deeply in this and had bipartisan support, administration support. I think it still would be the desire of this body to have a statement, and we intend to bring it up in another way.

I thank my friend very much.

Mr. MURKOWSKI. If I might ask my colleague one more question, since I joined with him and cosponsored the resolution to reaffirm the Taiwan Relations Act by the U.S. Senate, and that is if it is his intention to pursue this matter and bring it up on the next vehicle that, obviously, is moving? Is that the intent of the Senator from Wyoming?

Mr. THOMAS. Yes. Let me say that is our intention, and I do believe really that the Members of this body do want to make a statement. I think this statement generally reflects what we are for, and we will make every effort to bring it up at the earliest possible time.

Mr. MURKOWSKI. I thank my colleague. I appreciate the reassurance. I think as we look at the tensions in the world today and recognize the obligation the United States has under the Taiwan Relations Act that, indeed, a voice of support is indicated by the amendment to reaffirm the terms and conditions of the Taiwan Relations Act. The fact that the administration further supports that action, we find ourselves in a rather perplexing situation where no one who is objecting seems to care to come to the floor and explain the basis for the objection. I commend my friend from Wyoming for his diligence and commitment to persevere on something that I think is, indeed, appropriate and timely.

I thank my good friend for joining me in a colloquy.

If there are no further Senators wishing recognition at this time, I ask unanimous consent to speak for 5 minutes as in morning business until such time as another Senator seeks recognition.

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

Mr. MURKOWSKI. I thank the Chair.

RELATIONSHIP BETWEEN TAIWAN AND CHINA

Mr. MURKOWSKI. Mr. President, I would like to continue relative to the matter that the Senator from Wyoming and I discussed, because I think we have seen an extraordinary series of events take place. I am referring specifically to the fact that on the 23d of March, free elections will take place in Taiwan.

It is significant that we have seen an extraordinary activity as evidenced by Beijing who has seen fit to harass the process, threaten the Taiwanese with a military presence, missile threats, as well as naval activity of significant merit.

The consequences of that effort seem to have been misdirected, however, because President Li, who is running for reelection, in the sense that these would be free elections, is in a situation where he has been attacked by the Government of Beijing, time and time again, as fostering independence for Taiwan.

Yet, the Taiwanese know, and most of us who have followed the election process are aware, he is not the candidate of independence. Dr. Peng is the candidate of independence. The people in Taiwan are aware of the distinction. As a consequence, Mr. President, as they have continued their attacks on President Li, it has rallied the support of the Taiwanese people around President Li.

I can only assume that the attack against President Li was directed in hopes that somehow he would receive less than perhaps 50 percent of the vote. Well, we will have to see what percentage of the vote he will ultimately receive. But clearly the attacks seem to have helped President Li's popularity in Taiwan. I was recently over there, about 3 weeks ago, and had an opportunity to meet with various officials, including President Li.

One of the other interesting things, as a consequence of the presence of the PRC in the election process in Taiwan, is an extraordinary realization and identification of Taiwan as a significant voice in international affairs. Now it seems that there is more concern being leveled by Beijing against Taiwan's prominence. Taiwan is called upon to participate in humanitarian contributions and various activities by international organizations. They clearly are one of the most prosperous countries in the world, having the highest per capita capital reserves of virtually any other nation.

So what we see today is the perplexing situation where, on one hand, we have the focus of a democracy initiating its first free elections, a real concern internally by the Chinese leadership as to what role they should play with their renegade province, recognizing that next year Hong Kong is basically within the total control of China, when 1997 comes, and in 1997 the people's Congress will meet to basically set the parameters for the next 5 years and the hierarchy of the leadership in China.

We do not know what the mindset of that leadership is. We can only guess. But it is fair to say that their extreme views of what should be done—and as we look at the capability of the M–9 missile and the accuracy of that missile to be launched from within China to targets on either end of Taiwan, southern and northern target areas, and we note the capability of the naval activities, clearly, there has been a strong signal sent.

The difficulty in trying to determine just how this is ultimately going to play out, I think, deserves the action that was proposed tonight by my friend from Wyoming, and that is a reaffirmation of the Taiwan Relations Act. As I said earlier and we discussed in our colloquy, the President of the United States has an obligation to come before the Congress if, indeed, in his opinion, the national security interests of Taiwan are in jeopardy. I think the President and the administration's actions so far are to be commended. We have, by our display of naval power, intelligence and other assets, basically reinforced our commitments to the Taiwan Relations Act.

There are a couple of other significant events that probably should be noted, Mr. President, and that is the reality that initially the Chinese indicated they would cease their missile tests on the 15th. Further, they would cease their naval activities on the 20th. And, of course, we have the date of the 23d for the free democratic elections in Taiwan.

So I think we will have to watch those dates very closely, Mr. President, to see if, indeed, the Chinese are serious in terminating the missile activities, terminating the naval activities on the dates that they have stated. If they do not, why, clearly they intend to escalate the tensions that are now in existence. And, as a consequence, Mr. President, I fear for the ultimate disposition because the Taiwan Relations Act mandates that the resolve of China and the issues of China with regard to its two provinces, particularly Taiwan, will be by peaceful means.

So I guess we will just have to wait and see what the ultimate outcome of this is as each day goes by, but I think it is most appropriate this body reaffirm the terms and conditions of the Taiwan Relations Act. We have already seen, under the terms of that act, the ability of the Taiwanese to seek military assistance in the form of purchases for their defensive needs—I want to stress defensive needs—as a prerequisite of the Taiwan Relations Act. That activity has been carried out by the United States on a decreasing dollar amount. We have the request for some of the higher technological capabilities associated with the Patriot missile system as an antiballistic missile defense.

There are some of us in the Congress that feel perhaps this is the time to escalate those sales and offer the people of Taiwan the psychological assurance, as well as the real assurance, of what that type of technology should be. This Senator from Alaska is reserving his firm opinions on that depending on what the situation is as we approach these dates of significance relative to a determination of whether or not Beijing simply wants to show its strength with regard to Taiwan or whether we can expect an extended period of tensions.

In my meetings with President Li, I had the assurance that after the elections, assuming President Li were elected, that he would initiate communications with Beijing in an attempt to reduce tensions. I think that that will occur. My concern is what price Beijing

may demand of Taiwan with regard to easing those tensions.

So I will encourage my friend again from Wyoming to pursue the resolution that is before this body that unfortunately we were unable to bring up tonight because of objection on the other side. I would again hope that some of my colleagues on the other side who have raised these objections would come before this body so that we might enter into a discussion, because obviously, if there are issues that the Senator from Alaska is not aware of that are appropriate, why, they should be considered.

If it is objection for the sake of objection, why, indeed, that is an unfortunate set of circumstances. I hope my friend from Wyoming will renew the request on the next vehicle. I will certainly look forward to joining him.

Mr. President, I yield the floor. I see some of my colleagues seeking recognition.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3524

Mr. BUMPERS. Mr. President, if I could have the attention of the Senator from Alaska.

Mr. MURKOWSKI. Yes.

Mr. BUMPERS. I was curious about two things. No. 1, has the Senator offered his amendment that would require the Federal Government to buy back from the Alaskan salmon industry $23 million worth of Alaskan salmon?

Mr. MURKOWSKI. I have no idea where the Senator from Arkansas came up with that interpretation. The answer is, absolutely no.

What the Senator from Alaska has proposed is an amendment that would eliminate a mandatory inspection by the Department of Agriculture on salmon sold into the Department of Agriculture's food give-away program, as opposed to the inspections that exist for all other salmon that is canned in salmon canneries throughout the United States. All other salmon is canned, is inspected under State and Federal regulations, and ends up on the shelves of Giant or Safeway where it is available to all consumers. There is absolutely no reference to a mandate to buy any Alaska salmon in this amendment.

Mr. BUMPERS. It does not require the Federal Government to spend anything for Alaskan salmon?

Mr. MURKOWSKI. It requires the Federal Government to stop insisting on a dual inspection process mandated only by USDA for salmon that is purchased under their program. It does not require purchase of one can of salmon.

Mr. BUMPERS. All the amendment says is, if any salmon is purchased, it would eliminate the dual inspection?

Mr. MURKOWSKI. No, it says if salmon is purchased by the USDA for its Federal programs, that it does not require a special inspection, which is the current requirement.

Mr. BUMPERS. Let me ask a couple questions, if I may.

Mr. MURKOWSKI. Happy to respond.

Mr. BUMPERS. The Food and Drug Administration's inspection, for example, of canned salmon is for the purposes of determining its safety, that is, that it is clean and edible; is that correct?

Mr. MURKOWSKI. I think, as a matter of fact, that the process recognized by the FDA—but is actually performed by the State, does assure wholesomeness. However, in doing so it also assures the level of quality that you and I might find in our favorite store. It is my understanding that the safety standard is uniform under the State as well as Federal requirements for the inspection before the salmon can ends up on a Safeway shelf or a Giant Food shelf, or available to any retail or wholesale purchase. The USDA cannot explain when we get into a discussion why it should use a completely different standard than the one considered good enough for everyone else.

I hope my friend from Arkansas can perhaps enlighten me as to why a dual inspection would be necessary above and beyond the existing inspection that is required for domestic retail and wholesale sales and to put product on store shelves in the United States for the homemaker.

Mr. BUMPERS. Let me ask the Senator from Alaska who, in his opinion, would inspect this salmon for quality—not for safety, but for quality? Some of it is graded, I guess No. 1, No. 2, No. 3, No. 4. Who does that inspection?

Mr. MURKOWSKI. Traditionally, as the Senator may know, we have five types of Pacific salmon. Obviously, there is a quality differential. The buyers would inspect the salmon by lot inspections. In other words, each can of salmon carries on the lid a special code. That code says where it was packed. It identifies a date, a type, and a quality.

A buyer will go into the warehouse—they do not buy from the canneries in Alaska or Washington or Oregon. They go to a warehouse in Seattle and make a determination of what quality they want. Do they want pink salmon? Do they want skin or bone? Do they want red or sockeye or silver or chum? So the buyer makes that choice.

The inconsistency here is if the USDA will buy your salmon, they demand you have an inspector in your cannery even before they say they are willing to buy. It is just the USDA. The question is, why?

Mr. BUMPERS. If the amendment of the Senator only eliminates the necessity for what he has described as a double inspection of salmon——

Mr. MURKOWSKI. In effect, that is correct.

Mr. BUMPERS. Does it apply to anything else except salmon?

Mr. MURKOWSKI. I am concerned with canned salmon.

Mr. BUMPERS. It would not apply to anything except salmon?

Mr. MURKOWSKI. Well, it would apply to other canned seafood, but it is directed primarily at salmon. There may be a requirement for tuna. Tuna is not one of the fisheries in the northern part of the west coast, so I am not as familiar with it. I do not really think it makes a difference.

There is an inspection process—both State and Federal, a mandatory requirement, in order for the product to be placed on the shelf of the grocery stores. That applies to other types of fish in a can, as well—mackerel, tuna, perhaps.

Mr. BUMPERS. Can the Senator assure the Senate that his amendment would eliminate the necessity for two inspections? Specifically, an inspection by the Department of Agriculture that would apply to all commodities bought by the Department of Agriculture, for example, for the School Lunch Program, it would apply to all canned seafoods?

Mr. MURKOWSKI. Certainly, it is the intention of the Senator from Alaska not to exclude any. My interest just happens to be in salmon.

The rationale behind that is, we have a considerable amount of salmon that is canned in our State and in the State of Washington, and we look to find relief in selling a portion of that to the USDA in their food program. Much to our chagrin, we find out unless that particular pack has an additional inspection, we cannot break into that market. It is pretty hard to explain why there should have to be an additional inspector in a cannery above and beyond the inspections that are required to put it on the consumer shelf.

Mr. BUMPERS. Senator, what is the purpose of the amendment? Why do you want to eliminate the Department of Agriculture's right to determine the quality of the fish?

Mr. MURKOWSKI. That is not an issue in this regard. They can make a determination of what quality they want. They do that as a buyer. This involves a specific inspection. No other industry has to pay extra for a dual inspection to sell into the USDA program, to my knowledge, except the fish products industry. I do not believe it is required in the chicken producing areas.

I know my friend from Arkansas well enough to know that he is concerned about ensuring that there is nothing more in the amendment from the Senator from Alaska than trying to get rid of something that no one has been able to give a satisfactory explanation for. That is, why the USDA should demand an inspection for only the purchases they make as opposed to the inspections that are good enough for the consumer and buyers that represent the consumer. If Safeway or Giant come in and buy a carload of salmon, they pick it out by quality. They pick

it out by looking through the lots to determine the various quality, doing samples and so forth. It has to meet a Federal and State inspection process to ensure that it is suitable to go to the commercial ventures.

That is fine, but the USDA says, ''We will not buy it and put it out in our programs unless it has been through yet another process—and a very expensive one for the producers. And it seems that the bureaucracy of the USDA want to keep government inspectors on the job and active. But if other systems are good enough for every one else, why should this particular program have to have special exception? That is the justification for the amendment.

Mr. BUMPERS. The Department of Agriculture is strenuously opposed to the Senator's amendment. Do you know what their opposition is?

Mr. MURKOWSKI. I assume their opposition is that there will be less inspectors around. They will have to find something else to do, with perhaps retraining. It would certainly save the Government some money. I am certainly sensitive to the inquisitiveness of my friend from Arkansas. The question is if we have adequate inspections of the product, why is it necessary that a Federal agency deems that it must have its own special requirements? I have met with them, I add to my friend from Arkansas, and they have no explanation. They say they have always done it. We said, ''Well, it defies logic. The product meets all Federal and State standards of cleanliness, of quality; otherwise, it could not go on the shelves.'' Do we need more? Obviously, no.

Mr. BUMPERS. Senator, let me tell you what my concern is. I do not want to belabor this. I know that Alaska had a very bountiful salmon harvest, and we are all grateful that you did have such a bountiful harvest. But a bountiful harvest in salmon, as it does with rice, soybeans, and everything else, sometimes has a down side, where the market is glutted, the price is low, and the number of customers decline, because they have more than they want.

Now, the Department of Agriculture tells me that they have a lot of salmon on hand from 1991 and 1993. I think the way the Senator's amendment has been represented to me was that the Senator steadfastly denies that, and I certainly accept his explanation. It is his amendment. I have immense respect for him, and I applaud him for trying to do something for his constituents. We all try to take care of the economic interests of our States.

But I am concerned about two things. No. 1, I do not understand why the Senator wants to eliminate an inspection procedure which has been as traditional as the Sun coming up in the morning, and No. 2, why the Senator would want to eliminate that inspection which, it is my understanding, goes to the heart of the quality of the product. We all know you have sockeye, you have silver, chum, you have a lot of different kinds of salmon. I assume that when that salmon is being canned, it is also graded for safety to make sure it is safe to eat, and second, for quality.

My guess is that if Giant Food were going to buy a shipload of silver or sockeye salmon, they would want to have some idea about the quality of it. Unless the Department of Agriculture is permitted to make that determination, nobody knows what the quality is.

Mr. MURKOWSKI. Well, the Senator is incorrect in that assumption. First of all, the Senator from Alaska does not know anything about the chicken business, but I do know something about the salmon business. I assume the Senator from Arkansas knows an awful lot about the chicken business. We are both concerned with quality control, because you are not going to sell your chicken, and I am not going to sell my salmon, unless we have quality control and the assurance that the purchaser receives the highest quality product. Now, that is the case that exists currently in the canned salmon industry, and as far as I know, in the canned fish industry as a whole. The fish must pass inspections that are set out by the State and Federal Government. That seems to be good enough for the consumers of the product, except the USDA, which requires—only on their purchases—not the purchases of the Safeway or Giant—an extra inspection process. They want a person in the cannery—and the canneries are not located in Juneau; they are located out in the hinterland where the fish actually come in.

Now, a Federal inspector works 8 hours a day. It is not good enough to have just one in a plant because your plant may be working 14 hours a day. If there are no fish, you still have to pay for that inspector, because he has to be there.

What has occurred here is that a giant bureaucracy has developed. I support the position of the Senator from Arkansas for quality control, maintenance, and so forth. But what we have under the program is an industry check, a State check, a Federal check, and then in the warehouse, a spot check of the entire pack that is going out for sale, where they randomly open certain cases and look at the quality, look at the wholesomeness of it, actually do a test on a portion of the lot, because no one can afford to put a product on the market that does not meet the Food and Drug Administration's safety standard of wholesomeness—just like the chicken industry in the Senator's State simply cannot afford this.

If you were in a situation where everybody was buying Arkansas chicken and it met whatever your State requirements were, and your Federal requirements, and suddenly the USDA said, ''Well, for the chicken we are going to buy, that is not good enough. We have to have another inspector in all of your plants, or we are not going to buy any of your product.'' That is the situation we are in today.

Mr. BUMPERS. Does the Senator assure me and the other Senators here that there is nothing in this amendment that would require USDA, or any other Government agency, to buy any salmon in any amount?

Mr. MURKOWSKI. I have the amendment in front of me. I would be happy to read it to the Senator.

Mr. BUMPERS. The Senator is familiar with his amendment.

Mr. MURKOWSKI. I am familiar with it. It does not mandate a purchase of any specific amount of salmon.

Mr. BUMPERS. The answer to that question is yes or no?

Mr. MURKOWSKI. The answer is no.

AMENDMENT NO. 3525

Mr. BUMPERS. Second, that is all I wanted to know. We took a long time to do that. With the second amendment the Senator is offering, is that the Greens Creek land exchange?

Mr. MURKOWSKI. The Senator from Alaska has filed a Greens Creek land exchange amendment. It is my understanding, since we both share a committee assignment relative to some 40 bills that are being held up, that there is also an intent to clear tonight some seven or eight bills that are currently being held in the House, and we hope that they could come over tonight and be accepted. I think Senator BRADLEY has been involved in directing as to whether or not that process will be cleared. I might add to the Senator from Arkansas that the Greens Creek amendment is also in that package. I might also add that the administration happens to support the Greens Creek amendment. I know of no opposition.

Mr. BUMPERS. I supported it. Has it been reported out of our committee?

Mr. MURKOWSKI. Yes.

Mr. BUMPERS. Is it on the calendar?

Mr. MURKOWSKI. Hopefully, it will be. Hopefully, it could go through tonight. It depends on the clearance.

Mr. BUMPERS. I support it and will support it here.

I am curious. I had a bill. I wanted to put a land exchange in Arkansas on your Greens Creek exchange. I was told that the Senator from Alaska, as chairman of the committee, did not want to do that because it had not been reported out of committee. My question was, has the Greens Creek exchange been reported out of committee?

Mr. MURKOWSKI. Yes, it has. It is at the desk now. It could go through tonight.

I find myself picking up the habit of my friend from Arkansas. I was reminded by my staff that I am wandering around to the extent of my cord. So I had better crawl back.

I thank the Senator.

Mr. BUMPERS. That habit will never get the Senator from Alaska in trouble.

I thank the Senator from Alaska.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

TAIWAN RESOLUTION

Mr. JOHNSTON. Mr. President, there has been some conversation here on the floor which I caught on my television as I went home about the so-called Taiwan resolution.

Since I was the one who put an objection into the unanimous-consent consideration of that resolution, I wanted to tell my colleagues what my problems were with that issue and why I object to the unanimous-consent consideration of that resolution.

Mr. President, with the thrust of the resolution, I have no problem. I do not agree, really, with all of the wording of it. But you never can always embrace every jot and tittle in words and mood swings. But with the general thrust—which is to strongly condemn the People's Republic of China for, in effect, saber rattling in the Strait of Taiwan—Mr. President, with that I have no problem.

But, Mr. President, we have gotten into a situation where the United States now has two of our largest aircraft carriers in the Strait of Taiwan. We have the largest country in the world, one of the fastest growing countries in the world, soon to be the largest market in the world, clearly the linchpin of stability in all of Asia, and we are in a very dangerous situation with them.

How in the world did we get there, Mr. President? We got there, in my judgment, because of the fault of the United States Congress, because of the fault of the People's Republic of China, because of the fault of this administration, and because of the fault of Taiwan and their President Li Teng-hui.

The fact that this fault is shared does not diminish or ameliorate the fact that we have two carrier groups in the Strait of Taiwan in a situation that could lead, probably not to war, but, Mr. President, it could lead to great difficulties. It could lead to an incident—two ships bump in the night, a rocket goes astray and hits on Taiwanese territory. And there will be those in the Congress who would say, ''Let us go. Let us attack. Let us get the smell of grapeshot. Boy, the blood is running. Let us go over and fight.''

Mr. President, we are playing with fire with the largest country in the world. I am old enough to remember when we egged on the people in Hungary to revolt. Remember those broadcasts? Some of you will remember. They went across the border. We wanted them to revolt, and they revolted. They wanted to know where the United States was, and we were nowhere to be found. I remember women pulling open their shirts in front of tanks and daring them to shoot.

Mr. President, before we get our macho up too much, I believe we ought to rationally consider this question. I believe we ought to consider the basis of our relationships with China and with Taiwan and cool our rhetoric a little bit—and yes; condemn the People's Republic of China for what they are doing, but at the same time realize that it is the Shanghai Communique with its reaffirmations which was begun by President Richard Nixon, to the applause of Republicans, to the applause of Democrats, and to the applause of the country back in 1972, and reaffirmed by five Presidents. We have to understand that that communique, a one-China policy, two systems, peaceful reunification, is the basis of our relationship with China.

My problem with this resolution is not that it condemns the People's Republic of China. for saber rattling. I agree with that. But it misstates, I believe, the basis of our relationship with China.

In paragraph 5 on page 2, it says, ''Relations between the United States and the People's Republic of China rest upon the expectation that the future of Taiwan will be settled solely by peaceful means.'' As far as that goes, it is correct. It has always been our expectation that it be by peaceful means, and we ought to reaffirm that. But by leaving out the Shanghai Communique we are suddenly shifting ground.

Mr. President, I believe anyone who thinks that we can shift ground from the Shanghai Communique, the one-China policy to which Taiwan has repeatedly adhered and stated that they were for, that anyone who thinks we can go to a two-China policy and independent Taiwan without a great deal of difficulty does not know anything about the Far East and about what is going on.

If we are to do that, Mr. President, let us do it with our eyes wide open, and let us also do it with our pocketbooks wide open because here comes the new cold war if we are going to do that.

That is my objection to this, Mr. President. It is a subtle shift.

I asked the author, could we put in some words there, keep everything the same and just put in some words that say, in effect, we recognize the Shanghai Communique. The author told me he had no objection. But the chairman of the Foreign Relations Committee, Mr. HELMS, does, and other Members on that side of the aisle have objection to that. You see, that is the problem.

There is an intention in this body to shift ground to retreat from the Shanghai Communique, to go to a subtle recognition of Taiwan as an independent country. That is why I voted against the visit of Li Teng-hui to this country, Mr. President. I was the only Member of either body to vote against that visit. Oh, it was a sentimental return to his alma mater, Cornell, and we like Li Teng-hui. I met him, and I like him very much. I find him to be a very attractive leader. He is entitled to a lot of credit. He has brought Taiwan to a democratic system. It is a prosperous country. They do business with my State. I am for him. I think he is great.

But anybody who thinks that was an innocent little visit to the old alma mater and that is all it was about, Mr. President, did not read the press. You know he promised no press conference. But they put out the word subtly that, ''If you reporters will be hiding behind the bushes when he walks around the Elipse, you just may be able to get an answer to your questions.''

When he campaigns in Taiwan, he is stating things that, on the one hand, are ambiguous and, on the other hand, are promoting or moving his country in the direction of independence.

Maybe, Mr. President, at some time this body will consider that question and come to a different answer. I do not think so. I think if we had hearings and fully considered the question, we would say that President Nixon was right, President Carter was right, President Ford was right, President Bush was right, President Reagan was right, and now President Clinton is right. Indeed, Taiwan was right to go along with the Shanghai communique.

Mr. President, I do not propose to fight this resolution because to fight the resolution itself would be to indicate that I somehow have some approval of what the People's Republic of China is doing in the strait.

I do not. I think it ought to be condemned. When Vice Foreign Minister Liu was here 3 days ago and the distinguished Senator from California and I had a luncheon for him and had a long discussion with 10 Senators there, Vice Minister of Foreign Affairs Liu made it clear that the friendship of the United States and Taiwan is indelible, there should be no cause for alarm. China does not mean to go to war. But the United States needs to understand, Vice Minister Liu said, that independence for Taiwan is inadmissible, that all other issues are simple compared to this issue.

I think it bears repeating every time we have a chance that we should not by indirection allow ourselves to get into a situation where we are shooting out there in the strait of Taiwan and people are scratching their heads and saying, ''How did we get there?''

Now, I said the administration was at fault, and they were because they indicated to Foreign Minister Qian Qichen that there would be no visit by Li Teng-hui, and they changed, and after the Congress almost unanimously agreed with the resolution inviting Li Teng-hui to the United States we might understand that, but the Chinese, frankly, did not, because they had been assured, they thought, that there would be no such visit.

I believe the Congress was at fault, even though I am the only one apparently, only one who voted that way and one of only a few who shared the view that I thought it was a political visit because Li Teng-hui treated it as a political visit, the world treated it as a political visit, and indeed the Foreign Relations Committee chairman and other members there have put in resolutions saying that we ought to admit

Taiwan to the United Nations—that is reserved only for independent countries—that that ought to be done.

So, Mr. President, I do not plan to oppose this resolution, but if it is brought up tonight I will want to question the authors of it as to their intent with respect to the Shanghai communique. It is very important that the Shanghai communique not be departed from.

Several Senators addressed the Chair.

Mr. MURKOWSKI. I wonder if I might ask my friend a question.

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

Mr. JOHNSTON. I will yield to the Senator from Georgia for a question.

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

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

Mr. JOHNSTON. Yes.

Mr. NUNN. Is the Senator saying if we are going to consider a resolution on this sensitive subject that we ought to hear every word of exactly what we are doing, not do it at this hour of the night when people are not paying attention and understand what we say on the floor of the Senate?

Sometimes we do not take it seriously but other countries do. I have reservations about the way this resolution is worded. It is not what is in it. It is what is not in it. There is not much I disagree with, but it leaves out the whole history of the United States relationship with China, how it evolved under President Nixon, what happened when we normalized, the Reagan communique in 1982. All of that is left out of it. We are all concerned about what is going on in China, but we do not further the cause of stability and peace in that area of the world by ignoring what we have agreed to, by ignoring the history of President Nixon's visit, by ignoring the one-China policy which was adhered to not only by the United States when we said that we would respect China's view that that was their policy but also by the people on Taiwan. For years that is what has brought stability and prosperity to that part of the world.

If they are going to change that policy politically by Taiwan or certainly by military force by China, then we ought to oppose both. We ought to oppose it vigorously because that is going to cause turmoil in that part of the world for a long time to come.

So if the Senator from Louisiana is saying let us go slow, let us do not pass this tonight, I am with him. I think he is absolutely right. We are not going to solve anything. This is more heat than it is light. And we need to be very careful.

I would be glad to work with Senators on that side of the aisle in carefully wording and making sure we reflect the history, making sure we have an overall perspective, making sure we understand the U.S. agreements, what we have agreed to. We have not always lived up to what we said we were going to do either. I think we all have deep concern about the dangerous situation developing there. We have deep friendship for the people on Taiwan and deep admiration.

So I would just ask the Senator, have I captured the essence of the point he is making here?

Mr. JOHNSTON. Mr. President, the Senator from Georgia has captured precisely the point, precisely the point. It is not what it says. It is what it leaves out. It is a subtle shift of ground. It is the mood of abandonment of the Shanghai communique and its progeny that are the problem here, and I wish we would just take some time in committee, as the Senator from Georgia points out, to carefully word on a bipartisan basis a resolution that, yes, condemns the use of force in Taiwan; yes, reaffirms our commitment to a peaceful settlement of this problem but, Mr. President, one that, as the Senator from Georgia says, fully reveals the content of our policy with China.

We are in this soup right now with two carrier groups in the Strait of Taiwan because we acted hastily and treated the visit of Li Teng-hui as if it were simply a visit to the alma mater. I think we realize now that it was a whole lot more. It has gotten us with two carrier groups over there. That is what led to it.

And so, Mr. President, I say let us go slowly. I do not oppose what it says. But let us work it out so it truly reflects American policy.

Several Senators addressed the Chair.

Mr. MURKOWSKI. I wonder if my colleague will yield for a question.

Mr. LOTT. Parliamentary inquiry.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. JOHNSTON. I will yield to the Senator.

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, if I could get a clarification here, I believe that the Senator has indicated that there would be objection and we are not going to have a vote on this issue tonight, as I understand it, and we had announced to all the members 1½ hours or so ago that we would have a vote at or about 8:30. The distinguished Senator from Minnesota has been on his feet for probably close to an hour now seeking to get recognition to speak on an amendment that is the pending business.

Now, Mr. President, is that the——

The PRESIDING OFFICER. That is not the pending business. The pending business is the amendment of the Senator from Georgia [Mr. COVERDELL].

Mr. LOTT. Would the Chair repeat that?

The PRESIDING OFFICER. The pending business is the amendment of Senator COVERDELL of Georgia.

Mr. LOTT. I believe, Mr. President, it would be in order to ask for the regular order on the Grams amendment.

Mr. MURKOWSKI. Mr. President, I wonder if I could finish my one question of the Senator from Louisiana.

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

Mr. LOTT addressed the Chair.

Mr. MCCAIN. Regular order, Mr. President.

Mr. LOTT. In order to wrap this up, I would yield to Senator DORGAN, and then I am going to yield to Senator MURKOWSKI. But I would like to get on with the business I told the Members we have.

Mr. DORGAN. I only want to amplify the point the Senator has made. The cloakroom indicated there was going to be a vote at 8:30 on an amendment that was pending. This is probably an appropriate time for a China debate here in the Senate, but I would certainly support the inclination of the Senator from Mississippi to get the regular order and move to the amendments that are now pending.

Mr. LOTT. Mr. President, would the Senator from Alaska like to——

Mr. MURKOWSKI. I would just like to ask my friend from Louisiana, with whom I share the responsibility on the Energy and Natural Resources Committee, and we work together, if, indeed, on page 2, line 23——

Mr. LOTT. Mr. President, who has recognition at this point?

The PRESIDING OFFICER. The majority whip has the floor.

Mr. LOTT. Mr. President, I would like for us to be able to wrap this issue up. I know the Senator has some more comments to make on it, but we did say the regular order would be the Grams amendment, I believe.

Mr. MURKOWSKI. I thought there was a reference to Senator DORGAN.

The PRESIDING OFFICER. If the majority whip wishes, the regular order will be the amendment of the Senator from Minnesota, Mr. GRAMS.

Mr. LOTT. I believe that is the order, Mr. President, and I would like to ask for that at this time.

The PRESIDING OFFICER (Mrs. HUTCHISON). The amendment 3492 is now pending.

The Senator from Minnesota is recognized.

AMENDMENT NO. 3492

Mr. GRAMS. I thank the Chair. I will not take a lot of time. I know everybody is in a hurry to wrap this up for tonight.

I think this is a very important amendment that I offered last night. It has a growing number of cosponsors as well. It is called the taxpayer protection lockbox amendment. I think it is very important because I think we have been talking about trying to get a budget together, spending authority for this Government over the next couple weeks, for a couple of months in order to avoid a shutdown.

I think it was a glaring example this last week, when we are talking about a

lockbox, we are talking about trying to save the taxpayers some money, when the President asked for over $8 billion in new spending and he wants this Congress to come up with that much money.

There have been many amendments that have been offered that have cut spending trying to save the taxpayers some dollars. Those dollars have always gone for a savings and a cut, but it has never been a cut. It has never reduced the amount of spending for that year. Those dollars that are saved are always just shuffled off into another pot and somehow get spent before the end of the year.

The request that has been made by the President is supposed to come from new spending. In other words, there is even some estimated savings, savings that we are going to have if we pass a balanced budget. Since those dollars are out there floating, everybody is trying to get their hands on those projected savings dollars. In fact, we have a number of amendments pending on the floor that are asking for those same dollars to be spent over and over and over again.

So my objection is that this should not be a shell game for the taxpayers. We should not be using smoke and mirrors when it comes to the budget. If we are going to reduce appropriations or spending levels, they actually should be reduced. The taxpayers should see that benefit in a smaller budget.

Instead, all we do is move those dollars from one hand and we put them into another hand, and at the end of the day they are spent and the taxpayer is handed a larger bill.

Mr. WELLSTONE. Madam President, can we have order in the Chamber?

The PRESIDING OFFICER. The Senate will come to order.

Mr. GRAMS. Just a couple of quick other notes. This is not the first time this idea has been introduced. The lockbox language has been adopted by the House three times already, by large votes, the latest vote, 373 to 52. Also, it has the support of a number of groups such as the Citizens Against Government Waste, Citizens for a Sound Economy, the National Federation of Independent Businesses.

Madam President, if we are going to be responsible for the taxpayers, we should get our house in order. If we are talking about saving some money, let us make sure we do save it and just do not play a shell game and put it in another pocket and spend it later.

Madam President, I will yield to the Senator from Missouri who had a comment.

Mr. ASHCROFT. Does the Senator from Minnesota yield?

Mr. GRAMS. Yes.

Mr. ASHCROFT. I think I understand what the Senator is saying here, and I think the point is this. When something comes to the floor here and we knock funding out of an appropriation, instead of that being available to reduce the debt——

Mr. WELLSTONE. Madam President, there are two Senators out here speaking on an amendment. They have a right to be heard. May we have order here?

The PRESIDING OFFICER. Will the Senators who are having the caucus in the middle of the Chamber please repair to the Cloakroom?

The Senator from Missouri is recognized to pose a question to the Senator from Minnesota.

Mr. ASHCROFT. The Senator from Missouri thanks the Chair.

It is my understanding that what the Senator is saying is, when we strike something from an appropriations measure and we would reduce the amount of the appropriation, that currently that money is not reduced from spending, but it just becomes available for spending in other areas. Is that correct?

Mr. GRAMS. That is correct.

Mr. ASHCROFT. So all the efforts we make to amend spending measures here and reduce them just allow the diversion of funds to other sources?

Mr. GRAMS. That is correct. The taxpayer is under the belief that money is being saved in their name, but it is just being moved from one pocket and put into another.

Mr. ASHCROFT. The Senator's measure would say whenever we reduce a spending measure here by amendment, that the reduction would go into a special category which could only be used to reduce the deficit?

Mr. GRAMS. That is right.

Mr. ASHCROFT. So when we had an amendment to occasion savings, that would be real savings and not just a diversion to other sources?

Mr. GRAMS. That is correct.

Mr. ASHCROFT. It seems to me that some of the rules of industry ought to apply. One of the great rules of industry is that your system is designed to give you what you are getting. It may not be designed to give you what you wanted to get, but it is designed to give you what you are getting. We have been getting a lot of debt and maybe it is because we need to redesign the structure.

Mr. GRAMS. That is hopefully what this will do. It is the first step in trying to change the budget process.

Mr. ASHCROFT. That will be when we reduce the spending on the floor as a result of an amendment; instead of that money automatically just being diverted to other spending, it would go into a special category which could only be used to reduce the deficit?

Mr. GRAMS. And reduce our budget obligations for that fiscal year.

Mr. ASHCROFT. The second part of the Senator's measure is, I guess, related to revenues. If we project a certain amount of money that comes in as revenues and for spending, and then we get more money than that, the Senator creates another special fund, that if our revenues come in higher than projected, that money goes into a deficit-reduction account as well?

Mr. GRAMS. That is correct. Say our projected revenues will be $1.6 trillion and because of the hard work of the American workers, it comes in at $1.7 trillion, that additional $100 billion really should benefit the taxpayers and workers of this country to pay off the deficit and not to be laid on the table for people to grab at it and spend it in different ways.

Mr. ASHCROFT. So the bonus would be to the next generation by having lower debt instead of a bonus being to politicians to have bigger spending?

Mr. GRAMS. That is correct.

Mr. ASHCROFT. So the two components are to change the system so when we amend the system and we amend a measure to reduce spending, the money goes into a special lockbox or fund for deficit reduction, and in the event we have higher-than-anticipated revenues, we sweep those revenues into deficit reduction instead of dumping them into a slush—a fund that can be appropriated for additional spending?

Mr. GRAMS. That is correct.

Mr. ASHCROFT. If I might commend my colleague, I think this is the kind of structural change we need. We have been for the last three decades just amassing debt and passing on the responsibility to pay that to the next generation. It is high time we develop a technique and change the structure, which would provide that when we do have the discipline to cut a spending measure, that the cut goes to deficit reduction instead of just being diverted to something else.

I thank the Senator for proposing this measure, and I intend to support it. I think it is a major benefit, not only to us here but to the next generation.

Mr. MCCAIN. Madam President, I am pleased to join my colleague from Minnesota, Senator GRAMS, in supporting the Deficit Reduction Lockbox Act of 1995 as an amendment to the Omnibus Appropriations Act.

This is a simple amendment. Often Members stand on the floor and make that claim that this or that proposal is simple. Well, this is. For all the legislative language, it mandates that if any money is cut from an appropriations bill or if revenues raised by the Federal Government are in excess of budgetary projections, the money can only be used to reduce the deficit or cut taxes.

Often a Member will go to the floor to oppose a program or project. The Member will fight to eliminate this or that waste or abuse of Government spending. And from time to time, the effort will be successful and funding to some program will be cut.

But unfortunately, instead of using the money for deficit reduction, it is often used to fund yet another pork barrel project.

Madam President, when the Senator from Minnesota and I oppose earmarks and pork barrel funding, we are not taking such action so that the money can be used for some other pork

project. We are doing so because we want the money to be used for deficit reduction. We are doing so because of the budget crisis that our Nation faces.

The No. 1 dilemma facing the future of this country is not whether another bridge is built, whether a 13th swine research center is built, whether we do or do not study the effect on the atmosphere of flatulence in cows, or if we build another supercomputer to study the aurora borealis—it is this Nation's debt. What we must do is restore the fiscal integrity of this Nation and the only way to do that is to reduce the debt.

Two final points, first, I want to note that this amendment has been endorsed by Citizens Against Government Waste, Citizens for a Sound Economy, and the National Federation of Independent Business.

Second, this body has gone on record supporting lockbox language in the past. During consideration of the line item veto, the Senate adopted an amendment regarding the lockbox. The House has also passed lockbox language—adopting an amendment very similar to this one just last week. I would hope that we could now follow the House's lead.

This amendment will not alone solve this problem. But it is an important step in the right direction. Together with passage of a constitutional amendment to balance the budget and the line-item veto, a powerful body of legislation, we will do much to restore the integrity of the congressional budget process.

Mr. CRAIG. Mr. President, I am pleased to rise in support of the amendment offered by the Senator from Minnesota [Mr. GRAMS], the Taxpayer Protection Lockbox Act of 1996. I commend the Senator on his amendment and am proud to be a cosponsor.

It only makes common sense: When the Senate or the other body passes an amendment to cut spending, with great fanfare about how fiscally responsible it is and how it will help reduce the deficit, we should make sure that the cut is, indeed, a cut. Many of us in both bodies have been frustrated by supposed spending cuts only to learn that the money supposedly saved becomes immediately available for spending on some other programs. That just shouldn't happen.

The Lockbox Act would be an invaluable help to honest budgeting. It would be a blow for truth in legislating. It would finally put an end to one of the gimmicks that has fed so much public cynicism about how Congress goes through the budget process.

This amendment is very similar to an amendment adopted by the other body, which was offered by Congressman MIKE CRAPO of Idaho. It is also similar to one title of a budget process reform package I introduced in the last Congress, the Common-Cents Budget Reform Act. Not only is this sound legislation, it also has a good Idaho pedigree.

I support Senator GRAMS in his offering of this amendment and I call on our colleagues to adopt it. It would remove, once and for all, one insidious way in which Congress in the past have cooked the books. A vote for the Lockbox Act is a vote for better government, more honest budgeting, and a more accountable Congress.

Mr. GRAMS. Madam President, I understand the yeas and nays have been ordered on this amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield the floor? The Senator from Minnesota has the floor. Does he yield the floor? Does the Senator from Minnesota yield to the Senator from New Mexico?

The Senator from New Mexico.

Mr. DOMENICI. Madam President, let me say to Senator GRAMS, I share his concern about getting the budget under control, but I have to oppose this amendment because it violates the Budget Act and is subject to a point of order.

I do not choose to discuss the amendment very much, other than to say to the Senate that the way things work right now, the Budget Committee produces a budget resolution; it is voted on by both Houses and eventually becomes the budget resolution for both Houses. As far as domestic discretionary and defense discretionary spending, after that budget resolution is completed, the Appropriations Committee, under the leadership of the chairman, allocates to subcommittees the amount of discretionary money that is available for the entire year, and that total amount of money becomes a cap beyond which you cannot spend unless Congress declares an emergency for funds that would exceed the cap.

Let me give the Senate an example of how far we have come in just this year. By enforcing those caps, we will save $21 billion in just the discretionary appropriated accounts. Without one nickel of savings in entitlements, we save $21 billion.

What that means is that every bill that comes before the Senate is part of the cumulation of subcommittee allocations that equal the cap. We do not need another piecemeal cap, which means on the floor of the Senate we readjust the caps based upon what actions we take on appropriations bills. We took the action. This year the action is to save $21 billion.

I understand there is a fervent desire—and I have great respect for it—to do even more than the formal binding caps that were established this year by the Republicans in both Houses, which save $21 billion. I do not believe we should now establish another piecemeal approach to reducing the caps on the basis of individual votes on appropriations bills on the Senate floor.

The last time the House visited this item, they passed it by two votes. I believe the U.S. Senate has a far more reasonable and rational approach, which is to send this proposal, this kind of change, to the committees of jurisdiction so you look at it in the context of the overall the budget process, not just this one piece.

Having said that, it is with regret that I must make a point of order under section 306 of the Congressional Budget Act. I make the point of order.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Madam President, I want to say I have the deepest respect for the chairman of the committee, Mr. DOMENICI, and also the highest respect, of course, for the hearing process, but I would like to see a vote on this. So I move to waive the Budget Act, and 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 waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. DOLE], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that the Senator from New York [Mr. MOYNIHAN] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 57, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—36

Abraham	Grams	McCain
Ashcroft	Grassley	Murkowski
Baucus	Gregg	Nickles
Brown	Hatch	Pressler
Coats	Hutchison	Roth
Coverdell	Inhofe	Santorum
Craig	Kempthorne	Shelby
DeWine	Kohl	Simpson
Faircloth	Kyl	Smith
Feingold	Lott	Thomas
Frist	Lugar	Thompson
Gramm	Mack	Warner

NAYS—57

Akaka	Domenici	Leahy
Biden	Dorgan	Levin
Bingaman	Exon	Lieberman
Bond	Feinstein	McConnell
Boxer	Ford	Mikulski
Bradley	Glenn	Moseley-Braun
Breaux	Gorton	Murray
Bryan	Graham	Nunn
Bumpers	Harkin	Pell
Burns	Hatfield	Reid
Byrd	Heflin	Robb
Campbell	Helms	Rockefeller
Chafee	Hollings	Sarbanes
Cochran	Inouye	Simon
Cohen	Jeffords	Snowe
Conrad	Johnston	Specter
D'Amato	Kerrey	Thurmond
Daschle	Kerry	Wellstone
Dodd	Lautenberg	Wyden

NOT VOTING—7

Bennett	Kennedy	Stevens
Dole	Moynihan	
Kassebaum	Pryor	

The PRESIDING OFFICER. On this vote the yeas are 36 and the nays are 57. Three-fifths of the Senators duly sworn not having voted in the affirmative, the motion to waive the Budget Act is rejected.

The amendment of the Senator from Minnesota contains matter within the jurisdiction of the Senate Budget Committee but the pending bill was not reported by the Budget Committee. Therefore, the amendment violates section 306 of the Budget Act. The point of order is sustained. The amendment fails.

AMENDMENT NO. 3508

Ms. MIKULSKI. Madam President, I rise in strong support of the amendment offered by Senator BOXER. This amendment will ensure that the District of Columbia can make its own decisions on whether to use locally raised revenues for abortion services.

I oppose the provision included in the bill as reported from the committee. Under the committee's bill, neither Federal nor locally raised funds could be used for abortion.

Frankly, I oppose any restrictions on funding for abortion services. But the language in the committee bill is particularly onerous.

Madam President, let me offer three reasons why the committee's language is objectionable, and why the Boxer amendment must be approved:

First, the language in the bill is an assault on the local prerogatives of the District of Columbia.

Second, it threatens the health of poor women.

Third, it is part of a wide ranging attack on women's reproductive rights.

Let me explain.

First of all, the committee's provision is an unwarranted intrusion on the District's sovereignty. It restricts the ability of the District to use its own, locally raised revenues for access to abortion.

No other jurisdiction is told how to use its own revenues. Every State can make its own decision on using its own funds to provide access to abortion for poor women.

Seventeen States, including the State of Maryland, provide Medicaid funding for abortion under all or most circumstances. That is their right. Thirty-three States have chosen not to use their funds for abortion. I may not agree with them on this point, but it is their right to make that decision.

The District should be given the same autonomy as the States to create its own policy about matters of public health. The Boxer amendment will assure that the District has that right.

Madam President, the provision currently in the bill tramples on the rights of women who live in the District, especially those who are poor and most vulnerable.

For poor women who cannot afford basic health care without Government assistance, this denies access to abortion services. Poor women should have the same choices to terminate a pregnancy that other women have.

Finally, Madam President, the provision in the bill as it now stands is part of a disturbing series of assaults on women's reproductive rights.

Throughout the fiscal year 1996 appropriations process, we have seen one attack after another on women's constitutionally protected right to choose. I strongly oppose these efforts to chip away at women's rights.

I urge my colleagues to vote for the Boxer amendment. I would prefer to strike the entire provision, so that there would be no restrictions on either the Federal funds or locally raised revenue. But I recognize that is not possible given the current composition of this body.

So while it may be that we cannot strike the restriction on Federal funds, surely at a minimum we must protect the right of the District of Columbia to use locally raised revenues as it sees fit.

Not to do so violates the District's right to determine its own affairs. It is unfair to poor women who reside in the District. And, it is one more effort to undermine reproductive rights.

I urge support of the Boxer amendment.

PRIDE

Mr. COVERDELL. Madam President, I would like to take this opportunity to commend the subcommittee chairman for his leadership and for his sensitivity to the alarming rate of increased drug use among our teens.

Mr. GREGG. I thank my good friend and share his concern about drug use among our youth.

Mr. COVERDELL. In my capacity as chairman of the Western Hemisphere Subcommittee for the Senate Foreign Relations Committee, I recently held a field hearing in my home State of Georgia about drugs. One of the witnesses, Dr. Thomas J. Gleaton who is the president of the Parents' Resource Institute for Drug Education or PRIDE, testified that we are on the brink of a national disaster. I frankly agree with him.

Dr. Gleaton testified that teen drug use peaked in 1979 when 55 percent of senior high school students reported using an illicit substance in the previous year; that level dropped steadily through 1992 to 25 percent. However, the shocking evidence over the past 3 years shows a rapid reversal. If current trends continue, drug use will pass the high mark of 1979, and we will have more high school seniors using drugs than are not. That, to me, is shocking.

One of the reasons I am sold on PRIDE's approach to this growing problem is its emphasis on parental involvement as a main deterrent to drug use among our children. A recent Barbara Walters interview with Colin Powell illustrates the power of parental involvement. Ms. Walters asked General Powell if he had ever used drugs. General Powell replied that he never used drugs because if he had, he would have had to answer to his mother.

I would ask the Senator if he, in his capacity as the chairman of the Commerce, Justice, State, and Judiciary Appropriations Subcommittee, would support using a portion of Office of Justice Programs funding to maintain the work of groups who seek to stop drug use among our children through grassroots efforts like PRIDE?

Mr. GREGG. The subcommittee shares the Senator from Georgia's belief that an important component in winning the war against drugs is putting an end to drug use among our youth. Further, the subcommittee would encourage the Office of Justice Programs to support grassroots efforts like the one described by the Senator from Georgia.

Mr. COVERDELL. I thank my friend and appreciate his support.

MENTAL HEALTH BLOCK GRANT

Mr. DOMENICI. Madam President, I rise today to express my concern about the funding level proposed in this bill for the mental health block grant. While I am pleased that the bill retains separate funding for the Path Program, which provides critical services to homeless Americans with mental illnesses, the mental health block grant proposal is another matter. The Senate cuts the block grant by 18 percent, down to $226.3 million, while the House proposes level funding at $275.4 million.

Cutting the block grant is penny wise and pound foolish. The block grant is the primary Federal discretionary program supporting community-based mental health services for adults and children. States use the block grant to fund community-based treatment, case management, homeless outreach, juvenile services, and rural mental health services for people with serious mental illness. The block grant plays a particularly important role in States like New Mexico where we have numerous underserved areas where there is often inadequate access to may different types of vital health care services.

The block grant provides up to 39.5 percent of the Community Mental Health Services budget controlled by State mental health agencies. Although it constitutes a small portion of many States' overall spending on mental health, its impact on community-based services is undeniable.

The bill cuts block grant funds at a time when States are placing more emphasis on cost-effective community-based services. More and more States are closing or downsizing their State hospitals in an effort to save funds. The States are replacing those services with more cost-effective services at the community level. The block grant helps ensure that individuals who leave institutions have somewhere to go for treatment, and are not simply relegated to the streets.

According to the National Association of State Mental Health Program Directors, fiscal year 1993 was the first

time that State hospital inpatient spending equalled spending on community-based services. The mental health block grant played an important role in this transition, and I believe this trend will only continue in the future.

I understand very well the constraints facing the Appropriations Committee. But I believe the spending in the mental health block grant is cost-effective, and if the House is willing to provide level funding, it is my hope that the Senate can do so as well. I urge the committee to accept the House number.

EPA RESEARCH FACILITY, RESEARCH TRIANGLE PARK, NORTH CAROLINA

Mr. FAIRCLOTH. Madam President, I would like to ask the distinguished chairman of the Committee on Environment and Public Works, Senator CHAFEE, to clarify the intent of his amendment concerning funds to construct a new research facility for the U.S. Environmental Protection Agency at Research Triangle Park, NC.

I understand the chairman's concern that this proposed project be reviewed by the appropriate authorizing committees of the Senate and House of Representatives. However, I have a concern that if the Congress does not act in time for contracts to be awarded in this fiscal year, that the cost will escalate dramatically.

I believe that the distinguished chairman is aware of my 2-year efforts to lower the overall costs associated with the project. As such, it would be unfortunate to experience needless delay resulting in higher costs to the taxpayers. Does the chairman intend to schedule committee consideration of a resolution authorizing this project in the near future?

Mr. CHAFEE. I would be pleased to respond to the Senator's question. I am indeed aware of your successful efforts to lower the overall costs of this important project. It is not my intention to sacrifice these savings by delaying authorization. Instead, this amendment will preserve the Environment and Public Works Committee's authority to review and determine spending levels for the construction of Federal buildings.

With respect to committee consideration of a resolution authorizing the project, it is my intention to schedule a business meeting as expeditiously as possible. I am confident that we could consider a resolution well before the April 19, 1996, deadline established in the amendment.

Mr. FAIRCLOTH. I appreciate the chairman's response. I have one final question for the chairman. Will the prospective committee resolution allow for multi-year funding? That is, will the authorization permit incremental appropriations over the next few fiscal years for this project to be completed?

Mr. CHAFEE. Yes. Authorizations provided by committee resolutions approving construction of Federal buildings stand unless and until subsequently modified by the committee.

AMENDMENT NO. 3493

Mr. JEFFORDS. Madam President, I would like to take this opportunity to explain my vote today in support of Senator MURRAY's amendment to the Omnibus Rescissions and Appropriations Act. A year ago this body passed what had become known as the salvage timber rider. Given the threats this provision posed to the health of many valuable forest environments and the potential impacts of harvesting timber under suspension of environmental laws on fish and wildlife habitat, I opposed that amendment. Today, I supported Senator MURRAY's amendment for the same reason. Senator MURRAY's amendment offered our Nation a reasonable, well thought out, environmentally and economically sound alternative to current law on timber salvage.

Although many people feel that any timber salvage program threatens our natural resources, I believe our Nation needs an effective, environmentally sound timber salvage program that addresses the risks posed by persistent drought, disease, and insect infestation. Senator MURRAY has met the challenge of developing a reasonable and effective response to this issue.

I am supporting Senator MURRAY's amendment for several reasons: First, it repeals the previous salvage timber amendment; second, it institutes a temporary program that increases public participation in salvage timber sales; third, it mandates compliance with all environmental laws; and, finally, it requires a comprehensive study of forest health by the National Academy of Sciences.

I applaud Senator MURRAY for her diligence and hard work in bringing this amendment to the floor. Mrs. MURRAY developed an approach that garnered the support of a wide array of constituents, a formidable task on any issue.

Our Nation has reached a point where we can no longer tinker at the edges of the forest management system of our country. For both economic and environmental reasons, we need to create certainty in how our forests will be managed. I believe that Senator MURRAY's amendment is a positive step in that direction and will resolve what has been a difficult and unsustainable situation.

JOINT IMPLEMENTATION ACTIVITIES

Mr. BENNETT. Madam President, it has come to my attention that there may be a need to give the Environmental Protection Agency additional guidance and budgetary flexibility regarding their support for climate changes studies in developing countries and their contribution to joint implementation activities carried out by Federal agencies to reduce CO_2 emissions worldwide. At present, a total of $8 million is appropriated for these activities in the Omnibus appropriations bill.

As I understand it, there is a development consensus that the United States can achieve significantly greater CO_2 reductions and better value for dollars spent by supplementing that $8 million with another $4 million, drawn from the general allocations provided to the global climate account. CO_2 reductions accomplished under joint implementation activities accrue to the United States. I am not proposing that we incorporate this direction to EPA today, but I am suggesting that this is an issue that we should discuss prior to and during conference with the House, especially if this kind of programmatic flexibility will assure that we achieve our environmental objectives in a way that is most cost effective and which demonstrates the United States commitment to environmental protection.

TERMINUS OF THE NATCHEZ TRACE PARKWAY

Mr. COCHRAN. The Natchez Trace Parkway is nearing the end of construction on 445 miles of historic roadway through Mississippi and Tennessee. The parkway has been under construction since 1937 and only the final 20 miles remain to be completed along with an Intermodal Visitor's Center at the terminus in Natchez, MS, a cost-share project that combines Federal, State, and local funds.

The fiscal year 1996 Interior section of the Omnibus consolidated rescissions and appropriations bill contains $3,000,000 for construction of the Natchez Trace Parkway. This $3,000,000 is insufficient to complete construction of any of the remaining miles on the parkway and the National Park Service has indicated that the appropriated funds can be used for the cost-share visitor center project to be located at the terminus of the parkway. This transfer of funds will be a single appropriation to the National Park Service to be used for the construction of the visitors center.

I have worked on this project with my friend and colleague, Senator GORTON, chairman of the Appropriations Subcommittee on the Interior, and Senator BYRD, my friend from West Virginia and distinguished ranking member of the Appropriations Committee and ask them if they are in agreement that it would be acceptable for the $3,000,000 provided for construction on the Natchez Trace Parkway in fiscal year 1996 to be used for the project at the parkway's terminus?

Mr. GORTON. That is correct. In providing these funds the committee is aware of the need to initiate construction of the Intermodal Center, and that providing these funds would fulfill the Federal commitment to this cost-shared visitor center project.

Mr. BYRD. I concur with the chairman and my friend from Mississippi that using these funds for such a project at the terminus of the Natchez Trace Parkway is a proper use of the appropriated funds, and that agreeing to this proposal at this time will not impose any outyear construction costs for this project on the Interior bill.

GENERIC RANITIDINE

Mr. FAIRCLOTH, Madam President, today the distinguished Senator from

Arkansas offered a statement with regard to patent litigation concerning an application filed with the FDA for generic ranitidine. In fact, that applicant has declined several opportunities to expedite this case. Moreover, the applicant has introduced a new counterclaim which will begin a new round of discovery, thereby significantly delaying the trial.

Geneva filed an ANDA for generic ranitidine tablets and notified Glaxo Wellcome in March 1994. Glaxo Wellcome filed a patent infringement suit in March 1994. Under the Hatch-Waxman procedures, the 30-month statutory injunction runs through September 1996. A trial date has not been set.

A trial court decision is not considered final if an appeal is taken. Thus it is highly unlikely that a final court ruling will occur prior to September 1996.

Even if the trial had already begun, it is unlikely that the trial and appeal could be completed by September. In an earlier patent infringement case against Novopharm with respect to the validity of the Form 2 patent, the trial court ruled in Glaxo Wellcome's favor in September 1993. Novopharm appealed the same month, but the appeal was not decided for 19 months, in April 1995.

Geneva had delayed the case. After their initial request for an expedited trial, Geneva has made little effort to expedite the proceedings, even after the district court in Royce versus Bristol Myers Squibb ruled that the FDA could approve ANDA's prior to the GATT-amended patent expiration dates.

Also, after the discovery schedule was set in January of this year, Geneva amended their original complaint to add a new action. Glaxo Wellcome has argued against allowing them to amend their complaint partially because it will open up the discovery process and further delay the proceedings, probably beyond the July 1997 patent expiration date for Zantac.

CROP INSURANCE

Mr. DASCHLE. Madam President, I rise to call attention to a serious problem facing our Nation's farmers. Currently farmers are required to purchase crop insurance coverage to be eligible for farm program benefits. The deadline for purchasing crop insurance has already expired for southern commodities and will expire Friday, March 15, for midwestern commodities. Under normal circumstances, these deadlines would not be a problem; however, the farm bill has yet to be enacted, farm program provisions have not been announced, and farmers are uncertain about what crops they can or can't plant and still be eligible for farm program benefits.

As you know, I have strongly supported a viable crop insurance program and have urged farmers to utilize important risk management tool. However, to require farmers to meet the crop insurance closing deadlines without knowing what will be in the farm bill, what they can or can't plant, or whether or not they even have to purchase crop insurance at all does not make common sense to me.

Madam President, I would prefer to address this issue by simply extending the deadline to purchase crop insurance, but I understand it will be scored by CBO as and cost and thus require an offset.

Mr. COCHRAN. Madam President, my colleague raises a valid and important point. Farmers are in fact, facing uncertainty and a potentially serious situation concerning purchase of crop insurance for 1996. Many believe they are not going to be required to buy it; others may believe that they are already covered when, in fact, they aren't because the automatic extension of their 1995 policy won't cover all the crops they may plant in 1996. For example, a farmer who planted cotton last year and corn this year is not covered under an extension of his old policy. And, because the closing date has or soon will pass, he will not be able to purchase insurance.

I am pleased to report to the Senate that the conferees on the farm bill are aware of this issue. I hope my colleagues will work to see that this is addressed as part of the conference agreement on that bill by temporarily extending the purchase date for those producers who want to purchase insurance. We should not send a mixed message by allowing broad cropping flexibility, while remaining totally inflexible about insurance purchase dates for the 1996 crops.

I appreciate the designated Democratic leader for raising this important issue. I agree this is a problem and should be corrected.

AMENDMENT NO. 3513

Ms. MIKULSKI. Madam President, I rise in opposition to the amendment offered by Senator COATS. The amendment would allow hospitals whose programs have not been accredited by the Accreditation Council on Graduate Medical Education [ACGME] to continue to receive Federal funds if the accreditation was denied because the program did not provide abortion training.

Let me share with you three reasons why I oppose the amendment.

First of all, if the amendment is adopted, the Congress will be imposing its judgment of what should be taught in OB/GYN residency programs over that of the medical professionals of the ACGME.

Second, the amendment would create a bureaucratic nightmare. If Federal agencies cannot be guided by ACGME accreditations in administering Federal programs, what standards will be used?

Third, under this amendment the number of physicians trained to provide abortions—a legal medical procedure—will continue to decline, jeopardizing women's health.

As my colleagues know, the ACGME is a private medical accreditation body which sets the standards for over 7,400 residency programs in this country. The American Medical Association, the American Hospital Association, the American Association of Medical Colleges, the American Board of Medical Specialties, and the Council of Medical Specialty Societies are all a part of ACGME.

They are the medical experts who know what should be included in a complete medical training program. Earlier this year, the experts of the ACGME unanimously agreed that ACGME's standards should be modified to require that residency programs providing training in abortion procedures.

But, let me be clear. The ACGME recognized that people and institutions have strongly held beliefs on the issue of abortion. So, the ACGME ensured that these new standards do not compel any institution or person with moral or religious objections to abortion to participate in training. It respects the beliefs of individuals and of institutions. Under the ACGME policy, training programs with moral or religious objections are permitted to refer their students to other facilities to receive this training.

I believe the Congress should respect the medical expertise and judgment of the ACGME. Politicians should not be setting the standards for medical residency programs. That is the job of experts.

It is ironic that at a time when we see efforts to reduce the role of big government, proponents of this amendment seek to substitute the judgment of government for what should be the judgment of medical experts.

If this amendment is adopted, Federal agencies will face a bureaucratic nightmare. If Federal programs cannot rely on the ACGME accreditation in making decisions on funding medical education or other programs, what standard should they use?

Will the Government have to devise another Federal accreditation standard? Will the Federal Government require the States to set up new standards? It seems to me that either of these options results in more redtape for medical programs, more bureaucracy, and more government involvement in the private sector.

Do we allow residence programs to receive Federal funds if they have not had to receive any accreditation at all? This option would mean residency programs have not had to meet any quality of care standard at all. Surely that is not in the best interests of patients or medical institutions. And, surely that cannot be the intent of those offering this amendment. Yet, I fear that it could well be the result.

Let me make one further point, Madam President. There is a growing shortage of physicians who are trained in abortion procedures and willing to provide abortion services. This constitutes a serious risk to the health of America's women, for whom access to safe and legal abortion is disappearing.

In fact, in 45 States, the number of physicians who perform abortions declined between 1982 and 1992. Currently, in 84 percent of counties in the United States, not a single physician provides abortion services. At the same time, the number of residency programs that routinely offer training in first-trimester abortions has declined from 23 percent in 1985 to only 12 percent in 1992.

Abortion is legal in this country. But the constitutionally protected right to choice is endangered if there are no physicians trained in providing abortion services. It is essential that women who need abortion services have access to qualified and well-trained health care providers.

That is what the ACGME standards would ensure. That is why the Congress should not undermine the ACGME standards. That is why this amendment should be defeated.

DEPARTMENT OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK GRANTS

Mr. JOHNSTON. Mr. President, if I could I would like to engage the distinguished Senator from New Hampshire [Mr. GREGG] in a colloquy with respect to provisions in this bill which relate to funding under the Justice Department Violent Crime Reduction Programs, State and Local Law Enforcement Assistance Program. I am specifically speaking to the issue of the local law enforcement block grants. It is my understanding that in the case of the Commonwealth of Puerto Rico, the authority to enforce felony crime statutes is vested solely in the Commonwealth Police Department. it is also my understanding that when the committee took up this provision that the committee did not intend to preclude the Puerto Rico Commonwealth Police Department, the only law enforcement agency with the authority to enforce our felony crime statutes, from being eligible for community policing funds. Is my understanding correct that the committee was unaware of this specific circumstance with respect to Puerto Rico?

Mr. GREGG. The Senator is correct, the committee was in fact unaware of these circumstances.

Mr. JOHNSTON. I would hope that the Senator would ensure that this matter is clarified when this bill reaches conference and the final conference agreement reflects that the terms and conditions of the local law enforcement block grants do not preclude the Puerto Rico Commonwealth Police Department from being eligible for community policing funds?

Mr. GREGG. Yes, I want to assure my good friend from Louisiana, that on behalf of the committee that we intend to correct this matter in conference.

Mr. JOHNSTON. I want to thank my good friend from New Hampshire for this clarification. I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, the bill now before us in the 10th continuing resolution for this fiscal year. That is 10 times too many. We should and could have done better. The American people have patiently endured two major Government shutdowns which severely disrupted their lives. Americans deserve to know that their Government will remain open, that it is not in danger of another shutdown. They deserve to know that agencies that perform important functions, and that affect all of our lives, are funded through the fiscal year 1996 year.

We are over 5 months into the fiscal year 1996. The fiscal year is nearly half over, yet we are still operating our Government in a piecemeal fashion. Five appropriation bills remain pending. These bills include funds for the Departments of Labor, Health and Human Services, Education, Veterans Affairs, Housing and Urban Development, and dozens of other agencies.

Rather than passing another stop-gap continuing resolution, we should complete action on the remaining appropriation bills. We should be working to avoid another Government shutdown. Hostage-taking and legislative blackmail is not the way to arrive at the kind of solution we need to solve our budgetary problems.

As you know, a number of the provisions of this legislation have been vetoed by the President or have drawn veto threats. The President indicated that insufficient funding for priority programs was a major reason for his vetoes.

When this bill arrived in the Senate it lacked over $8 billion in funds for important programs. The President identified several high priority programs in the areas of education, crime, and the environment and called for $8.1 billion to be added back to those programs. He also offered a number of suggestions to offset that spending; the administration's budget offsets come from potential savings in other areas of the budget, so that we can restore funding without increasing the deficit. However, rather than incorporating the administration's request, the committee responded by adding back only $4.8 billion. On the face of it, this additional spending appears to be a move in the right direction. However, this money is not real; this money is contingent on future actions that may or may not occur. As a result, the President has threatened to veto this bill in its current form.

If we are to make real progress we need to get our priorities straight. In a recent poll, Americans stated that they were concerned about education, crime, jobs, and health care. Americans are concerned about earning a fair wage, about their children's education, and about their ability to live in safe and healthy communities. Spending priorities should reflect these priorities.

Domestic discretionary spending is being badly squeezed in this bill. However, domestic discretionary spending is not one of the major causes of the budget crisis the Federal Government is facing. Domestic discretionary spending has not grown as a percentage of the GDP since 1969, the last time we had a balanced budget. Domestic discretionary spending comprises only one-sixth of the $1.5 trillion Federal budget, and that percentage is steadily declining.

While I firmly believe that if we are to stay on track and balance the budget, every program needs to be reviewed for spending reduction. However, I believe that these reductions need to be made in a fair and equitable way. This bill, however, guts important programs upon which millions of working Americans depend.

JOB TRAINING

One of the greatest concerns of public officials, nonprofits, and business groups throughout my State is that Congress is eliminating the summer jobs program for youth. This program trains young people for jobs that actually exist, teaches them about work habits, and keeps them off of the streets and out of harms—or troubles—way. Cities and towns throughout Illinois are telling me that young people count on these jobs, but that without funding at the $635 million level, there will be almost no summer program.

Programs such as those that provide young people with summer employment and job training, train dislocated workers in new occupations, and provide a transition from school-to-work for the Nation's young people should not be pawns in a budget chess match. We should not hold young people, dislocated workers, and students, among others, hostage to our demands.

I am glad my colleagues supported the bipartisan amendment to restore funds—to provide opportunity for this Nation's workers and future workers. This amendment also restored funding for education the foundation for the future success of our Nation's youth.

EDUCATION

Mr. President, we are not living in a global economy, and education is the key to it. Education increases our productivity and competitive edge. It promotes our economy, raises the standard of living, and improves the quality of life for our people.

Education opens the doors of opportunity in American society. Today, access to quality education is more important than ever. The abilities to read and write are no longer enough: today, a student must also learn to speak the language of computers, and must learn about our changing, global, competitive economy.

The bipartisan amendment restoring funding for many important education programs was a step in the right direction. I urge my colleagues to help keep these additions in the bill when it goes to conference.

ENVIRONMENT

And I hope we can provide additional funding for essential environmental activities. In this area the bill is sadly lacking. Mr. President, time after time in poll after poll, Americans across the

country have supported and continue to support environmental protections. They want strong environmental laws. Americans want an environment that is safe and healthy. And they want their children and grandchildren to be able to do the same.

The cuts in the EPA budget now included in this bill will slow cleanup of Superfund sites, limited the power of the EPA to maintain safe drinking water standards, such as contamination by radon, and limit the EPA's ability to enforce laws that protect the quality of the environment. The EPA cannot sustain cuts of this magnitude an still do the job of protecting the public health.

These cuts in the EPA budget are part of environmental rollbacks some in this Congress have proposed, and that the American people simply do not support. Mr. President, I believe that jeopardizing the environment to achieve sort-term budgetary benefits is simply wrong.

WOMEN'S PROGRAMS

While we have done a shameful job when it comes to the environment, we have done a few things right when it comes to protecting the lives and health of women in this country and around the globe. We have given the President the ability to lift the restrictions on international family planning and we have not included a House provision giving States the right to refuse Medicaid abortions for women in the case of rape or incest nor a House provision allowing medical colleges to be accredited without training OB/GYN's in abortion procedures.

I urge my colleagues to hold the line on these provisions. The striking of the first or the inclusion of the later two provisions would result in death and hardship for women in the United States and throughout the world.

It is crucial that we allow the President to lift the restrictions on international family planning funds. According to a consortium of expert demographers, the current funding restrictions will result in at least 1.9 million unplanned births and 1.6 million abortions. Eight thousand women around the world will die in pregnancy and childbirth and 134,000 infants will die. Our role should be to encourage families who are trying to make deliberate decisions about their ability to have and care for additional children. Our role should not be to punish these families by forcing them into dangerous or unwanted pregnancies.

We must prevent the inclusion of provisions allowing State governments to refuse to pay for Medicaid abortions in the case of rape or incest. The women who would seek an abortion prohibited by this provision are women living in poverty who have recently been the victim of a sexual assault by a stranger, a friend, or a family member. We have already placed enormous limits on the rights of poor women to choose to terminate a pregnancy, this provision brings us into the realm of the horribly absurd. Rape and incest are not something any woman should ever experience. Being forced, by poverty, to carry a pregnancy resulting from rape or incest if horrific.

Finally, we must prevent the inclusion of a provision to overturn the requirements of the Accreditation Council on Graduate Medical Education (ACGME) that residency training programs in obstetrics and gynecology provide medical training in abortion. This is not a requirement that doctors perform abortions, but simply a requirement that a doctor know and understand all the procedures related to pregnancy and childbirth. Women's lives depend on the full knowledge and skill of their doctors. Providing the opportunity for physicians to learn all the tools available to save a woman's life is not too much to ask.

Mr. President, I believe that we need to move to a balanced budget. And we need to do it in a way that does not sacrifice the long-term goals of the American people to achieve illusory short-term cuts. We need a budget that restores fiscal discipline to the Federal Government. We need a budget based on the realities facing Americans. Most importantly, we need a budget for our future.

I believe that we can achieve that kind of budget, if we put aside partisan bickering and political point scoring, and if we get down to the work the American people elected us to do.

Mr. HATFIELD. Madam 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. LOTT. Madam 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. Madam President, we are working very diligently with the distinguished Democratic leader to try to work out an agreement for how we will proceed for the balance of the night and on Friday, Monday, and Tuesday. I think we are close to getting an agreement worked out here momentarily, so that Members will know what they can expect in terms of recorded votes, if any, tonight, or on Tuesday and Wednesday.

In the interim, while we are trying to get that wrapped up, we will go ahead and proceed with the Bond-Mikulski amendment. Our intent is to just have that offered and debated, and then if we can get an agreement, we will announce that to the Members how that one and others will be disposed of. When we get that agreement, we will notify all Members.

I yield the floor.

Mr. BOND. Madam President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 3532 offered by the Senator from Georgia, Senator COVERDELL.

Mr. BOND. Madam President, I ask unanimous consent that that amendment be set aside.

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

AMENDMENT NO. 3482

Mr. BOND. Madam President, I ask that amendment No. 3482 to the committee substitute amendment, previously debated and set aside, be called up.

Mr. KERRY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BOND. I call for the regular order with respect to that amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative 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.

AMENDMENT NO. 3533 TO AMENDMENT NO. 3482

(Purpose: To increase appropriations for EPA water infrastructure financing. Superfund toxic waste site clean ups, operating programs, and for other purposes and to increase funding for the Corporation for National and Community Service (AmeriCorps) to $400.5 million)

Mr. BOND. Madam President, I send to the desk a second degree amendment to amendment No. 3482 on behalf of myself and Senator MIKULSKI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Ms. MIKULSKI, proposes an amendment numbered 3533 to amendment No. 3482.

Mr. BOND. Madam 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 appears in today's RECORD under ''Amendments Submitted.'')

Mr. BOND. Madam President, it has been suggested that, in order to facilitate the consideration of these amendments, we ask for time agreements. I ask unanimous consent that there be 30 minutes allotted for the debate of this amendment with the control under the normal fashion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. Thank you very much, Madam President.

This measure inserts a new title V adding funds for EPA and for AmeriCorps. The increase for EPA includes $200 million for State revolving loan funds for wastewater and drinking water infrastructure, $50 million for Superfund, and $75 million for EPA operating programs. The amendment also removes the contingency requirement on $162 million of EPA funds contained in title IV.

These additional funds are offset by debt collection legislation of $440 million and rescissions of unobligated contract authority of $48 million.

The amendment also increases funding for the AmeriCorps program by $17

million, for a total of $402.5 million. This increase is offset by a reduction in HUD property disposition funding, provides $20 million to help HUD restructure and clarify its existing law for HUD block grants to New York, transfers $30 million for additional drug elimination funding in HUD-assisted housing, clarifies existing law for demolishing public housing in Texas, clarifies the rent rules in HUD-assisted housing, and provides program direction to NASA for a new satellite.

Madam President, this second-degree amendment that my ranking member, Senator MIKULSKI, and I have submitted to the Lautenberg amendment reflects a great deal of effort. We have worked long and hard to come to an agreement in order for us to increase funding in this measure in a manner that is consistent with balancing the budget. We have insisted all along that additional funding be offset, and we have worked with my ranking member, Senator MIKULSKI, primarily. Today we had advanced additional funds for an offset of $440 million, and we have found additional funding, and we have placed that in what we believe is the highest priority areas.

In January of this year, the administration, after vetoing this bill, came back and said that they wanted $966 million added into spending in this measure for EPA in fiscal year 1996. We have added $487 million in funding for EPA with additional offsets today. That amount, combined with the $240 million in additional EPA funds in title I of the underlying amendment, means that we are able to fund, through offsets, $727 million of the $966 million requested.

I think this is more than a generous compromise. It is a good-faith attempt at resolving the fiscal year 1996 budget for EPA. I understand that the administration has not been able to agree to it. At least, today, for the first time, they talked with us, and I am grateful for that. But, most importantly, I think this represents a compromise that Members on both sides of the aisle can work with.

There are many, many items that were in this original bill that we have been able to increase. The amendment provides funding for the highest priorities for EPA, funding for the States' toxic waste site cleanups, and EPA core operating programs. Under this measure, EPA should not have to have a furlough or a reduction in force for a single employee. Enforcement spending would actually increase by over $10 million. States would receive an 80 percent increase in their water infrastructure State revolving funds, and all Superfund sites posing real risk would receive cleanup dollars.

It has an additional $300 million for water infrastructure State revolving funds, bringing the total amount to $2.025 billion compared to $1.2 billion available in fiscal year 1995.

Madam President, this provides money for State revolving funds. It includes $50 million additional for the Superfund, and it provides funds to begin cleanups in every single toxic waste site which poses a real threat to human health for the environment, if the site is ready to go in the Superfund cleanup.

Madam President, the amendment before us today adds $487 million in funding for EPA, with real offsets. This amount, together with the $240 million in additional EPA funds in title I of the committee-reported bill, total $727 million.

Madam President, this represents 75 percent of the administration's requested add-back list of $966 million. This is more than a generous compromise and a good faith attempt at resolving the fiscal year 1996 budget for EPA.

Each of the items included in this amendment were requested by the administration in its January wish list to the Congress. There are no congressional earmarks or add-ons.

The amendment represents what we believe to be the highest priorities for EPA-funding for the States, toxic waste site cleanups, and EPA's core operating programs. The amounts provided prevent EPA from having to RIF or furlough a single employee.

Enforcement spending would actually increase by $10 million over fiscal year 1995. States would receive an 80-percent increase in their water infrastructure State revolving funds over what they got last year. And all Superfund sites posing real risks would receive cleanup dollars.

The amendment includes an additional $300 million for water infrastructure State revolving funds. This brings the total amount of State revolving funds available through this bill to $2.025 billion—compared to only $1.2 billion in available funds in fiscal year 1995. These funds enable States and communities to make significant progress in meeting their water infrastructure construction needs.

These funds are provided for both clean water and drinking water State revolving funds, to enable communities to build and upgrade water treatment plants to continue the progress which has been made to clean up and maintain the water quality of our rivers, lakes, and streams, and to provide safe drinking water.

The amendment includes an additional $50 million for Superfund, bringing Superfund spending to the fiscal year 1995 level, and increasing the amount spent on actual cleanups—rather than overhead costs—by $150 million. Even while I and others have very strong concerns about the way the current Superfund program works, additional funds are made available through this amendment to address real threats.

Let me say clearly that funds are available to begin cleanups at every single toxic waste site posing a real threat to human health or the environment if the site is ready to go in the Superfund cleanup pipeline.

The amendment would fund EPA's proposed new laboratory in Research Triangle Park, NC, a research facility which will help EPA improve the quality of its research so that decisions are based on sound science. This is not a pork project, Madame President. This project replaces a deteriorating facility inappropriate to conducting research.

The amendment would result in a total appropriation of $6.44 billion for EPA—an increase of $35 million above the amount of funding actually available to EPA in fiscal year 1995.

In addition, carryover funds of $225 million would be available, making a total of $6.7 billion available to EPA in fiscal year 1996. This is $248 million more than what EPA had available to it in fiscal year 1995.

Madam President, this amendment does not provide everything on the administration's wish list because frankly, the administration's wish list is not about real environmental priorities. The administration's wish list is about pork-barrel projects and boutique programs. It is about continuing to provide funding for programs which do not afford opportunities to reduce real threats to human health and the environment.

Despite grave concerns about EPA's ability to manage and prioritize, we have been willing to provide more funds to the Agency's most important programs.

Madam President, I reiterate that this does not provide everything on the administration's wish list because, frankly, the wish list had things that were beyond our ability to fund and things that were not real environmental priorities. Some were pork barrel projects or boutique programs. But I think, thanks to the excellent work—and I emphasize the excellent work—of my ranking Member and the Senator from New Jersey who offered the underlying amendment, we have come together with a workable amendment. I hope all of us can support that.

I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I rise to support this bipartisan agreement to restore funds for the important environmental programs, including funding for National Service.

I want to thank my colleagues, Senator BOND and Senator LAUTENBERG, and their staffs as well as my own for all of their hard work in developing this agreement.

This is a compromise agreement. It provides an additional $487 million for the core EPA programs. These programs are fully offset in this bill to keep EPA fully staffed so that enough people are there to get the job done to ensure clean rivers and drinking water and to clean up hazardous waste sites. The environment is a priority of the American people, and I think it is the priority of this Congress.

There was more that we wanted to do. There was more that I certainly

wanted to do in this bill, particularly in the area of the environmental programs. But they were not included in this amendment because we could not arrive at sufficient offsets.

One of the key programs that is not in this area, with great reluctance, is the cleanup of Boston Harbor; also, the cleanup of the Chesapeake Bay, which is in my own State. The programs that were included there that would have been important are also not included in this amendment.

We have consistently in the past supported the funding for Boston Harbor, and, as the chairman and ranking member of the VA-HUD know, I am committed to the cleanup of Boston Harbor and will continue to work to solve this problem.

In this legislation, Senator BOND and I have found efforts to find additional funds for EPA. Again, I thank him for his efforts to move the process forward to provide real money—not funny money—to deal with real environmental concerns. This additional $487 million is an investment in that.

I also want to say thank you for the ability to provide additional money for National Service, which brings National Service to a total of $4.5 million. This amount will fund 23,000 participants in the program. It restores funding for the Points of Light Foundation, and as part of the amendment, like the EPA funding, that is part of a bipartisan effort.

My colleague, Senator GRASSLEY, has worked with us on helping resolve many of our concerns. I want to thank Senator GRASSLEY for working with our former colleague, Senator Wofford, to address the very valid concerns and criticisms for National Service.

I look forward to working with Senators GRASSLEY and BOND to ensure that these valid concerns are addressed.

This amendment would ensure taxpayers get a dollar's worth of effort for a dollar's worth of taxes and address valid concerns about the program.

I believe this is the absolute minimum level this Congress should provide for National Service.

Even more should be done, but I recognize this may be the best we can do with the money available.

This amendment will increase funds for innovation and assistance by $15 million to support demonstration programs involving national nonprofit and volunteer organizations and other agencies and provide another $2 million of the Points of Light Foundation for a total of $5.5 million.

This amendment also addresses valid concerns about the program's efficiency and accountability.

It eliminates grants to Federal agencies, makes improvements in the Corporation's grant review process, and requires a study of the Corporation by the National Association of Public Administrators.

Let me assure my colleagues I have a full offset for my amendment in the FHA Multifamily Property Disposition program.

Let me tell you why I think it is so important to provide these funds and why we must continue to support National Service.

National Service meets compelling needs in our society. It provides opportunity for young people; it helps meet the needs of communities; and it cultivates the habits of the heart.

National Service provides opportunity by giving young people access to higher education and training. For many Americans, their first mortgage is their student debt. After graduation, many of them owe $15,000, $30,000, or even more. Through National Service, young people can work off some of their student debt.

Second, National Service meets compelling needs in America's communities. Young people serve their communities. For example in education, young people tutor children and teach adults basic reading skills.

They help protect public safety. For example, in my own state of Maryland, in Montgomery County, AmeriCorps volunteers operate a Community Policing program, where volunteers help control crime by running community education seminars and outreach projects.

In other communities, they patrol vacant buildings and teach conflict resolution skills. They help meet compelling human needs by distributing food to sick people and poor families.

They help address environmental concerns like restoring neighborhood parks, and helping communities recover from floods and disasters. After recent floods in Pennsylvania, AmeriCorps teams assisted the Red Cross to help 10,000 families devastated by that disaster.

Third, National Service teaches the habits of the heart. It is not a social program. It is a social invention designed to create the ethic of service in today's young people. It provides an opportunity structure so young Americans can receive a reduction in their student debt or a voucher for further education in exchange for full-time community service.

National Service is a movement toward community building, it is about neighbor helping neighbor, and it is about helping people who help themselves. National Service fosters the spirit of community in Americans, it brings people together and teaches a new generation that by working together it is possible to create a better world.

I urge my colleagues to take another step toward community building and encouraging habits of the heart by voting to increase the funds to National Service.

Mr. GRASSLEY. Madam President, I rise to speak briefly on the issue of funding in the continuing resolution for the Corporation for National and Community Service and the AmeriCorps program.

As many of my colleagues know, for over a year and a half I have raised concerns about the costs of the AmeriCorps Program. Last summer, the General Accounting Office [GAO] issued a report that substantiated my concerns, finding that the average cost per participant is approximately $27,000, with the Federal Government providing roughly $20,000, State and local governments $5,000, and the private sector providing only 8 percent of these high costs.

There is no question that these measurements are not in keeping with the goals and vision of this program as originally articulated by President Bill Clinton.

I have stated in testimony and in letters to the President and administration officials that I would be willing to support funding for this program if the administration would commit to several specific program reforms, most importantly, increasing the private sector match and decreasing the cost per participant.

It has been my desire to ensure the taxpayers' money is spent efficiently and to increase the number of young people who will be provided assistance to pay for college. To that end, I met several weeks ago with Senator Harris Wofford, the chief executive officer of the Corporation. Since that meeting, we have been engaged in negotiations on how to improve and reform the AmeriCorps Program.

I am pleased to state that I believe these negotiations have achieved real progress. While there are still points that need to be addressed, Senator Wofford has indicated in a letter to me his commitment to implementing meaningful program reforms, control costs and increase the private sector match, as I have strongly suggested.

It is for this reason that I am willing to support funding for the Corporation and, in turn, AmeriCorps.

As my colleagues know, I have never criticized the good work performed by the young people who participate in AmeriCorps. I have met with young people from my State who participate in the I CAN Program that allows young people at Iowa State University and several other colleges in Iowa to perform community service while attending college full time. There is no question these college students are a benefit to their community.

However, we should not forget the 3.9 million young people who do volunteer work in their community without compensation. These volunteers help form the backbone of community service in America.

As I say, my concern is not the work performed, but the costs to the taxpayer and the possibility that more young people could be provided assistance if AmeriCorps is reinvented. My hope is that the reforms that Senator Wofford and I have agreed to will help ensure that the program meets the original goals articulated by President Clinton.

It is my view that this President, any President, has the right to see an initiative, such as this, be given an opportunity. However, the initiative must remain in keeping with the President's original intent. And that has been my focus, to keep this program's costs and private sector match in line with the President's promises.

Let me assure my colleagues that no one should take my statements today to mean that I am ready to anoint the Corporation with garlands.

The Corporation has serious problems, most significantly in the area of financial management. A recent audit of the Corporation, contracted by the Inspector General, indicates that there is an immediate need for fundamental reforms in financial management at the Corporation.

In addition, the Corporation must now implement the reforms that have been proposed, as well as meeting the goals for per capita costs and private sector match that it will establish.

My colleagues can be certain that, just as I have with agencies such as the Department of Defense and the IRS, I will continue to aggressively watchdog the taxpayers' money at the Corporation.

Madam President, in closing, let me reiterate how pleased I am to have worked with Senator Wofford on this issue. I commend him for his sincere efforts to reform the program. There is no question that the Corporation has benefited from his commitment and the fresh perspectives he has brought as chief executive officer.

Let me note too, the work of Congressman HOEKSTRA who has been a true watchdog for the taxpayers on this program. As I stated earlier, I share his strong concerns about the financial management at the Corporation.

I also want to commend the work of the chairmen of the committee and subcommittee, Senators MARK HATFIELD and KIT BOND. I know it has been difficult to find funding for this program.

I especially want to thank Senator BOND. It has been my pleasure to work closely with him on this matter and appreciate all his efforts to address our mutual concerns that the taxpayers' money be spend effectively and wisely in this program.

Mr. CAMPBELL. Madam President, I join my colleagues, Senators BOND and MIKULSKI, the chairman and ranking minority member of the Senate Appropriations Subcommittee on Veterans, Housing and Urban Development, and Related Agencies, on which I serve, in supporting an increase in funding for the National Service Program. This amendment provides $403 million for the National Service Program in fiscal year 1996.

I voted in support of establishing this program in 1993 because it gives young people a chance to serve their communities and earn education awards to finance their education. Currently, there are over 450 participants in Colorado's AmeriCorps programs who are engaged in serving low-income communities, tutoring at-risk youth, mentoring students, helping young people stay out of gangs, and providing health services in rural areas.

The Corporation for National Service sponsors important service programs for native Americans nationwide. Current activities in this area include improving safety on reservations, constructing community facilities, improving access to medical services for low-income elders, tutoring students, and reducing violence among young people. The Ute tribes in my State and over 20 other tribal organizations throughout the country are benefiting from the National Service Program.

The Corporation also is working with the National Coalition for Homeless Veterans. Dedicated individuals are serving homeless veterans by providing them access to health care, substance abuse treatment, and training to seek jobs.

It is my hope that the Corporation for National Service continue and expand its support under this amendment for programs assisting those in our communities that need it the most and continue to build bridges with programs assisting veterans, tribal organizations and at-risk youth.

Mr. PRESSLER. Madam President, I rise tonight to comment on this amendment, offered by Senators BOND and MIKULSKI, to provide, among other things, additional funding for the Environmental Protection Agency. I am a cosponsor of this amendment because it includes funding that is very necessary to the people of Watertown, SD. This amendment would provide $13 million for the reconstruction of a wastewater treatment facility in Watertown, SD.

The city of Watertown has worked for more than 10 years to overcome Clean Water Act violations. Now, the city is facing an expensive lawsuit, fines of up to $25,000 per day, and the high costs of restructuring the wastewater treatment plant. I have worked closely with Watertown's Mayor Brenda Barger, who is seeking a reasonable settlement to the lawsuit with the EPA.

The city of Watertown's innovative/alternative technology wastewater treatment facility was built as a joint partnership with the EPA, the city, and the State of South Dakota in 1982. The plant was constructed with the understanding that the EPA would provide assistance in the event the new technology failed. The facility was modified and rebuilt in 1991 when it was unable to comply with Clean Water Act discharge requirements. Unfortunately, the newly reconstructed plant still was found to violate Federal regulations. That is why the city now faces a possible lawsuit by the Federal Government, and fines of up to $25,000 per day.

The city of Watertown, under the very capable guidance of Mayor Barger, has entered into a municipal compliance plan with the EPA. Under the agree plan, Watertown should achieve compliance by December 1996. However, without Federal assistance, Watertown will be unable to complete the reconstruction by the date set forth by the EPA. In addition, the compliance plan does not address the issue of the onerous civil and administrative penalties that continue to accumulate against the city.

Under the law, Watertown could accumulate an additional $14 million in penalties before the treatment facility is able to comply with the Clean Water Act requirements.

Madam President, I don't know of any cities in South Dakota that can afford those kinds of penalties.

Watertown is working hard to comply with the law. However, to succeed, Watertown needs the constructive cooperation of the Federal Government. The funding in the amendment offered by my friend from Missouri reflects the kind of constructive cooperation needed. As I said, it would provide $13 million to the city of Watertown to rebuild Watertown's wastewater treatment facility.

Madam President, this project is necessary for the health and safety of the people of Watertown. Already this year, the city has increased consumer water rates from $9/month to $16/month in order to fund the water treatment facility reconstruction project. The city is prepared for additional rate increases in order to cover a portion of the total project cost of $25 million.

The city also has worked diligently to secure a variety of available funding sources, including an allocation of $1 million from the State of South Dakota. Additionally, the city of Watertown has committed to a local match of $8.25 million. This Federal appropriation of $13 million would enable the city to complete construction on the water treatment facility in a timely manner, as required by the EPA.

Madam President, I believe the merits of this project are clear. Construction of this facility would allow the city of Watertown to provide its residents with a safe water supply which complies with the Clean Water Act and thus ensures that the environment is protected.

I have enjoyed working with Senator BOND, chairman of the Appropriations Subcommittee that provides funding for the Environmental Protection Agency, and Senator MIKULSKI, the ranking member on that subcommittee. I know I represent the citizens of Watertown, SD, when I say thank you for your commitment to securing this funding. This is a great first step. As I said, this is a constructive effort. I sincerely hope that the EPA will show the same constructive, cooperative spirit to the people of Watertown.

Mr. GRASSLEY. Madam President, in closing let me briefly state my support for the amendment offered by Senator MIKULSKI on AmeriCorps. While I

believe the Appropriations Committees has provided sufficient funding for the Corporation, I recognize the desire of the administration and Senator MIKULSKI to see a small increase in the amount of funds provided by the committee.

I believe this amendment is a good compromise that will allow the VA/HUD bill to proceed and be signed by the President.

The amendment contains a sense of the Senate that I have worked on with Senator KASSEBAUM stating that the President should expeditiously nominate a CFO for the Corporation and that the Corporation should make implementation of financial management reforms a top priority.

In meeting with accountants from Arthur Anderson, who conducted the independent audit of the Corporation, they stated that the appointment of a CFO was the single most important thing that needs to be done to begin the effort to get the Corporation's financial house in order.

The amendment also allows the Corporation to spend up to $3 million for implementing financial management reforms.

Finally, I am pleased that in conjunction with this amendment, the Corporation has agreed that they will set aside $10 million for an education-awards only program that I have advocated. Under this new program, the Corporation will provide only educational awards to young people who perform community service. These funds could help up to 4,000 young people pay for college.

Madam President, I want to recognize Senator BARBARA MIKULSKI for her work. She has been a strong advocate for AmeriCorps. Earlier this fall, I said that I thought there would be funding for this program. I made that statement in part because of the confidence I had that Senator MIKULSKI's determination would win the day. Certainly, she deserves a great deal of the credit for the funding contained in this bill already and all the credit for the passage of this amendment.

Ms. MIKULSKI. Madam President, I will now yield the floor but reserve the remainder of whatever time our side might have.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3509 WITHDRAWN

Ms. MIKULSKI. Madam President, I ask unanimous consent that an amendment that I have pending on National Service be withdrawn.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is withdrawn.

So the amendment (No. 3509) was withdrawn.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri.

Mr. BOND. How much time?

Mr. MCCAIN. Thirty seconds.

Mr. BOND. Thirty seconds.

Mr. MCCAIN. Thirty seconds.

Mr. BOND. I yield a minute to the Senator from Arizona.

Mr. MCCAIN. I am not real familiar with this amendment. I just saw it. I am not sure we need $200 million for State revolving funds or $50 million for Superfund, $75 million—$162 million in funds offset by unobligated airway trust fund contract authority. I did not know that was unobligated.

All this is another increase in spending. That is really all this is about. I think it is time it came to a stop, and at least I would like to be on record as being in opposition to it.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. I ask the Senator from Maryland if I can have 5 minutes.

Ms. MIKULSKI. I yield the Senator from New Jersey 5 minutes.

The PRESIDING OFFICER (Mr. BURNS). The Senator from New Jersey.

Mr. LAUTENBERG. I may not need 5 minutes, Mr. President, but I thank my colleague from Maryland.

This is a compromise piece of legislation. If you see lots of people concerned about what it is that we have in front of us, these are legitimate concerns for both those who support and those who object to this compromise. The amendment that is being offered, as we heard from the distinguished Senator from Missouri, includes $487 million for environmental programs instead of the roughly $900 million that was proposed in the original amendment. Unlike the earlier amendment, this amendment does not include a provision designating the proposed funding as emergency spending.

Mr. President, clearly this amendment does not increase the budget for environmental programs as much as I believe is needed. However, under the circumstances, with earnest exchanges of view, we arrived at what was a middle ground. While having been so active on matters of environmental cleanup including Superfund and clean air and others, clean water, it distresses me that we could not get more to do the environmental job that many of us here would like to see done. I am pleased to see that there is $50 million more for Superfund cleanup. It is a program that needs to be continued. And even as we choose to examine it, to reform, to make reforms where necessary or where possible, still in all this is a program that has value and should be continued.

In the final analysis, there is a major concern, major disappointment in this amendment, that concerns the Boston Harbor cleanup. Boston Harbor was an environmental disaster because of the inability to contain the pollution, the contamination that flowed into that body of water. It caused enormous increases in costs for those who use the drinking water in the area because of the costs invested thus far in trying to get it to a satisfactory condition.

Senator KERRY and Senator KENNEDY have worked very hard for a number of years to get the kind of funding that is essential to continue this job. And I hope, Mr. President, that as we consider this amendment there will be opportunities to reevaluate some of the decisions that we are making this evening. There will be a conference with the House.

The biggest deficiency in this bill is the lack of a clear-cut commitment to expend funding to clean up Boston Harbor. And again, other than that, we have fashioned a compromise—not one that is satisfactory to those who are most anxious to get the environment cleaned up to the fullest extent possible, but we do face a budget crisis here. We are interested in balancing the budget. We are interested in doing what we can with the limited resources that we have. This compromise amendment, I think, does just that.

The PRESIDING OFFICER. The Chair informs the Senator from New Jersey that he is in charge of the time which is remaining, which is 10 minutes and 18 seconds on that side, and 5 minutes and 11 seconds for the majority.

Mr. BOND. Mr. President, I yield myself such time as I may need.

I wish to call the attention of my colleagues to some basic principles which we had to follow in this bill. This bill, the VA-HUD, Independent Agencies, which includes EPA, space, FEMA, and others, took a 12 percent this year. There was no way we could continue to fund these special projects each Member had in specific cities.

Now, some people would call them pork projects, but, frankly, these are all very important, necessary environmental projects designed to clean up our waterways and other vital elements of the environment. The Environmental Protection Agency estimates that there are approximately $100 billion of infrastructure needs for clean water and safe drinking water in the country today.

What we have tried to do is to say, we are not going to appropriate, in this bill, specific sums for specific projects, because there is no way that we can know how to rank $100 billion of needs throughout the country. We have set up State revolving funds, loan funds that will revolve and provide assistance to communities, and be paid back to help other communities within that State. That is why we have worked hard to put additional dollars into the revolving fund.

We have been advised by the Under Secretary for EPA that we need to

reach a level of $10 billion on the clean water fund, so that the projects can be dealt with. We are trying to get money into those revolving funds. We cannot appropriate funds for specific projects and that is why there has been much disappointment in my own State. There are major cities that want to have funds appropriated directly to them.

What we have done instead is to appropriate money for the State revolving funds. The States will make low- or no-interest loans to communities—to cities, to counties—to take care of their needs. When that is paid back it will enable others to carry out their projects.

Mr. President, it is not nearly as exciting, it is not nearly as glamorous as having an appropriated sum targeted to one city or another. We think, based on the best analysis we have made and on the scientific, professional advice, that the State revolving funds will allow the States to assist communities on a revolving basis.

Again, this bill is not all that we would like. There are many other things we would like to do. But it is paid for. It is paid for with real offsets. It is within the budget and I think it is a major contribution to continued environmental progress, but progress in a way that moves responsibility and authority back to the States, decisionmaking back to the States.

That is why I ask my colleagues to vote for it.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, how will quorum time be charged if we go into a quorum call?

The PRESIDING OFFICER. To whatever side asks for the quorum.

Mr. LAUTENBERG. I ask unanimous consent during the quorum call time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, I have to point out that I object to that since we are almost out of time and I would like to reserve 1 minute at the end.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent the time be charged to neither side during the quorum call.

Mr. KYL. Objection.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time does either side have?

The PRESIDING OFFICER. The Chair advises we have 1 minute and 23 seconds for the majority; and the opposition has 10 minutes, 18 seconds.

Ms. MIKULSKI. But there is no opposition.

The PRESIDING OFFICER. Somewhere or another we used up 4 minutes and 28 seconds.

Ms. MIKULSKI. Mr. President, are we supposed to keep talking because there are other discussions underway? Is that right?

Mr. DOMENICI. Yes, very important discussions.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum and ask it be charged to the minority side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. 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. McCONNELL. Mr. President, there is a pending amendment, is there not?

The PRESIDING OFFICER. That is correct.

Mr. McCONNELL. I ask unanimous consent it be laid aside temporarily.

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

AMENDMENT NO. 3527

Mr. McCONNELL. Mr. President, there is an amendment at the desk, No. 3527. I ask it be called up for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. HATFIELD, for himself, Mr. DOLE, Mr. McCONNELL and Mr. LEAHY, proposes an amendment numbered 3527.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

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

Mr. McCONNELL. Yes.

Mr. FORD. The Senator does not intend to ask for a rollcall vote on this one? It has been agreed to on both sides. There will not be a rollcall vote. It will be by voice.

Mr. McCONNELL. I say this amendment is jointly sponsored by myself, the majority leader, Senator DOLE, the minority leader, Senator DASCHLE, and Senator LEAHY. It provides $50 million for emergency antiterrorism assistance for Israel. This is the program announced by the President from Jerusalem yesterday, and will provide funds to procure goods, provide training and/or grants in order to support efforts to help eradicate terrorists in and around Israel.

As might be expected given the shortness of time involved in preparation for this proposal, specific details are lacking and therefore the amendment includes notification language, so that the Congress can exercise adequate oversight for a program before the money is spent.

Mr. DASCHLE. Mr. President, on behalf of the President, Senator DOLE, Senator HATFIELD, Senator McCONNELL, Senator LEAHY, and I are offering an amendment to provide $50 million in antiterrorism assistance to Israel.

All of us in the United States Senate have been shocked and saddened by the rash of terrorist bombings that have occurred in Israel. The four attacks from February 26 to March 4 have killed 58 people bringing terror and grief to Israelis and, for the moment, putting a halt to the peace process. One tragedy is compounded by another.

In the days since the bombings, both Israeli and Palestinian security forces have moved against the terrorists. I am pleased the Palestinian authority has moved to round up more than 600 Hamas members and raid mosques, businesses and schools owned by militants. Its arrest of three senior members of Hamas' military wing over the weekend is further evidence that it is taking seriously the need to confront Hamas' terrorist threat.

Despite these encouraging signs, however, I share Prime Minister Peres' view that these steps, while a good beginning, are clearly not enough. Chairman Arafat and the Palestinian authority must continue their efforts to root out the terrorist threat in its entirety. Finally, the United States must also contribute to the antiterrorism effort, for, without U.S. assistance, hopes for a lasting peace in the Middle East could be in serious jeopardy.

The images of the bombs' victims lying in Jerusalem's streets, of young girls at their friends' funeral, will haunt us indefinitely. The pain and loss of the victims' families and the people of Israel will always remain.

Mr. President, I can think of only one thing that could worsen the tragedy of these bombings, and that would be for these extremists to be successful in their effort to permanently derail the peace process. The Israeli people have suffered greatly through each of these bombings. While their patience must have its limits, we cannot allow the terrorists to achieve their ultimate objective.

This amendment addresses those concerns. It will assist Israel in its effort to combat terrorism. It will also add to the momentum for peace in the Middle East that was aided by President Clinton's initiatives and the resulting ''summit of the peacemakers.''

I hope Israelis will derive some encouragement from the international community's condemnation of the attacks as well as from Wednesday's summit. I am hopeful, as well, that this unprecedented summit will demonstrate to the terrorists that the international community stands united against them and their despicable acts.

It is unfortunate that Syria, among others, did not attend the summit, but the list of countries, including moderate Arab nations, that participated in this historic conference is most impressive: Egypt, Jordan, Kuwait, Saudi Arabia, United Arab Emirates, Yemen, Bahrain, Algeria, Morocco, Oman, Qatar, Tunisia, Canada, Russia, Britain, France, Germany, Japan, Italy, Ireland, Norway, Spain, Turkey, and the United States.

This extensive list of participants clearly represents the international

community's continued commitment to the Middle East peace process. And, again, it is a sign to the Israelis that they are not alone in their battle against terrorism.

President Clinton should also be commended for establishing an international counter-terrorism alliance involving espionage agencies of several nations. I am hopeful that this initiative will help ensure that terrorist threats will not be tolerated.

This bipartisan amendment is important because it, in concert with the summit in Egypt, puts the Senate squarely in support of Israel and squarely on the side of urging the Palestinians and the Arab states, with support from the United States, to move forcefully against the terrorist threat. I hope we will send a strong, united message of support for it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3527) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time? There being no Senator seeking recognition, in my capacity as a Senator from the State of Montana, I suggest the absence of a quorum. 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.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, after a lot of efforts, I believe we have a unanimous-consent request that will be fair to all and will give us a way to get to a conclusion on this legislation.

The majority leader feels strongly that we need to get this work completed. I think this will help us get there. So I ask unanimous consent that all remaining amendments in order to H.R. 3019 must be called up and debate concluded by 12:30 p.m., Tuesday, March 19, and that the votes occur in the order in which they were debated beginning at 2:15 p.m., Tuesday, March 19, and, following the disposition of the amendments, the Senate proceed to third reading and final passage of H.R. 3019, as amended, all without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object—I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Mr. President, for the information of all Senators, there will be no further votes tonight, Friday or Monday; however, if you have an amendment to the omnibus appropriations bill, under the previous agreement you must debate your amendment Friday, Monday, or Tuesday morning. I want to emphasize it seems to me that is more than fair. I know some Members have commitments on Friday or on Monday or on Tuesday, but surely they do not have commitments all of those days. So I think this will give us ample time to debate it. The votes will occur beginning at 2:15 on Tuesday.

Also, Senators should be on notice that the Senate is expected to debate the small business regulatory reform bill tomorrow under a brief time agreement and that a vote will occur on Tuesday, also, on the small business regulatory reform bill.

There could be other votes on Tuesday in relation to cloture on the Whitewater special committee and possibly a cloture vote with respect to the product liability conference report. Therefore, Senators should be on notice that a number of votes are expected to occur on Tuesday, March 19.

Further, Mr. President, I ask unanimous consent that at 9 a.m., Tuesday, the Senate resume the Boxer and Coats amendments regarding the abortion issue, and that there be 2 hours 45 minutes of debate to be controlled in the following manner: 1 hour under the control of Senator COATS, 30 minutes under the control of Senator BOXER, 1 hour under the control of Senator SNOWE, and 15 minutes under the control of Senator MURRAY, and that following the conclusion or yielding back of time, the amendments be laid aside to occur in the voting sequence beginning at 2:15 on Tuesday; and following the debate on the Coats and Boxer amendments, I ask unanimous consent that the Senate then resume consideration of the Murkowski amendment No. 3525.

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

Mr. LOTT. Mr. President, I want to thank the distinguished Democratic leader for his efforts to get this agreement. I think it is fair. We do have some other efforts we are still working on, and certainly we are going to work in good faith to fulfill all that we have discussed tonight. I yield to the distinguished Democratic leader.

Mr. DASCHLE. I thank the acting majority leader for his comments and for his leadership in bringing us to this point.

The distinguished Senator from California had a misunderstanding about when the Coats amendment was going to be debated and has informed me it would be of great help to her if she could have 15 minutes in this debate. I wonder if we might modify the unanimous consent agreement to provide her with that opportunity.

Mr. LOTT. Mr. President, I ask unanimous consent that our previous agreement be amended to provide 15 minutes for Senator FEINSTEIN of California to be involved in this debate.

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

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I only want to complete my thought in urging colleagues to use the time we have available to us on Friday and Monday. We have 2 full days here. There is no reason why we ought not be able to use them to the fullest extent possible. Everyone now knows what the amendments are. They ought to be laid down and debated. We ought not lose the time we have available to us on Friday and on Monday.

So I urge my colleagues to come to the floor in the next 2 days to get that work done.

Mr. LOTT. Mr. President, did we get an agreement on the unanimous-consent request for the 15 minutes for Senator FEINSTEIN?

The PRESIDING OFFICER. We have agreement.

Mr. LOTT. Mr. President, I would like to join the Senator from South Dakota in urging Members to come and be involved in this debate. We have a lot of work to do next week on very important legislation. Members need to understand that we cannot do the work we have to do on Tuesday, Wednesday, and part of Thursday or part of Tuesday. So please be prepared to come to the floor and debate these issues on Friday and Monday, be prepared to work the full day on Thursday, too.

UNANIMOUS-CONSENT AGREEMENT—SHORT-TERM CONTINUING RESOLUTION

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate receives from the House the short-term continuing resolution—and it is the identical text of what I now send to the desk—the legislation be deemed agreed to and the motion to reconsider be laid upon the table.

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

Mr. LOTT. Thank you, Mr. President.

Mr. DOMENICI. I want to ask a question of the acting majority leader.

Mr. President, I ask the distinguished acting majority leader, on the calendar that we had previously agreed to on Monday, we were to take up as the first order of business the Grazing Reform Act. It was prescribed to be on the floor Monday and Tuesday. Might I ask, is it the intention of the leadership that we proceed to that immediately after the business which has just been described?

Mr. LOTT. It would be our intention, I say to the Senator from New Mexico, to proceed to that issue when this other is considered.

Mr. DOMENICI. I thank the Senator.

Mr. LOTT. Mr. President, I delightfully yield the floor.

Mr. NICKLES. 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. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

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.

UNANIMOUS-CONSENT AGREEMENT—S. 942

Mr. LOTT. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of Calendar No. 342, S. 942, the small business regulatory reform bill, and it be considered under the following limitations—90 minutes of total debate equally divided between the two managers, that the only amendments in order to the bill be the following: a managers' amendment to be offered by Senators BOND and BUMPERS and an amendment to be offered by Senators NICKLES and REID regarding congressional review; further, at the expiration or yielding back of all debate time, the bill and pending amendments be set aside, with the votes to occur on Tuesday, March 19, at a time to be determined by the two leaders, and, following the disposition of all amendments, the bill be read a third time, and the Senate then proceed to a vote on final passage of the bill, all without any intervening debate or action.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE COMMUNICATIONS DECENCY ACT

Mr. EXON. Mr. President, I have two articles that I will ask to be printed in the RECORD. There continues to be wholesale, gross, misleading statements with regard to the Decency Act that was included in the telecommunications bill.

Somehow we must respond to the whole avalanche of highly financed special interest groups who are opposed to the measure that overwhelmingly passed in the U.S. Senate and in the House of Representatives. I have no quarrel whatsoever with the process we incorporated in the measure to expedite the consideration by the courts.

I ask unanimous consent to have printed in the RECORD two articles, one from the Omaha World Herald of March 11, 1996, with the headline, ''Internet Doesn't Fit Free-Press Concept,'' and another from the Omaha World Herald of March 13, 1996, with the headline, ''Some Internet Fare Worse Than Indecent.''

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

INTERNET DOESN'T FIT FREE-PRESS CONCEPT

An illogical argument is being used to attack the Communications Decency Act, which was sponsored by Sen. J. James Exon, D-Neb. Some of the law's critics argue that the Internet, a worldwide network of computers linked by telephone lines, should be free of Government regulation under the First Amendment's freedom of the press protection.

The anti-indecency law makes it a crime to transmit indecent materials by computer when the materials are accessible to children. Arguing that the law violates press freedom is a group of plaintiffs consisting of Microsoft Corp., the Society of Professional Journalists, the American Society of Newspaper Editors and an organization calling itself the Citizens Internet Empowerment Coalition.

Certainly the Internet provides many opportunities for research, rapid communication and entertainment. But a loose, dynamic computer network isn't a newspaper. The two have little in common.

Newspapers are published by companies that depend on the trust of their customers—their readers and advertisers—to stay in business. These customers know who is in charge. They know that a publisher ultimately is responsible for the newspaper and its contents.

A newspaper has editors who select what is to be published. They rank the news in importance and broad interest. They package it for ease of comprehension. They operate under the laws of libel. The newspaper can be held accountable and be ordered to pay damages if it intentionally and maliciously publishes false and damaging information.

The Internet has no comparable editors, no comparable controls, none of the continuous process of fact-checking and verification that newspapers engage in. No person or group of people is accountable for materials that appear on the Internet. Rather, its millions of users are free to send out whatever they choose, no matter how worthless, false or perverted it might be. The result can resemble a hodgepodge of raw and random facts and opinions. Some are worthy and valuable. Others are outright nonsense.

And no one stands behind the material disseminated on the Internet.

Congress passed the Exon bill to protect children. And properly so. It's ridiculous to claim that the mantle of press freedom should be stretched to protect computerized pornographers and predators.

[From the Omaha World Herald, Mar. 13, 1996]

SOME INTERNET FARE WORSE THAN INDECENT

(By Arianna Huffington)

If there is one problem with the recently signed Communications Decency Act, which makes it illegal to post ''indecent'' material on the Internet, it is its name. Discussions of indecency and pornography conjure up images of Playboy and Hustler, when in fact the kind of material available on the Internet goes far beyond indecency—and descends into barbarism.

Most parents have never been on the Internet, so they cannot imagine what their children can easily access in cyberspace: child molestation, bestiality, sadomasochism and even specific descriptions of how to get sexual gratification by killing children.

Though First Amendment absolutists are loathe to admit it, this debate is not about controlling pornography but about fighting crime.

There are few things more dangerous for a civilization than allowing the deviant and the criminal to become part of the mainstream. Every society has had its red-light districts, but going there involved danger, stigmatization and often legal sanction. Now the red-light districts can invade our homes and our children's minds.

During a recent taping of a ''Firing Line'' debate on controlling pornography on the Internet, which will air March 22, I was stunned by the gulf that separates the two sides. For Ira Glasser, executive director of the American Civil Liberties Union, and his team, it was about freedom and the First Amendment. For our side, headed by Bill Buckley, it was about our children and the kind of culture that surrounds them.

There are three main arguments on the other side, and we are going to be hearing a lot of them in the year ahead as the ACLU's challenge to the Communications Decency Act comes to court.

The first is that there is no justification for abridging First Amendment rights. The reality is that depictions of criminal behavior have little to do with free speech. Moreover, there is no absolute protection of free speech in the Constitution. The First Amendment does not cover slander, false advertising or perjury, nor does it protect obscenity or child pornography.

Restricting criminal material on the Internet should be a matter of common sense in any country that values its children more than it values the rights of consumers addicted to what degrades and dehumanizes.

Civilization is about trade-offs. and I would gladly sacrifice the rights of millions of Americans to have easy Internet access to ''Bleed Little Girl Bleed'' or ''Little Boy Snuffed'' for the sake of reducing the likelihood that one more child would be molested or murdered. With more than 80 percent of child molesters admitting they have been regular users of hard-core pornography, it becomes impossible to continue hiding behind the First Amendment and denying the price we are paying.

The second most prevalent argument against regulating pornography on the Internet is that it should be the parents' responsibility. This is an odd argument from the same people who have been campaigning for years against parents' rights to choose the schools their children attend. Now they are attributing to parents qualities normally reserved for God—omniscience, omnipresence and omnipotence. In reality, parents have never felt more powerless to control the cultural influences that shape their children's character and lives.

The third argument that we heard a lot during the ''Firing Line'' debate is that it would be difficult, nay impossible, to regulate depictions of criminal behavior in cyberspace. We even heard liberals lament the government intrusion such regulations would entail. How curious that we never hear how invasive it is to restrict the rights of businessmen polluting the environment or farmers threatening the existence of the kangaroo rat.

Yet, it is difficult to regulate the availability of criminal material on the Internet, but the decline and fall of civilizations throughout history is testimony to the fact that maintaining a civilized society has never been easy. One clear sign of decadence is when abstract rights are given more weight than real lives.

It is not often that I have the opportunity to side with Bill Clinton, who has eloquently defended restrictions on what children may be exposed to on the Internet. When the president is allied with the Family Research Council, and Americans for Tax Reform is allied with the ACLU, we know that the divisions transcend liberal vs. conservative. They have to do with our core values and most sacred priorities.

REMEMBERING HALABJA

Mr. PELL. Mr. President, this weekend will mark the anniversary of one of

humanity's darkest moments. Eight years ago, on March 16, 1988, Iraqí President Saddam Hussein's forces, besieged by Iranian forces on the Faw Peninsula and losing ground to Kurdish insurgents in northern Iraq, commenced an attack on the Kurdish city of Halabja. There, Iraqi forces used poison gas resulting in the death of as many as 5 to 6 thousand Kurds, most of whom were innocent noncombatants.

In the 8 years since the poison gas attack, Halabja has become the single most important symbol of the plight of the Kurdish people—the very embodiment of Iraq's brutality towards the Kurds. The unforgettable images of the victims—a man frozen in death with his infant son; a little girl wearing a scarf, her face swollen in the first stages of decomposition—remain seared in the Kurdish psyche. Much as the Bosnians will never forget the ethnic cleansing of Srebrenica, the Kurds will never forget the attack on Halabja.

Incredibly, as we now know, Halabja was not the only instance when Iraq employed chemical weapons against the Kurds, nor was it the end of Iraqi repression against the Kurds. Although clearly the most dramatic, Halabja was but one of a series of Iraqi atrocities against the Kurds. Beginning in the mid to late 1980's—and culminating in the infamous Anfal campaign of 1988—Iraqi forces systematically rounded up Kurdish villagers and forced them into relocation camps, took tens of thousands of Kurds into custody where they were never heard from again, and destroyed hundreds of Kurdish villages and towns. By some estimates as many as 150,000 Kurds are missing from this period and presumed dead. Collectively, these actions amount to an Iraqi campaign of genocide against the Kurds.

I, along with the distinguished chairman of the Foreign Relations Committee, Senator HELMS, have tried very hard to call attention to the persecution of the Kurds, including by introducing the first-ever sanctions bill against Iraq in 1988 for its use of poison gas against the Kurds.

Since then, a wealth of evidence has been uncovered documenting Iraq's brutality against the Kurds, much of which was written in Iraq's own hand. The Foreign Relations Committee—particularly through the vigorous efforts of former staff member, now United States Ambassador to Croatia Peter Galbraith—led an effort to retrieve more than 18 tons of Iraqi Secret Police documents captured by the Kurds in 1991, which charts out Iraq's criminal behavior in excruciating detail. Human Rights Watch, the independent human rights organization, has done a superb job of analyzing those documents to mount an overwhelming case that Iraq has engaged in genocide against the Kurds.

This is a story that must be told. As some of my colleagues may know, the issue of genocide has a particularly strong resonance for me. Just after World War II, my father, Herbert Claiborne Pell, played a significant role in seeing that genocide would be considered a war crime. Although he met stiff resistance, my father ultimately succeeded and I learned much from his tenacity and commitment to principle. The world must oppose genocide wherever and whenever it occurs; Halabja cannot be forgotten, and Iraq must be held accountable for its atrocities against the Kurds. We simply cannot afford to let this opportunity pass by.

I wish I could say that there is a happy ending to the tragic story of the Kurds in Iraq, that there was a lesson learned by the Iraqi leadership. Sadly, I cannot. Although the Iraqi Kurds now control a significant portion of Kurdistan—a consequence of the Persian Gulf war—Saddam's ill treatment of the Kurds continues. Iraqi agents continually carry out terrorist acts against Kurdish targets, and Iraq maintains an airtight blockade of the Kurdish-controlled provinces. Since there also is a U.N. embargo on all of Iraq, the Kurds are forced to live under the unbearable economic weight of a dual embargo. In addition, Kurds in other portions of the region—particularly in Iran and Turkey—have been subjected to serious abuses of human rights and outright represssion, demonstrating that the Kurdish plight knows no boundaries. The situation has become so dire that for the past 18 months, the Iraqi Kurds —once united in their quest for autonomy and their hatred for Saddam Hussein, have resorted to fighting amongst themselves.

The situation does not seem right or fair to me. Nor does there seem to have been a proper response by the international community to the horrifying legacy of Halabja. I think there should be a much greater effort to look at ways to help the Iraqi Kurds dispel the painful memories of the past, to graduate from the status of dependency on the international donor community, and to confront our common enemy—Saddam Hussein. Only then can Iraqi Kurdistan emerge as the cornerstone of a free and democratic Iraq.

At a minimum, the international community—and the United States in particular—must reaffirm its commitment to protect the Kurds. Under Operation Provide Comfort, an international coalition including United States, British, and French forces, continues to provide air cover and protection to the Iraqi Kurds, and to facilitate the supply of humanitarian relief. The recent political changes in Turkey, however, have cast new doubt on the long-term viability of Provide Comfort, and overall economic conditions in Kurdistan continue to deteriorate. The current situation does not serve United States or international interests, nor does it help to rectify the sad history of repression against the Kurds. Our work in Iraq—both against Saddam and in support of the Kurds—is not yet done.

Mr. HELMS. Mr. President, I join with my distinguished friend, Senator PELL, the able ranking member of the Foreign Relations Committee, in recalling the massacre of thousands of Kurdish civilians 8 years ago at the town of Halabja.

On March 16, 1988, Iraqi jets, without warning, dropped chemical weapons on Halabja, a Kurdish village in northern Iraq. The attack, horrific even by Iraq's barbaric standards, killed thousands of unarmed men, women, and children.

The massacre at Halabja drew attention to Saddam Hussein's campaign of genocide directed against the Kurds of northern Iraq. However, that attention was not enough to prevent the systematic killing of hundreds of thousands of Kurdish civilians by the Government of Iraq.

Mr. President, I must commend Senator PELL for being one of the few willing to speak out about the plight of the Kurds. I worked with him in 1988 to sanction Iraq for its reprehensible behavior. Had more people around the world, and especially here in the United States, heeded Senator PELL's pleas to protect the Kurds, perhaps more could have been saved.

The final act of this tragedy, however, has not yet played out. Saddam Hussein has not abandoned his crusade against the Kurdish citizens of Iraq. If he cannot eliminate them, he will do all he can to deprive them of their basic human rights.

Mr. President, thanks to Senator PELL, the plight of the Kurds has the attention of the world. They must never be forgotten.

Mrs. FEINSTEIN. Mr. President, 8 years ago this week, in the closing weeks of the Iran-Iraq war, Saddam Hussein sent Iraqi forces to crush a rebellion among the Kurds of northern Iraq. In the assault, centered on the city of Halabja, Saddam's forces rained poison gas down upon the city, and over 5,000 Kurds, many of them civilians, lost their lives in horrifying fashion.

As research since the end of the Iran-Iraq war has shown, Halabja was only the most brutal chapter in Saddam's genocidal campaign against the Kurds of northern Iraq. From the mid-1980's through the end of the war, Iraq forced hundreds of thousands of Kurdish citizens into detention camps, kidnapped tens of thousands of others, most of whom are presumed dead, and attacked Kurdish towns and villages, often with deadly poison gas. Some 150,000 Kurds lost their lives in this infamous Anfal campaign—which can only be described as a campaign of genocide by Saddam Hussein against the Kurds of Iraq.

Sadly, this is not the only incident of Saddam's brutality against his own people. The threshold crossed by Iraq during the Anfal campaign laid the groundwork for Saddam's most recent genocidal killing spree, this time against the Marsh Arabs of southern Iraq. In the years following the gulf

war, as Iraqi Shiite rebels took refuge in the remote communities of the Marsh Arabs, Saddam turned his army on this community. In the last 3 years, thousands of Marsh Arabs have disappeared, never to be heard from again, and entire villages have been burned to the ground. This time, the genocide was accompanied by an environmental outrage, as Iraqi engineers drained thousands of acres of marshlands in order to reach remote villages, wiping out a fragile ecosystem and obliterating the centuries-old way of life of the Marsh Arabs.

The Kurds, too, continue to suffer at Saddam's hand. They narrowly escaped a new round of massacres at the end of the gulf war in 1991, thanks to the intervention of the United States and our allies. Today, although the Kurds of Iraq govern the northern provinces autonomously under the protection of Operation Provide Comfort—a cooperative effort by the United States, Britain, and France—they remain subject to an internal blockade by Saddam's forces, as well as the U.N. embargo against all of Iraq, and periodic Iraqi attacks against Kurdish towns and individuals.

No Member of this body has done more to publicize and address the plight of the Kurds than the distinguished ranking member of the Foreign Relations Committee, Senator PELL. Thanks in large part to his efforts, and those of the distinguished Chairman of the Foreign Relations Committee, Senator HELMS, over 18 tons of Iraqi Government and secret police documents detailing Iraq's genocidal campaign against the Kurds—after being captured by Kurdish rebels in 1991—were brought to the United States for research and analysis. The result has been a well-documented history of Iraqi atrocities against the Kurds, including the horrific use of poison gas.

On this tragic anniversary, I want to commend Senator PELL and Senator HELMS for their leadership on this issue. I hope that the United States will continue to take a leadership role in working to ensure a better life for the Kurds of Iraq, both until and after Saddam Hussein is driven from power.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, on numerous occasions I have mentioned to friends that evening in 1972 when I first was elected to the Senate. When the television networks reported that I had won the Senate race in North Carolina, I was stunned. Then I made several commitments to myself, one of them being that I would never fail to see a young person, or a group of young people, who wanted to see me.

I have kept that commitment and it has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the 23 years I have been in the Senate.

A large percentage of them have been concerned about the Federal debt which recently exceeded $5 trillion. Of course, Congress is responsible for creating this monstrous debt which coming generations will have to pay.

Mr. President, the young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I decided that it was important that a daily record be made of the precise size of the Federal debt which, at the close of business yesterday, Wednesday, March 13, stood at $5,025,887,532,178.79. This amounts to $19,076.70 for every man, woman and child in America on a per capita basis.

The increase in the national debt since my report yesterday—which identified the total Federal Debt as of close of business on Tuesday, March 12, 1996—shows an increase of nearly 9 billion dollars—$8,603,940,268.76, to be exact. That 1-day increase is enough to match the money needed by approximately 1,275,792 students to pay their college tuitions for 4 years.

STATEMENT BY THE EXECUTIVE COMMITTEE OF THE FRIENDS OF IRELAND IN THE U.S. SENATE

Mr. KENNEDY. Mr. President, The Friends of Ireland is a bipartisan group of Senators and Representatives opposed to violence and terrorism in Northern Ireland and dedicated to maintaining a United States policy that promotes a just, lasting, and peaceful settlement of the conflict. The latest developments for peace and the need for an immediate restoration of the IRA cease-fire make this year's St. Patrick's Day a particularly critical time in the peace process.

I believe all our colleagues will find this year's statement by the Senate Executive Committee of the Friends of Ireland of interest, and I ask unanimous consent that it be printed in the RECORD.

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

STATEMENT BY THE EXECUTIVE COMMITTEE OF THE FRIENDS OF IRELAND IN THE UNITED STATES SENATE, ST. PATRICK'S DAY, 1996

On this St. Patrick's Day, the Executive Committee of the Friends of Ireland in the United States Senate join the people of Ireland, North and South, in welcoming the latest developments for peace and in demanding an immediate restoration of the IRA cease-fire.

We welcome the Joint Communiqué issued on February 28 by Irish Taoiseach John Bruton and British Prime Minister John Major proposing steps to renew the peace process for Northern Ireland and pledging to begin all-party negotiations on June 10.

Friends of Ireland everywhere were outraged by the end of the IRA cease-fire last month and by the subsequent bombings in populated London which took the lives of three people and injured many others. Our hearts go out to the victims and the families of those killed and injured in these terrorist attacks. We condemn unequivocally the IRA violence, and we call for an immediate restoration of the cease-fire. We commend the Loyalist paramilitaries for maintaining their cease-fire in spite of the IRA's resumption of violence.

We are greatly encouraged that the political leaders of Ireland and Great Britain have recommitted themselves to achieving a lasting peace. They clearly have a mandate from the vast majority of the people of Ireland—North and South, Protestant and Catholic alike—who recently turned out in large numbers to condemn the recent violence and demand a return to peace.

Many of the Friends of Ireland had the opportunity, during the recent visit to Northern Ireland by President Clinton, to see at first hand the determination of people of all traditions to seize the opportunity for peace. This was reaffirmed by the recent rallies in which people turned out in large numbers across Ireland to condemn the recent violence and demand a return to peace. As preparations are made for the commencement of all-party negotiations on June 10, there is an obligation on all parties to ensure that this widespread commitment to peace is turned into a reality for all the people of the island.

Friends of Ireland who accompanied the President on his trip also had the opportunity to observe the excellent work of the International Fund for Ireland, which continues to create jobs and promote understanding in both communities.

In 1994, at the strong urging of responsible leaders in Northern Ireland and Ireland, many of the Friends of Ireland wrote to President Clinton to suggest an encouraging gesture be made towards Gerry Adams, by giving him a limited visa to visit this country, in hopes that it might bring dialogue and an end to violence. John Hume later called the visa, ''crucial'' to achieving the subsequent cease-fire. We believe that the participation of Sinn Fein in all-party negotiations is vital for the success of the peace process, but Sinn Fein cannot take its place at the peace table without the restoration of the cease-fire.

In an effort to move beyond the pre-condition that weapons be handed over prior to all-party negotiations, an international commission led by former Senator George Mitchell was established by the British and Irish Governments to assess the issue and make recommendations to overcome the impasse. We commend Senator Mitchell and the other members of the commission for the outstanding job they have done. The commission found that turning in weapons in advance of talks would not occur and suggested constructive alternative ways forward.

When the Irish and British Governments launched the Mitchell Commission last November, they had agreed to ''the firm aim'' of achieving all-party negotiations by the end of February. Unfortunately, that target date was missed, due to the introduction of a new pre-condition by Prime Minister Major that elections must occur before talks can take place. The insistence by the British Government that elections precede all-party negotiations created unnecessary delays in the process and aroused concern in the Nationalist community of a return to the days when the Unionist majority imposed its will through the Stormont Parliament.

We are also disappointed by the lack of willingness, on the part of the leaders of the largest Unionist parties in Northern Ireland, to participate in good faith in the peace process, despite the fact that the process so clearly has the support of the people of their community. The Friends of Ireland urge the leadership of the Ulster Unionist Party and the Democratic Unionist Party to engage

fully in the search for a fair and comprehensive settlement. There is now a unique opportunity for all sides—Nationalists and Unionists—working with the two Governments to advance the cause of peace.

We pledge to continue to do all we can to support the peace process. On this St. Patrick's Day, we rededicate ourselves to working with all those who continue to be genuinely committed to the achievement of a lasting peace for Northern Ireland.

FRIENDS OF IRELAND EXECUTIVE COMMITTEE,
UNITED STATES SENATE

Edward M. Kennedy.
Claiborne Pell.
Daniel Patrick Moynihan.
Christopher J. Dodd.

U.S. CONSUMPTION OF FOREIGN OIL? HERE'S TODAY'S WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that, for the week ending March 8, the United States imported 7,315,000 barrels of oil daily, 506,000 barrels less than the 7,821,000 barrels imported during the same period 1 year ago, but 986,000 barrels more than the 6,329,000 barrels imported the previous week, March 1, 1996.

Americans now rely on foreign oil for more than 50 percent of their needs, and there are no signs that this upward trend will abate.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians better ponder the economic calamity that will occur in America if and when foreign producers shut off our supply, or double the already enormous cost of imported oil flowing into the United States—now 7,315,000 barrels a day.

CHINA AND TAIWAN

Mr. DASCHLE. Mr. President, during the past 3 weeks, several unfortunate events that threaten peace and stability around the world have occurred. In Israel and in the skies off the Cuban coast, innocent men, women, and children have lost their lives as a result of those tragedies. Moreover, countless others continue to suffer the consequences of increased tensions between countries and groups of people who have long been separated by ideological or religious differences.

Like many of my colleagues, I have already expressed my outrage at the unnecessary tragedy in the Straits of Florida and the unconscionable suicide bombings in Israel. I want to take this opportunity to voice my strong concerns about the recent escalation of tensions between the People's Republic of China and the Republic of China on Taiwan.

In the past week, China has taken several actions intended to intimidate the people of Taiwan and influence its upcoming presidential elections. On March 5, Beijing announced its decision to conduct guided-missile tests near Taiwan. Three days later, China launched the first three missiles in tests it intends to conduct until March 15. On March 9, China announced its plans to conduct live-ammunition war exercises in the Strait of Taiwan until March 20, just 3 days before Taiwan's presidential elections.

As Secretary of State Warren Christopher indicated recently, these actions are ''risky, and smack of intimidation and coercion.'' China's actions create grave risks to stability in that region. I urge China's leadership to halt these dangerous and provocative actions immediately.

Make no mistake, the risk is real. China's missile tests and military exercises are dangerous in and of themselves, and they increase the chances of an accident that could cause tensions to spiral out of control.

When China conducted similar missile tests in July and August of last year, the target areas were 85 and 80 miles north of Taiwan, respectively. By contrast, the target zone for the surface-to-surface missiles fired last week are only half as far from Taiwan, and far too close to major airline and shipping routes.

Of the three missiles launched last week, two landed near the port of Keelung which is only 23 miles from Taiwan's northern coast and approximately 30 miles from Taipei, Taiwan's capital. The third missile landed in a target zone near the port of Kaohsiun, which is only 35 miles from Taiwan's southern coast.

Thankfully, the three missiles fired last week and the one fired this week landed where the Chinese intended. However, China intends to conduct similar missile tests in the same zones. If one of these missiles should stray off-course and mistakenly land in Taiwan, or hit a ship or an airliner, the repercussions would be severe. Needless to say, under such circumstances, Taiwan could not be expected to sit idly by, and the Clinton administration has continually warned that if an accident occurs, China ''will be held accountable.'' I would like to lend my voice to those warnings.

Even if China's missile tests and military exercises go as planned, the inevitable result is greater difficulties in the day-to-day lives of the Taiwanese people. Taiwan's stock market has already experienced a great deal of volatility, and the fluctuations would have been greater had it not been for government initiatives. Flights for commercial airlines will also be disrupted this week when aircraft will be forced to change routes to avoid China's military exercises, and shipping has been delayed or diverted to avoid the missile test zones.

Despite the heroic efforts by President Lee to keep the people of Taiwan calm during these trying times, China's threatening actions will continue to inject fear into the daily lives of the Taiwanese people. Beijing's time and efforts would be far better spent trying to communicate with Taiwan in a non-threatening and peaceful way rather than carrying out reckless missile tests and military exercises.

Finally, Mr. President, there should be no misunderstanding that if China's missile tests and military exercises should develop into actual military action against Taiwan, the United States is well prepared to respond. The carrier U.S.S. *Independence*, accompanied by three warships, was recently ordered to move near Taiwan. Moreover, the U.S.S. *Nimitz* and five to six additional ships are expected to arrive near Taiwan before the upcoming presidential elections.

The irony is that China is conducting missile tests and military exercises in order to curb support for Taiwan independence. The fact of the matter is, most Taiwanese, as well as a majority of their elected leaders, are committed to reunification, but only reunification achieved through peaceful means.

United States policy, as spelled out in the 1979 Taiwan Relations Act, stipulates that the future relationship between China and Taiwan should be determined by peaceful means. I sincerely hope China will not miscalculate United States resolve in this regard. With the leadership of President Clinton, the United States stands ready to assist Taiwan if necessary. Again, I urge the People's Republic of China to cease its intimidation of Taiwan and to resolve its differences with the Taiwanese peacefully.

NATIONAL ACADEMY OF SCIENCES FOLLOW-UP REPORT ON AGENT ORANGE

Mr. DASCHLE. Mr. President, I would like to call to our colleagues' attention important new findings on the relationship between Agent Orange exposure and certain health conditions. Earlier today, the Institute of Medicine [IOM], which is part of the National Academy of Sciences [NAS], released an update to their 1994 report, ''Veterans and Agent Orange: Health Effects of Herbicides Used in Vietnam.'' These reports were mandated in the Agent Orange Act of 1991 (Public Law 102–4), which I authored with Senator JOHN KERRY, Senator ALAN CRANSTON and Representative LANE EVANS.

This report confirms what Vietnam veterans have long known: The Vietnam war is still claiming innocent victims.

Unfortunately, the findings announced today validate veterans' worst fears about Agent Orange—that their children are suffering serious health consequences as a result of their parents' military service.

The report found evidence suggestive of an association between veterans' exposure to Agent Orange and the presence of a severe form of spina bifida in their children.

This type of spina bifida is an incurable birth defect characterized by a deformity in the spinal cord that often results in serious neurological problems, which require lifelong medical

treatment. The cost of caring for a child with spina bifida can devastate a family.

The report concluded that there is inadequate evidence at this time to determine whether there may be an association to Agent Orange exposure and any other birth defects.

The Federal Government has a moral responsibility to help veterans whose children suffer from spina bifida and to meet their children's health care needs. This should include the provision of essential medical care and case management services to coordinate health and social services for the child.

But the Government's responsibility does not end there. American soldiers were exposed to Agent Orange, and some of their children are now paying a terrible price. The Federal Government also has a responsibility to compensate these families.

Department of Veterans Affairs Secretary Jesse Brown has said he will appoint a task force to review the findings of the new IOM-NAS report and make policy recommendations to him within 90 days. I applaud the Secretary for his aggressive pursuit of the scientific facts related to Agent Orange and am hopeful that the task force will help Congress and the Secretary identify appropriate measures to address this unprecedented situation.

Toward that end, I am asking Secretary Brown to direct the task force to consider the following several specific questions as part of their review:

First, what is the most appropriate way to provide health care to veterans' children with spina bifida—through the VA directly or through contracts with other providers?

Second, what kinds of case management services are needed to maximize the quality of life for these children, and their ability to function? And how can they be delivered most effectively?

Third, should veterans' children with other birth defects be provided those same services?

Finally, what is the most appropriate means of compensating the families of children who suffer from spina bifida as a result of their parent's exposure to Agent Orange?

I am also asking the Secretary to ensure that the task force, as it considers these questions, seeks the input of organizations and individuals familiar with the unique treatment and case management needs of children suffering from spina bifida and other birth defects. I also hope the panel will consult with experts in the field of injury compensation for children. Congress and the VA have an obligation to seek and heed the best advice these experts have to offer.

We need answers to these questions as soon as possible. The families of these children need help, and they have waited long enough.

Mr. President, the association between Agent Orange exposure and spina bifida was not the only new finding in this report. The IOM Committee also updated its finding on skin cancer, moving it from category IV—''uggestive of no association with exposure''—to category III—diseases for which there is ''insufficient evidence to make a determination.''

This change underscores the fact that we still do not understand fully the long-term effects of Agent Orange exposure. To facilitate my colleagues' and the public's understanding of these findings, I ask that a table from today's report, which explains the four-tiered classification system and summarizes the results of this study, be printed at the close of my remarks.

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

(See exhibit 1.)

Mr. DASCHLE. Until we have all the facts, Congress must continue, as we have done since 1981, to give veterans the benefit of the doubt and provide them free health care for conditions potentially related to their exposure.

The NAS is helping us compile an important scientific record that is instrumental to Congress' effort to address the health and compensation needs of veterans. I commend the Institute of Medicine for its excellent work. This report builds on our scientific knowledge of the long-term health consequences of exposure to Agent Orange and other herbicides. It recognizes that our understanding of these issues is still evolving. And it recommends additional work that should be done to further that understanding.

The NAS report also serves as a valuable reminder that the impact of war is felt decades beyond the final shots. This holds for the Persian Gulf war as well as the war in Vietnam. We must be prepared to learn from the scientific effort on Agent Orange and apply these lessons to the effort to discover the true health effects of environmental hazards on the men and women who served in the gulf and on their children.

I look forward to working with the Senate Veterans' Affairs Committee, veterans organizations, the Department of Veterans Affairs, the NAS, independent scientists, and others to address the issues raised in this report and to continue to search for the truth and a better understanding of the lasting health effects of military service.

EXHIBIT 1

Table 1–1. Updated summary of findings in occupational, environmental, and veterans studies regarding the association between specific health problems and exposure to herbicides.

SUFFICIENT EVIDENCE OF AN ASSOCIATION

Evidence is sufficient to conclude that there is a positive association. That is, a positive association has been observed between herbicides and the outcome in studies in which chance, bias, and confounding could be ruled out with reasonable confidence. For example, if several small studies that are free from bias and confounding show an association that is consistent in magnitude and direction, there may be sufficient evidence for an association. There is sufficient evidence of an association between exposure to herbicides and the following health outcomes: Soft-tissue sarcoma, non-Hodgkin's lymphoma, Hodgkin's disease chloracne.

LIMITED/SUGGESTIVE EVIDENCE OF AN ASSOCIATION

Evidence is suggestive of an association between herbicides and the outcome but is limited because chance, bias, and confounding could not be ruled out with confidence. For example, at least one high-quality study shows a positive association, but the results of other studies are inconsistent. There is limited/suggestive evidence of an association between exposure to herbicides and the following health outcomes: Respiratory cancers (lung, larynx, trachea), prostate cancer, multiple myeloma, acute and subacute peripheral neuropathy (new disease category), spina bifida (new disease category), porphyria cutanea tarda (category change in 1996).

INADEQUATE/INSUFFICIENT EVIDENCE TO DETERMINE WHETHER AN ASSOCIATION EXISTS

The available studies are of insufficient quality, consistency, or statistical power to permit a conclusion regarding the presence or absence of an association. For example, studies fail to control for confounding, have inadequate exposure assessment, or fail to address latency. There is inadequate or insufficient evidence to determine whether an association exists between exposure to herbicides and the following health outcomes: Hepatobiliary cancers, nasal/nasopharyngeal cancer, bone cancer, female reproductive cancers (cervical, uterine, ovarian), breast cancer, renal cancer, testicular cancer, leukemia, spontaneous abortion, birth defects (other than spina bifida), neonatal/infant death and stillbirths, low birthweight, childhood cancer in offspring, abnormal sperm parameters and infertility, cognitive and neuropsychiatric disorders, motor/coordination dysfunction, chronic peripheral nervous system disorders, metabolic and digestive disorders (diabetes, changes in liver enzymes, lipid abnormalities, ulcers), immune system disorders (immune suppression and autoimmunity), circulatory disorders, respiratory disorders, skin cancer (category change in 1996).

LIMITED/SUGGESTIVE EVIDENCE OF NO ASSOCIATION

Several adequate studies, covering the full range of levels of exposure that human beings are known to encounter, are mutually consistent in not showing a positive association between exposure to herbicides and the outcome at any level of exposure. A conclusion of ''no association'' is inevitably limited to the conditions, level of exposure, and length of observation covered by the available studies. In addition, the possibility of a very small elevation in risk at the levels of exposure studied can never be excluded. There is limited/suggestive evidence of no association between exposure to herbicides and the following health outcomes: Gastrointestinal tumors (stomach cancer, pancreatic cancer, colon cancer, rectal cancer), bladder cancer, brain tumors.

Note.—''Herbicides'' refers to the major herbicides used in Vietnam: 2,4-D (2,4-dichlorophenoxyacetic acid); 2,4,5-T (2,4,5-trichlorophenoxyacetic acid) and its contaminant TCDD (2,3,7,8-tetrachlorodibenzo-p-dioxin); cacodylic acid; and picloram. The evidence regarding association is drawn from occupational and other studies in which subjects were exposed to a variety of herbicides and herbicide components.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING PROPOSED RESCISSIONS OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 131

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on March 13, 1996, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which, pursuant to the order of January 30, 1975, as modified by the order of April 1986, was referred jointly to the Committee on Appropriations, Committee on the Budget, and the Committee on Armed Services:

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*.

MESSAGES FROM THE HOUSE

At 11:59 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker appoints Mr. MARKEY of Massachusetts as a conferee in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, to replace Mr. WYDEN of Oregon.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

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.

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, and it requests the concurrence of the Senate.

H. J. Res. 163. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

ENROLLED BILL SIGNED

At 7:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2036. An act to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide the needed flexibility, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURE READ THE FIRST TIME

The following bill was read the first time:

S. 1618. A bill to provide uniform standards for the award of punitive damages for volunteer services.

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–2127. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated March 1, 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations and to the Committee on Budget.

EC–2128. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report of real estate asset inventory; to the Committee on Banking, Housing, and Urban Affairs.

EC–2129. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Ninoy Aquino International Airport, Manila, Philippines; to the Committee on Commerce, Science, and Transportation.

EC–2130. A communication from the Assistant Secretary of the Interior (Land Minerals Management), transmitting, pursuant to law, a report relative to natural gas and oil leases; to the Committee on Energy and Natural Resources.

EC–2131. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–2132. A communication from the Executive Director of the Northeast Interstate Low-Level Radioactive Waste Commission, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Energy and Natural Resources.

EC–2133. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report entitled ''Progress on Superfund Implementation in Fiscal Year 1995''; to the Committee on Environment and Public Works.

EC–2134. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the national Intelligent Transportation Systems program; to the Committee on Environment and Public Works.

EC–2135. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on countries with which the U.S. has an economic or trade relationship; to the Committee on Finance.

EC–2136. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–2137. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1995; to the Committee on Governmental Affairs.

EC–2138. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–221 adopted by the Council on February 6, 1996; to the Committee on Governmental Affairs.

EC–2139. A communication from the Assistant Attorney General, transmitting, pursuant to law, a report entitled ''Child Victimizers: Violent Offenders and Their Victims''; to the Committee on the Judiciary.

EC–2140. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2141. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2142. A communication from the Director of Selective Service, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2143. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2144. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2145. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2146. A communication from the Chairman of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2147. A communication from the Staff Director of the U.S. Commission On Civil Rights, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2148. A communication from the Chief Executive Officer of the Corporation for National Service, transmitting, pursuant to law, notice relative to the report of the auditability of its financial statements and systems; to the Committee on Labor and Human Resources.

EC–2149. A communication from the Secretary of Labor and Chairman of the Board, and the Executive Director of the Pension Benefit Guaranty Corporation, transmitting jointly, pursuant to law, the report of its financial statements for fiscal year 1995; to the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted on March 13, 1996:

By Mr. HATCH, from the Committee on the Judiciary:

Gary A. Fenner, of Missouri, to be U.S. District Judge for the Western District of Missouri.

Joseph A. Greenaway, of New Jersey, to be U.S. District Judge for the District of New Jersey.

James P. Jones, of Virginia, to the U.S. District Judge for the Western District of Virginia.

Ann D. Montgomery, of Minnesota, to be U.S. District Judge for the District of Minnesota.

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. 1613 A bill to amend the National School Lunch Act to provide greater flexibility to schools to meet the dietary guidelines for Americans under the school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 1614 A bill to provide for the stabilization, enhancement, restoration, and management of the Coeur d'Alene River Basin watershed, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. 1615 A bill to modify the project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INOUYE (for himself, Mr. MURKOWSKI, Mr. AKAKA, and Mr. STEVENS):

S. 1616 A bill to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States; to the Committee on the Judiciary.

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

S. 1617 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 Governmental Affairs.

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

S. 1618 A bill to provide uniform standards for the award of punitive damages for volunteer services; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. WELLSTONE (for himself and Mr. BRADLEY):

S. Res. 231. A resolution extending sympathies to the people of Scotland; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN:

S. 1613. A bill to amend the National School Lunch Act to provide greater flexibility to schools to meet the Dietary Guidelines for Americans under the school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE NATIONAL SCHOOL LUNCH ACT AMENDMENT ACT OF 1996

• Mr. COCHRAN. Mr. President, the bill that I am introducing today will amend the National School Lunch Act to provide greater flexibility to schools to meet the Dietary Guidelines for Americans under the School Lunch and Breakfast Programs.

The National School Lunch Program is a program that works.

The National School Lunch Program currently operates in over 92,000 schools and serves approximately 26 million children each day. In my State of Mississippi approximately 7 out of 10 children participate in the School Lunch Program. It is very important to have the flexibility to serve the children healthy meals while reducing time consuming paperwork.

The Healthy Meals for Healthy Americans Act of 1994 contained provisions to improve and simplify the National School Lunch Program. It included a requirement that schools implement the Dietary Guidelines for Americans.

We must allow for local and regional food preferences. Further, not every school district has the resources to conduct sophisticated nutrient analysis of each meal or to hire a nutritionist.

The legislation that I am introducing today would not delete or postpone in any way the requirement that the School Lunch Program implement the Dietary Guidelines in a timely manner. Rather, my legislation will allow local schools to implement the Dietary Guidelines with greater program flexibility and less expense.

This legislation has the strong support of the school food service administrators in Mississippi.

I urge Senators to support it.•

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 1614. A bill to provide for the stabilization, enhancement, restoration, and management of the Coeur d'Alene River Basin watershed, and for other purposes; to the Committee on Environment and Public Works.

THE COEUR D'ALENE RIVER BASIN ENVIRONMENTAL RESTORATION ACT OF 1996

• Mr. CRAIG. Mr. President, I am today introducing, with the cosponsorship of Senator KEMPTHORNE, the Coeur d'Alene River Basin Environmental Restoration Act of 1996. This legislation would allow for a workable solution to clean up the historic effects of mining on the Coeur d'Alene Basin in north Idaho.

This legislation establishes a process that is centered around an action plan developed between the Governor of the State of Idaho and a Citizens Advisory Commission comprised of 13 representatives of affected State and Federal Government agencies, private citizens, the Coeur d'Alene Indian Tribe, and affected industries. The responsibilities of this commission are very important to the ultimate success of cleaning up the basin.

The Silver Valley of north Idaho has made contributions to the national economy and to all of our country's war efforts for well over a century. The Federal Government has been involved in every phase of mineral production over the history of the valley. It is, therefore, appropriate that Congress specifically legislate a resolution of natural resources damages in the Coeur d'Alene Basin and participate in funding such a plan.

I want to make clear this legislation does not interfere with the ongoing Superfund cleanup within the 21-square mile Bunker Hill site. This legislation sets up a framework for voluntary cleanup of affected areas outside this 21-square mile area. In drafting this legislation, I have worked with the mining industry, the Coeur d'Alene tribe, local governments, the Governor of Idaho and citizens in north Idaho. It is only through the involvement of all these parties that a solution will be reached.

Throughout this effort it has been clear that all parties want the basin cleaned up, and they want the cleanup done with the concerns of local citizens and entities addressed and with controls and cleanup decisions made in Idaho, not in Washington, DC. These are the guiding principles that I have applied in developing this legislation.

Local cleanup has already begun in the headwaters of the basin's drainage. Nine Mile Creek and Canyon Creek have had proven engineering designs implemented within their drainages. The Coeur d'Alene River Basin Environmental Restoration Act of 1996 would assure that this type of meaningful restoration could continue. However, the actions needed in each part of the basin are not clear. That is why my bill calls for the Governor of Idaho and the Citizens Advisory Commission to develop an action plan that can address the varying conditions within the basin. For example, engineering solutions will certainly work in portions of the basin—but not every place. The steeper gradient streams in the upper basin respond well to engineering fixes, but these types of fixes may only exacerbate problems in the lower, flatter portions of the basin. Local input and control through the action plan can address such diversity and the need for varying environmental fixes.

The Department of Justice is currently threatening a lawsuit for alleged natural resources damages in the area addressed by this legislation. For the Federal Government to follow such a course would be folly. When the Federal Government litigates under Superfund, the members of the legal

profession benefit, as litigation eats away at whatever resources are available for a cleanup. Litigation does not benefit the citizens affected by a cleanup and certainly does not benefit the resources that are purported to be the primary consideration when such a suit is pursued. I do not intend to see cleanup resources in north Idaho to go to litigation and not to cleanup. It is my goal to see the Coeur d'Alene basin cleanup is not litigated away. That is the reason I have introduced this legislation. It will clean up the basin, not litigiously waste the basin's resources.●

I think it is an important step toward a historic cleanup of a very important and beautiful area of the country.

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. 1615. A bill to modify the project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, LA, and for other purposes; to the Committee on Environment and Public Works.

CHALMETTE SLIP DREDGING PROJECT LEGISLATION

Mr. BREAUX. Mr. President, I introduce today, together with my senior colleague from Louisiana, Senator J. BENNETT JOHNSTON, a bill to authorize the Corps of Engineers to conduct maintenance dredging for the Chalmette Slip. The project is needed to assist the St. Bernard Port, Terminal and Harbor District conduct its current daily business more effectively and to facilitate future development.

Located in St. Bernard Parish near mile 90.5 of the Mississippi River, the project's authorization would be carried out as part of the currently authorized and ongoing operations and maintenance project for the Mississippi River, Baton Rouge to the Gulf of Mexico.

The slip's depth is now approximately 30 feet. The authorization would allow it to be deepened to 33 feet, over a distance of approximately 1,500 feet.

With the additional depth needed to help the port operate more effectively and to improve its operations, the project certainly is a justified one.

Senator JOHNSTON and I are hopeful that the proposed Chalmette Slip authorization will be included as part of the Water Resources Development Act legislation when it is taken up by the Senate.

We urge its consideration and passage.

By Mr. INOUYE (for himself, Mr. MURKOWSKI, Mr. AKAKA, and Mr. STEVENS):

S. 1616. A bill to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States; to the Committee on the Judiciary.

KOREAN NATIONALS VISA WAIVER PILOT PROGRAM

● Mr. INOUYE. Mr. President, I rise to introduce legislation that would establish a Visa Waiver Pilot Program for Korean nationals who are traveling in tour groups to the United States. I am joined in this effort by Senators MURKOWSKI, AKAKA, and STEVENS.

According to the 1995 National Trade Estimate Report entitled ''Foreign Trade Barriers,'' in 1994, the United States trade deficit with the Republic of Korea was $1.6 billion, or $718 million greater than in 1993. United States merchandise exports to the Republic of Korea were $18 billion in 1994, up $3.3 billion from 1993. United States imports from the Republic of Korea totaled $19.7 billion in 1994, 14.8 percent more than in 1993. The Republic of Korea is the sixth largest trading partner of the United States.

Travel and tourism play a major role in reducing the United States' unfavorable balance of trade. There is an increasing demand by citizens of the Republic of Korea to visit the United States. In fiscal year 1994, 320,747 nonimmigrants visas were issued to Korean travelers. In fiscal year 1995, 394,044 nonimmigrant visas were issued to Korean travelers. Of this amount, 320,120 were tourist visas.

The Republic of Korea is not eligible to participate in the current Visa Waiver Pilot Program. Thus, Koreans are required to obtain a visa to travel to the United States. Unfortunately, U.S. visas can not be processed in a reasonable time frame. There is often a 2 to 3 week waiting period to obtain tourist visas. Although the Secretary of State has attempted to address the problem by including additional personnel in the consular section at the U.S. Embassy in Seoul, visa processing delays do continue.

The legislation we are introducing today would establish a 3-year pilot program that would waive the visa requirement for Korean nationals traveling as part of a group tour to the United States. Under the program, selected travel agencies in Korea would be allowed to issue temporary travel permits. The applicants would be required to meet the same prerequisites imposed by the United States Embassy.

The pilot legislation also includes additional restrictions to help deter the possibility of illegal immigration. These are:

The stay in the United States is no more than 15 days.

The visitor poses no threat to the welfare, health, and safety, or security of the United States.

The visitor possesses a round-trip ticket.

The visitor who is deemed inadmissible or deportable by an immigration officer would be returned to Korea by the transportation carrier.

Tour operators will be required to post a $200,000 performance bond with the Secretary of State, and will be penalized if a visitor fails to return on schedule.

Tour operators will be required to provide written certification of the on-time return of each visitor within the tour group.

The Secretary of State and the Attorney General can terminate the pilot program should the overstay rate exceed 2 percent.

Accordingly, I urge my colleagues to join us in cosponsoring this legislation.

Mr. President, I ask unanimous consent that the bill text be printed in the RECORD.●

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

S. 1616

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

SECTION 1. KOREA VISA WAIVER PILOT PROGRAM.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) travel and tourism play a major role in reducing the United States unfavorable balance of trade;

(2) the characteristics of the Korean travel market do not permit long-term planning for longer trips;

(3) applications for United States visas cannot now be processed in a reasonable period of time;

(4) the Secretary of State has attempted to solve the problem by adding additional staff to the consular section at the United States Embassy in Seoul;

(5) unfortunately, these additions have not resulted in any discernable improvement in reducing visa processing delays;

(6) further, it is unlikely, given the current fiscal environment, to expect funding to be available for further staff additions in sufficient numbers to effect any significant improvement in the time required to process visa applications;

(7) most of the nations of the South Pacific, Europe, and Canada do not currently require Koreans entering their countries to have a visa, thus providing them with a serious competitive advantage in the tourism industry;

(8) the United States territory of Guam has been permitted by the United States Government to eliminate visa requirements for Koreans visiting Guam, with resultant impressive increases in travel and tourism from citizens of the Republic of Korea;

(9) any application under existing procedures to add the Republic of Korea, or any other nation to the group of favored nations exempted from United States visa regulations, would require many years during which time the United States could well lose its competitive advantages in attracting travel and tourism from the Republic of Korea;

(10) the Republic of Korea, as a gesture of goodwill, has already unilaterally exempted United States tourists who seek to enter the Republic of Korea from the requirement of obtaining a visa; and

(11) growth in Korean travel to the United States has not kept pace with growth in travel to non-United States destinations, and cumbersome and time-consuming visa processing procedures are widely recognized as the cause of this loss of market share and competitiveness with alternative destinations.

(b) PILOT PROGRAM.—The Secretary of State and the Attorney General jointly shall establish a pilot project (in this section referred to as the ''pilot program'') within six months of the date of the enactment of this Act under which the requirement of paragraph (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)(i)(II)) is waived during the pilot program period in the case of any alien who meets the following requirements:

(1) NATIONAL OF PILOT PROGRAM COUNTRY.—The alien is a national of, and presents a passport issued by, the Republic of Korea. The Republic of Korea is urged to provide machine readable passports to its citizens in the near future.

(2) SEEKING ENTRY AS TOURIST.—The alien is applying for admission to the United States during the pilot program period as a nonimmigrant visitor for pleasure (as described in section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B))), as part of a group tour to the United States.

(3) PERIOD OF STAY.—The alien seeks to stay in the United States for a period of not more than 15 days.

(4) EXECUTES IMMIGRATION FORMS.—The alien before the time of such admission completes such immigration form as the Attorney General shall establish.

(5) ENTRY INTO THE UNITED STATES.—If arriving by sea or air, the alien arrives at the port of entry into the United States on a carrier which has entered into an agreement with the Immigration and Naturalization Service to guarantee transport of the alien out of the United States if the alien is found inadmissible or deportable by an immigration officer.

(6) NOT A SAFETY THREAT.—The alien has been determined not to represent a threat to the welfare, health, safety, or security of the United States.

(7) NO PREVIOUS VIOLATION.—If the alien previously was admitted without a visa under this section, the alien must not have failed to comply with the conditions of any previous admission as such a nonimmigrant.

(8) ROUND-TRIP TICKET.—The alien is in possession of a round-trip transportation ticket (unless this requirement is waived by the Attorney General under regulations).

(c) WAIVER OF RIGHTS.—An alien may not be provided a waiver under the pilot program unless the alien has waived any right—

(1) to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States, or

(2) to contest, other than on the basis of an application for asylum, any action for deportation against the alien.

(d) TERMINATION OF AUTHORITY.—Notwithstanding any other provision of this section, the Attorney General and the Secretary of State, acting jointly, may terminate the pilot program under this section on or after a date which is one year after the date of the establishment of the pilot program if—

(1) during the preceding fiscal year, the overstay rate for nationals of the Republic of Korea entering the United States under the pilot program exceeds the overstay rate of such nationals entering the United States with valid visas; and

(2) the Attorney General and the Secretary of State have jointly determined that the pilot program is leading to a significant increase in the number of overstays by such nationals.

(e) SPECIAL BOND AND NOTIFICATION REQUIREMENTS FOR TOUR OPERATORS.—

(1) IN GENERAL.—Nationals of the Republic of Korea may not enter the United States under the terms of this section unless they are accompanied for the duration of their authorized admission period by a tour operator who has fulfilled the following requirements:

(A) The tour operator has posted a bond of $200,000 with the Secretary of State.

(B) The Secretary of State, under such regulations as the Secretary may prescribe, has approved an application by the tour operator to escort tour groups to the United States.

(C) The tour operator provides the name, address, birthdate, passport number, and citizenship of all prospective tour group members to the Secretary of State no less than one business day prior to the departure date of the group, under such regulations as he may prescribe, in order to determine that the prospective travelers do not represent a threat to the welfare, health, safety, and security of the United States.

(D) The tour operator excludes from the tour group any person whom the Secretary of State denies permission to travel to the United States.

(E) The tour operator provides written certification or other such evidence prescribed by the Secretary of State and Attorney General which documents the return to Korea of each tour group member.

(2) FORFEITURE OF BONDS.—Bonds posted in accordance with this subsection shall be forfeited in whole or in part and a tour operator's authorization to escort tours to the United States may be suspended or revoked if the Secretary of State finds that the tour operator—

(A) has failed to disclose a material fact in connection with the application required under paragraph (1)(B);

(B) fails to comply with the advance notification and refusal requirements of paragraphs (1)(C) and (1)(D);

(C) has failed to take adequate steps to ensure that visitors who are being escorted to the United States under the terms of an approved application return to their country of residence; or

(D) is found at any time to have committed a felony or any offense under the immigration laws of the United States.

(f) PARTICIPATION BY TOUR AGENTS.—The Secretary of State shall periodically review the overstay rate of nationals of the Republic of Korea that corresponds to each tour agent participating in the program under this section. The Secretary may terminate the participation in the program of any tour agent if the Secretary determines that the corresponding overstay rate is excessive.

(g) DEFINITIONS.—For purposes of this section—

(1) GROUP TOUR.—The term ''group tour'' means travelers who take advantage of group-purchased hotel or airfare packages, as guided, supervised, and arranged by a tour agent in the Republic of Korea approved or licensed by the Department of State.

(2) OVERSTAY RATE.—The term ''overstay rate'' means, during a specified period of time, the proportion that the number of aliens remaining in the United States after the expiration of their visas bears to the total number of aliens entering the United States during that period of time.

(3) PILOT PROGRAM PERIOD.—The term ''pilot program period'' means the three-year period immediately following the establishment of the pilot program.●

● Mr. MURKOWSKI. Mr. President, I rise today to support the Korea visa waiver pilot project legislation. I have worked closely with Senators INOUYE, AKAKA, and STEVENS on this legislation. This bill addresses the problem of the slow issuance of United States tourist visas to Korean citizens, and their, too often, subsequent decision not to vacation in the United States.

Koreans typically wait 2 to 3 weeks to obtain visas from the United States Embassy in Seoul. As a result, these spontaneous travelers decide to go to one of the other 48 nations that allow them to travel to their country without a visa, including both Canada and New Zealand.

This bill provides the legal basis for a carefully controlled pilot program for visa free travel by Koreans to the United States. The program seeks to capture the Korean tourism market lost due to the cumbersome visa system. For example, in 1994, 296,706 nonimmigrant United States visas were granted to Koreans of which 7,000 came to Alaska. It is predicted that there would be a 500- to 700-percent increase in Korean tourism to Alaska with the visa waiver pilot project. In New Zealand, for example, a 700-percent increase in tourism from Korea occurred after they dropped the visa requirement.

This pilot program allows visitors in a tour group from South Korea to travel to the United States without a visa. however, it does not compromise the security standards of the United States. The program would allow selected travel agencies in Korea to issue temporary travel permits based on applicants meeting the same preset standards used by the United States Embassy in Seoul. The travel permits could only be used for supervised group tours.

Many restrictions are included in the legislation for the pilot proposal.

The Attorney General and Secretary of State can terminate the program if the overstay rates in the program are over 2 percent.

The stay of the visitors is less than or equal to 15 days.

The visitors have to have a round-trip ticket, in addition, the visitors have to arrive by a carrier that agrees to take them back if they are deemed inadmissible.

We recommend to the Secretary of State to institute a bonding and licensing requirement that each participating travel agency post a substantial performance bond and pay a financial penalty if a tourist fails to return on schedule.

The one-time return of each tourist in the group would be certified after each tour.

Security checks are done to ensure that the visitor is not a safety threat to the United States.

This legislation's restrictions ensure that the pilot program will be a successful program. I urge my colleagues to support this legislation.●

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

S. 1617. 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 Governmental Affairs.

THE FEDERAL ANTI-LOBBYING ACT OF 1996

● Mr. STEVENS. Mr. President, today I rise to introduce the Federal Agency Anti-Lobbying Act, a bill to prevent Federal agencies from using taxpayer funds to lobby Congress or encourage others to do so.

Too many times under the administration, Federal officials have used their position in an attempt to foster public support or opposition to pending legislation.

Spending taxpayer funds on politically motivated lobbying activities isn't just wasteful, it's wrong.

Taxpayers, who come from all walks of life and all ends of the political spectrum, should not be forced to finance lobbying activities on behalf of causes they might oppose, or know nothing about.

Especially in this age of fiscal austerity, no one should ever use Federal money to lobby the Federal Government. This bill goes after the most blatant examples—where Federal agencies are producing and spreading propaganda—and encouraging others to lobby on their behalf.

The abuses addressed by this bill are already illegal, but the existing law, which employs criminal sanctions, has never been enforced. It has been subject to many different interpretations by the Justice Department, but never one that included enforcement.

This bill includes civil sanctions, providing for easier enforcement, and helps clear up any ambiguities.

Under this bill, the President, the Vice President, and Senate-confirmed Federal officials are allowed to speak out on the administration's position—but they cannot place pressure on nongovernmental organizations.

Executive branch officials are allowed to communicate with Congress directly about upcoming bills.

But the bill does not allow the administration to continue what has become in essence a grassroots lobbying operation at taxpayer expense.

The bill will bring a halt to the outrageous practice of Government agencies providing talking points, briefing books, pamphlets, and other activities undertaken to foster the support or opposition to pending legislation.

When the Founding Fathers designed our Government, they adhered strictly to the doctrine of separation of powers. This bill is an attempt to return our Government to their ideal.

The executive branch should concern itself with implementing the laws passed by Congress, not with trying to influence the outcome of legislation for their own—or others' special interests.

The legislative process is the purview of the legislative branch. We welcome the administration's input, but not their lobbying activities. This bill will protect the taxpayers by ending these practices.●

ADDITIONAL COSPONSORS

S. 942

At the request of Mr. BOND, the name of the Senator from Connecticut [Mr. LIEBERMAN] 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. 1027

At the request of Mr. BROWN, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1027, a bill to eliminate the quota and price support programs for peanuts, and for other purposes.

S. 1039

At the request of Mr. ABRAHAM, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1039, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1166

At the request of Mr. LUGAR, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safeguard infants and children, and for other purposes.

S. 1355

At the request of Mr. DORGAN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1355, a bill to amend the Internal Revenue Code of 1986 to end deferral for United States shareholders on income of controlled foreign corporations attributable to property imported into the United States.

S. 1563

At the request of Mr. SIMPSON, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 1563, a bill to amend title 38, United States Code, to revise and improve eligibility for medical care and services under that title, and for other purposes.

S. 1592

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1592, a bill to strike the prohibition on the transmission of abortion-related matters, and for other purposes.

S. 1596

At the request of Mr. MURKOWSKI, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1596, a bill to direct a property conveyance in the State of California.

S. 1597

At the request of Mr. DORGAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1597, a bill to amend the Internal Revenue Code of 1986 to discourage American businesses from moving jobs overseas and to encourage the creation of new jobs in the United States, and for other purposes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

SENATE RESOLUTION 152

At the request of Mr. ABRAHAM, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Resolution 152, a resolution to amend the Standing Rules of the Senate to require a clause in each bill and resolution to specify the constitutional authority of the Congress for enactment, and for other purposes.

SENATE RESOLUTION 217

At the request of Mrs. KASSEBAUM, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Resolution 217, a resolution to designate the first Friday in May 1996, as ''American Foreign Service Day'' in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

AMENDMENT NO. 3492

At the request of Mr. GRAMS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of Amendment No. 3492 proposed to H.R. 3019, a bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

SENATE RESOLUTION 231—EXTENDING SYMPATHIES TO THE PEOPLE OF SCOTLAND

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

S. RES. 231

Whereas all Americans were horrified by the news this morning that 16 kindergarten children and their teacher were shot and killed yesterday in Dunblane, Scotland, by an individual who invaded their school;

Whereas another 12 children and 3 adults were apparently wounded in the same terrible assault;

Whereas this was an unspeakable tragedy of huge dimensions causing tremendous feelings of horror and anger and sadness affecting all people around the world; and

Whereas the people of the United States wish to extend their sympathy to the people of Scotland in their hours of hurt and pain and grief;

Therefore be it resolved by the Senate of the United States that the Senate, on behalf of the American people, does extend its condolences and sympathies to the families of their little children and others who were murdered and wounded, and to all the people of Scotland, with fervent hopes and prayers that such an occurrence will never, ever again take place.

AMENDMENTS SUBMITTED

THE 1996 BALANCED BUDGET DOWNPAYMENT ACT, II

MURRAY (AND OTHERS) AMENDMENT NO. 3493

Mrs. MURRAY (for herself, Mr. LEAHY, Mr. BAUCUS, Mr. BUMPERS, Mrs. FEINSTEIN, Mr. BRADLEY, Ms. MOSELEY-BRAUN, and Mrs. BOXER) proposed an amendment to amend 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:

At the appropriate place, insert the following:

TITLE ____—TIMBER SALVAGE

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Public Participation in Timber Salvage Act of 1996''.

SEC. ___02. VOIDING OF CONFLICTING PROVISION.

Section 325 of the Omnibus Rescissions and Appropriations Act of 1996 is void.

SEC. ___03. FINDINGS.

Congress finds that—

(1) when events such as forest fire, wind storms, or epidemic disease or insect infestations occur, the Forest Service and the Bureau of Land Management should have available the tools necessary to harvest timber expeditiously in order to get a high commodity value from dead or dying trees;

(2) improving the health of our forests is a national priority that should be addressed through comprehensive analysis and public involvement, and should focus not only on the health of trees, but on the health of the entire forest, including watersheds, soils, fisheries, and wildlife; and

(3) timber sales, including salvage timber sales, should be conducted in accordance with all applicable laws in order to ensure the sustainability of the components and functions of the forests.

Subtitle A—Repeal of Emergency Salvage Timber Sale Program

SEC. ___11. REPEAL OF EMERGENCY SALVAGE TIMBER SALE PROGRAM.

Section 2001 of Public Law 104–19 (109 Stat. 240; 16 U.S.C. 1611 note) is repealed.

SEC. ___12. EXISTING TIMBER SALE CONTRACTS.

(a) SUSPENSION.—Notwithstanding any outstanding judicial order or administrative proceeding interpreting subsection (k) of section 2001 of Public Law 104–19 (109 Stat. 240; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act), the Secretary of Agriculture and the Secretary of the Interior shall suspend each timber sale that the Secretary concerned determines that was being undertaken under the authority provided in the subsection.

(b) REPLACEMENT OR TERMINATION OF TIMBER SALE CONTRACTS.—

(1) IN GENERAL.—Notwithstanding any other provision of contract law, the Secretary concerned shall negotiate with a purchaser of timber offered, awarded, or released pursuant to section 318 of Public Law 101–121 (103 Stat. 745) or section 2001(k) of Public Law 104–19 (109 Stat. 246; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act) to modify the sale to comply with environmental and natural resources laws or to provide, within 1 year after the date of enactment of this Act (unless otherwise agreed by the Secretary and the purchaser), a volume, value, and kind of alternative timber as a replacement for the remaining timber offered, awarded, or released.

(2) ENVIRONMENTAL AND NATURAL RESOURCE LAWS.—Modified sales or replacement timber provided under paragraph (1) shall comply with—

(A) any applicable environmental or natural resource law;

(B) any resource management plan, land and resource management plan, regional guide or forest plan, including the Northwest Forest Plan and any plan developed under the Interior Columbia Basin Ecosystem Management Project; and

(C) any relevant standard or guideline, including PACFISH, INFISH, and Eastside screens, and shall be subject to administrative appeal and judicial review.

(3) TERMINATION.—If the Secretary and the purchaser do not reach agreement under paragraph (1), the Secretary concerned may—

(A) exercise any provision of the original contract that authorizes termination; or

(B) if the Secretary concerned determines that termination or modification of the contract is necessary to avoid adverse effects on the environment or natural resources, terminate or modify the contract.

(c) PAYMENT FOR TIMBER SALE CONTRACTS RELINQUISHED.—Any claim, whether as a result of a judgment or an agreement, against the Federal Government arising from a timber sale contract offered, awarded, or released under section 318 of Public Law 101–121 (103 Stat. 745), from section 2001(k) of Public Law 104–19 (109 Stat. 246; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act), from this Act, or from the exercise of the Secretary's right to suspend, modify, or terminate the contract may be—

(1) paid from funds made available under section 1304 of title 31, United States Code, and shall not require reimbursement under section 13(c) of the Contract Disputes Act of 1978 (41 U.S.C. 612(c));

(2) paid through a certificate of bidding rights credits to be used by the purchaser (or a successor or assign of the purchaser) as payment for past, current or future timber sales; or

(3) paid through funds appropriated for the purpose.

(d) REPAYMENT OF GOVERNMENT GUARANTEED LOANS.—The Secretary may repay any government-guaranteed loan related to a timber processing facility.

(e) NEGOTIATIONS BETWEEN THE SECRETARY CONCERNED AND THE PURCHASER.—The Secretary concerned and the timber sale purchaser may use any combination of methods provided in subsections (b) and (c) or other authorized means to dispose of a timber sale contract under this section.

(f) DISPUTES.—Any claim by a purchaser against the Federal Government relating to a contract replaced, modified, suspended, or terminated under this section shall be subject to the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) except that reimbursement under section 13(c) of that Act is not required.

(g) FUNDING.—The Secretary concerned shall pay purchasers for agreements negotiated in this subsection from any funds available to the Secretary.

SEC. ___13. SALES INITIATED UNDER EXISTING LAW.

(a) IN GENERAL.—A sale initiated but not awarded to a purchaser by the Forest Service or the Bureau of Land Management under subsection (b) or (d) of section 2001 of Public Law 104–19 (109 Stat. 240; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act) as of March 5, 1996, shall be subject to all environmental and natural resource laws. The Secretary concerned may elect to proceed with sales initiated under subsection (b) of section 2001 of Public Law 104–19 either under the provisions of subtitle C of this Act or other applicable law authorizing the Secretary concerned to conduct salvage timber sales. *Provided however*, that if, prior to enactment to this Act, an environmental assessment or environmental impact statement has been issued for public comment, the public comment period shall not be repeated and the proposal shall proceed through the applicable agency appeal process.

(b) SALES AWARDED TO PURCHASERS.—

(1) IN GENERAL.—A timber sale contract that has been awarded to a purchaser under subsection (b) or (d) of section 2001 of Public Law 104–19 (109 Stat. 240; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act) shall, notwithstanding the commencement of contract performance, be subject to—

(A) in the case of Forest Service sales, administrative appeal in accordance with section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (106 Stat. 1419; 16 U.S.C. 1612 note);

(B) in the case of Bureau of Land Management sales, protests filed in accordance with section 5003.3 of title 43, Code of Federal Regulations (or any successor regulation); and

(C) judicial review.

(3) REQUIREMENTS.—Section 2001 of Public Law 104–19 (109 Stat. 240; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act) shall apply to any claim under paragraph (1) related to compliance with any expedited procedural requirement. Any other claim shall be subject to applicable law.

(4) TERMINATION OR MODIFICATION.—If the result of the protest or judicial review indicates a need to terminate or modify the awarded contract, the Secretary concerned may—

(A) exercise any provision of the original contract that authorizes termination and payment of specified damages, where applicable; or

(B) if the Secretary concerned determines that termination or modification of the contract is necessary to avoid adverse affects on the environment or natural resources, terminate or modify the contract.

Subtitle B—Northwest Forest Plan

SEC. ___21. NORTHWEST FOREST PLAN.

(a) DIRECTION TO COMPLETE TIMBER SALES.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts consistent with the Northwest Forest Plan.

(b) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of the Interior shall, to the maximum extent practicable, make funds available for qualified personnel, such as biologists, hydrologists, and geologists, to complete any watershed assessment or other analyses required for the preparation, advertisement, and award of timber sale contracts in order to meet the probable

sale quantities and other goals of the Northwest Forest Plan.

(2) SOURCE.—If there are no other unobligated funds appropriated to the Secretary of Agriculture or the Secretary of the Interior that may be made available as required by paragraph (1), the Secretary concerned shall make funds available from amounts that are available for the purpose of constructing forest roads in the regions to which the Northwest Forest Plan applies.

(c) SAVINGS PROVISION.—Nothing in this subtitle affects the legal duties of Federal agencies with respect to the planning and offering of timber sales, including salvage timber sales under this title.

Subtitle C—Lawful Expediting of Salvage Timber Sales

SEC. ___31. DEFINITIONS.

In this subtitle:

(1) DISLOCATED RESOURCE WORKER.—The term ''dislocated resource worker'' means a resource worker who—

(A) has been terminated or received notice of termination from employment and is unlikely to return to employment in the forest products industry, including employment in the harvest or management of logs, transportation of logs or wood products, processing of wood products (including pulp), or the manufacturing and distribution of wood processing or logging equipment because of diminishing demand for the worker's skills;

(B) has been terminated or received notice of termination from employment as a result of salmon harvest reductions, including a worker employed in the commercial or recreational harvesting of salmon or the commercial buying and processing of salmon; or

(C) is self-employed and has been displaced from the worker's business in the forest products or fishing industry because of diminishing demand for the business's services or goods.

(2) SALVAGE TIMBER SALE.—The term ''salvage timber sale'' means a timber sale—

(A) in which each unit is designed to remove trees that are dead from any cause (except arson found to have been committed to produce timber sales), or that have been determined by reliable scientific methods to have a high probability of dying within 1 year as a result of disease, blowdown, fire, or insect damage; and

(B) that includes a small percentage of other trees to the extent necessary to secure human safety or provide for reasonable and environmentally sound access to and removal of dead or dying trees described in subparagraph (A).

(3) STREAMLINED CONSULTATION.—The term ''streamlined consultation'' means the expedited procedures for conducting interagency coordination and consultation under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as set forth in items 4, 5, and 6 of enclosure 4 of the August 18, 1995, interagency letter on implementing the salvage sale provisions of Public Law 104–19.

SEC. ___32. SALVAGE TIMBER SALES SCOPE AND FACILITATION.

The Secretary of Agriculture, acting under this subtitle and through the Chief of the Forest Service, and the Secretary of the Interior, acting under this subtitle and through the Director of the Bureau of Land Management, shall—

(1) offer salvage timber sales under this Act only on Forest Service and Bureau of Land Management land utilizing existing and generally operable roads (except that spur roads of less than .25 mile may be constructed or reconstructed to permit access to individual timber sale units and existing and generally operable roads may be reconstructed) located outside—

(A) any unit of the National Wilderness Preservation System or any area recommended in a record of decision for a land management plan for wilderness designation;

(B) any roadless area in which forest and land management resource plans limit timber sales or roads;

(C) any area administratively identified as late successional or riparian or withdrawn from timber harvest for other conservation purposes, in which a salvage timber sale would be inconsistent with agency standards and guidelines for the area; and

(D) any area withdrawn by Federal law for any conservation purpose;

(2) expeditiously prepare, offer, and award timber salvage sales described in paragraph (1);

(3) enter basic forest inventory, including data on vegetation, soils, riparian systems, fisheries, wildlife habitat, and other relevant information into the Geographical Information System or other existing resource maps and make the inventory data easily available to incorporate into individual projects;

(4) notwithstanding the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) or other applicable law, permit forest and district offices to procure computer software using available funds to facilitate resource inventory;

(5) if helpful in expediting salvage sales, alter the agency tree marking and designating requirements by writing into timber sale contracts—

(A) readily determinable characteristics to guide the contractor in selecting trees to harvest; and

(B) fines and penalties, including debarment, to enforce subparagraph (A),

except that this paragraph shall not alter agency marking or designating requirements for trees to remain uncut for wildlife, riparian, or other conservation measures;

(6) perform timely revegetation and slash removal operations consistent with applicable laws (including regulations) and silvacultural practice; and

(7) undertake watershed and other restoration activities including road decommissioning in or near the salvage timber sale by first offering the work to dislocated resource workers or individuals certified by an appropriate resource management apprenticeship program and ensure work is performed according to requirements of the Service Contract Act of 1965 (41 U.S.C. 351 et seq.).

SEC. ___33. SALVAGE TIMBER SALE DOCUMENTATION AND APPEAL PROCEDURES.

(a) PREPARATION OF DOCUMENTS.—In conducting a salvage timber sale under this subtitle—

(1) to speed compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), agencies shall, to the maximum extent practicable—

(A) complete informal consultation within 30 days and formal consultation within 60 days after submission of a biological assessment using the streamlined consultation process;

(B) establish a key contact person in each regional office of the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, and the National Marine Fisheries Service to facilitate issue resolution; and

(C) establish regional and national interagency dispute resolution teams; and

(2) in the case of the Forest Service, prior to publishing a notice of a proposed action under section 215.5 of title 36, Code of Federal Regulations (or any successor regulation), and in the case of the Bureau of Land Management, prior to publishing a notice of decision under section 5003.2 of title 43, Code of Federal Regulations (or any successor regulation), on a proposed timber salvage sale, facilitate public participation in the sale planning and preparation by providing appropriate notice in accordance with section 1506.6(b)(3) of title 40, Code of Federal Regulations (or any successor regulation), and allowing any member of the public to attend not less than 1 interdisciplinary team meeting, not less than 1 of which will be held during evening hours.

(b) ADVISORY COMMITTEES.—

(1) IN GENERAL.—The Forest Service and Bureau of Land Management may form 1 or more committees to advise agencies on proposed salvage timber sales if each committee will facilitate public involvement in decisionmaking.

(2) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a committee formed under paragraph (1).

(3) NOTICE.—The Secretary concerned shall provide appropriate notification to the public of any meeting of a committee formed under paragraph (1) at least 10 days prior to the meeting and the meeting shall be open to the public, unless the Secretary concerned determines that all or a portion of the meeting will be closed in accordance with section 552b(c) of title 5, United States Code.

(c) EXPEDITING ADMINISTRATIVE APPEALS.—

(1) IN GENERAL.—Subject to paragraph (2), administrative review of a decision of the Forest Service or the Bureau of Land Management under this subtitle shall be conducted—

(A) in the case of the Forest Service, in accordance with section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (106 Stat. 1419; 16 U.S.C. 1612 note); and

(B) in the case of the Bureau of Land Management, after the area manager makes a decision, as described in section 5003.3 of title 43, Code of Federal Regulations (or any successor regulation), and in accordance with applicable protest and appeal procedures.

(2) EXCEPTIONS.—

(A) FOREST SERVICE APPEAL.—An appeal of a decision must be filed not later than the later of—

(i) 30 days after the publication of a decision document for a salvage timber sale; or

(ii) mailing of notice to interested parties, in keeping with relevant agency regulations.

(B) FINAL DECISION.—The agency concerned shall issue a final decision not later than 30 days after the deadline for an administrative appeal has passed and may not extend the closing date for a final decision.

(d) EXPEDITING JUDICIAL REVIEW.—

(1) IN GENERAL.—Any person may challenge a salvage timber sale under this subtitle by bringing a civil action in a United States district court.

(2) TIME FOR CHALLENGE.—An action under paragraph (1) shall be brought on or before the date that is 30 days after the date on which an agency provides notice of a final decision regarding a salvage timber sale, unless the plaintiff shows good cause why the action should be permitted to be brought after that date.

(3) TIME FOR APPEAL.—Any appeal of a district court decision on a salvage timber sale under this Act shall be brought not later than 30 days after the first date on which the appeal may first be filed.

(4) EXPEDITIOUS CONSIDERATION.—

(A) IN GENERAL.—The district and appellate courts shall, to the extent practicable, expedite proceedings in a civil action under this subsection.

(B) PROCEDURES.—To expedite proceedings under this subsection, a court may shorten the time allowed for the filing of papers or for other procedures that would otherwise apply.

SEC. ___34. FUNDING TO IMPLEMENT THIS SUBTITLE.

To facilitate implementation of section ___32 (including expediting salvage timber sales, entering basic forest inventory, procuring computer software, and undertaking watershed and other restoration activities), a Forest Service regional office or a Bureau of Land Management district may use the permanent timber salvage fund.

SEC. ___35. EXPEDITED PROCEDURAL REGULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary concerned, in consultation with the Council on Environmental Quality, shall develop regulations to expedite full compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other appropriate environmental laws for a decision regarding a proposed salvage timber sale authorized under this title.

(b) TIME LIMIT.—The Secretary and the Council on Environmental Quality shall, to the extent practicable—

(1) limit the time necessary for public participation and agency analysis for a proposed action regarding a salvage timber sale authorized under this title to 120 days after notice of proposed action; and

(2) establish safeguards to provide flexibility on the limitation referred to in paragraph (1) to provide for full compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other appropriate environmental law.

SEC. ___36. OTHER SALVAGE TIMBER SALES.

Nothing in this subtitle shall be construed to affect the authority of the Secretary of Agriculture, acting through the Chief of the Forest Service, or the Secretary of the Interior, acting through the Director of the Bureau of Land Management, to conduct salvage timber sales under other applicable laws.

SEC. ___37. PILOT PROGRAM TO SELL STEWARDSHIP CONTRACTS FOR FOREST SERVICES.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Land Management, and the Secretary of Agriculture, acting through the Forest Service, shall implement a program to demonstrate the feasibility of harvest contracts for salvage timber sales and associated forest activities.

(b) USE AUTHORIZED.—The forest resource managers and district resource managers shall use stewardship contracts to carry out resource activities in a comprehensive manner to restore and preserve the ecological integrity and productivity of forest ecosystems and to encourage or enhance the economic sustainability and viability of nearby rural communities. The resource activities should be consistent with the land management plan for achieving the desired future conditions of the area being treated.

(c) AREAS.—

(1) INTERIOR.—The Secretary of the Interior shall establish up to 5 pilot projects per Bureau of Land Management district to carry out this section.

(2) AGRICULTURE.—The Secretary of Agriculture shall establish up to 5 pilot projects per Forest Service region to carry out this section.

(d) DEVELOPMENT AND USE OF CONTRACTS.—Each resource manager of a unit in which a pilot program is initiated may enter into stewardship contracts with qualified non-Federal entities (as established in Federal Government procurement regulations or as determined by the Secretary). The resource manager shall select the type of stewardship contract most suitable to local conditions. Contracts should clearly describe the desired future condition for each resource managed under the contract and the evaluation criteria to be used to determine acceptable performance. The length of a stewardship contract shall be consistent with section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a).

(e) PROCESS.—To carry out this section, the Secretary concerned shall establish a process to—

(1) offer 1 or more contracts to a qualified non-Federal entity to carry out forest rehabilitation and stewardship activities, including salvage timber sales and to collect and sort any wood harvested; and

(2) have the agency concerned sell, or contract with a qualified non-Federal entity different than the entity in paragraph (1) to sell, the harvested wood.

(f) FOREST SERVICE STUDY.—

(1) IN GENERAL.—The Chief of the Forest Service shall conduct a study of alternative systems for administering forest ecosystem health-related activities, including modification of special account and trust fund management and reporting, stewardship contracting, and government logging.

(2) SIMILARITIES AND DIFFERENCES.—The study shall compare and contrast the various alternatives with systems in existence on the date of the study, including—

(A) ecological effects;

(B) monitoring and research needs;

(C) Federal, State, and local fiscal and other economic consequences; and

(D) opportunities for the public to be involved in decisionmaking before activities are undertaken.

(3) REQUIREMENTS OF STUDY.—To ensure the validity of the study, in measuring the effect of the use of contracting, the study shall specify the costs that contractors would bear for health care, retirement, and other benefits afforded public employees performing the same tasks.

(4) TRANSMITTAL.—The report shall be transmitted to Congress prior to January 1, 1998.

SEC. ___38. HEADING.

This subtitle shall remain effective until September 30, 1999.

Subtitle D—Timber Stand Health Prioritization

SEC. ___41. REVIEW OF TIMBER STAND HEALTH.

The Secretary of the Interior and the Secretary of Agriculture, respectively, shall review the health of timber stands on Bureau of Land Management and Forest Service lands and shall each—

(1) identify, not later than March 1 of each year, the timber stands on Bureau of Land Management or Forest Service lands, as applicable, that are not in a healthy condition; and

(2) prepare a document to prioritize areas that would benefit from rehabilitation activities to restore timber stands to a healthy condition.

SEC. ___42. REHABILITATION PRIORITIZATION.

To determine which areas of land should receive the first attention, each resource area or ranger district shall consider where intervention or treatment—

(1) has the best opportunity to restore health to affected timber stands;

(2) has the greatest potential to reduce the risk of wildfires, especially where human safety and private property are threatened; and

(3) is the least controversial, such as on lands located outside of wilderness, unroaded areas, riparian areas, late successional reserves, or other sensitive areas.

SEC. ___43. FOREST TIMBER STAND HEALTH REPORT.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall prepare an annual report (which shall be known as the Forest Timber Stand Health Report) to evaluate the overall health of the forest timber stands on Bureau of Land Management and Forest Service lands, respectively.

(b) REQUIRED INFORMATION.—The Forest Timber Stand Health Report shall contain—

(1) quantitative and qualitative data on the health of timber stands concerned; and

(2) a review of the actions taken to attempt to improve the health of the timber stands.

SEC. ___44. ECOLOGICAL EFFICACY OF ACTIVITIES.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall enter into a contract with the National Academy of Sciences for the purpose of conducting a study of the ecological consequences of various activities intended, at least in part, to improve forest ecosystem health.

(b) ACTIVITIES EXAMINED.—The activities examined under subsection (a) shall include—

(1) prescribed fire, site preparation for reforestation, artificial reforestation, natural regeneration, stand release, precommercial thinning, fertilization, other stand improvement activities, salvage logging, and brush disposal;

(2) historical as well as recent examples and a variety of conditions in ecological regions; and

(3) a comparison or various activities within a watershed, including activities conducted by other Federal land management agencies.

(c) TRANSMITTAL.—The report shall be transmitted to the Chief of the Forest Service and to Congress not later than 2 years after the date of enactment of this Act.

SEC. ___45. AUTHORIZATION FOR FUNDING.

There are authorized to be appropriated such funds as are necessary to carry out this subtitle.

SEC. .EMERGENCY DESIGNATION.—Congress hereby designates all amounts in this entire subtitle 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 the Congress.

SEC. 12. (e) Funds for Buyouts and Other Expenditures Under this Subsection.—The Secretary concerned shall pay purchasers for volumes returned to the government and any additional costs to implement this section from any funds available to the Secretary.

SEC. 13. LOST RECEIPTS.—Of the funds made available for the Department of Agriculture Forest Service under the heading ''National Forest System'' for General Administration in fiscal year 1996 and any unobligated balances from funds appropriated in prior years under such heading, $80,000,000 are rescinded; of the funds made available for the Department of Agriculture Forest Service under the heading ''Forest Research'' in fiscal year 1996 and any unobligated balances from funds appropriated in prior years under such heading, $30,000,000 are rescinded.

CRAIG AMENDMENT NO. 3494

Mr. CRAIG proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

In the matter under the heading ''PAYMENT TO THE LEGAL SERVICES CORPORATION'' under

the heading ''LEGAL SERVICES CORPORATION'' in title V of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, strike ''$291,000,000'' and all that follows through ''$1,500,000'' and insert the following: ''$290,750,000 is for basic field programs and required independent audits carried out in accordance with section 509; $250,000 is for a payment to an opposing party for attorney's fees and expenses relating to civil actions named In the Matter of Baby Boy Doe, and Doe v. Roe and Indian tribe, with docket numbers 19512 and 21723 (Idaho February 23, 1996); $1,500,000''.

HATCH (AND OTHERS) AMENDMENT NO. 3495

Mr. HATCH (for himself, Mr. GRASSLEY, and Mr. SHELBY) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 755 between lines 20 and 21 insert the following:

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Salaries and Expenses,'' $3,900,000.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–52, $650,000 are rescinded.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–52, $650,000 are rescinded.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–52, $500,000 are rescinded.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available for installment acquisition payments under this heading in Public Law 104–52, $1,900,000 are rescinded: *Provided,* That the aggregate amount made available to the Fund shall be $5,064,249,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–52, $200,000 are rescinded.

CHAPTER 12

On page 755, line 22 redesignate the section number, and

On page 756, line 8 redesignate the section number.

Page 29, line 18, insert the following:

''*Provided further,* That no less than $20,000,000 shall be for the District of Columbia Metropolitan Police Department to be used at the discretion of the Police Chief for law enforcement purposes, conditioned upon appropriate consultation with the chairman and ranking members of the House and Senate Committees on the Judiciary and Appropriations.''

GORTON (AND MURRAY) AMENDMENT NO. 3496

Mr. GORTON (for himself and Mrs. MURRAY) proposed an amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

At the appropriate place in the bill, insert the following:

SECTION 1. DESIGNATION.

The Walla Walla Veterans Medical Center located at 77 Wainwright Drive, Walla Walla, Washington, shall be known and designated as the ''Jonathan M. Wainwright Memorial VA Medical Center.''

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Walla Walla Veterans Medical Center referred to in section 1 shall be deemed to be a reference to the ''Jonathan M. Wainwright Memorial VA Medical Center.''

BINGAMAN AMENDMENT NO. 3497

Mr. HATFIELD (for Mr. BINGAMAN) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

At the appropriate place, insert the following:

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council, $100,000.

HARKIN AMENDMENT NO. 3498

Mr. HARKIN 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, add the following new title:

TITLE V—HEALTH CARE FRAUD AND ABUSE PREVENTION

SEC. 500. SHORT TITLE.

This chapter may be cited as the ''Health Care Fraud, Waste, and Abuse Reduction Act of 1996''.

Subtitle A—Fraud and Abuse Control Program

CHAPTER 1—FRAUD AND ABUSE CONTROL PROGRAM

SEC. 501. FRAUD AND ABUSE CONTROL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128B of such Act the following new section:

''FRAUD AND ABUSE CONTROL PROGRAM

''SEC. 1128C. (a) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—Not later than July 1, 1996, the Secretary, acting through the Office of the Inspector General of the Department of Health and Human Services, and the Attorney General shall establish a program—

''(A) to coordinate Federal, State, and local law enforcement programs to control fraud and abuse with respect to the delivery of and payment for health care in the United States,

''(B) to conduct investigations, audits, evaluations, and inspections relating to the delivery of and payment for health care in the United States,

''(C) to facilitate the enforcement of the provisions of sections 1128, 1128A, and 1128B and other statutes applicable to health care fraud and abuse, and

''(D) to provide for the modification and establishment of safe harbors and to issue interpretative rulings and special fraud alerts pursuant to section 1128D.

''(2) COORDINATION WITH HEALTH PLANS.—In carrying out the program established under paragraph (1), the Secretary and the Attorney General shall consult with, and arrange for the sharing of data with representatives of health plans.

''(3) GUIDELINES.—

''(A) IN GENERAL.—The Secretary and the Attorney General shall issue guidelines to carry out the program under paragraph (1). The provisions of sections 553, 556, and 557 of title 5, United States Code, shall not apply in the issuance of such guidelines.

''(B) INFORMATION GUIDELINES.—

''(i) IN GENERAL.—Such guidelines shall include guidelines relating to the furnishing of information by health plans, providers, and others to enable the Secretary and the Attorney General to carry out the program (including coordination with health plans under paragraph (2)).

''(ii) CONFIDENTIALITY.—Such guidelines shall include procedures to assure that such information is provided and utilized in a manner that appropriately protects the confidentiality of the information and the privacy of individuals receiving health care services and items.

''(iii) QUALIFIED IMMUNITY FOR PROVIDING INFORMATION.—The provisions of section 1157(a) (relating to limitation on liability) shall apply to a person providing information to the Secretary or the Attorney General in conjunction with their performance of duties under this section.

''(4) ENSURING ACCESS TO DOCUMENTATION.—The Inspector General of the Department of Health and Human Services is authorized to exercise such authority described in paragraphs (3) through (9) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) as necessary with respect to the activities under the fraud and abuse control program established under this subsection.

''(5) AUTHORITY OF INSPECTOR GENERAL.—Nothing in this Act shall be construed to diminish the authority of any Inspector General, including such authority as provided in the Inspector General Act of 1978 (5 U.S.C. App.).

''(b) ADDITIONAL USE OF FUNDS BY INSPECTOR GENERAL.—

''(1) REIMBURSEMENTS FOR INVESTIGATIONS.—The Inspector General of the Department of Health and Human Services is authorized to receive and retain for current use reimbursement for the costs of conducting investigations and audits and for monitoring compliance plans when such costs are ordered by a court, voluntarily agreed to by the payer, or otherwise.

''(2) CREDITING.—Funds received by the Inspector General under paragraph (1) as reimbursement for costs of conducting investigations shall be deposited to the credit of the appropriation from which initially paid, or to appropriations for similar purposes currently available at the time of deposit, and shall remain available for obligation for 1 year from the date of the deposit of such funds.

''(c) HEALTH PLAN DEFINED.—For purposes of this section, the term 'health plan' means a plan or program that provides health benefits, whether directly, through insurance, or otherwise, and includes—

''(1) a policy of health insurance;

''(2) a contract of a service benefit organization; and

''(3) a membership agreement with a health maintenance organization or other prepaid health plan.''.

(b) ESTABLISHMENT OF HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT IN FEDERAL HOSPITAL INSURANCE TRUST FUND.—Section 1817 of the Social Security Act (42 U.S.C. 1395i) is amended by adding at the end the following new subsection:

''(k) HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—

''(1) ESTABLISHMENT.—There is hereby established in the Trust Fund an expenditure account to be known as the 'Health Care Fraud and Abuse Control Account' (in this subsection referred to as the 'Account').

''(2) APPROPRIATED AMOUNTS TO TRUST FUND.—

''(A) IN GENERAL.—There are hereby appropriated to the Trust Fund—

''(i) such gifts and bequests as may be made as provided in subparagraph (B);

''(ii) such amounts as may be deposited in the Trust Fund as provided in section 542(c) of the Health Care Fraud, Waste, and Abuse Reduction Act of 1996, and title XI; and

''(iii) such amounts as are transferred to the Trust Fund under subparagraph (C).

''(B) AUTHORIZATION TO ACCEPT GIFTS.—The Trust Fund is authorized to accept on behalf of the United States money gifts and bequests made unconditionally to the Trust Fund, for the benefit of the Account or any activity financed through the Account.

''(C) TRANSFER OF AMOUNTS.—The Managing Trustee shall transfer to the Trust Fund, under rules similar to the rules in section 9601 of the Internal Revenue Code of 1986, an amount equal to the sum of the following:

''(i) Criminal fines recovered in cases involving a Federal health care offense (as defined in section 982(a)(6)(B) of title 18, United States Code).

''(ii) Civil monetary penalties and assessments imposed in health care cases, including amounts recovered under titles XI, XVIII, and XIX, and chapter 38 of title 31, United States Code (except as otherwise provided by law).

''(iii) Amounts resulting from the forfeiture of property by reason of a Federal health care offense.

''(iv) Penalties and damages obtained and otherwise creditable to miscellaneous receipts of the general fund of the Treasury obtained under sections 3729 through 3733 of title 31, United States Code (known as the False Claims Act), in cases involving claims related to the provision of health care items and services (other than funds awarded to a relator, for restitution or otherwise authorized by law).

''(3) APPROPRIATED AMOUNTS TO ACCOUNT.—

''(A) IN GENERAL.—There are hereby appropriated to the Account from the Trust Fund such sums as the Secretary and the Attorney General certify are necessary to carry out the purposes described in subparagraph (B), to be available without further appropriation, in an amount—

''(i) with respect to activities of the Office of the Inspector General of the Department of Health and Human Services and the Federal Bureau of Investigations in carrying out such purposes, not less than—

''(I) for fiscal year 1996, $110,000,000,

''(II) for fiscal year 1997, $140,000,000,

''(III) for fiscal year 1998, $160,000,000,

''(IV) for fiscal year 1999, $185,000,000,

''(V) for fiscal year 2000, $215,000,000,

''(VI) for fiscal year 2001, $240,000,000, and

''(VII) for fiscal year 2002, $270,000,000; and

''(ii) with respect to all activities (including the activities described in clause (i)) in carrying out such purposes, not more than—

''(I) for fiscal year 1996, $200,000,000, and

''(II) for each of the fiscal years 1997 through 2002, the limit for the preceding fiscal year, increased by 15 percent; and

''(iii) for each fiscal year after fiscal year 2002, within the limits for fiscal year 2002 as determined under clauses (i) and (ii).

''(B) USE OF FUNDS.—The purposes described in this subparagraph are as follows:

''(i) GENERAL USE.—To cover the costs (including equipment, salaries and benefits, and travel and training) of the administration and operation of the health care fraud and abuse control program established under section 1128C(a), including the costs of—

''(I) prosecuting health care matters (through criminal, civil, and administrative proceedings);

''(II) investigations;

''(III) financial and performance audits of health care programs and operations;

''(IV) inspections and other evaluations; and

''(V) provider and consumer education regarding compliance with the provisions of title XI.

''(ii) USE BY STATE MEDICAID FRAUD CONTROL UNITS FOR INVESTIGATION REIMBURSEMENTS.—To reimburse the various State medicaid fraud control units upon request to the Secretary for the costs of the activities authorized under section 2134(b).

''(4) ANNUAL REPORT.—The Secretary and the Attorney General shall submit jointly an annual report to Congress on the amount of revenue which is generated and disbursed, and the justification for such disbursements, by the Account in each fiscal year.''.

SEC. 502. APPLICATION OF CERTAIN HEALTH ANTI-FRAUD AND ABUSE SANCTIONS TO FRAUD AND ABUSE AGAINST FEDERAL HEALTH PROGRAMS.

(a) CRIMES.—

(1) SOCIAL SECURITY ACT.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended as follows:

(A) In the heading, by striking ''MEDICARE OR STATE HEALTH CARE PROGRAMS'' and inserting ''FEDERAL HEALTH CARE PROGRAMS''.

(B) In subsection (a)(1), by striking ''a program under title XVIII or a State health care program (as defined in section 1128(h))'' and inserting ''a Federal health care program''.

(C) In subsection (a)(5), by striking ''a program under title XVIII or a State health care program'' and inserting ''a Federal health care program''.

(D) In the second sentence of subsection (a)—

(i) by striking ''a State plan approved under title XIX'' and inserting ''a Federal health care program''; and

(ii) by striking ''the State may at its option (notwithstanding any other provision of that title or of such plan)'' and inserting ''the administrator of such program may at its option (notwithstanding any other provision of such program)''.

(E) In subsection (b)—

(i) by striking ''and willfully'' each place it appears;

(ii) by striking ''$25,000'' each place it appears and inserting ''$50,000'';

(iii) by striking ''title XVIII or a State health care program'' each place it appears and inserting ''Federal health care program'';

(iv) in paragraph (1) in the matter preceding subparagraph (A), by striking ''kind—'' and inserting ''kind with intent to be influenced—'';

(v) in paragraph (1)(A), by striking ''in return for referring'' and inserting ''to refer'';

(vi) in paragraph (1)(B), by striking ''in return for purchasing, leasing, ordering, or arranging for or recommending'' and inserting ''to purchase, lease, order, or arrange for or recommend'';

(vii) in paragraph (2) in the matter proceeding subparagraph (A), by striking ''to induce such person'' and inserting ''with intent to influence such person'';

(viii) by adding at the end of paragraphs (1) and (2) the following sentence: ''A violation exists under this paragraph if one or more purposes of the remuneration is unlawful under this paragraph.'';

(ix) by redesignating paragraph (3) as paragraph (4);

(x) in paragraph (4) (as redesignated), by striking ''Paragraphs (1) and (2)'' and inserting ''Paragraphs (1), (2), and (3)''; and

(xi) by inserting after paragraph (2) the following new paragraph:

''(3)(A) The Attorney General may bring an action in the district courts to impose upon any person who carries out any activity in violation of this subsection a civil penalty of not less than $25,000 and not more than $50,000 for each such violation, plus three times the total remuneration offered, paid, solicited, or received.

''(B) A violation exists under this paragraph if one or more purposes of the remuneration is unlawful, and the damages shall be the full amount of such remuneration.

''(C) Section 3731 of title 31, United States Code, and the Federal Rules of Civil Procedure shall apply to actions brought under this paragraph.

''(D) The provisions of this paragraph do not affect the availability of other criminal and civil remedies for such violations.''.

(F) In subsection (c), by inserting ''(as defined in section 1128(h))'' after ''a State health care program''.

(G) By adding at the end the following new subsections:

''(f) For purposes of this section, the term 'Federal health care program' means—

''(1) any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded, in whole or in part, by the United States Government; or

''(2) any State health care program, as defined in section 1128(h).

''(g)(1) The Secretary and Administrator of the departments and agencies with a Federal health care program may conduct an investigation or audit relating to violations of this section and claims within the jurisdiction of other Federal departments or agencies if the following conditions are satisfied:

''(A) The investigation or audit involves primarily claims submitted to the Federal health care programs of the department or agency conducting the investigation or audit.

''(B) The Secretary or Administrator of the department or agency conducting the investigation or audit gives notice and an opportunity to participate in the investigation or audit to the Inspector General of the department or agency with primary jurisdiction over the Federal health care programs to which the claims were submitted.

''(2) If the conditions specified in paragraph (1) are fulfilled, the Inspector General of the department or agency conducting the investigation or audit may exercise all powers granted under the Inspector General Act of 1978 with respect to the claims submitted to the other departments or agencies to the same manner and extent as provided in that Act with respect to claims submitted to such departments or agencies.''.

(2) IDENTIFICATION OF COMMUNITY SERVICE OPPORTUNITIES.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is further amended by adding at the end the following new subsection:

''(h) The Secretary may—

''(1) in consultation with State and local health care officials, identify opportunities

for the satisfaction of community service obligations that a court may impose upon the conviction of an offense under this section, and

''(2) make information concerning such opportunities available to Federal and State law enforcement officers and State and local health care officials.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect upon enactment of this Act.

CHAPTER 2—ENHANCING CONSUMER AND PROVIDER ROLES IN COMBATING HEALTH CARE FRAUD, WASTE, AND ABUSE

SEC. 511. MEDICARE/MEDICAID BENEFICIARY PROTECTION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Not later than July 1, 1996, the Secretary (through the Administrator of the Health Care Financing Administration and the Inspector General of the Department of Health and Human Services) shall establish the Medicare/Medicaid Beneficiary Protection Program. Under such program the Secretary shall—

(1) educate medicare and medicaid beneficiaries regarding—

(A) medicare and medicaid program coverage;

(B) fraudulent and abusive practices;

(C) medically unnecessary health care items and services; and

(D) substandard health care items and services;

(2) identify and publicize fraudulent and abusive practices with respect to the delivery of health care items and services; and

(3) establish a procedure for the reporting of fraudulent and abusive health care providers, practitioners, claims, items, and services to appropriate law enforcement and payer agencies.

(b) DISSEMINATION OF INFORMATION.—The Secretary shall provide for the broad dissemination of information regarding the Medicare/Medicaid Beneficiary Protection Program.

SEC. 512. IMPROVING INFORMATION TO MEDICARE BENEFICIARIES.

(a) CLARIFICATION OF REQUIREMENT TO PROVIDE EXPLANATION OF MEDICARE BENEFITS.—Section 1804 of the Social Security Act (42 U.S.C. 1395b-2) is amended by adding at the end the following new subsection:

''(c)(1) The Secretary shall provide a statement which explains the benefits provided under this title with respect to each item or service for which payment may be made under this title which is furnished to an individual, without regard to whether or not a deductible or coinsurance may be imposed against the individual with respect to such item or service.

''(2) Each explanation of benefits provided under paragraph (1) shall include—

''(A) a statement that, because billing errors do occur and because medicare fraud, waste, and abuse is a significant problem, beneficiaries should carefully check any statement of benefits received for accuracy and report any questionable charges;

''(B) a clear and understandable summary of—

''(i) how payments for items and services are determined under this title; and

''(ii) the beneficiary's right to request a itemized bill (as provided in section 1128A(n)); and

''(C) a toll-free telephone number for reporting questionable charges or other acts that would constitute medicare fraud, waste, or abuse, which may be the same number as described in subsection (b).''.

(b) REQUEST FOR ITEMIZED BILL FOR MEDICARE ITEMS AND SERVICES.—

(1) IN GENERAL.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), as amended by section 531, is amended by adding at the end the following new subsection:

''(n) WRITTEN REQUEST FOR ITEMIZED BILL.—

''(1) IN GENERAL.—A beneficiary may submit a written request for an itemized bill for medical or other items or services provided to such beneficiary by any person (including an organization, agency, or other entity) that receives payment under title XVIII for providing such items or services to such beneficiary.

''(2) 30-DAY PERIOD TO RECEIVE BILL.—

''(A) IN GENERAL.—Not later than 30 days after the date on which a request under paragraph (1) has been received, a person described in such paragraph shall furnish an itemized bill describing each medical or other item or service provided to the beneficiary requesting the itemized bill.

''(B) PENALTY.—Whoever knowingly fails to furnish an itemized bill in accordance with subparagraph (A) shall be subject to a civil fine of not more than $100 for each such failure.

''(3) REVIEW OF ITEMIZED BILL.—

''(A) IN GENERAL.—Not later than 90 days after the receipt of an itemized bill furnished under paragraph (1), a beneficiary may submit a written request for a review of the itemized bill to the appropriate fiscal intermediary or carrier with a contract under section 1816 or 1842.

''(B) SPECIFIC ALLEGATIONS.—A request for a review of the itemized bill shall identify—

''(i) specific medical or other items or services that the beneficiary believes were not provided as claimed, or

''(ii) any other billing irregularity (including duplicate billing).

''(4) FINDINGS OF FISCAL INTERMEDIARY OR CARRIER.—Each fiscal intermediary or carrier with a contract under section 1816 or 1842 shall, with respect to each written request submitted to the fiscal intermediary or carrier under paragraph (3), determine whether the itemized bill identifies specific medical or other items or services that were not provided as claimed or any other billing irregularity (including duplicate billing) that has resulted in unnecessary payments under title XVIII.

''(5) RECOVERY OF AMOUNTS.—The Secretary shall require fiscal intermediaries and carriers to take all appropriate measures to recover amounts unnecessarily paid under title XVIII with respect to a bill described in paragraph (4).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to medical or other items or services provided on or after July 1, 1996.

SEC. 513. BENEFICIARY INCENTIVE PROGRAMS.

(a) PROGRAM TO COLLECT INFORMATION ON FRAUD AND ABUSE.—

(1) ESTABLISHMENT OF PROGRAM.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Health and Human Services (hereinafter in this section referred to as the ''Secretary'') shall establish a program under which the Secretary shall encourage individuals to report to the Secretary information on individuals and entities who are engaging or who have engaged in acts or omissions which constitute grounds for the imposition of a sanction under section 1128, section 1128A, or section 1128B of the Social Security Act, or who have otherwise engaged in fraud and abuse against the medicare program for which there is a sanction provided under law. The program shall discourage provision of, and not consider, information which is frivolous or otherwise not relevant or material to the imposition of such a sanction.

(2) PAYMENT OF PORTION OF AMOUNTS COLLECTED.—If an individual reports information to the Secretary under the program established under paragraph (1) which serves as the basis for the collection by the Secretary or the Attorney General of any amount of at least $100 (other than any amount paid as a penalty under section 1128B of the Social Security Act), the Secretary may pay a portion of the amount collected to the individual (under procedures similar to those applicable under section 7623 of the Internal Revenue Code of 1986 to payments to individuals providing information on violations of such Code).

(b) PROGRAM TO COLLECT INFORMATION ON PROGRAM EFFICIENCY.—

(1) ESTABLISHMENT OF PROGRAM.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall establish a program under which the Secretary shall encourage individuals to submit to the Secretary suggestions on methods to improve the efficiency of the medicare program.

(2) PAYMENT OF PORTION OF PROGRAM SAVINGS.—If an individual submits a suggestion to the Secretary under the program established under paragraph (1) which is adopted by the Secretary and which results in savings to the program, the Secretary may make a payment to the individual of such amount as the Secretary considers appropriate.

SEC. 514. HEALTH CARE FRAUD AND ABUSE PROVIDER GUIDANCE.

(a) SOLICITATION AND PUBLICATION OF MODIFICATIONS TO EXISTING SAFE HARBORS AND NEW SAFE HARBORS.—

(1) IN GENERAL.—

(A) SOLICITATION OF PROPOSALS FOR SAFE HARBORS.—Not later than July 1, 1996, and not less than annually thereafter, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for—

(i) modifications to existing safe harbors issued pursuant to section 14(a) of the Medicare and Medicaid Patient and Program Protection Act of 1987 (42 U.S.C. 1320a–7b note);

(ii) additional safe harbors specifying payment practices that shall not be treated as a criminal offense under section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) and shall not serve as the basis for an exclusion under section 1128(b)(7) of such Act (42 U.S.C. 1320a–7(b)(7));

(iii) interpretive rulings to be issued pursuant to subsection (b); and

(iv) special fraud alerts to be issued pursuant to subsection (c).

(B) PUBLICATION OF PROPOSED MODIFICATIONS AND PROPOSED ADDITIONAL SAFE HARBORS.—After considering the proposals described in clauses (i) and (ii) of subparagraph (A), the Secretary, in consultation with the Attorney General, shall publish in the Federal Register proposed modifications to existing safe harbors and proposed additional safe harbors, if appropriate, with a 60-day comment period. After considering any public comments received during this period, the Secretary shall issue final rules modifying the existing safe harbors and establishing new safe harbors, as appropriate.

(C) REPORT.—The Inspector General of the Department of Health and Human Services (in this section referred to as the ''Inspector General'') shall, in an annual report to Congress or as part of the year-end semiannual report required by section 5 of the Inspector General Act of 1978 (5 U.S.C. App.), describe the proposals received under clauses (i) and (ii) of subparagraph (A) and explain which proposals were included in the publication described in subparagraph (B), which proposals were not included in that publication, and the reasons for the rejection of the proposals that were not included.

(2) CRITERIA FOR MODIFYING AND ESTABLISHING SAFE HARBORS.—In modifying and establishing safe harbors under paragraph (1)(B), the Secretary may consider the extent to which providing a safe harbor for the specified payment practice may result in any of the following:

(A) An increase or decrease in access to health care services.

(B) An increase or decrease in the quality of health care services.

(C) An increase or decrease in patient freedom of choice among health care providers.

(D) An increase or decrease in competition among health care providers.

(E) An increase or decrease in the ability of health care facilities to provide services in medically underserved areas or to medically underserved populations.

(F) An increase or decrease in the cost to Federal health care programs (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)).

(G) An increase or decrease in the potential overutilization of health care services.

(H) The existence or nonexistence of any potential financial benefit to a health care professional or provider which may vary based on their decisions of—

(i) whether to order a health care item or service; or

(ii) whether to arrange for a referral of health care items or services to a particular practitioner or provider.

(I) Any other factors the Secretary deems appropriate in the interest of preventing fraud and abuse in Federal health care programs (as so defined).

(b) INTERPRETIVE RULINGS.—

(1) IN GENERAL.—

(A) REQUEST FOR INTERPRETIVE RULING.—Any person may present, at any time, a request to the Inspector General for a statement of the Inspector General's current interpretation of the meaning of a specific aspect of the application of sections 1128A and 1128B of the Social Security Act (42 U.S.C. 1320a–7a and 1320a–7b) (in this section referred to as an ''interpretive ruling'').

(B) ISSUANCE AND EFFECT OF INTERPRETIVE RULING.—

(i) IN GENERAL.—If appropriate, the Inspector General shall in consultation with the Attorney General, issue an interpretive ruling not later than 120 days after receiving a request described in subparagraph (A). Interpretive rulings shall not have the force of law and shall be treated as an interpretive rule within the meaning of section 553(b) of title 5, United States Code. All interpretive rulings issued pursuant to this clause shall be published in the Federal Register or otherwise made available for public inspection.

(ii) REASONS FOR DENIAL.—If the Inspector General does not issue an interpretive ruling in response to a request described in subparagraph (A), the Inspector General shall notify the requesting party of such decision not later than 120 days after receiving such a request and shall identify the reasons for such decision.

(2) CRITERIA FOR INTERPRETIVE RULINGS.—

(A) IN GENERAL.—In determining whether to issue an interpretive ruling under paragraph (1)(B), the Inspector General may consider—

(i) whether and to what extent the request identifies an ambiguity within the language of the statute, the existing safe harbors, or previous interpretive rulings; and

(ii) whether the subject of the requested interpretive ruling can be adequately addressed by interpretation of the language of the statute, the existing safe harbor rules, or previous interpretive rulings, or whether the request would require a substantive ruling (as defined in section 552 of title 5, United States Code) not authorized under this subsection.

(B) NO RULINGS ON FACTUAL ISSUES.—The Inspector General shall not give an interpretive ruling on any factual issue, including the intent of the parties or the fair market value of particular leased space or equipment.

(c) SPECIAL FRAUD ALERTS.—

(1) IN GENERAL.—

(A) REQUEST FOR SPECIAL FRAUD ALERTS.—Any person may present, at any time, a request to the Inspector General for a notice which informs the public of practices which the Inspector General considers to be suspect or of particular concern under section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) (in this subsection referred to as a ''special fraud alert'').

(B) ISSUANCE AND PUBLICATION OF SPECIAL FRAUD ALERTS.—Upon receipt of a request described in subparagraph (A), the Inspector General shall investigate the subject matter of the request to determine whether a special fraud alert should be issued. If appropriate, the Inspector General shall issue a special fraud alert in response to the request. All special fraud alerts issued pursuant to this subparagraph shall be published in the Federal Register.

(2) CRITERIA FOR SPECIAL FRAUD ALERTS.—In determining whether to issue a special fraud alert upon a request described in paragraph (1), the Inspector General may consider—

(A) whether and to what extent the practices that would be identified in the special fraud alert may result in any of the consequences described in subsection (a)(2); and

(B) the volume and frequency of the conduct that would be identified in the special fraud alert.

SEC. 515. CORPORATE WHISTLEBLOWER PROGRAM.

Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128B of such Act the following new section:

''CORPORATE WHISTLEBLOWER PROGRAM

''SEC. 1128C (a) ESTABLISHMENT OF PROGRAM.—The Secretary, through the Inspector General of the Department of Health and Human Services, shall establish a procedure whereby corporations, partnerships, and other legal entities specified by the Secretary, may voluntarily disclose instances of unlawful conduct and seek to resolve liability for such conduct through means specified by the Secretary.

''(b) LIMITATION.—No person may bring an action under section 3730(b) of title 31, United States Code, if, on the date of filing—

''(1) the matter set forth in the complaint has been voluntarily disclosed to the United States by the proposed defendant and the defendant has been accepted into the voluntary disclosure program established pursuant to subsection (a); and

''(2) any new information provided in the complaint under such section does not add substantial grounds for additional recovery beyond those encompassed within the scope of the voluntary disclosure.''.

SEC. 516. ESTABLISHMENT OF THE HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) GENERAL PURPOSE.—Not later than July 1, 1996, the Secretary shall establish a national health care fraud and abuse data collection program for the reporting of final adverse actions (not including settlements in which no findings of liability have been made) against health care providers, suppliers, or practitioners as required by subsection (b), with access as set forth in subsection (c).

(b) REPORTING OF INFORMATION.—

(1) IN GENERAL.—Each government agency and health plan shall report any final adverse action (not including settlements in which no findings of liability have been made) taken against a health care provider, supplier, or practitioner.

(2) INFORMATION TO BE REPORTED.—The information to be reported under paragraph (1) includes:

(A) The name and TIN (as defined in section 7701(a)(41) of the Internal Revenue Code of 1986) of any health care provider, supplier, or practitioner who is the subject of a final adverse action.

(B) The name (if known) of any health care entity with which a health care provider, supplier, or practitioner is affiliated or associated.

(C) The nature of the final adverse action and whether such action is on appeal.

(D) A description of the acts or omissions and injuries upon which the final adverse action was based, and such other information as the Secretary determines by regulation is required for appropriate interpretation of information reported under this section.

(3) CONFIDENTIALITY.—In determining what information is required, the Secretary shall include procedures to assure that the privacy of individuals receiving health care services is appropriately protected.

(4) TIMING AND FORM OF REPORTING.—The information required to be reported under this subsection shall be reported regularly (but not less often than monthly) and in such form and manner as the Secretary prescribes. Such information shall first be required to be reported on a date specified by the Secretary.

(5) TO WHOM REPORTED.—The information required to be reported under this subsection shall be reported to the Secretary.

(c) DISCLOSURE AND CORRECTION OF INFORMATION.—

(1) DISCLOSURE.—With respect to the information about final adverse actions (not including settlements in which no findings of liability have been made) reported to the Secretary under this section respecting a health care provider, supplier, or practitioner, the Secretary shall, by regulation, provide for—

(A) disclosure of the information, upon request, to the health care provider, supplier, or licensed practitioner, and

(B) procedures in the case of disputed accuracy of the information.

(2) CORRECTIONS.—Each Government agency and health plan shall report corrections of information already reported about any final adverse action taken against a health care provider, supplier, or practitioner, in such form and manner that the Secretary prescribes by regulation.

(d) ACCESS TO REPORTED INFORMATION.—

(1) AVAILABILITY.—The information in this database shall be available to Federal and State government agencies, health plans, and the public pursuant to procedures that the Secretary shall provide by regulation.

(2) FEES FOR DISCLOSURE.—The Secretary may establish or approve reasonable fees for the disclosure of information in this database (other than with respect to requests by Federal agencies). The amount of such a fee may be sufficient to recover the full costs of carrying out the provisions of this section, including reporting, disclosure, and administration. Such fees shall be available to the Secretary or, in the Secretary's discretion to the agency designated under this section to cover such costs.

(e) PROTECTION FROM LIABILITY FOR REPORTING.—No person or entity shall be held liable in any civil action with respect to any report made as required by this section, without knowledge of the falsity of the information contained in the report.

(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

(1)(A) The term ''final adverse action'' includes:

(i) Civil judgments against a health care provider or practitioner in Federal or State court related to the delivery of a health care item or service.

(ii) Federal or State criminal convictions related to the delivery of a health care item or service.

(iii) Actions by Federal or State agencies responsible for the licensing and certification of health care providers, suppliers, and licensed health care practitioners, including—

(I) formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation,

(II) any other loss of license, or the right to apply for or renew a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, nonrenewability, or otherwise, or

(III) any other negative action or finding by such Federal or State agency that is publicly available information.

(iv) Exclusion from participation in Federal or State health care programs.

(v) Any other adjudicated actions or decisions that the Secretary shall establish by regulation.

(B) The term does not include any action with respect to a malpractice claim.

(2) The terms ''licensed health care practitioner'', ''licensed practitioner'', and ''practitioner'' mean, with respect to a State, an individual who is licensed or otherwise authorized by the State to provide health care services (or any individual who, without authority holds himself or herself out to be so licensed or authorized).

(3) The term ''health care provider'' means a provider of services as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u)), and any person or entity, including a health maintenance organization, group medical practice, or any other entity listed by the Secretary in regulation, that provides health care services.

(4) The term ''supplier'' means a supplier of health care items and services described in section 1819(a) and (b), and section 1861 of the Social Security Act (42 U.S.C. 1395i–3(a) and (b), and 1395x).

(5) The term ''Government agency'' shall include:

(A) The Department of Justice.

(B) The Department of Health and Human Services.

(C) Any other Federal agency that either administers or provides payment for the delivery of health care services, including, but not limited to the Department of Defense and the Veterans' Administration.

(D) State law enforcement agencies.

(E) State medicaid fraud and abuse units.

(F) Federal or State agencies responsible for the licensing and certification of health care providers and licensed health care practitioners.

(6) The term ''health plan'' means a plan or program that provides health benefits, whether directly, through insurance, or otherwise, and includes—

(A) a policy of health insurance;

(B) a contract of a service benefit organization;

(C) a membership agreement with a health maintenance organization or other prepaid health plan; and

(D) an employee welfare benefit plan or a multiple employer welfare plan (as such terms are defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

(7) For purposes of paragraph (1), the existence of a conviction shall be determined under section 1128(i) of the Social Security Act.

(g) CONFORMING AMENDMENT.—Section 1921(d) of the Social Security Act (42 U.S.C. 1396r–2(d)) is amended by inserting ''and section 516 of the Health Care Fraud, Waste, and Abuse Reduction Act of 1996'' after ''section 422 of the Health Care Quality Improvement Act of 1986''.

SEC. 517. INSPECTOR GENERAL ACCESS TO ADDITIONAL PRACTITIONER DATA BANK.

Section 427 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11137) is amended—

(1) in subsection (a), by adding at the end the following sentence: ''Information reported under this part shall also be made available, upon request, to the Inspector General of the Departments of Health and Human Services, Defense, and Labor, the Office of Personnel Management, and the Railroad Retirement Board.''; and

(2) by amending subsection (b)(4) to read as follows:

''(4) FEES.—The Secretary may impose fees for the disclosure of information under this part sufficient to recover the full costs of carrying out the provisions of this part, including reporting, disclosure, and administration, except that a fee may not be imposed for requests made by the Inspector General of the Department of Health and Human Services. Such fees shall remain available to the Secretary (or, in the Secretary's discretion, to the agency designated in section 424(b)) until expended.''.

CHAPTER 3—SANCTIONS FOR COMMITTING FRAUD OR ABUSE

SEC. 521. MANDATORY EXCLUSION FROM PARTICIPATION IN MEDICARE AND STATE HEALTH CARE PROGRAMS.

(a) INDIVIDUAL CONVICTED OF FELONY RELATING TO HEALTH CARE FRAUD.—

(1) IN GENERAL.—Section 1128(a) of the Social Security Act (42 U.S.C. 1320a–7(a)) is amended by adding at the end the following new paragraph:

''(3) FELONY CONVICTION RELATING TO HEALTH CARE FRAUD.—Any individual or entity that has been convicted after the date of the enactment of the Health Care Fraud, Waste, and Abuse Reduction Act of 1996, under Federal or State law, in connection with the delivery of a health care item or service or with respect to any act or omission in a health care program (other than those specifically described in paragraph (1)) operated by or financed in whole or in part by any Federal, State, or local government agency, of a criminal offense consisting of a felony relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 1128(b) of the Social Security Act (42 U.S.C. 1320a–7(b)) is amended to read as follows:

''(1) CONVICTION RELATING TO FRAUD.—Any individual or entity that has been convicted after the date of the enactment of the Health Care Fraud, Waste, and Abuse Reduction Act of 1996, under Federal or State law—

''(A) of a criminal offense consisting of a misdemeanor relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct—

''(i) in connection with the delivery of a health care item or service, or

''(ii) with respect to any act or omission in a health care program (other than those specifically described in subsection (a)(1)) operated by or financed in whole or in part by any Federal, State, or local government agency; or

''(B) of a criminal offense relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct with respect to any act or omission in a program (other than a health care program) operated by or financed in whole or in part by any Federal, State, or local government agency.''.

(b) INDIVIDUAL CONVICTED OF FELONY RELATING TO CONTROLLED SUBSTANCE.—

(1) IN GENERAL.—Section 1128(a) of the Social Security Act (42 U.S.C. 1320a–7(a)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(4) FELONY CONVICTION RELATING TO CONTROLLED SUBSTANCE.—Any individual or entity that has been convicted after the date of the enactment of the Health Care Fraud, Waste, and Abuse Reduction Act of 1996, under Federal or State law, of a criminal offense consisting of a felony relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.''.

(2) CONFORMING AMENDMENT.—Section 1128(b)(3) of the Social Security Act (42 U.S.C. 1320a–7(b)(3)) is amended—

(A) in the heading, by striking ''CONVICTION'' and inserting ''MISDEMEANOR CONVICTION''; and

(B) by striking ''criminal offense'' and inserting ''criminal offense consisting of a misdemeanor''.

SEC. 522. ESTABLISHMENT OF MINIMUM PERIOD OF EXCLUSION FOR CERTAIN INDIVIDUALS AND ENTITIES SUBJECT TO PERMISSIVE EXCLUSION FROM MEDICARE AND STATE HEALTH CARE PROGRAMS.

Section 1128(c)(3) of the Social Security Act (42 U.S.C. 1320a–7(c)(3)) is amended by adding at the end the following new subparagraphs:

''(D) In the case of an exclusion of an individual or entity under paragraph (1), (2), or (3) of subsection (b), the period of the exclusion shall be 3 years, unless the Secretary determines in accordance with published regulations that a shorter period is appropriate because of mitigating circumstances or that a longer period is appropriate because of aggravating circumstances.

''(E) In the case of an exclusion of an individual or entity under subsection (b)(4) or (b)(5), the period of the exclusion shall not be less than the period during which the individual's or entity's license to provide health care is revoked, suspended, or surrendered, or the individual or the entity is excluded or suspended from a Federal or State health care program.

''(F) In the case of an exclusion of an individual or entity under subsection (b)(6)(B), the period of the exclusion shall be not less than 1 year.''.

SEC. 523. PERMISSIVE EXCLUSION OF INDIVIDUALS WITH OWNERSHIP OR CONTROL INTEREST IN SANCTIONED ENTITIES.

Section 1128(b) of the Social Security Act (42 U.S.C. 1320a–7(b)) is amended by adding at the end the following new paragraph:

''(15) INDIVIDUALS CONTROLLING A SANCTIONED ENTITY.—Any individual who has a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer or managing employee (as defined in section 1126(b)) of, an entity—

''(A) that has been convicted of any offense described in subsection (a) or in paragraph (1), (2), or (3) of this subsection; or

''(B) that has been excluded from participation under a program under title XVIII or under a State health care program.''.

SEC. 524. SANCTIONS AGAINST PRACTITIONERS AND PERSONS FOR FAILURE TO COMPLY WITH STATUTORY OBLIGATIONS.

(a) MINIMUM PERIOD OF EXCLUSION FOR PRACTITIONERS AND PERSONS FAILING TO MEET STATUTORY OBLIGATIONS.—

(1) IN GENERAL.—The second sentence of section 1156(b)(1) of the Social Security Act (42 U.S.C. 1320c–5(b)(1)) is amended by striking ''may prescribe)'' and inserting ''may prescribe, except that such period may not be less than 1 year)''.

(2) CONFORMING AMENDMENT.—Section 1156(b)(2) of such Act (42 U.S.C. 1320c–5(b)(2)) is amended by striking ''shall remain'' and inserting ''shall (subject to the minimum period specified in the second sentence of paragraph (1)) remain''.

(b) REPEAL OF ''UNWILLING OR UNABLE'' CONDITION FOR IMPOSITION OF SANCTION.—Section 1156(b)(1) of the Social Security Act (42 U.S.C. 1320c–5(b)(1)) is amended—

(1) in the second sentence, by striking ''and determines'' and all that follows through ''such obligations,''; and

(2) by striking the third sentence.

SEC. 525. APPLICABILITY OF THE BANKRUPTCY CODE TO PROGRAM SANCTIONS.

(a) EXCLUSION OF INDIVIDUALS AND ENTITIES FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS.—Section 1128 of the Social Security Act (42 U.S.C. 1320a–7) is amended by adding at the end the following new subsection:

''(j) APPLICABILITY OF BANKRUPTCY PROVISIONS.—An exclusion imposed under this section is not subject to the automatic stay imposed under section 362 of title 11, United States Code.''.

(b) CIVIL MONETARY PENALTIES.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended by adding at the end the following sentence: ''An exclusion imposed under this subsection is not subject to the automatic stay imposed under section 362 of title 11, United States Code, and any penalties and assessments imposed under this section shall be nondischargeable under the provisions of such title.''.

(c) OFFSET OF PAYMENTS TO INDIVIDUALS.—Section 1892(a)(4) of the Social Security Act (42 U.S.C. 1395ccc(a)(4)) is amended by adding at the end the following sentence: ''An exclusion imposed under paragraph (2)(C)(ii) or paragraph (3)(B) is not subject to the automatic stay imposed under section 362 of title 11, United States Code.''

SEC. 526. INTERMEDIATE SANCTIONS FOR MEDICARE HEALTH MAINTENANCE ORGANIZATIONS.

(a) APPLICATION OF INTERMEDIATE SANCTIONS FOR ANY PROGRAM VIOLATIONS.—

(1) IN GENERAL.—Section 1876(i)(1) of the Social Security Act (42 U.S.C. 1395mm(i)(1)) is amended by striking ''the Secretary may terminate'' and all that follows and inserting ''in accordance with procedures established under paragraph (9), the Secretary may at any time terminate any such contract or may impose the intermediate sanctions described in paragraph (6)(B) or (6)(C) (whichever is applicable) on the eligible organization if the Secretary determines that the organization—

''(A) has failed substantially to carry out the contract;

''(B) is carrying out the contract in a manner substantially inconsistent with the efficient and effective administration of this section; or

''(C) no longer substantially meets the applicable conditions of subsections (b), (c), (e), and (f).''.

(2) OTHER INTERMEDIATE SANCTIONS FOR MISCELLANEOUS PROGRAM VIOLATIONS.—Section 1876(i)(6) of the Social Security Act (42 U.S.C. 1395mm(i)(6)) is amended by adding at the end the following new subparagraph:

''(C) In the case of an eligible organization for which the Secretary makes a determination under paragraph (1) the basis of which is not described in subparagraph (A), the Secretary may apply the following intermediate sanctions:

''(i) Civil money penalties of not more than $25,000 for each determination under paragraph (1) if the deficiency that is the basis of the determination has directly adversely affected (or has the substantial likelihood of adversely affecting) an individual covered under the organization's contract.

''(ii) Civil money penalties of not more than $10,000 for each week beginning after the initiation of procedures by the Secretary under paragraph (9) during which the deficiency that is the basis of a determination under paragraph (1) exists.

''(iii) Suspension of enrollment of individuals under this section after the date the Secretary notifies the organization of a determination under paragraph (1) and until the Secretary is satisfied that the deficiency that is the basis for the determination has been corrected and is not likely to recur.''.

(3) PROCEDURES FOR IMPOSING SANCTIONS.—Section 1876(i) of the Social Security Act (42 U.S.C. 1395mm(i)) is amended by adding at the end the following new paragraph:

''(9) The Secretary may terminate a contract with an eligible organization under this section or may impose the intermediate sanctions described in paragraph (6) on the organization in accordance with formal investigation and compliance procedures established by the Secretary under which—

''(A) the Secretary first provides the organization with the reasonable opportunity to develop and implement a corrective action plan to correct the deficiencies that were the basis of the Secretary's determination under paragraph (1) and the organization fails to develop or implement such a plan;

''(B) in deciding whether to impose sanctions, the Secretary considers aggravating factors such as whether an organization has a history of deficiencies or has not taken action to correct deficiencies the Secretary has brought to the organization's attention;

''(C) there are no unreasonable or unnecessary delays between the finding of a deficiency and the imposition of sanctions; and

''(D) the Secretary provides the organization with reasonable notice and opportunity for hearing (including the right to appeal an initial decision) before imposing any sanction or terminating the contract.''.

(4) CONFORMING AMENDMENTS.—Section 1876(i)(6)(B) of the Social Security Act (42 U.S.C. 1395mm(i)(6)(B)) is amended by striking the second sentence.

(b) AGREEMENTS WITH PEER REVIEW ORGANIZATIONS.—Section 1876(i)(7)(A) of the Social Security Act (42 U.S.C. 1395mm(i)(7)(A)) is amended by striking ''an agreement'' and inserting ''a written agreement''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contract years beginning on or after July 1, 1996.

SEC. 527. REWARDS FOR INFORMATION LEADING TO HEALTH CARE FRAUD PROSECUTION AND CONVICTION.

(a) IN GENERAL.—In special circumstances, the Secretary of Health and Human Services and the Attorney General of the United States may jointly make a payment of up to $10,000 to a person who furnishes information unknown to the Government relating to a possible prosecution for health care fraud.

(b) INELIGIBLE PERSONS.—A person is not eligible for a payment under subsection (a) if—

(1) the person is a current or former officer or employee of a Federal or State government agency or instrumentality who furnishes information discovered or gathered in the course of government employment;

(2) the person knowingly participated in the offense;

(3) the information furnished by the person consists of allegations or transactions that have been disclosed to the public—

(A) in a criminal, civil, or administrative proceeding;

(B) in a congressional, administrative, or General Accounting Office report, hearing, audit, or investigation; or

(C) by the news media, unless the person is the original source of the information; or

(4) in the judgment of the Attorney General, it appears that a person whose illegal activities are being prosecuted or investigated could benefit from the award.

(c) DEFINITIONS.—

(1) HEALTH CARE FRAUD.—For purposes of this section, the term ''health care fraud'' means health care fraud within the meaning of section 1347 of title 18, United States Code.

(2) ORIGINAL SOURCE.—For the purposes of subsection (b)(3)(C), the term ''original source'' means a person who has direct and independent knowledge of the information that is furnished and has voluntarily provided the information to the Government prior to disclosure by the news media.

(d) NO JUDICIAL REVIEW.—Neither the failure of the Secretary of Health and Human Services and the Attorney General to authorize a payment under subsection (a) nor the amount authorized shall be subject to judicial review.

SEC. 528. EFFECTIVE DATE.

The amendments made by this chapter shall take effect July 1, 1996.

CHAPTER 4—CIVIL MONETARY PENALTIES

SEC. 531. SOCIAL SECURITY ACT CIVIL MONETARY PENALTIES.

(a) GENERAL CIVIL MONETARY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended as follows:

(1) In the third sentence of subsection (a), by striking ''programs under title XVIII'' and inserting ''Federal health care programs (as defined in section 1128B(b)(f))''.

(2) In subsection (f)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) With respect to amounts recovered arising out of a claim under a Federal health care program (as defined in section 1128B(f)), the portion of such amounts as is determined to have been paid by the program shall be repaid to the program, and the portion of such amounts attributable to the amounts recovered under this section by reason of the amendments made by the Health Care Fraud, Waste, and Abuse Reduction Act of 1996 (as estimated by the Secretary) shall be deposited into the general fund of the Treasury.''.

(3) In subsection (i)—

(A) in paragraph (2), by striking ''title V, XVIII, XIX, or XX of this Act'' and inserting ''a Federal health care program (as defined in section 1128B(f))'';

(B) in paragraph (4), by striking ''a health insurance or medical services program under title XVIII or XIX of this Act'' and inserting ''a Federal health care program (as so defined)''; and

(C) in paragraph (5), by striking ''title V, XVIII, XIX, or XX'' and inserting ''a Federal health care program (as so defined)''.

(4) By adding at the end the following new subsection:

''(m)(1) For purposes of this section, with respect to a Federal health care program not contained in this Act, references to the Secretary in this section shall be deemed to be references to the Secretary or Administrator of the department or agency with jurisdiction over such program and references to the

Inspector General of the Department of Health and Human Services in this section shall be deemed to be references to the Inspector General of the applicable department or agency.

''(2)(A) The Secretary and Administrator of the departments and agencies referred to in paragraph (1) may include in any action pursuant to this section, claims within the jurisdiction of other Federal departments or agencies as long as the following conditions are satisfied:

''(i) The case involves primarily claims submitted to the Federal health care programs of the department or agency initiating the action.

''(ii) The Secretary or Administrator of the department or agency initiating the action gives notice and an opportunity to participate in the investigation to the Inspector General of the department or agency with primary jurisdiction over the Federal health care programs to which the claims were submitted.

''(B) If the conditions specified in subparagraph (A) are fulfilled, the Inspector General of the department or agency initiating the action is authorized to exercise all powers granted under the Inspector General Act of 1978 with respect to the claims submitted to the other departments or agencies to the same manner and extent as provided in that Act with respect to claims submitted to such departments or agencies.''.

(b) EXCLUDED INDIVIDUAL RETAINING OWNERSHIP OR CONTROL INTEREST IN PARTICIPATING ENTITY.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended—

(1) by striking ''or'' at the end of paragraph (1)(D);

(2) by striking '', or'' at the end of paragraph (2) and inserting a semicolon;

(3) by striking the semicolon at the end of paragraph (3) and inserting ''; or''; and

(4) by inserting after paragraph (3) the following new paragraph:

''(4) in the case of a person who is not an organization, agency, or other entity, is excluded from participating in a program under title XVIII or a State health care program in accordance with this subsection or under section 1128 and who, at the time of a violation of this subsection, retains a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer or managing employee (as defined in section 1126(b)) of, an entity that is participating in a program under title XVIII or a State health care program;''.

(c) EMPLOYER BILLING FOR SERVICES FURNISHED, DIRECTED, OR PRESCRIBED BY AN EXCLUDED EMPLOYEE.—Section 1128A(a)(1) of the Social Security Act (42 U.S.C. 1320a–7a(a)(1)) is amended—

(1) by striking ''or'' at the end of subparagraph (C);

(2) by striking ''; or'' at the end of subparagraph (D) and inserting '', or''; and

(3) by adding at the end the following new subparagraph:

''(E) is for a medical or other item or service furnished, directed, or prescribed by an individual who is an employee or agent of the person during a period in which such employee or agent was excluded from the program under which the claim was made on any of the grounds for exclusion described in subparagraph (D);''.

(d) CIVIL MONEY PENALTIES FOR ITEMS OR SERVICES FURNISHED, DIRECTED, OR PRESCRIBED BY AN EXCLUDED INDIVIDUAL.—Section 1128A(a)(1)(D) of the Social Security Act (42 U.S.C. 1320a–7a(a)(1)(D)) is amended by inserting '', directed, or prescribed'' after ''furnished''.

(e) MODIFICATIONS OF AMOUNTS OF PENALTIES AND ASSESSMENTS.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)), as amended by subsection (b), is amended in the matter following paragraph (4)—

(1) by striking ''$2,000'' and inserting ''$10,000'';

(2) by inserting ''; in cases under paragraph (4), $10,000 for each day the prohibited relationship occurs'' after ''false or misleading information was given''; and

(3) by striking ''twice the amount'' and inserting ''3 times the amount''.

(f) CLAIM FOR ITEM OR SERVICE BASED ON INCORRECT CODING OR MEDICALLY UNNECESSARY SERVICES.—Section 1128A(a)(1) of the Social Security Act (42 U.S.C. 1320a–7a(a)(1)) is amended—

(1) in subparagraph (A) by striking ''claimed,'' and inserting ''claimed, including any person who engages in a pattern or practice of presenting or causing to be presented a claim for an item or service that is based on a code that the person knows or has reason to know will result in a greater payment to the person than the code the person knows or has reason to know is applicable to the item or service actually provided,'';

(2) in subparagraph (C), by striking ''or'' at the end;

(3) in subparagraph (D), by striking ''; or'' and inserting '', or''; and

(4) by inserting after subparagraph (D) the following new subparagraph:

''(E) is for a medical or other item or service that a person knows or has reason to know is not medically necessary; or''.

(g) PERMITTING SECRETARY TO IMPOSE CIVIL MONETARY PENALTY.—Section 1128A(b) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended by adding the following new paragraph:

''(3) Any person (including any organization, agency, or other entity, but excluding a beneficiary as defined in subsection (i)(5)) who the Secretary determines has violated section 1128B(b) of this title shall be subject to a civil monetary penalty of not more than $10,000 for each such violation. In addition, such person shall be subject to an assessment of not more than twice the total amount of the remuneration offered, paid, solicited, or received in violation of section 1128B(b). The total amount of remuneration subject to an assessment shall be calculated without regard to whether some portion thereof also may have been intended to serve a purpose other than one proscribed by section 1128B(b).''.

(h) SANCTIONS AGAINST PRACTITIONERS AND PERSONS FOR FAILURE TO COMPLY WITH STATUTORY OBLIGATIONS.—Section 1156(b)(3) of the Social Security Act (42 U.S.C. 1320c–5(b)(3)) is amended by striking ''the actual or estimated cost'' and inserting ''up to $10,000 for each instance''.

(i) PROHIBITION AGAINST OFFERING INDUCEMENTS TO INDIVIDUALS ENROLLED UNDER PROGRAMS OR PLANS.—

(1) OFFER OF REMUNERATION.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended—

(A) by striking ''or'' at the end of paragraph (1)(D);

(B) by striking '', or'' at the end of paragraph (2) and inserting a semicolon;

(C) by striking the semicolon at the end of paragraph (3) and inserting ''; or''; and

(D) by inserting after paragraph (3) the following new paragraph:

''(4) offers to or transfers remuneration to any individual eligible for benefits under title XVIII of this Act, or under a State health care program (as defined in section 1128(h)) that such person knows or should know is likely to influence such individual to order or receive from a particular provider, practitioner, or supplier any item or service for which payment may be made, in whole or in part, under title XVIII, or a State health care program;''.

(2) REMUNERATION DEFINED.—Section 1128A(i) of the Social Security Act (42 U.S.C. 1320a–7a(i)) is amended by adding the following new paragraph:

''(6) The term 'remuneration' includes the waiver of coinsurance and deductible amounts (or any part thereof), and transfers of items or services for free or for other than fair market value. The term 'remuneration' does not include—

''(A) the waiver of coinsurance and deductible amounts by a person, if—

''(i) the waiver is not offered as part of any advertisement or solicitation;

''(ii) the person does not routinely waive coinsurance or deductible amounts; and

''(iii) the person—

''(I) waives the coinsurance and deductible amounts after determining in good faith that the individual is in financial need;

''(II) fails to collect coinsurance or deductible amounts after making reasonable collection efforts; or

''(III) provides for any permissible waiver as specified in section 1128B(b)(3) or in regulations issued by the Secretary;

''(B) differentials in coinsurance and deductible amounts as part of a benefit plan design as long as the differentials have been disclosed in writing to all beneficiaries, third party payors, and providers, to whom claims are presented and as long as the differentials meet the standards as defined in regulations promulgated by the Secretary not later than 180 days after the date of the enactment of the Health Care Fraud, Waste, and Abuse Reduction Act of 1996; or

''(C) incentives given to individuals to promote the delivery of preventive care as determined by the Secretary in regulations so promulgated.''.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect July 1, 1996.

CHAPTER 5—AMENDMENTS TO CRIMINAL LAW

SEC. 541. HEALTH CARE FRAUD.

(a) IN GENERAL.—

(1) FINES AND IMPRISONMENT FOR HEALTH CARE FRAUD VIOLATIONS.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1347. Health care fraud

''(a) Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice—

''(1) to defraud any health plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

''(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under he custody or control of, any health plan, or person in connection with the delivery of or payment for health care benefits, items, or services;

shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365(g)(3) of this title), such person may be imprisoned for any term of years.

''(b) For purposes of this section, the term 'health plan' has the same meaning given such term in section 516(f)(6) of the Health Care Fraud, Waste, and Abuse Reduction Act of 1996.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

''1347. Health care fraud.''.

(b) CRIMINAL FINES DEPOSITED IN FEDERAL HOSPITAL INSURANCE TRUST FUND.—The Secretary of the Treasury shall deposit into the Federal Hospital Insurance Trust Fund pursuant to section 1817(k)(2)(C) of the Social Security Act, as added by section 561(b), an amount equal to the criminal fines imposed under section 1347 of title 18, United States Code (relating to health care fraud).

SEC. 542. FORFEITURES FOR FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Section 982(a) of title 18, United States Code, is amended by adding after paragraph (5) the following new paragraph:

''(6)(A) The court, in imposing sentence on a person convicted of a Federal health care offense, shall order the person to forfeit property, real or personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offense.

''(B) For purposes of this paragraph, the term 'Federal health care offense' means a violation of, or a criminal conspiracy to violate—

''(i) section 1347 of this title;

''(ii) section 1128B of the Social Security Act; and

''(iii) sections 287, 371, 664, 666, 1001, 1027, 1341, 1343, 1920, or 1954 of this title if the violation or conspiracy relates to health care fraud.''.

(b) CONFORMING AMENDMENT.—Section 982(b)(1)(A) of title 18, United States Code, is amended by inserting ''or (a)(6)'' after ''(a)(1)''.

(c) PROPERTY FORFEITED DEPOSITED IN FEDERAL HOSPITAL INSURANCE TRUST FUND.—

(1) IN GENERAL.—After the payment of the costs of asset forfeiture has been made, and notwithstanding any other provision of law, the Secretary of the Treasury shall deposit into the Federal Hospital Insurance Trust Fund pursuant to section 1817(k)(2)(C) of the Social Security Act, as added by section 561(b), an amount equal to the net amount realized from the forfeiture of property by reason of a Federal health care offense pursuant to section 982(a)(6) of title 18, United States Code.

(2) COSTS OF ASSET FORFEITURE.—For purposes of paragraph (1), the term ''payment of the costs of asset forfeiture'' means—

(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, sell, or dispose of property under seizure, detention, or forfeited, or of any other necessary expenses incident to the seizure, detention, forfeiture, or disposal of such property, including payment for—

(i) contract services,

(ii) the employment of outside contractors to operate and manage properties or provide other specialized services necessary to dispose of such properties in an effort to maximize the return from such properties; and

(iii) reimbursement of any Federal, State, or local agency for any expenditures made to perform the functions described in this subparagraph;

(B) at the discretion of the Attorney General, the payment of awards for information or assistance leading to a civil or criminal forfeiture involving any Federal agency participating in the Health Care Fraud and Abuse Control Account;

(C) the compromise and payment of valid liens and mortgages against property that has been forfeited, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made, and the employment of attorneys and other personnel skilled in State real estate law as necessary;

(D) payment authorized in connection with remission or mitigation procedures relating to property forfeited; and

(E) the payment of State and local property taxes on forfeited real property that accrued between the date of the violation giving rise to the forfeiture and the date of the forfeiture order.

SEC. 543. INJUNCTIVE RELIEF RELATING TO FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Section 1345(a)(1) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by inserting ''or'' at the end of subparagraph (B); and

(3) by adding at the end the following new subparagraph:

''(C) committing or about to commit a Federal health care offense (as defined in section 982(a)(6)(B) of this title);''.

(b) FREEZING OF ASSETS.—Section 1345(a)(2) of title 18, United States Code, is amended by inserting ''or a Federal health care offense (as defined in section 982(a)(6)(B))'' after ''title)''.

SEC. 544. GRAND JURY DISCLOSURE.

Section 3322 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) A person who is privy to grand jury information concerning a Federal health care offense (as defined in section 982(a)(6)(B))—

''(1) received in the course of duty as an attorney for the Government; or

''(2) disclosed under rule 6(e)(3)(A)(ii) of the Federal Rules of Criminal Procedure;

may disclose that information to an attorney for the Government to use in any investigation or civil proceeding relating to health care fraud.''.

SEC. 545. FALSE STATEMENTS.

(a) IN GENERAL.—Chapter 47, of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1035. False statements relating to health care matters

''(a) Whoever, in any matter involving a health plan, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) For purposes of this section, the term 'health plan' has the same meaning given such term in section 516(f)(6) of the Health Care Fraud, Waste, and Abuse Reduction Act of 1996.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, in amended by adding at the end the following:

''1035. False statements relating to health care matters.''.

SEC. 546. OBSTRUCTION OF CRIMINAL INVESTIGATIONS, AUDITS, OR INSPECTIONS OF FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1518. Obstruction of criminal investigations, audits, or inspections of Federal health care offenses

''(a) IN GENERAL.—Whoever willfully prevents, obstructs, misleads, delays or attempts to prevent, obstruct, mislead, or delay the communication of information or records relating to a Federal health care offense to a Federal agent or employee involved in an investigation, audit, inspection, or other activity related to such an offense, shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) FEDERAL HEALTH CARE OFFENSE.—As used in this section the term 'Federal health care offense' has the same meaning given such term in section 982(a)(6)(B) of this title.

''(c) CRIMINAL INVESTIGATOR.—As used in this section the term 'criminal investigator' means any individual duly authorized by a department, agency, or armed force of the United States to conduct or engage in investigations for prosecutions for violations of health care offenses.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''1518. Obstruction of criminal investigations, audits, or inspections of Federal health care offenses.''.

SEC. 547. THEFT OR EMBEZZLEMENT.

(a) IN GENERAL.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 669. Theft or embezzlement in connection with health care

''(a) IN GENERAL.—Whoever willfully embezzles, steals, or otherwise without authority willfully and unlawfully converts to the use of any person other than the rightful owner, or intentionally misapplies any of the moneys, funds, securities, premiums, credits, property, or other assets of a health plan, shall be fined under this title or imprisoned not more than 10 years, or both.

''(b) HEALTH PLAN.—As used in this section the term 'health plan' has the same meaning given such term in section 516(f)(6) of the Health Care Fraud, Waste, and Abuse Reduction Act of 1996.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by adding at the end the following:

''669. Theft or embezzlement in connection with health care.''.

SEC. 548. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

''(F) Any act or activity constituting an offense involving a Federal health care offense as that term is defined in section 982(a)(6)(B) of this title.''.

SEC. 549. AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.

(a) IN GENERAL.—Chapter 233 of title 18, United States Code, is amended by adding after section 3485 the following new section:

''§ 3486. Authorized investigative demand procedures

''(a) AUTHORIZATION.—

''(1) In any investigation relating to functions set forth in paragraph (2), the Attorney General or designee may issue in writing and cause to be served a subpoena compelling production of any records (including any books, papers, documents, electronic media, or other objects or tangible things), which may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care, custody, or control. A custodian of records may be required to give testimony concerning the production and authentication of such records. The production of records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place; except that such production shall not be required more than 500 miles distant from the place where the subpoena is served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid

witnesses in the courts of the United States. A subpoena requiring the production of records shall describe the objects required to be produced and prescribe a return date within a reasonable period of time within which the objects can be assembled and made available.

''(2) Investigative demands utilizing an administrative subpoena are authorized for any investigation with respect to any act or activity constituting or involving health care fraud, including a scheme or artifice—

''(A) to defraud any health plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

''(B) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control or, any health plan, or person in connection with the delivery of or payment for health care benefits, items, or services.

''(b) SERVICE.—A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to such person. Service may be made upon a domestic or foreign association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

''(c) ENFORCEMENT.—In the case of contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which such person carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records, if go ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

''(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any Federal, State, or local law, any person, including officers, agents, and employees, receiving a subpoena under this section, who complies in good faith with the subpoena and thus produces the materials sought, shall not be liable in any court of any State or the United States to any customer or other person for such production or for nondisclosure of that production to the customer.

''(e) USE IN ACTION AGAINST INDIVIDUALS.—

''(1) Health information about an individual that is disclosed under this section may not be used in, or disclosed to any person for use in, any administrative, civil, or criminal action or investigation directed against the individual who is the subject of the information unless the action or investigation arises out of and is directly related to receipt of health care or payment for health care or action involving a fraudulent claim related to health; or if authorized by an appropriate order of a court of competent jurisdiction, granted after application showing good cause therefore.

''(2) In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services.

''(3) Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

''(f) HEALTH PLAN.—As used in this section the term 'health plan' has the same meaning given such term in section 516(f)(6) of the Health Care Fraud, Waste, and Abuse Reduction Act of 1996.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 223 of title 18, United States Code, is amended by inserting after the item relating to section 3485 the following new item:

''3486. Authorized investigative demand procedures.''.

(c) CONFORMING AMENDMENT.—Section 1510(b)(3)(B) of title 18, United States Code, is amended by inserting ''or a Department of Justice subpoena (issued under section 3486),'' after ''subpoena''.

CHAPTER 6—STATE HEALTH CARE FRAUD CONTROL UNITS

SEC. 551. STATE HEALTH CARE FRAUD CONTROL UNITS.

(a) EXTENSION OF CONCURRENT AUTHORITY TO INVESTIGATE AND PROSECUTE FRAUD IN OTHER FEDERAL PROGRAMS.—Section 1903(q)(3) of the Social Security Act (42 U.S.C. 1396b(q)(3)) is amended—

(1) by inserting ''(A)'' after ''in connection with''; and

(2) by striking ''title.'' and inserting ''title; and (B) in cases where the entity's function is also described by subparagraph (A), and upon the approval of the relevant Federal agency, any aspect of the provision of health care services and activities of providers of such services under any Federal health care program (as defined in section 1128B(b)(1)).''.

(b) EXTENSION OF AUTHORITY TO INVESTIGATE AND PROSECUTE PATIENT ABUSE IN NON-MEDICAID BOARD AND CARE FACILITIES.—Section 1903(q)(4) of the Social Security Act (42 U.S.C. 1396b(q)(4)) is amended to read as follows:

''(4)(A) The entity has—

''(i) procedures for reviewing complaints of abuse or neglect of patients in health care facilities which receive payments under the State plan under this title;

''(ii) at the option of the entity, procedures for reviewing complaints of abuse or neglect of patients residing in board and care facilities; and

''(iii) procedures for acting upon such complaints under the criminal laws of the State or for referring such complaints to other State agencies for action.

''(B) For purposes of this paragraph, the term 'board and care facility' means a residential setting which receives payment from or on behalf of two or more unrelated adults who reside in such facility, and for whom one or both of the following is provided:

''(i) Nursing care services provided by, or under the supervision of, a registered nurse, licensed practical nurse, or licensed nursing assistant.

''(ii) Personal care services that assist residents with the activities of daily living, including personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, self-medication, body care, travel to medical services, essential shopping, meal preparation, laundry, and housework.''.

CHAPTER 7—MEDICARE/MEDICAID BILLING ABUSE PREVENTION

SEC. 561. UNIFORM MEDICARE/MEDICAID APPLICATION PROCESS.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish procedures and a uniform application form for use by any individual or entity that seeks to participate in the programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 42 U.S.C. 1396 et seq.). The procedures established shall include the following:

(1) Execution of a standard authorization form by all individuals and entities prior to submission of claims for payment which shall include the social security number of the beneficiary and the TIN (as defined in section 7701(a)(41) of the Internal Revenue Code of 1986) of any health care provider, supplier, or practitioner providing items or services under the claim.

(2) Assumption of responsibility and liability for all claims submitted.

(3) A right of access by the Secretary to provider records relating to items and services rendered to beneficiaries of such programs.

(4) Retention of source documentation.

(5) Provision of complete and accurate documentation to support all claims for payment.

(6) A statement of the legal consequences for the submission of false or fraudulent claims for payment.

SEC. 562. STANDARDS FOR UNIFORM CLAIMS.

(a) ESTABLISHMENT OF STANDARDS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish standards for the form and submission of claims for payment under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.).

(b) ENSURING PROVIDER RESPONSIBILITY.—In establishing standards under subsection (a), the Secretary, in consultation with appropriate agencies including the Department of Justice, shall include such methods of ensuring provider responsibility and accountability for claims submitted as necessary to control fraud and abuse.

(c) USE OF ELECTRONIC MEDIA.—The Secretary shall develop specific standards which govern the submission of claims through electronic media in order to control fraud and abuse in the submission of such claims.

SEC. 563. UNIQUE PROVIDER IDENTIFICATION CODE.

(a) ESTABLISHMENT OF SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a system which provides for the issuance of a unique identifier code for each individual or entity furnishing items or services for which payment may be made under title XVIII or XIX of the Social Security (42 U.S.C. 1395 et seq.; 1396 et seq.), and the notation of such unique identifier codes on all claims for payment.

(b) APPLICATION FEE.—The Secretary shall require an individual applying for a unique identifier code under subsection (a) to submit a fee in an amount determined by the Secretary to be sufficient to cover the cost of investigating the information on the application and the individual's suitability for receiving such a code.

SEC. 564. USE OF NEW PROCEDURES.

No payment may be made under either title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 42 U.S.C. 1396 et seq.) for any item or service furnished by an individual or entity unless the requirements of sections 562 and 563 are satisfied.

SEC. 565. REQUIRED BILLING, PAYMENT, AND COST LIMIT CALCULATION TO BE BASED ON SITE WHERE SERVICE IS FURNISHED.

(a) CONDITIONS OF PARTICIPATION.—Section 1891 of the Social Security Act (42 U.S.C. 1395bbb) is amended by adding at the end the following new subsection:

''(g) A home health agency shall submit claims for payment of home health services

under this title only on the basis of the geographic location at which the service is furnished, as determined by the secretary.''.

(b) WAGE ADJUSTMENT.—Section 1861(v)(1)(L)(iii) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(iii)) is amended by striking ''agency is located'' and inserting ''service is furnished''.

SEC. 566. STANDARDS FOR PHYSICAL THERAPY SERVICES FURNISHED BY PHYSICIANS.

(a) APPLICATION OF STANDARDS FOR OTHER PROVIDERS OF PHYSICAL THERAPY SERVICES TO SERVICES FURNISHED BY PHYSICIANS.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) by striking ''or'' at the end of paragraph 14;

(2) by striking the period at the end of paragraph (15) and inserting ''; or''; and

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

''(16) in the case of physicians' services under 1848(j)(3) consisting of outpatient physical therapy services or outpatient occupational therapy services, which are furnished by a physician who does not meet the requirements applicable under section 1861(p) to a clinic or rehabilitation agency furnishing such services.''.

(b) CONFORMING AMENDMENT.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w-4(j)(3)) is amended by inserting ''(subject to section 1862(a)(16))'' after ''(2)(D)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after July 1, 1996.

SEC. 567. PENALTY FOR FALSE CERTIFICATION FOR HOME HEALTH SERVICES.

(a) IN GENERAL.—Section 1128A(b) of the Social Security Act (42 U.S.C. 1320a–7a(b)), as amended by section 531(g), is amended by adding at the end the following new paragraph:

''(4)(A) Any physician who executes a document described in subparagraph (B) with respect to an individual knowing that all of the requirements referred to in such subparagraph are not met with respect to the individual shall be subject to a civil monetary penalty of not more than the greater of—

''(i) $5,000, or

''(ii) three times the amount of the payments under title XVIII for home health services which are made pursuant to such certification.

''(B) A document described in this subparagraph is any document that certifies, for purposes of title XVIII, that an individual meets the requirements of section 1814(a)(2)(C) or 1835(a)(2)(A) in the case of home health services furnished to the individual.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to certifications made on or after the date of the enactment of this Act.

SEC. 568. ITEMIZATION OF SURGICAL DRESSING BILLS SUBMITTED BY HOME HEALTH AGENCIES.

Section 1834(i)(2) (42 U.S.C. 1395m(i)(2) is amended to read as follows:

''(2) EXCEPTION.—Paragraph (1) shall not apply to surgical dressings that are furnished as an incident to a physician's professional service.''.

Subtitle B—Additional Provisions to Combat Waste, Fraud, and Abuse

CHAPTER 1—WASTE AND ABUSE REDUCTION

SEC. 571. PROHIBITING UNNECESSARY AND WASTEFUL MEDICARE PAYMENTS FOR CERTAIN ITEMS.

Notwithstanding any other provision of law, including any regulation or payment policy, the following categories of charges shall not be reimbursable under title XVIII of the Social Security Act:

(1) Tickets to sporting or other entertainment events.

(2) Gifts or donations.

(3) Costs related to team sports.

(4) Personal use of motor vehicles.

(5) Costs for fines and penalties resulting from violations of Federal, State, or local laws.

(6) Tuition or other education fees for spouses or dependents of providers of services, their employees, or contractors.

SEC. 572. APPLICATION OF COMPETITIVE ACQUISITION PROCESS FOR PART B ITEMS AND SERVICES.

(a) GENERAL RULE.—Part B of title XVIII of the Social Security Act is amended by inserting after section 1846 of such Act the following new section:

''COMPETITION ACQUISITION FOR ITEMS AND SERVICES

''SEC. 1847. (a) ESTABLISHMENT OF BIDDING AREAS.—

''(1) IN GENERAL.—The Secretary shall establish competitive acquisition areas for the purpose of awarding a contract or contracts for the furnishing under this part of the items and services described in subsection (c) on or after January 1, 1997. The Secretary may establish different competitive acquisition areas under this subsection for different classes of items and services under this part.

''(2) CRITERIA FOR ESTABLISHMENT.—The competitive acquisition areas established under paragraph (1) shall—

''(A) initially be within, or be centered around metropolitan statistical areas;

''(B) be chosen based on the availability and accessibility of suppliers and the probable savings to be realized by the use of competitive bidding in the furnishing of items and services in the area; and

''(C) be chosen so as to not reduce access to such items and services to individuals, including those residing in rural and other underserved areas.

''(b) AWARDING OF CONTRACTS IN AREAS.—

''(1) IN GENERAL.—The Secretary shall conduct a competition among individuals and entities supplying items and services under this part for each competitive acquisition area established under subsection (a) for each class of items and services.

''(2) CONDITIONS FOR AWARDING CONTRACT.—The Secretary may not award a contract to any individual or entity under the competition conducted pursuant to paragraph (1) to furnish an item or service under this part unless the Secretary finds that the individual or entity—

''(A) meets quality standards specified by the Secretary for the furnishing of such item or service; and

''(B) offers to furnish a total quantity of such item or service that is sufficient to meet the expected need within the competitive acquisition area and to assure that access to such items (including appropriate customized items) and services to individuals, including those residing in rural and other underserved areas, is not reduced.

''(3) CONTENTS OF CONTRACT.—A contract entered into with an individual or entity under the competition conducted pursuant to paragraph (1) shall specify (for all of the items and services within a class)—

''(A) the quantity of items and services the entity shall provide; and

''(B) such other terms and conditions as the Secretary may require.

''(c) SERVICES DESCRIBED.—The items and services to which the provisions of this section shall apply are as follows:

''(1) Durable medical equipment and medical supplies.

''(2) Oxygen and oxygen equipment.

''(3) Such other items and services with respect to which the Secretary determines the use of competitive acquisition under this section to be appropriate and cost-effective.''.

(b) ITEMS AND SERVICES TO BE FURNISHED ONLY THROUGH COMPETITIVE ACQUISITION.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)), as amended by section 566, is amended—

(1) by striking ''or'' at the end of paragraph (15);

(2) by striking the period at the end of paragraph (16) and inserting ''; or''; and

(3) by inserting at the end the following new paragraph:

''(17) where such expenses are for an item or service furnished in a competitive acquisition area (as established by the Secretary under section 1847(a)) by an individual or entity other than the supplier with whom the Secretary has entered into a contract under section 1847(b) for the furnishing of such item or service in that area, unless the Secretary finds that such expenses were incurred in a case of urgent need.''.

(c) REDUCTION IN PAYMENT AMOUNTS IF COMPETITIVE ACQUISITION FAILS TO ACHIEVE MINIMUM REDUCTION IN PAYMENTS.—Notwithstanding any other provision of title XVIII of the Social Security Act, if the establishment of competitive acquisition areas under section 1847 of such Act (as added by subsection (a)) and the limitation of coverage for items and services under part B of such title to items and services furnished by providers with competitive acquisition contracts under such section does not result in a reduction, beginning on January 1, 1997, of at least 20 percent (40 percent in the case of oxygen and oxygen equipment) in the projected payment amount that would have applied to an item or service under part B if the item or service had not been furnished through competitive acquisition under such section, the Secretary shall reduce such payment amount by such percentage as the Secretary determines necessary to result in such a reduction.

SEC. 573. REDUCING EXCESSIVE BILLINGS AND UTILIZATION FOR CERTAIN ITEMS.

Section 1834(a)(15) of the Social Security Act (42 U.S.C. 1395m(a)(15)) is amended by striking ''Secretary may'' both places it appears and inserting ''Secretary shall''.

SEC. 574. IMPROVED CARRIER AUTHORITY TO REDUCE EXCESSIVE MEDICARE PAYMENTS.

(a) GENERAL RULE.—Section 1834(a)(10)(B) of the Social Security Act (42 U.S.C. 1395m(a)(10)(B)) is amended by striking ''paragraphs (8) and (9)'' and all that follows through the end of the sentence and inserting ''section 1842(b)(8) to covered items and suppliers of such items and payments under this subsection as such provisions (relating to determinations of grossly excessive payment amounts) apply to items and services and entities and a reasonable charge under section 1842(b)''.

(b) REPEAL OF OBSOLETE PROVISIONS.—

(1) Section 1842(b)(8) of the Social Security Act (42 U.S.C. 1395u(b)(8)) is amended—

(A) by striking subparagraphs (B) and (C),

(B) by striking ''(8)(A)'' and inserting ''(8)'', and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

(2) Section 1842(b)(9) of such Act (42 U.S.C. 1395u(b)(9)) is repealed.

(c) PAYMENT FOR SURGICAL DRESSINGS.—Section 1834(i) of the Social Security Act (42 U.S.C. 1395m(i)) is amended by adding at the end the following new paragraph:

''(3) GROSSLY EXCESSIVE PAYMENT AMOUNTS.—Notwithstanding paragraph (1), the Secretary may apply the provisions of section 1842(b)(8) to payments under this subsection.''.

SEC. 575. EFFECTIVE DATE.

The amendments made by this chapter shall apply to items and services furnished under title XVIII of the Social Security Act on or after July 6, 1996.

CHAPTER 2—MEDICARE BILLING ABUSE PREVENTION

SEC. 581. IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS REGARDING MEDICARE CLAIMS PROCESSING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall, by regulation, contract, change order, or otherwise, require medicare carriers to acquire commercial automatic data processing equipment (in this subtitle referred to as ''ADPE'') meeting the requirements of section 582 to process medicare part B claims for the purpose of identifying billing code abuse.

(b) SUPPLEMENTATION.—Any ADPE acquired in accordance with subsection (a) shall be used as a supplement to any other ADPE used in claims processing by medicare carriers.

(c) STANDARDIZATION.—In order to ensure uniformity, the Secretary may require that medicare carriers that use a common claims processing system acquire common ADPE in implementing subsection (a).

(d) IMPLEMENTATION DATE.—Any ADPE acquired in accordance with subsection (a) shall be in use by medicare carriers not later than 180 days after the date of the enactment of this Act.

SEC. 582. MINIMUM SOFTWARE REQUIREMENTS.

(a) IN GENERAL.—The requirements described in this section are as follows:

(1) The ADPE shall be a commercial item.

(2) The ADPE shall surpass the capability of ADPE used in the processing of medicare part B claims for identification of code manipulation on the day before the date of the enactment of this Act.

(3) The ADPE shall be capable of being modified to—

(A) satisfy pertinent statutory requirements of the medicare program; and

(B) conform to general policies of the Health Care Financing Administration regarding claims processing.

(b) MINIMUM STANDARDS.—Nothing in this subtitle shall be construed as preventing the use of ADPE which exceeds the minimum requirements described in subsection (a).

SEC. 583. DISCLOSURE.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in subsection (b), any ADPE or data related thereto acquired by medicare carriers in accordance with section 581(a) shall not be subject to public disclosure.

(b) EXCEPTION.—The Secretary may authorize the public disclosure of any ADPE or data related thereto acquired by medicare carriers in accordance with section 581(a) if the Secretary determines that—

(1) release of such information is in the public interest; and

(2) the information to be released is not protected from disclosure under section 552(b) of title 5, United States Code.

SEC. 584. REVIEW AND MODIFICATION OF REGULATIONS.

Not later than 30 days after the date of the enactment of this Act, the Secretary shall order a review of existing regulations, guidelines, and other guidance governing medicare payment policies and billing code abuse to determine if revision of or addition to those regulations, guidelines, or guidance is necessary to maximize the benefits to the Federal Government of the use of ADPE acquired pursuant to section 581.

SEC. 585. DEFINITIONS.

For purposes of this chapter—

(1) The term ''automatic data processing equipment'' (ADPE) has the same meaning as in section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2)).

(2) The term ''billing code abuse'' means the submission to medicare carriers of claims for services that include procedure codes that do not appropriately describe the total services provided or otherwise violate medicare payment policies.

(3) The term ''commercial item'' has the same meaning as in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(4) The term ''medicare part B'' means the supplementary medical insurance program authorized under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j–1395w–4).

(5) The term ''medicare carrier'' means an entity that has a contract with the Health Care Financing Administration to determine and make medicare payments for medicare part B benefits payable on a charge basis and to perform other related functions.

(6) The term ''payment policies'' means regulations and other rules that govern billing code abuses such as unbundling, global service violations, double billing, and unnecessary use of assistants at surgery.

(7) The term ''Secretary'' means the Secretary of Health and Human Services.

HATCH AMENDMENT NO. 3499

Mr. HATCH proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

Page 29, line 18, insert the following:

''*Provided further,* That no less than $20,000,000 shall be for the District of Columbia Metropolitan Police Department to be used at the discretion of the police chief for law enforcement purposes, conditioned upon prior written consultation and notification being given to the chairman and ranking members of the House and Senate Committees on the Judiciary and Appropriations.''

MCCONNELL (AND DOLE) AMENDMENT NO. 3500

Mr. MCCONNELL (for himself and Mr. DOLE) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 756, title III—Miscellaneous Provisions, strike Sec. 3001, beginning on line 14 ''The President,'' through line 25, ending ''such restrictions.''

COHEN (AND BUMPERS) AMENDMENT NO. 3501

Mr. COHEN (for himself and Mr. BUMPERS) proposed an amendment to amendment No. 3466 to the bill H.R. 3019, supra; as follows:

In section 504 under the heading ''Administrative Provisions-Legal Services Corporation—

(1) redesignate subsection (e) as subsection (f); and

(2) insert after subsection (d), the following new subsection:

''(e) Nothing in this section shall be construed to prohibit a recipient from using funds derived from a source other than the Legal Services Corporation to comment on public rulemaking or to respond to a written request for information or testimony from a Federal, State or local agency, legislative body or committee, or a member of such an agency, body, or committee, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made.''

FAIRCLOTH AMENDMENT NO. 3502

Mr. FAIRCLOTH proposed an amendment to amendment No. 3466 to the bill H.R. 3019, supra; as follows:

On page 751, line 7, insert after ''1974:'' the following: ''*Provided further,* That contracts to carry out programs using such funds shall, to the maximum extent practicable, be entered into with companies organized under the laws of a State of the United States and organizations (including community chests, funds, foundations, non-incorporated businesses, and other institutions) organized in the United States.''.

GORTON AMENDMENT NO. 3503

Mr. GORTON proposed an amendment to amendment No. 3466 to the bill H.R. 3019, supra; as follows:

On page 405, line 17, strike ''$567,152,000'' and insert in lieu thereof ''$567,753,000''.

On page 412, line 23, strike ''$497,670,000'' and insert in lieu thereof ''$497,850,000''.

On page 419, line 22, strike ''$1,086,014,000'' and insert in lieu thereof ''$1,084,755,000''.

On page 424, line 21, strike ''$729,995,000'' and insert in lieu thereof ''$730,330,000''.

On page 428, line 6, strike ''$182,339,000'' and insert in lieu thereof ''$182,771,000''.

On page 447, line 7, strike ''$56,456,000'' and insert in lieu thereof ''$57,340,000''.

On page 447, line 13, strike ''$34,337,000'' and insert in lieu thereof ''$34,516,000''.

On page 474, line 21, strike ''$416,943,000'' and insert in lieu thereof ''$417,092,000''.

On page 475, line 21, strike ''$553,137,000'' and insert in lieu thereof ''$553,240,000''.

On page 440, line 19, strike ''March 31, 1996'' and insert in lieu thereof ''September 30, 1996''.

STEVENS AMENDMENT NO. 3504

Mr. GORTON (for Mr. STEVENS) proposed an amendment to amendment No. 3466 to the bill H.R. 3019, supra; as follows:

To the amendment numbered 3466: On page 740, line 6 of the bill, strike ''$34,800,000'' and insert ''37,300,000'' in lieu thereof.

KEMPTHORNE AMENDMENT NO. 3505

Mr. GORTON (for Mr. KEMPTHORNE) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

To the amendment numbered 3466:

On page 740 of the bill, insert the following after line 3:

''RESOURCE MANAGEMENT

''For an additional amount for Resource Management, $1,600,000, to remain available until expended, to provide technical assistance to the Natural Resource Conservation Service, the Federal Emergency Management Agency, the U.S. Army Corps of Engineers and other agencies on fish and wildlife habitat issues relating to damage caused by floods, storms and other acts of nature: *Provided,* That the entire amount shall be available only to the extent that 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, as amended, is transmitted by the President to Congress: *Provided further,* That the entire

amount is designated by Congress as an emergency requirement pursuant to section 251(b)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.''.

DASCHLE AMENDMENT NO. 3506

Mr. GORTON (for Mr. DASCHLE) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 480, line 14 after ''*Provided*,'' insert ''That of the funds provided, $800,000 shall be used for inhalant abuse treatment programs to treat inhalant abuse and to provide for referrals to specialized treatment facilities in the United States: *Provided further*,''.

GORTON AMENDMENT NO. 3507

Mr. GORTON (for Mr. HATFIELD) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 744, beginning on line 1, strike ''emergency'' through ''Mine'' on line 2, and insert in lieu thereof the following: ''response and rehabilitation, including access repairs, at the Amalgamated Mill''.

BOXER (AND MURRAY) AMENDMENT NO. 3508

Mrs. BOXER (for herself and Mrs. MURRAY) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 222, line 4, insert ''Federal'' before ''funds''.

MIKULSKI AMENDMENT NO. 3509

Ms. MIKULSKI proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

Strike p. 692, line 21 through p. 696, line 2 and insert:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the ''Act'') (42 U.S.C. 12501 et seq.), $400,500,000, of which $265,000,000 shall be available for obligation from September 1, 1996, through September 30, 1997: *Provided*, That not more than $25,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)): *Provided further*, That not more than $2,500 shall be for official reception and representation expenses: *Provided further*, That not more than $59,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.): *Provided further*, That not more than $215,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the Americorps program), of which not more than $40,000,000 may be used to administer, reimburse or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2): *Provided further*, That not more than $5,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12581(b)): *Provided further*, That, to the maximum extent feasible, funds appropriated in the preceding proviso shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That not more than $18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (41 U.S.C. 12521 et seq.): *Provided further*, that not more than $30,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): *Provided further*, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639), of which up to $500,000 shall be available for a study by the National Academy of Public Administration on the structure, organization, and management of the Corporation and activities supported by the Corporation, including an assessment of the quality, innovation, replicability, and sustainability without Federal funds of such activities, and the Federal and non-federal cost of supporting participants in community service activities: *Provided further*, That no funds from any other appropriation, or from funds otherwise made available to the Corporation, shall be used to pay for personnel compensation and benefits, travel, or any other administrative expense for the Board of Directors, the Office of the Chief Executive Officer, the Office of the Managing Director, the Office of the Chief Financial Officer, the Office of National and Community Service Programs, the Civilian Community Corps, or any field office or staff of the Corporation working on the National and Community Service or Civilian Community Corps programs: *Provided further*, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal cost per participant in all programs.

SENSE OF SENATE

It is the Sense of the Congress that accounting for taxpayers' funds must be a top priority for all federal agencies and government corporations. The Congress is deeply concerned about the findings of the recent audit of the Corporation for National and Community Service required under the Government Corporation Control Act of 1945. The Congress urges the President to expeditiously nominate a qualified Chief Financial Officer for the Corporation. Further, to the maximum extent practicable and as quickly as possible, the Corporation should implement the recommendations of the independent auditors contracted for by the Corporation's Inspector General, as well as the Chief Financial Officer, to improve the financial management of taxpayers' funds. Should the Chief Financial Officer determine that additional resources are needed to implement these recommendations, the Corporation should submit a reprogramming proposal for up to $3,000,000 to carry out reforms of the financial management system.

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

On page 624 of the bill, line 10, strike ''$10,103,795,000'' and insert ''$10,086,795,000'', and on page 626, line 23, strike ''$209,000,000'' and insert ''$192,000,000''.

SIMON AMENDMENT NOS. 3510–3511

Mr. SIMON proposed two amendments to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

AMENDMENT NO. 3510

On page 771, below line 17, add the following:

SEC. 3006. (a) Subsection (b) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by adding after paragraph (3), flush to the subsection margin, the following: ''Notwithstanding any other provision of law, including the matter under the heading 'NATIONAL SECURITY EDUCATION TRUST FUND' in title VII of Public Law 104–61, the work of an individual accepting a scholarship or fellowship under the program shall be the work specified in paragraph (2), or such other work as the individual and the Secretary agree upon under an agreement having modified service requirements pursuant to subsection (f).''.

(b) Such section is further amended by adding at the end the following:

''(f) AUTHORITY TO MODIFY SERVICE AGREEMENT REQUIREMENTS.—The Secretary shall have sole authority to modify, amend, or revise the requirements under subsection (b) that apply to service agreements.''.

(c) Subsection (a) of such section is amended by adding at the end the following:

''(5) EMPLOYMENT OPPORTUNITY OUTREACH.—The Secretary shall take appropriate actions to make available to recipients of scholarships or fellowships under the program information on employment opportunities in the departments and agencies of the Federal Government having responsibility for national security matters.''.

AMENDMENT NO. 3511

On page 582, line 14, strike ''$1,257,134,000'' and insert ''$1,257,888,000''.

On page 582, line 16, before the semicolon insert the following: '', and of which $5,100,000 shall be available to carry out title VI of the National Literacy Act of 1991''.

On page 582, line 16, strike ''$1,254,215,000'' and insert ''$1,254,969,000''.

On page 587, line 15, strike ''and III'' and insert ''III, and VI''.

On page 587, line 17, strike ''$131,505,000'' and insert $139,531,000''.

On page 587, line 20, before the semicolon insert the following: '', and of which $8,026,000 shall be available to carry out title VI of the Library Services and Construction Act and shall remain available until expended''.

On page 591, between lines 3 and 4, insert the following:

SEC. 305. (a) Section 428(n) of the Higher Education Act of 1965 (20 U.S.C. 1078(n)) is amended by adding at the end the following new paragraph:

''(5) APPLICABILITY TO PART D LOANS.—The provisions of this subsection shall apply to institutions of higher education participating in direct lending under part D with respect to loans made under such part, and for the purposes of this paragraph, paragraph (4) shall be applied by inserting 'or part D' after 'this part'.''.

(b) The amendment made by subsection (a) shall take effect on July 1, 1996.

On page 592, line 7, strike ''$196,270,000'' and insert ''$201,294,000''.

On page 592, line 7, before the period insert the following: '', of which $5,024,000 shall be available to carry out section 109 of the Domestic Volunteer Service Act of 1973''.

THOMAS (AND OTHERS) AMENDMENT NO. 3512

Mr. THOMAS (for himself, Mr. HELMS, Mr. DOLE, Mr. MURKOWSKI, Mr. PELL, Mr. SIMON, Mr. MACK, Mr. GRAMS, Mr. PRESSLER, Mr. BROWN, Mr. LUGAR, Mr. D'AMATO, Mr. WARNER, Mr. FORD, and Mr. ROTH) submitted an amendment intended to be proposed by them to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019 supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS REGARDING MISSILE TESTS BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) The People's Republic of China, in a clear attempt to intimidate the people and Government of Taiwan, has over the past 8 months conducted a series of military exercises, including missile tests, within alarmingly close proximity to Taiwan.

(2) On March 5, 1996, the Xinhua News Agency announced that the People's Republic of China would conduct missile tests from March 8 through March 15, 1996, within 25 to 35 miles of the 2 principal northern and southern ports of Taiwan, Kaohsiung and Keelung.

(3) The proximity of these tests to the ports and the accompanying warnings for ships and aircraft to avoid the test areas is resulting in the effective disruption of the ports, and of international shipping and air traffic, for the duration of the tests.

(4) These tests are a clear escalation of the attempts by the People's Republic of China to intimidate Taiwan and influence the outcome of the upcoming democratic presidential election in Taiwan.

(5) Relations between the United States and the Peoples' Republic of China rest upon the expectation that the future of Taiwan will be settled solely by peaceful means.

(6) The strong interest of the United States in the peaceful settlement of the Taiwan question is one of the central premises of the three United States-China Joint Communiqués and was codified in the Taiwan Relations Act.

(7) The Taiwan Act states that peace and stability in the western Pacific ''are in the political, security, and economic interests of the United States, and are matters of international concern''.

(8) The Taiwan Relations Act states that the United States considers ''any effort to determine the future of Taiwan by other than peaceful means, including by boycotts, or embargoes, a threat to the peace and security of the western Pacific area and of grave concern to the United States''.

(9) The Taiwan Relations Act directs the President to ''inform Congress promptly of any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom''.

(10) The Taiwan Relations Act further directs that ''the President and the Congress shall determine, in accordance with constitutional process, appropriate action by the United States in response to any such danger''.

(11) The United States, the People's Republic of China, and the Government of Taiwan have each previously expressed their commitment to the resolution of the Taiwan question through peaceful means.

(12) These missile tests and accompanying statements made by the Government of the People's Republic of China call into serious question the commitment of China to the peaceful resolution of the Taiwan question.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States deplores the missile tests that the People's Republic of China is conducting from March 8 through March 15, 1996, and views them as a potentially serious threat to the peace, security, and stability of Taiwan and not in the spirit of the three United States-China Joint Communiqués;

(2) the Government of the People's Republic of China should cease its bellicose actions directed at Taiwan and instead enter into meaningful dialogue with the Government of Taiwan at the highest levels, such as through the Straits Exchange Foundation in Taiwan and the Association for Relations Across the Taiwan Straits in Beijing, with an eye towards decreasing tensions and resolving the issue of the future of Taiwan;

(3) the President, consistent with section 3(c) of the Taiwan Relations Act (22 U.S.C. 3302(c)), should immediately consult with Congress on an appropriate United States response to the tests should the tests pose an actual threat to the peace, security, and stability of Taiwan; and

(4) the President should, consistent with the Taiwan Relations Act (22 U.S.C. 3301 et seq.), reexamine the nature and quantity of defense articles and services that may be necessary to enable Taiwan to maintain a sufficient self-defense capability in light of the heightened threat.

COATS (AND GRAMS) AMENDMENT NO. 3513

Mr. COATS (for himself and Mr. GRAMS) proposed an amendment to amendment No. 3466 proposed by Mr. HATIFIELD to the bill H.R. 3019, supra; as follows:

At the appropriate place insert the following:

SEC. . ESTABLISHMENT OF PROHIBITION AGAINST ABORTION-RELATED DISCRIMINATION IN TRAINING AND LICENSING OF PHYSICIANS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

''ABORTION-RELATED DISCRIMINATION IN GOVERNMENTAL ACTIVITIES REGARDING TRAINING AND LICENSING OF PHYSICIANS

''SEC. 245. (a) IN GENERAL.—The Federal Government, and any State that receives Federal financial assistance, may not subject any health care entity to discrimination on the basis that—

''(1) the entity refuses to undergo training in the performance of induced abortions, to provide such training, to preform such abortions, or to provide referrals for such training or such abortions;

''(2) the entity refuses to make arrangements for any of the activities specified in paragraph (1); or

''(3) the entity attends (or attended) a postgraduate physician training program, or any other program of training in the health professions, that does not (or did not) require, provide or arrange for training in the performance of induced abortions, or make arrangements for the provision of such training.

''(b) ACCREDITATION OF POSTGRADUATE PHYSICIAN TRAINING PROGRAMS.—

''(1) IN GENERAL.—With respect to the State government involved, or the Federal Government, restrictions under subsection (a) include the restriction that, in granting a legal status to a health care entity (including a license or certificate) or in providing to the entity financial assistance, a service, or another benefit, the government may not require that the entity fulfill accreditation standards for a postgraduate physician training program, or that the entity have completed or be attending a program that fulfills such standards, if the applicable standards for accreditation of the program include the standard that the program must require, provide or arrange for training in the performance of induced abortions, or make arrangements for the provision of such training.

''(2) RULES OF CONSTRUCTION.—

''(A) IN GENERAL.—With respect to subclauses (I) and (II) of section 705(a)(2)(B)(i) (relating to a program of insured loans for training in the health professions), the requirements in such subclauses regarding accredited internship or residency programs are subject to paragraph (1) of this subsection.

''(B) VOLUNTARY ACTIVITIES.—Nothing in this section shall be construed to—

''(i) prevent any health care entity from voluntarily electing to be trained, to train, or to arrange for training in the performance of, to perform, or to make referrals for induced abortions;

''(ii) prevent an accrediting agency or a Federal, State or local government from establishing standards of medical competency applicable only to those individuals or entities who have voluntarily elected to perform abortions; and

''(iii) affect Federal, State or local governmental reliance on standards for accreditation other than those related to the performance of induced abortions.

''(c) DEFINITIONS.—For purposes of this section:

''(1) The term 'financial assistance', with respect to a government program, includes governmental payments provided as reimbursement for carrying out health-related activities.

''(2) The term 'health care entity' includes an individual physician, a postgraduate physician training program, and a participant in a program of training in the health professions.

''(3) The term 'postgraduate physician training program' includes a residency training program.''.

PRESSLER AMENDMENT NO. 3514

Mr. BOND (for Mr. PRESSLER) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

At the appropriate place insert the following:

Within its Mission to Planet Earth program, NASA is urged to fund Phase A studies for a radar satellite initiative.

BOND AMENDMENTS NOS. 3515–3517

Mr. BOND proposed three amendments to amendment No. 3466 proposed

by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

AMENDMENT NO. 3515

On page 689, after line 26 of the Committee substitute, insert the following new section:

SEC. 17. (a) The second sentence of section 236(f)(1) of the National Housing Act, as amended by section 405(d)(1) of The Balanced Budget Downpayment Act, I, is amended—

(1) by striking ''or (ii)'' and inserting ''(ii)''; and

(2) by striking ''located,'' and inserting: ''located, or (iii) the actual rent (as determined by the Secretary) paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located,''.

(b) The first sentence of section 236(g) of the National Housing Act is amended by inserting the phrase ''on a unit-by-unit basis'' after ''collected''.

On page 631, after the colon on line 24 of the Committee substitute, insert the following: ''*Provided further*, That rents and rent increases for tenants of projects for which plans of action are funded under section 220(d)(3)(B) of LIHPRHA shall be governed in accordance with the requirements of the program under which the first mortgage is insured or made (sections 236 or 221(d)(3) BMIR, as appropriate): *Provided further*, That the immediately foregoing proviso shall apply hereafter to projects for which plans of action are to be funded under such section 220(d)(3)(B), and shall apply to any project that has been funded under such section starting one year after the date that such project was funded:''.

AMENDMENT NO. 3516

On page 637, line 20 of the Committee substitute, insert the following new proviso before the period: '': *Provided further*, That an additional $30,000,000, to be derived by transfer from unobligated balances from the Homeownership and Opportunity for People Everywhere Grants (HOPE Grants) account, shall be available for use for grants for federally-assisted low-income housing, in addition to any other amount made available for this purpose under this heading, without regard to any percentage limitation otherwise applicable''.

AMENDMENT NO. 3517

On page 779, after line 10, of the Committee Substitute, insert the following:

MANAGEMENT AND ADMINISTRATION

DEPARTMENAL RESTRUCTURING FUND

In addition to funds provided elsewhere in this Act, $20,000,000, to remain available until September 30, 1997, to facilitate the down-sizing, streamlining, and restructuring of the Department of Housing and Urban Development, and to reduce overall departmental staffing to 7,500 full-time equivalents in fiscal year 2000: *Provided*, That such sum shall be available only for personnel training (including travel associated with such training), costs associated with the transfer of personnel from headquarters and regional offices to the field, and for necessary costs to acquire and upgrade information system infrastructure in support of Departmental field staff: *Provided further*, That not less than 60 days following enactment of this Act, the Secretary shall transmit to the Appropriations Committees of the Congress a report which specifies a plan and schedule for the utilization of these funds for personnel reductions and transfers in order to reduce headquarters on-board staffing levels to 3,100 by December 31, 1996, and 2,900 by October 1, 1997: *Provided further*, That by February 1, 1997 the Secretary shall certify to the Congress that headquarters on-board staffing levels did not exceed 3,100 on December 31, 1996 and submit a report which details obligations and expenditures of funds made available hereunder: *Provided further*, That if the certification of headquarters personnel reductions required by this act is not made by February 1, 1997, all remaining unobligated funds available under this paragraph shall be rescinded.

CLARIFICATION OF BLOCK GRANTS IN NEW YORK

(a) All funds allocated for the State of New York for fiscal years 1995, 1996, and all subsequent fiscal years, under the HOME investment partnerships program, as authorized under title II of Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625) shall be made available to the Chief Executive Officer of the State, or an entity designated by the Chief Executive Officer, to be used for activities in accordance with the requirements of the HOME investment partnerships program, notwithstanding the Memorandum from the General Counsel of the Department of Housing and Urban Development dated March 5, 1996.

(b) The Secretary of Housing and Urban Development shall award funds made available for fiscal year 1996 for grants allocated for the State of New York for a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), in accordance with the requirements established under the Notice of Funding Availability for fiscal year 1995 for the New York State Small Cities Community Development Block grant program.

LAUTENBERG AMENDMENT NO. 3518

Mr. LAUTENBERG 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 III, insert:

SEC. . Section 347(b)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (P.L. 104–50), is amended to read as follows:

''(3) chapter 71, relating to labor-management relations.''.

GRAMM AMENDMENT NO. 3519

Mr. GRAMM 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 committee substitute, insert the following:

''Notwithstanding any other provision of this Act, no part of any appropriation contained in this Act which is subject to the provisions of section 4002 shall be made available for obligation or expenditure.''.

WELLSTONE (AND OTHERS) AMENDMENT NO. 3520

Mr. WELLSTONE (for himself, Mr. JEFFORDS, Mr. KOHL, Mr. KERRY, Mr. LEAHY, Ms. SNOWE, Mr. SANTORUM, Mr. KENNEDY, Mr. GLENN, and Mr. PELL) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

At the appropriate place, insert the following:

The Senate finds that:

Record low temperatures across the country this winter, coupled with record snowfalls in many areas, have generated substantial and sustained demand among eligible low-income Americans for home heating assistance, and put many who face heating-related crises at risk;

Home heating assistance for working and low-income families with children, the elderly on fixed incomes, the disabled, and others who need such help is a critical part of the social safety net in cold-weather areas;

The President has released approximately $900 million in regular Low Income Energy Assistance Program (LIHEAP) funding for this year, compared to a funding level of $1.319 billion last year, and a large LIHEAP funding shortfall remains which has adversely affected eligible recipients in many cold-weather states;

LIHEAP is a highly targeted, cost-effective way to help approximately 6 million low-income Americans to pay their energy bills. More than two-thirds of LIHEAP-eligible households have annual incomes of less than $8,000; more than one-half have annual incomes below $6,000.

LIHEAP program funding has been substantially reduced in recent years, and cannot sustain any further spending cuts if the program is to remain a viable means of meeting the home heating and other energy-related needs of low-income people in cold-weather states;

Traditionally, LIHEAP has received advance appropriations for the next fiscal year. This allows states to properly plan for the upcoming winter and best serve the energy needs of low income families.

Congress was not able to pass an appropriations bill for the Departments of Labor, Health and Human Services, and Education by the beginning of this fiscal year and it was only because LIHEAP received advance appropriations last fiscal year that the President was able to release the $578 million he did in December—the bulk of the funds made available to the states this winter.

There is currently available to the President up to $300 million in emergency LIHEAP funding, which could be made available immediately, on a targeted basis, to meet the urgent home heating needs of eligible persons who otherwise could be faced with heating-related emergencies, including shut-offs, in the coming weeks;

Therefore, it is the sense of the Senate that:

(a) the President should release immediately a substantial portion of available emergency funding for the Low Income Home Energy Assistance Program for FY 1996, to help meet continuing urgent needs for home heating assistance during this unusually cold winter; and

(b) not less than the $1 billion in regular advance-appropriated LIHEAP funding for next winter provided for in this bill should be retained in a House-Senate conference on this measure.

MCCAIN AMENDMENTS NOS. 3521–3522

Mr. BOND (for Mr. MCCAIN) proposed two amendments to amendment No. 3466 to the bill H.R. 3019, supra; as follows:

AMENDMENT NO. 3521

On page 756, between lines 10 and 11, insert the following:

SEC. 1103. ALLOCATION OF FUNDS.

Notwithstanding chapters 2, 4, and 6 of this title—

(1) funds made available under this title for economic development assistance programs of the Economic Development Administration shall be made available to the general fund of the Administration to be allocated in accordance with the established competitive prioritization process of the Administration;

(2) funds made available under this title for construction by the United States Fish and Wildlife Service shall be allocated in accordance with the established prioritization process of the Service; and

(3) funds made available under this title for community development grants by the Department of Housing and Urban Development shall be allocated in accordance with the established prioritization process of the Department.

AMENDMENT NO. 3522

SEC. . PLAN FOR ALLOCATION OF HEALTH CARE RESOURCES BY DEPARTMENT OF VETERANS AFFAIRS.

(a) PLAN.—(1) The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care facilities of the Department so as to ensure that veterans having similar economic status, eligibility priority and, or, similar medical conditions who are eligible for medical care in such facilities have similar access to such care in such facilities regardless of the region of the United States in which such veterans reside.

(2) The Plan shall reflect, to the maximum extent possible, the Veterans Integrated Service Network, as well as the Resource Planning and Management System developed by the Department of Veterans Affairs to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care, and shall include procedures to identify reasons for variations in operating costs among similar facilities and ways to improve the allocation of resources so as to promote efficient use of resources and provision of quality health care.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary of Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall set forth—

(1) milestones for achieving the goal referred to in that subsection; and

(2) a means of evaluating the success of the Secretary in meeting the goals through the plan.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the plan developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

(d) PLAN IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) within 60 days of submitting such plan to Congress under subsection (b), unless within such period the Secretary notifies the appropriate Committees of Congress that such plan will not be implemented along with an explanation of why such plan will not be implemented.

WARNER AMENDMENT NO. 3523

Mr. WARNER 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 I of section 101(b), add the following:

SEC. 156. None of the funds provided in this Act may be used directly or indirectly to implement or enforce any rule of ordinance of the District of Columbia Taxicab Commission that would terminate taxicab service reciprocity agreements with the States of Virginia and Maryland.

MURKOWSKI (AND STEVENS) AMENDMENT NO. 3524

Mr. MURKOWSKI (for himself and Mr. STEVENS) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page . beginning with line , insert the following:

SEC. . SEAFOOD SAFETY.

(a) Notwithstanding any other provision of law, any domestic fish or fish product produced in compliance with the ''Procedures for the Safe and Sanitary Processing and Importing of Fish and Fish Products'' (published by the Food and Drug Administration as a final regulation in the Federal Register of December 18, 1995) or produced in compliance with food safety standards or procedures accepted by the Food and Drug Administration as satisfying the requirements of such regulations, shall be deemed to have met any inspection requirements of the Department of Agriculture or other Federal agency for any Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

MURKOWSKI AMENDMENT NO. 3525

Mr. MURKOWSKI proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

SECTION 1.

(a) SHORT TITLE.—This section may be cited as the ''Greens Creek Land Exchange Act of 1996''.

(b) FINDINGS.—The Congress makes the following findings:

(1) The Alaska National Interest Lands Conservation Act established the Admiralty Island National Monument and sections 503 and 504 of that Act provided special provisions under which the Greens Creek Claims would be developed. The provisions supplemented the general mining laws under which these claims were staked.

(2) The Kennecott Greens Creek Mining Company, Inc., currently holds title to the Greens Creek Claims, and the area surrounding these claims has further mineral potential which is yet unexplored.

(3) Negotiations between the United States Forest Service and the Kennecott Greens Creek Mining Company, Inc., have resulted in an agreement by which the area surrounding the Greens Creek Claims could be explored and developed under terms and conditions consistent with the protection of the values of the Admiralty Island National Monument.

(4) The full effectuation of the Agreement, by its terms, requires the approval and ratification by Congress.

(c) DEFINITIONS.—As used in this section—

(1) the term ''Agreement'' means the document entitled the ''Greens Creek Land Exchange Agreement'' executed on December 14, 1994, by the Under Secretary of Agriculture for Natural Resources and Environment on behalf of the United States and the Kennecott Greens Creek Mining Company and Kennecott Corporation;

(2) the term ''ANILCA'' means the Alaska National Interest Lands Conservation Act, Public Law 96–487 (94 Stat. 2371);

(3) the term ''conservation system unit'' has the same meaning as defined in section 102(4) of ANILCA;

(4) the term ''Greens Creek Claims'' means those patented mining claims of Kennecott Greens Creek Mining Company within the Monument recognized pursuant to section 504 of ANILCA;

(5) the term ''KGCMC'' means the Kennecott Greens Creek Mining Company, Inc., a Delaware corporation;

(6) the term ''Monument'' means the Admiralty Island National Monument in the State of Alaska established by section 503 of ANILCA;

(7) the term ''Royalty'' means Net Island Receipts Royalty as that latter term is defined in Exhibit C to the Agreement; and

(8) the term ''Secretary'' means the Secretary of Agriculture.

(d) RATIFICATION OF THE AGREEMENT.—The Agreement is hereby ratified and confirmed as to the duties and obligations of the United States and its agencies, and KGCMC and Kennecott Corporation, as a matter of Federal law. The agreement may be modified or amended, without further action by the Congress, upon written agreement of all parties thereto and with notification in writing being made to the appropriate committees of the Congress.

(e) IMPLEMENTATION OF THE AGREEMENT.—

(1) LAND ACQUISITION.—Without diminishment of any other land acquisition authority of the Secretary in Alaska and in furtherance of the purposes of the Agreement, the Secretary is authorized to acquire lands and interests in land within conservation system units in the Tongass National Forest, and any land or interest in land so acquired shall be administered by the Secretary as part of the National Forest System and any conservation system unit in which it is located. Priority shall be given to acquisition of non-Federal lands within the Monument.

(2) ACQUISITION FUNDING.—There is hereby established in the Treasury of the United States an account entitled the 'Greens Creek Land Exchange Account' into which shall be deposited the first $5,000,000 in royalties received by the United States under part 6 of the Agreement after the distribution of the amounts pursuant to paragraph (3) of this subsection. Such moneys in the special account in the Treasury may, to the extent provided in appropriations Acts, be used for land acquisition pursuant to paragraph (1) of this subsection.

(3) TWENTY-FIVE PERCENT FUND.—All royalties paid to the United States under the Agreement shall be subject to the 25 percent distribution provisions of the Act of May 23, 1908, as amended (16 U.S.C. 500) relating to payments for roads and schools.

(4) MINERAL DEVELOPMENT.—Notwithstanding any provision of ANILCA to the contrary, the lands and interests in lands being conveyed to KGCMC pursuant to the Agreement shall be available for mining and related activities subject to and in accordance with the terms of the Agreement and conveyances made thereunder.

(5) ADMNISTRATION.—The Secretary of Agriculture is authorized to implement and administer the rights and obligations of the Federal Government under the Agreement, including monitoring the Government's interests relating to extralateral rights, collecting royalties, and conducting audits. The Secretary may enter into cooperative arrangements with other Federal agencies for the performance of any Federal rights or obligations under the Agreement or this Act.

(6) REVERSIONS.—Before reversion to the United States of KGCMC properties located on Admiralty Island, KGCMC shall reclaim the surface disturbed in accordance with an approved plan of operations and applicable laws and regulations. Upon reversion to the United States of KGCMC properties located on Admiralty, those properties located within the Monument shall become part of the Monument and those properties lying outside the Monument shall be managed as part of the Tongass National Forest.

(7) SAVINGS PROVISIONS.—Implementation of the Agreement in accordance with this section shall not be deemed a major Federal action significantly affecting the quality of the human environment, nor shall implementation require further consideration pursuant to the National Historic Preservation Act, title VIII of ANILCA, or any other law.

(f) RECISION RIGHTS.—Within 60 days of the enactment of this section, KGCMC and Kennecott Corporation shall have a right to rescind all rights under the Agreement and this section. Recision shall be effected by a duly authorized resolution of the Board of Directors of either KGCMC or Kennecott Corporation and delivered to the Chief of the Forest Service at the Chief's principal office in Washington. District of Columbia. In the event of a recision, the status quo ante provisions of the Agreement shall apply

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THURMOND (AND OTHERS) AMENDMENT NO. 3526

Mr. WARNER (for Mr. THURMOND, for himself, Mr. NUNN, Mr. WARNER, Mr. COHEN, Mr. LOTT, Mr. SMITH, Mr. COATS, Mr. SANTORUM, Mr. INHOFE, Mr. EXON, Mr. ROBB, Mr. BRYAN, and Mr. KEMPTHORNE) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 754, line 4, strike out the period at the end and insert in lieu thereof '': *Provided further*, That the authority under this section may not be used to enter into a multiyear procurement contract until the day after the date of the enactment of an Act (other than an appropriations Act) containing a provision authorizing a multiyear procurement contract for the C–17 aircraft.''.

HATFIELD (AND OTHERS) AMENDMENT NO. 3527

Mr. WARNER (for Mr. HATFIELD, for himself, Mr. DOLE, Mr. DASCHLE, Mr. MCCONNELL, Mr. LAUTENBERG, and Mr. LEAHY) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

To the substitute on page 750, between lines 18 and 19, add the following:

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS FOR DEFENSE OF ISRAEL AGAINST TERRORISM

For emergency expenses necessary to meet unanticipated needs for the acquisition and provision of goods, services, and/or grants for Israel necessary to support the eradication of terrorism in and around Israel, $50,000,000: *Provided*, That none of the funds appropriated in this paragraph shall be available for obligation except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount 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, as amended.

BURNS AMENDMENT NO. 3528

Mr. BURNS proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

At the appropriate place insert the following:

SEC. . CONTINUED OPERATION OF AN EXISTING HYDROELECTRIC FACILITY IN MONTANA.

(a) Notwithstanding section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1)) or any other law requiring payment to the United States of an annual or other charge for the use, occupancy, and enjoyment of land by the holder of a license issued by the Federal Energy Regulatory Commission under part I of the Federal Power Act (16 U.S.C. 792 et seq.) for project numbered 1473, provided that the current licensee receives no payment or consideration for the transfer of the license a political subdivision of the State of Montana that accepts the license—

(1) shall not be required to pay such charges during the 5-year period following the date of acceptance; and

(2) after that 5-year period, and for so long as the political subdivision holds the license, shall not be required to pay such charges that exceed 100 percentum of the net revenues derived from the sale of electric power from the project.

(b) The provisions of subsection (a) shall be effective if:

(1) a competing license application is filed within 90 days of the date of enactment of this act, or

(2) the Federal Energy Regulatory Commission issues an order within 90 days of the date of enactment of this act which makes a determination that in the absence of the reduction in charges provided by subsection (a) the license transfer will occur.

BURNS (AND OTHERS) AMENDMENT NO. 3529

Mr. BURNS (for himself, Mr. REID, Mr. BAUCUS, Mr. CAMPBELL, Mr. PRESSLER, and Mr. DASCHLE) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 591, between lines 3 and 4, insert the following:

SEC. 305. (a)(1) From any unobligated funds that are available to the Secretary of Education to carry out section 5 or 14 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on September 30, 1994) not less than $11,500,000 shall be available to the Secretary of Education to carry out subsection (b).

(2) Any unobligated funds described in paragraph (1) that remain unobligated after the Secretary of Education carries out such paragraph shall be available to the Secretary of Education to carry out section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707).

(b)(1) The Secretary of Education shall award the funds described in subsection (a)(1) to local educational agencies, under such terms and conditions as the Secretary of Education determines appropriate, for the construction of public elementary or secondary schools on Indian reservations or in school districts that—

(A) the Secretary of Education determines are in dire need of construction funding;

(B) contain a public elementary or secondary school that serves a student population which is 90 percent Indian students; and

(C) serve students who are taught in inadequate or unsafe structures, or in a public elementary or secondary school that has been condemned.

(2) A local educational agency that receives construction funding under this subsection for fiscal year 1996 shall not be eligible to receive any funds under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for school construction for fiscal years 1996 and 1997.

(3) As used in this subsection, the term ''construction'' has the meaning given that term in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)).

(4) No request for construction funding under this subsection shall be approved unless the request is received by the Secretary of Education not later than 30 days after the date of enactment of this Act.

BURNS AMENDMENT NO. 3530

Mr. BURNS 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 add the following:

Subtitle B—Commission on Restructuring the Circuits of the United States Courts of Appeals

SEC. 921. ESTABLISHMENT AND FUNCTIONS OF COMMISSION.

(a) ESTABLISHMENT.—There is established a Commission on restructuring for the circuits of the United States Courts of Appeals which shall be known as the ''Heflin Commission'' (hereinafter referred to as the ''Commission'').

(b) FUNCTIONS.—The function of the Commission shall be to—

(1) study the restructuring of the circuits of the United States Courts of Appeals; and

(2) report to the President and the Congress on its findings.

SEC. 922. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of twelve members appointed as follows:

(1) Three members appointed by the President of the United States.

(2) Three members appointed by the President pro tempore of the Senate.

(3) Three members appointed by the Speaker of the House of Representatives.

(4) Three members appointed by the Chief Justice of the United States.

(b) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(c) QUORUM.—Seven members of the Commission shall constitute a quorum, but three may conduct hearings.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairman.

SEC. 923. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

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

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 924. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—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 such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 925. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its final report.

SEC. 926. REPORT.

No later than 2 years after the date of the enactment of this subtitle, The Commission shall submit a report to the President and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

SEC. 927. AUTHORIZATION OF APPROPRIATIONS.

On page 79, line 10 add the following: ''Of which not to exceed $3,000,000 shall remain available until expended for the Twelfth Circuit Court of Appeals.''

DOLE (AND LIEBERMAN) AMENDMENT NO. 3531

Mr. COATS (for Mr. DOLE, for himself and Mr. LIEBERMAN) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

On page 404, between line 17 and 18, insert the following:

Subtitle N—Low-Income Scholarships

SEC. 2921. DEFINITIONS.

As used in this subtitle—

(1) the term ''Board'' means the Board of Directors of the Corporation established under section 2922(b)(1);

(2) the term ''Corporation'' means the District of Columbia Scholarship Corporation established under section 2922(a);

(3) the term ''eligible institution''—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 2923(d)(1), means a private or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 2923(d)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through activities described in section 2923(d)(2); and

(4) the term ''poverty line'' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 2922. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the ''District of Columbia Scholarship Corporation'', which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this subtitle, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the Board of Education, the Superintendent, the Consensus Commission, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this subtitle, and, to the extent consistent with this subtitle, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is hereby established in the District of Columbia general fund a fund that shall be known as the ''District of Columbia Scholarship Fund''.

(7) DISBURSEMENT.—The Mayor shall disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year for which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this subtitle shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this subtitle shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) $5,000,000 for fiscal year 1996;

(ii) $7,000,000 for fiscal year 1997; and

(iii) $10,000,000 for each of fiscal years 1998 through 2000.

(B) LIMITATION.—Not more than $250,000 of the amount appropriated to carry out this subtitle for any fiscal year may be used by the Corporation for any purpose other than assistance to students.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors comprised of 7 members, with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 2 members of the Board from a list of at least 6 individuals nominated by the Speaker of the House of Representatives, and 1 member of the Board from a list of at least 3 individuals nominated by the Minority Leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 2 members of the Board from a list of at least 6 individuals nominated by the Majority Leader of the Senate, and 1 member of the Board from a list of at least 3 individuals nominated by the Minority Leader of the Senate.

(D) DEADLINE.—The Speaker and Minority Leader of the House of Representatives and Majority Leader and Minority Leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be chairperson of the Board.

(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this subtitle.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(13) CONGRESSIONAL INTENT.—Subject to the results of the program appraisal under section 2933, it is the intention of the Congress to turn over to District of Columbia officials the control of the Board at the end of the 5-year period beginning on the date of enactment of this Act, under terms and conditions to be determined at that time.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG–16 of the Educational Service of the District of Columbia, to be fixed by the Board .

(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this subtitle.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 2933(c).

SEC. 2923. SCHOLARSHIPS AUTHORIZED.

(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (d)(1) and enhanced achievement scholarships under subsection (d)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) SCHOLARSHIP PRIORITY.—

(1) FIRST.—The Corporation shall first award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia kindergarten, except that this subparagraph shall apply only for academic years 1996, 1997, and 1998; or

(B) have received a scholarship from the Corporation in the year preceding the year for which the scholarship is awarded.

(2) SECOND.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students described in subsection (a) who are not described in paragraph (1).

(c) SPECIAL RULE.—The Corporation shall attempt to ensure an equitable distribution of scholarship funds to students at diverse academic achievement levels.

(d) USE OF SCHOLARSHIP.—

(1) TUITION SCHOLARSHIPS.—A tuition scholarship may be used only for the payment of the cost of the tuition and mandatory fees for, and transportation to attend, an eligible institution located within the geographic boundaries of the District of Columbia.

(2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may be used only for the payment of—

(A) the costs of tuition and mandatory fees for, and transportation to attend, a program of nonsectarian instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program;

(B) the costs of tuition and mandatory fees for, and transportation to attend, after-school activities that do not have an academic focus, such as athletics or music lessons; or

(C) the costs of tuition and mandatory fees for, and transportation to attend, vocational, vocational-technical, and technical training programs.

(e) NOT SCHOOL AID.—A scholarship under this subtitle shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

SEC. 2924. SCHOLARSHIP PAYMENTS AND AMOUNTS.

(a) AWARDS.—From the funds made available under this subtitle, the Corporation shall award a scholarship to a student and make payments in accordance with section 2930 on behalf of such student to a participating eligible institution chosen by the parent of the student.

(b) NOTIFICATION.—Each eligible institution that desires to receive payment under subsection (a) shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this subtitle is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this subtitle, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this subtitle is refused admission, of the reasons for such a refusal.

(c) TUITION SCHOLARSHIP.—

(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $3,000 for fiscal year 1996, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 50 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $1,500 for fiscal year 1996, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—

(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, an enhanced achievement scholarship may not exceed the lesser of—

(A) the costs of tuition and mandatory fees for, and transportation to attend, a program of nonsectarian instruction at an eligible institution; or

(B) $1,500 for 1996, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, an enhanced achievement scholarship may not exceed the lesser of—

(A) 50 percent of the costs of tuition and mandatory fees for, and transportation to attend, a program of nonsectarian instruction at an eligible institution; or

(B) $750 for fiscal year 1996 with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(e) ALLOCATION OF FUNDS.—

(1) FEDERAL FUNDS.—

(A) PLAN.—The Corporation shall submit to the District of Columbia Council a proposed allocation plan for the allocation of Federal funds between the tuition scholarships under section 2923(d)(1) and enhanced achievement scholarships under section 2923(d)(2).

(B) CONSIDERATION.—Not later than 30 days after receipt of each such plan, the District of Columbia Council shall consider such proposed allocation plan and notify the Corporation in writing of its decision to approve or disapprove such allocation plan.

(C) OBJECTIONS.—In the case of a vote of disapproval of such allocation plan, the District of Columbia Council shall provide in writing the District of Columbia Council's objections to such allocation plan.

(D) RESUBMISSION.—The Corporation may submit a revised allocation plan for consideration to the District of Columbia Council.

(E) PROHIBITION.—No Federal funds provided under this subtitle may be used for any scholarship until the District of Columbia Council has approved the allocation plan for the Corporation.

(2) PRIVATE FUNDS.—The Corporation shall annually allocate unrestricted private funds equitably, as determined by the Board, for scholarships under paragraph (1) and (2) of section 2923(d), after consultation with the public, the Mayor, the District of Columbia Council, the Board of Education, the Superintendent, and the Consensus Commission.

SEC. 2925. CERTIFICATION OF ELIGIBLE INSTITUTIONS.

(a) APPLICATION.—An eligible institution that desires to receive a payment on behalf of a student who receives a scholarship under this subtitle shall file an application with the Corporation for certification for participation in the scholarship program under this subtitle. Each such application shall—

(1) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subsection (c);

(2) contain an assurance that the eligible institution will comply with all applicable requirements of this subtitle;

(3) provide the most recent audit of the financial statements of the eligible institution by an independent certified public accountant using generally accepted auditing standards, completed not earlier than 3 years before the date such application is filed;

(4) describe the eligible institution's proposed program, including personnel qualifications and fees;

(5) contain an assurance that a student receiving a scholarship under this subtitle shall not be required to attend or participate in a religion class or religious ceremony without the written consent of such student's parent;

(6) contain an assurance that funds received under this subtitle will not be used to pay the costs related to a religion class or a religious ceremony, except that such funds may be used to pay the salary of a teacher who teaches such class or participates in such ceremony if such teacher also teaches an academic class at such eligible institution;

(7) contain an assurance that the eligible institution will abide by all regulations of the District of Columbia Government applicable to such eligible institution; and

(8) contain an assurance that the eligible institution will implement due process requirements for expulsion and suspension of students, including at a minimum, a process for appealing the expulsion or suspension decision.

(b) CERTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after receipt of an application in accordance with subsection (a), the Corporation shall certify an eligible institution to participate in the scholarship program under this subtitle.

(2) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subsection (d).

(3) EXCEPTION FOR 1996.—For fiscal year 1996 only, and after receipt of an application in accordance with subsection (a), the Corporation shall certify the eligibility of an eligible institution to participate in the scholarship program under this subtitle at the earliest practicable date.

(c) NEW ELIGIBLE INSTITUTION.—

(1) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this subtitle for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(A) a list of the eligible institution's board of directors;

(B) letters of support from not less than 10 members of the community served by such eligible institution;

(C) a business plan;

(D) an intended course of study;

(E) assurances that the eligible institution will begin operations with not less than 25 students;

(F) assurances that the eligible institution will comply with all applicable requirements of this subtitle; and

(G) a statement that satisfies the requirements of paragraph (2), and paragraphs (4) through (8), of subsection (a).

(2) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in paragraph (1), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this subtitle unless the Corporation determines that good cause exists to deny certification.

(3) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under paragraph (1) from an eligible institution that includes an audit of the financial statements of the eligible institution by an independent certified public accountant using generally accepted auditing standards completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this subtitle unless the Corporation finds—

(A) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in section 2926(a); or

(B) consistent failure of 25 percent or more of the students receiving scholarships under this subtitle and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(4) DENIAL OF CERTIFICATION.—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(d) REVOCATION OF ELIGIBILITY.—

(1) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this subtitle for a year succeeding the year for which the determination is made for—

(A) good cause, including a finding of a pattern of violation of program requirements described in section 2926(a); or

(B) consistent failure of 25 percent or more of the students receiving scholarships under this subtitle and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(2) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of its decision to such eligible institution and require a pro rata refund of the payments received under this subtitle.

SEC. 2926. PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.

(a) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this subtitle shall—

(1) provide to the Corporation not later than June 30 of each year the most recent audit of the financial statements of the eligible institution by an independent certified public accountant using generally accepted auditing standards completed not earlier than 3 years before the date the application is filed; and

(2) charge a student that receives a scholarship under this subtitle the same amounts for the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(b) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon an eligible institution as a condition of participation in the scholarship program under this subtitle.

SEC. 2927. CIVIL RIGHTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this subtitle shall be deemed to be a recipient of Federal financial assistance for the purposes of the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(b) REVOCATION.—Notwithstanding section 2926(b), if the Secretary of Education determines that an eligible institution participating in the scholarship program under this subtitle is in violation of any of the laws listed in subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

SEC. 2928. CHILDREN WITH DISABILITIES.

(a) IN GENERAL.—Nothing in this subtitle shall affect the rights of students or the obligations of the District of Columbia public schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(b) PRIVATE OR INDEPENDENT SCHOOL SCHOLARSHIPS.—

(1) DETERMINATION OF ELIGIBLITY FOR SERVICES.—If requested by either a parent of a child with a disability who attends a private or independent school receiving funding under this subtitle or by the private or independent school receiving funding under this subtitle, the Board of Education shall determine the eligibility of such child for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(2) REQUIREMENTS.—If a child is determined eligible for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) pursuant to paragraph (1), the Board of Education shall—

(A) develop an individualized education program, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), for such child; and

(B) negotiate with the private or independent school to deliver to such child the services described in the individualized education program.

(3) APPEAL.—If the Board of Education determines that a child is not eligible for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) pursuant to paragraph (1), such child shall retain the right to appeal such determination under such Act as if such child were attending a District of Columbia public school.

SEC. 2929. CONSTRUCTION PROHIBITION.

No funds under this subtitle may be used for construction of facilities.

SEC. 2930. SCHOLARSHIP PAYMENTS.

(a) IN GENERAL.—

(1) PROPORTIONAL PAYMENT.—The Corporation shall make scholarship payments to participating eligible institutions on a schedule established by the Corporation.

(2) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—

(A) BEFORE PAYMENT.—If a student receiving a scholarship withdraws or is expelled from an eligible institution before a scholarship payment is made, the eligible institution shall receive a pro rata payment based on the amount of the scholarship and the number of days the student was enrolled in the eligible institution.

(B) AFTER PAYMENT.—If a student receiving a scholarship withdraws or is expelled after a scholarship payment is made, the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any scholarship payment received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

(b) FUND TRANSFERS.—The Corporation shall make scholarship payments to participating eligible institutions by electronic funds transfer. If such an arrangement is not available, then the eligible institution shall submit an alternative payment proposal to the Corporation for approval.

SEC. 2931. APPLICATION SCHEDULE AND PROCEDURES.

The Corporation shall implement a schedule and procedures for processing applications for awarding student scholarships under this subtitle that includes a list of certified eligible institutions, distribution of information to parents

and the general public (including through a newspaper of general circulation), and deadlines for steps in the scholarship application and award process.

SEC. 2932. REPORTING REQUIREMENTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this subtitle shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution's programs.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) CONFIDENTIALITY.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

SEC. 2933. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Department of Education shall provide for an independent evaluation of the scholarship program under this subtitle, including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level; and

(3) the satisfaction of parents of scholarship students with the scholarship program.

(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

(c) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate congressional committees. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

(d) AUTHORIZATION.—There are authorized to be appropriated for the study described in subsection (a), $250,000, which shall remain available until expended.

SEC. 2934. JUDICIAL REVIEW.

The United States District Court for the District of Columbia shall have jurisdiction over any constitutional challenges to the scholarship program under this subtitle and shall provide expedited review.

SEC. 2936. OFFSET.

In addition to the reduction in appropriations and expenditures for personal services required under the heading ''PAY RENEGOTIATION OR REDUCTION IN COMPENSATION'' in the District of Columbia Appropriations Act, 1996, the Mayor of the District of Columbia shall reduce such appropriations and expenditures in accordance with the provisions of such heading by an additional $5,000,000.

SEC. 2937. OFFSETS.

Notwithstanding any other provision in this Act or in the District of Columbia Appropriations Act, 1996, the payment to the District of Columbia for the fiscal year ending September 30, 1996, shall be $655,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–3406.1).

SEC 2938. FEDERAL APPROPRIATIONS.

Notwithstanding any other provision in this Act or in the District of Columbia Appropriations Act, 1996, the Federal contribution to Education Reform shall be $19,930,000, of which $5,000,000 shall be available for scholarships for low income students in dangerous or failed public schools as provided for in Subtitle N and shall not be disbursed by the Authority until the Authority receives a certification from the District of Columbia Emergency Scholarship Corporation that the proposed allocation between the tuition scholarships and enhanced achievement scholarships has been approved by the Council of the District of Columbia consistent with the Scholarship Corporation's most recent proposal concerning the implementation of the emergency scholarship program. These funds shall lapse and be returned by the Authority to the U.S. Treasury on September 30, 1996, if the required certification from the Scholarship Corporation is not received by July 1, 1996.

SEC 2939. EDUCATION REFORM.

In addition to the amounts appropriated for the District of Columbia under the heading ''Education Reform'', $5,000,000 shall be paid to the District of Columbia Emergency Scholarship Corporation authorized in Subtitle N.''

COVERDELL (AND OTHERS) AMENDMENT NO. 3532

Mr. COVERDELL (for himself, Mr. STEVENS, and Mr. INOUYE) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

In the pending amendment, on page 540, line 11 after ''Act'' insert: ''and $5,000,000 shall be available for obligation for the period July 1, 1995 through 30, 1996 for employment-related activities of the 1996 Paralympic Games''.

In the pending amendment, on page 597, line 21 after ''expended'' insert: '', of which $1,500,000 shall be for a demonstration program to foster economic independence among people with disabilities through disability sport, in connection with the Tenth Paralympic Games''.

BOND (AND OTHERS) AMENDMENT NO. 3533

Mr. BOND (for himself, Ms. MIKULSKI, and Mr. HARKIN) proposed an amendment to amendment No. 3466 proposed by Mr. HATFIELD to the bill H.R. 3019, supra; as follows:

In lieu of the matter proposed to be inserted by Amendment No. 3482 to the Committee Substitute amendment, insert:

TITLE V—ENVIRONMENTAL INITIATIVES

CHAPTER 1—DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

INDEPENDENT AGENCY

ENVIRONMENTAL PROTECTION AGENCY

Environmental Programs and Management

In addition to funds provided elsewhere in this Act, $75,000,000, 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, for the construction of a consolidated research facility at Research Triangle Park, North Carolina: Provided, That pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)), that no funds shall be made available for construction of such project prior to April 19, 1996, unless such project is approved by resolutions of the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure, respectively: Provided further, That in no case shall funds be made available for construction of such project if prior to April 19, 1996, the project has been disapproved by either the Senate Committee on Environment and Public Works or the House Committee on Transportation and Infrastructure: Provided further, That notwithstanding any other provision of this Act, the paragraph under this heading in chapter 4 of title IV of this Act shall not become effective.

State and Tribal Assistance Grants

In addition to funds provided elsewhere in this Act, $200,000,000, to remain available until expended, for capitalization grants for state revolving funds to support water infrastructure financing: Provided, That of the funds made available by this paragraph, $125,000,000 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.

Hazardous Substance Superfund

In addition to funds provided elsewhere in this Act, $50,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 5001. Notwithstanding any other provision of this Act, amounts provided in title IV of this Act for the Environmental Protection Agency, with the exception of amounts appropriated under the heading ''buildings and facilities'', shall become available immediately upon enactment of this Act.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

National and Community Service Programs

Operating Expenses

(Including Transfer of Funds)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the ''Act'') (42 U.S.C. 12501 et seq.), $400,500,000, of which $265,000,000 shall be available for obligation from September 1, 1996, through September 30, 1997; *Provided,* That not more than $25,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)): *Provided further,* That not more

than $2,500 shall be for official reception and representation expenses: *Provided further,* That not more than $59,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.): *Provided further,* That not more than $215,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the Americorps program), of which not more than $40,000,000 may be used to administer, reimburse or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further,* That not more than $5,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): *Provided further,* That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12581(b)): *Provided further,* That, to the maximum extent feasible, funds appropriated in the preceding proviso shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further,* That not more than $18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further,* That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (41 U.S.C. 12521 et seq.): *Provided further,* That not more than $30,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): *Provided further,* That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639), of which up to $500,000 shall be available for a study by the National Academy of Public Administration on the structure, organization, and management of the Corporation and activities supported by the Corporation, including an assessment of the quality, innovation, replicability, and sustainability without Federal funds of such activities, and the Federal and non-federal cost of supporting participants in community service activities: *Provided further,* That no funds from any other appropriation, or from funds otherwise made available to the Corporation, shall be used to pay for personnel compensation and benefits, travel, or any other administrative expense for the Board of Directors, the Office of the Chief Executive Officer, the Office of the Managing Director, the Office of the Chief Financial Officer, the Office of National and Community Service Programs, the Civilian Community Corps, or any field office or staff of the Corporation working on the National and Community Service or Civilian Community Corps programs: *Provided further,* That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal cost per participant in all programs: *Provided further,* That prior to September 30, 1996, the General Accounting Office shall report to the Congress the results of a study of state commission programs which evaluates the cost per participant, the commissions' ability to oversee the programs, and other relevant considerations: provided further, That the matter under this heading in title I of this Act shall not be effective.

Sense of Congress

It is the Sense of the Congress that accounting for taxpayers' funds must be a top priority for all federal agencies and government corporations. The Congress is deeply concerned about the findings of the recent audit of the Corporation for National and Community Service required under the Government Corporation Control Act of 1945. The Congress urges the President to expeditiously nominate a qualified Chief Financial Officer for the Corporation. Further, to the maximum extent practicable and as quickly as possible, the Corporation should implement the recommendations of the independent auditors contracted for by the Corporation's Inspector General, as well as the Chief Financial Officer, to improve the financial management of taxpayers' funds. Should the Chief Financial Officer determine that additional resources are needed to implement these recommendations, the Corporation should submit a reprogramming proposal for up to $3,000,000 to carry out reforms of the financial management system.

Funding Adjustment

The total amount appropriated under the heading ''Department of Housing and Urban Development, Housing Programs, Annual contribution for assisted housing'', in title I of this Act is reduced by $17,000,000, and the amount otherwise made available under said heading for section 8 assistance and rehabilitation grants for property disposition is reduced to $192,000,000.

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 $10,000 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 the standards 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 governmentwide 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 nontax 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—FAA GRANTS-IN-AID FOR AIRPORTS

FEDERAL AVIATION ADMINISTRATION GRANTS-IN-AID FOR AIRPORTS

(Airport and Airway Trust Fund)

(Rescission of Contract Authority)

Of the available contract authority balances under this account, $48,000,000 are hereby rescinded, in addition to any such sums otherwise rescinded by this Act.

On page 637, line 20 of the Committee substitute, following new proviso is deemed to be in inserted before the period:

'': *Provided further*, That an additional $30,000,000, to be derived by transfer from unobligated balances from the Homeownership and Opportunity for People Everywhere Grants (HOPE Grants) account, shall be available for use for grants for federally-assisted low-income housing, in addition to any other amount made available for this purpose under this heading, without regard to any percentage limitation otherwise applicable''.

''SEC. 223B. Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100–202; 101 Stat. 1329–213) is repealed effective the date of enactment of Public Law 104–19. The Secretary is authorized to demolish the structures identified in such section. The Secretary is also authorized to compensate those local governments which, due to this provision, expended local revenues demolishing the developments identified in such provision.''.

On page 779, line 10, of the Committee substitute, the following deemed to be inserted:

MANAGEMENT AND ADMINISTRATION

DEPARTMENTAL RESTRUCTURING FUND

In addition to funds provided elsewhere in this Act, $20,000,000, to remain available until September 30, 1997, to facilitate the down-sizing, streamlining, and restructuring of the Department of Housing and Urban Development, and to reduce overall departmental staffing to 7,500 full-time equivalents in fiscal year 2000: *Provided*, That such sum shall be available only for personnel training (including travel associated with such training), costs associated with the transfer of personnel from headquarters and regional offices to the field, and for necessary costs to acquire and upgrade information system infrastructure in support of Departmental field staff: *Provided further*, That not less than 60 days following enactment of this Act, the Secretary shall transmit to the Appropriations Committees of the Congress a report which specifies a plan and schedule for the utilization of these funds for personnel reductions and transfers in order to reduce headquarters on-board staffing levels to 3,100 by December 31, 1996, and 2,900 by October 1, 1997: *Provided further*, That by February 1, 1997 the Secretary shall certify to the Congress that headquarters on-board staffing levels did not exceed 3,100 on December 31, 1996 and submit a report which details obligations and expenditures of funds made available hereunder: *Provided further*, That if the certification of headquarters personnel reductions required by this Act is not made by February 1, 1997, all remaining unobligated funds available under this paragraph shall be rescinded.

CLARIFICATION OF BLOCK GRANTS IN NEW YORK

(a) All funds allocated for the State of New York for fiscal years 1995, 1996, and all subsequent fiscal years, under the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public law 101–625) shall be made available to the Chief Executive Officer of the State, or an entity designated by the Chief Executive Officer, to be used for activities in accordance with the requirements of the HOME investment partnerships program, notwithstanding the Memorandum from the General Counsel of the Department of Housing and Urban Development dated March 5, 1996.

(b) The Secretary of Housing and Urban Development shall award funds made available for fiscal year 1996 for grants allocated for the State of New York for a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), in accordance with the requirements established under the Notice of Funding Availability for fiscal year 1995 for the New York State Small Cities Community Development Block grant program.

On page 771 line 17 the following new section is deemed to be inserted:

SEC. . Within its Mission to Planet Earth program, NASA is urged to fund Phase A studies for a radar satellite initiative.

On page 689, after line 26 of the Committee substitute, the following new section is deemed to be inserted:

SEC. . (a) The second sentence of section 236(f)(1) of the National Housing Act, as amended by section 405(d)(1) of The Balanced Budget Downpayment Act, I, is amended—

(1) by striking ''or (ii)'' and inserting ''(ii)''; and

(2) by striking ''located,'' and inserting: ''located, or (ii) the actual rent (as determined by the Secretary) paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located,''.

(b) The first sentence of section 236(g) of the National Housing Act is amended by inserting the phrase ''on a unit-by-unit basis'' after ''collected''.

On page 631, after the colon on line 24 of the Committee substitute, insert the following:

''*Provided further*, That rents and rent increases for tenants of projects for which plans of action are funded under section 220(d)(3)(B) of LIHPRHA shall be governed in accordance with the requirements of the program under which the first mortgage is insured or made (sections 236 or 221(d)(3) BMIR, as appropriate): *Provided further*, That the immediately foregoing proviso shall apply hereinafter to projects for which plans of action are to be funded under section 220(d)(3)(B), and shall apply to any project that has been funded under such section starting one year after the date that such project was funded:''.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing on ''HUB Zones: Revitalizing Inner Cities and Rural America'' on Thursday, March 21, 1996, at 10:30 a.m., in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224–5175.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will hold an oversight hearing on Thursday, March 28, 1996, on the recent settlement and accommodation agreements concerning the Navajo and Hopi land dispute. The hearing will be held at 9 a.m. in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Thursday, March 14, 1996, to receive testimony on the Defense authorization request for fiscal year 1997 and the Future Years Defense Program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, March 14, 1996, session of the Senate for the purpose of conducting a hearing on international aviation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LOTT. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct an oversight hearing Thursday, March 14, at 2 p.m., hearing room (SD–406), on wetland mitigation banking under section 404 of the Clean Water Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. 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 Thursday, March 14, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1425, Revised Statutes 2477 Rights-of-Way Settlement Act.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. 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 Thursday, March 14, 1996, at 10 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LOTT. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the Paralyzed Veterans of America, Jewish War Veterans, the Retired Officers Association, Association of the U.S. Army, Non-Commissioned Officers Association, and Blinded Veterans Association.

The hearing will be held on March 14, 1996, at 9:30 a.m., in room 345 of the Cannon House Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 14, 1996, at 2 p.m. to hold a closed briefing on intelligence matters.

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

SUBCOMMITTEE ON READINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, March 14, 1996, in open session, to receive testimony on current and future military readiness as the Armed Forces prepare for the 21st century.

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

SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs, Subcommittee on Post Office and Civil Service to hold a hearing on Thursday, March 14, at 9:30 a.m. on USPS reform—conversation with customers.

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

ADDITIONAL STATEMENTS

PEACE IN NORTHERN IRELAND

• Mr. DODD. Mr. President, I rise today to speak on the prospects for peace in Northern Ireland.

Over the past 2 years, Catholics and Protestants in Northern Ireland have made significant strides toward achieving a fair and lasting peace for their troubled land.

And as one of more than 40 million Irish-Americans, I take great pride in the critically important role that the United States and, in particular, President Clinton is playing in this process.

It was the President's courageous move, in February 1994, to grant a visa to Sinn Fein leader Gerry Adams that set the wheels of peace in motion.

That step, controversial at the time, was a critical factor in leading to the IRA's unilateral announcement of a cease-fire, 6 months later.

For the first time in 25 years, the threat of violence in Northern Ireland was but a distant and unrealized fear.

The roadblocks, the checkpoints, the house-to-house searches that defaced Northern Ireland for a generation began to disappear.

And, in stark contrast to the past 25 years of sectarian conflict—which claimed 3,000 Catholic and Protestant lives—when the people of Northern Ireland gathered together over the past 2 years it was more often to celebrate and not to grieve another untimely death from the troubles.

The desire for peace among the peoples of Northern Ireland was underscored just this past December, when President Clinton became the first American President to travel to Northern Ireland.

I had the great pleasure of joining the President on this trip.

And I guarantee that regardless of one's political, ethnic or ideological persuasion, it was impossible not to be genuinely moved by the heartfelt reception that the President received.

On several occasions the President was welcomed by crowds of more than 250,000 people, all intent on listening to his message of reconciliation.

This outpouring of support is indicative of the great desire among the majority of Northern Ireland's residents to live in peace with their neighbors.

But, just a month ago, those hopes for peace were dealt a stinging blow by an IRA bomb that rocked London's Docklands district killing 2 people, injuring more than 100 and causing millions of dollars in property damage.

This reprehensible act serves as a nightmarish reminder that the peace process in Northern Ireland is far from complete.

The 17-month cease-fire in Northern Ireland, which made such progress in diminishing the fears and anxieties of violence among millions of Protestants and Catholics, was ripped asunder.

The image of British soldiers patrolling the streets of Belfast—a vision many of us hoped and believed had been banished—disturbingly reappeared on our television screens.

What's more the London bombing threatened to permanently derail the peace process, which has come so far in moving the peoples of Northern Ireland closer to peace than at any time in a generation.

For this reason, I am particularly heartened that at this moment of crisis, both Prime Minister Major and Prime Minister Bruton stepped forward to put Northern Ireland firmly back on the path toward peace.

On February 28, Mr. Major and Mr. Bruton outlined a new proposal for bringing all parties to the peace table by June 10.

Now the two governments are seeking to work out arrangements for a broadly acceptable electoral process that will lead immediately to all party talks in June.

I commend Prime Minister Major for going the extra mile at this critical juncture in the peace process, in part by dropping his precondition that the IRA decommission prior to the commencement of all party talks.

I only regret that British authorities did not see the wisdom of that approach sooner when it was first recommended by Senator Mitchell and the other members of the International Body.

Perhaps if they had, the current escalation in tensions could have been avoided and the parties might already be engaged in substantive talks toward peace.

The actions of Prime Minister Major and Prime Minister Bruton echo the words of the wonderful Irish poet Seamus Heaney, who recently won the Nobel Prize for Literature. In his poem, Station Island, Heaney writes:

You lose more of yourself than you redeem doing the decent thing.

Well Mr. Major and Mr. Bruton did the decent thing and I applaud both of them for their foresight and their vision.

Let me also say that Mr. Major's compromise is commendable in light of the IRA's recent wave of bombing attacks in London. These irresponsible actions have only created confusion and greater animosity in the search for peace.

The IRA's actions eroded goodwill between Catholics and Protestants and threatened to derail what was already a fledgling peace process.

The time is now for the IRA to make clear to all parties in the conflict that they are truly prepared to enter into inclusive all-party negotiations to bring a fair and lasting settlement to the conflict. And, if Sinn Fein is to be an active participant in helping to shape the agenda for all party talks, the IRA must refrain from further violence.

The future of Northern Ireland will not be found in the barrel of a gun. Compromise will not be achieved under the threat of violence. This is a lesson the IRA must understand and accept.

The first step in affirming that commitment would be for the IRA to immediately reinstate the 17-month cease-fire they brazenly and foolishly broke last month.

The second step would be for Sinn Fein to show a greater willingness to compromise on the decommissioning issue.

I think we all recognize the need for Sinn Fein to be at the negotiating table and directly involved in all-party talks.

Thus, we must redouble our efforts in the coming weeks to settle on an elective process that will be broadly acceptable to all parties and which will lead to a lasting peace in Northern Ireland.

I remain optimistic that by March 17, St. Patrick's Day, all the involved parties, working together, will be able to agree upon a fair and comprehensive agenda for all party talks in June.

In order to reach this goal all sides, Catholics and Protestants, Irish and British, must act in good faith in order to smooth the process toward genuine reconciliation.

As an American of Irish descent, the resolution of the conflict in Northern Ireland is of particular significance and importance to me. Both sides of my family immigrated to this country from Ireland.

For me a foreign trip to Ireland is akin to a family reunion.

That is why I am so desperate to see this process succeed and bring a lasting peace to Northern Ireland. And I believe that today we stand on the cusp of a truly new era of peace and reconciliation between Catholics and Protestants.

In the spirit of St. Patrick's Day, I am once again reminded of the words of Seamus Heaney:

> History says, don't hope on this side of the grave, but then once in a lifetime, the long, far tidal wave of justice can rise up, and hope and history rhyme. So hope for a great sea change on the far side of revenge. Believe that further shore is reachable from here. Believe in miracles and cures and healing wells.

At no time in the history of Northern Ireland have Catholics and Protestants been so close to that point where hope and history rhyme. Together with all involved parties, the American people must stand together with those whose goal is peace and reconciliation in Northern Ireland.●

TRIBUTE TO THEODORE O. WALLIN, PH.D.

● Mr. D'AMATO. Mr. President, I am pleased to recognize Theodore O. Wallin, Ph.D., for his outstanding contributions and achievements in the fields of transportation and education. Professor Wallin has served as the director of the Franklin program in transportation and distribution management, chairman of the marketing, transportation and distribution management department, and associate professor of transportation and marketing at Syracuse University.

Professor Wallin is recognized as a world renowned expert in the areas of transportation economics, management, and public policy, and has published numerous articles in several scholastic journals. He has worked for the development of the Salzberg Transportation Institute at Syracuse University and has authored a number of research projects for New York State and Federal governmental agencies.

In addition to his research, Professor Wallin has served as president of the Alpha Chapter of Delta Nu Alpha International Professional Transportation fraternity and was recognized by Nu Alpha as the Outstanding Man of the Year in 1984.

As a member of the American Society of Transportation and Logistics, the American Marketing Association, the Council of Logistics Management, editorial board for the Transportation Journal and Journal of Transportation Management, Dr. Wallin has contributed considerably to the Department of Management at Syracuse University. He has been recognized as an outstanding faculty member several times during his tenure at the university.

As United States Senator from New York and an alumni of Syracuse, I am particularly pleased to wish Dr. Theodore Wallin success as he continues his distinguished career as the resident director of the newly established Syracuse University Division of International Programs Abroad in Hong Kong.●

TRIBUTE TO CONGRESSMAN JIM BUNNING

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a colleague of mine, JIM BUNNING, who was recently inducted into the Baseball Hall of Fame. This is an outstanding honor and one for which he and his family should be very proud. I take special interest in his election because for 9 years, from 1955 to 1963, he pitched for the Detroit Tigers. Being a Tigers fan and a Detroit resident I had the good fortune to see JIM BUNNING pitch on a number of occasions. He was a tremendous pitcher. Although Detroit's record varied through those years, JIM BUNNING could be counted on for a solid game. It was unfortunate for Detroit, but advantageous for baseball history, that JIM left the Tigers, and the American League, and moved to Philadelphia, and the National League. He would soon become the only player in baseball history to throw a no-hitter in each league. His lifetime statistics are similarly impressive. JIM BUNNING is one of those remarkable men who has succeeded not only on the field of sport but in the arena of public service. Since his departure from baseball in 1971, he has become an adroit and respected legislator. Although we don't serve on the same team here in Congress, JIM BUNNING, for his athletic and congressional achievements will always have my deep respect and admiration.□

HANDS-ON/MINDS-ON TECHNOLOGIES PROGRAM

● Mr. BINGAMAN. Mr. President, I rise today to recognize Sandia National Laboratories for its communication coordination of the hands-on/minds-on technologies [HMTech] program in New Mexico. This program enhances the study of science and technology in the African-American student population and further encourages these students to enter technology related careers. Mr. President, this year the HMTech program reached a milestone—its 10th year of operation.

The HMTech project has touched the lives of more than 1,000 New Mexico students. The project began in 1986 as a program to promote academic achievement in the African-American student population and provide activity based science and engineering activities. HMTech's primary goal is to support the development of a scientific and technically trained student base with hands-on technology opportunities. HMTech's class activities include drafting, ecology, health, medicine, physics, computer science, electronics, chemistry, math, and communications skills.

Mr. President, providing a child-centered approach to instruction, HMTech is an intensive 6-week evening program offered each fall and spring at no charge to students grades 5 through 12. African-American instructors, including scientists, engineers, and technicals, staff the project, volunteering their expertise and their time to the HMTech program for classroom instruction.

The HMTech also has a very exciting and extensive tutorial program. HMTech provides students after school tutorials in math and science, a multidisciplinary homework hotline, scholastic aptitude test [SAT] tutorials, college preparatory classes, parent involvement workshops, and workshops for the instructors and volunteers.

Mr. President, for its outstanding accomplishments, sincere interest in expanding the minds of young people, and its outstanding service to New Mexico and our Nation in education and technology, I would like to commend those who make the HMTech program a success.●

THE RETIREMENT OF PETE CARRIL

● Mr. LAUTENBERG. Mr. President, this year March Madness will have two New Jersey teams competing for the men's college basketball championship. I rise to extend my personal congratulations to the Monmouth University Hawks and the Princeton University Tigers, who have earned berths in the NCAA tournament.

Mr. President, the Monmouth Hawks represent one of New Jersey's fine institutions of higher learning. Monmouth University's appearance in the NCAA tournament this year is its first ever, and an accomplishment of which the college is deservedly proud. The Hawks, led by coach Wayne Szoke, have amassed an impressive 20–9 record this year with their well-run motion offense, long-range shooting, and tenacious defense. Back in November, nobody picked them to make it to the NCAA tournament, but they are a team on the rise. Their next opponent is sure to find that out. I am pleased that Monmouth University has this opportunity to get some well-deserved national recognition and wish the Hawks the best of luck in their game tonight.

The Princeton Tigers represent one of the finest universities in the world and are not new to the NCAA tournament. However, this appearance is a special one for the Tigers as it represents the last for their great coach, Pete Carril. Coach Carril has decided to retire after 29 magnificent years at Princeton and there is no doubt that Princeton and all of college basketball will sorely miss him. On behalf of his many fans in New Jersey, I wish him the best of luck in his future, and particularly in Princeton's game tonight.●

MODIFICATION OF APPOINTMENT OF CONFEREES—H.R. 2854

Mr. LOTT. Mr. President, I ask unanimous consent that with respect to the previous consent on the appointment of conferees to H.R. 2854, the consent be modified to reflect the following: With respect to the Democratic conferees, that other Democratic members of the Senate Committee on Agriculture may substitute for named Democratic members of the conference as needed, provided that no more than six Republicans or five Democratic conferees participate in the conference meetings at any given time; that the total number of Democratic and Republican conferees signing the conference report do not exceed the number so named as conferees.

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

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

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

MEASURE READ THE FIRST TIME—S. 1618

Mr. ABRAHAM. Mr. President, I send a bill to the desk and ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1618) to provide uniform standards for the award of punitive damages for volunteer services.

Mr. ABRAHAM. Mr. President, I now ask for its second reading.

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's executive calendar: Executive calendar nomination Nos. 365, 480, 498 through 501, 503, 504, 505 and 506.

I further ask unanimous consent that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; any statements relating to the nominations appear at the appropriate place in the RECORD; the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Mr. President, reserving the right to object, and I shall not object, I just would like to make an inquiry about one officer that I believe is on the list. I want to confirm the fact that he is on the list. Captain Padgett was supposed to be confirmed tonight. I believe his name is on the list. I would like confirmation.

Mr. ABRAHAM. I confirm for the Senator from Nebraska that Officer Padgett is on the list.

Mr. EXON. I thank my friend from Michigan.

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

Mr. ABRAHAM. I yield the floor.

The PRESIDING OFFICER. Is there an objection to the request of the Senator from Michigan?

There being no objection, the nominations considered and confirmed en bloc are as follows:

NAVY

The following-named captain in the line of the U.S. Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to Title 10, United States Code, Section 624, subject to qualifications, therefore, as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. John B. Padgett III, 000–00–0000, U.S. Navy.

DEPARTMENT OF THE TREASURY

James E. Johnson, of New Jersey, to be an Assistant Secretary of the Treasury.

AIR FORCE

The following-named officers for promotion in the Regular Air Force of the United States to the grade indicated under title 10, United States Code, section 624:

To be major general

Brig. Gen. Thomas R. Case, 000–00–0000.
Brig. Gen. Donald G. Cook, 000–00–0000.
Brig. Gen. Charles H. Coolidge, Jr., 000–00–0000.
Brig. Gen. John R. Dallager, 000–00–0000.
Brig. Gen. Richard L. Engel, 000–00–0000.
Brig. Gen. Marvin R. Esmond, 000–00–0000.
Brig. Gen. Bobby O. Floyd, 000–00–0000.
Brig. Gen. Robert H. Foglesong, 000–00–0000.
Brig. Gen. Jeffrey R. Grime, 000–00–0000.
Brig. Gen. John W. Hawley, 000–00–0000.
Brig. Gen. Michael V. Hayden, 000–00–0000.
Brig. Gen. William T. Hobbins, 000–00–0000.
Brig. Gen. John D. Hopper, Jr., 000–00–0000.
Brig. Gen. Raymond P. Huot, 000–00–0000.
Brig. Gen. Timothy A. Kinnan, 000–00–0000.
Brig. Gen. Michael C. Kostelnik, 000–00–0000.
Brig. Gen. Lance W. Lord, 000–00–0000.
Brig. Gen. Ronald C. Marcotte, 000–00–0000.
Brig. Gen. Gregory S. Martin, 000–00–0000.
Brig. Gen. Michael J. McCarthy, 000–00–0000.
Brig. Gen. John F. Miller, Jr., 000–00–0000.
Brig. Gen. Charles H. Perez, 000–00–0000.
Brig. Gen. Stephen B. Plummer, 000–00–0000.
Brig. Gen. David A. Sawyer, 000–00–0000.
Brig. Gen. Terryl J. Schwalier, 000–00–0000.
Brig. Gen. George T. Stringer, 000–00–0000.
Brig. Gen. Gary A. Voellger, 000–00–0000.

The following-named officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of Title 10, United States Code, Sections 8373, 8374, 12201, and 12212:

To be major general

Brig. Gen. James F. Brown, 000–00–0000, Air National Guard of the United States.
Brig. Gen. James McIntosh, 000–00–0000, Air National Guard of the United States.

To be brigadier general

Col. Gary A. Brewington, 000–00–0000, Air National Guard of the United States.
Col. William L. Fleshman, 000–00–0000, Air National Guard of the United States.
Col. Allen H. Henderson, 000–00–0000, Air National Guard of the United States.
Col. John E. Iffland, 000–00–0000, Air National Guard of the United States.
Col. Dennis J. Kerkman, 000–00–0000, Air National Guard of the United States.
Col. Stephen M. Koper, 000–00–0000, Air National Guard of the United States.
Col. Anthony L. Liguori, 000–00–0000, Air National Guard of the United States.
Col. Kenneth W. Mahon, 000–00–0000, Air National Guard of the United States.
Col. William H. Phillips, 000–00–0000, Air National Guard of the United States.
Col. Jerry H. Risher, 000–00–0000, Air National Guard of the United States.
Col. William J. Shondel, 000–00–0000, Air National Guard of the United States.

The following-named officers for promotion in the Regular Air Force of the United States to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Brian A. Arnold, 000–00–0000.
Col. John R. Baker, 000–00–0000.
Col. Richard T. Banholzer, 000–00–0000.
Col. John L. Barry, 000–00–0000.
Col. John D. Becker, 000–00–0000.
Col. Robert F. Behler, 000–00–0000.

Col. Scott C. Bergren, 000–00–0000.
Col. Paul L. Bielowicz, 000–00–0000.
Col. Franklin J. Blaisdell, 000–00–0000.
Col. John S. Boone, 000–00–0000.
Col. Clayton G. Bridges, 000–00–0000.
Col. John W. Brooks, 000–00–0000.
Col. Walter E.L. Buchanan, III, 000–00–0000.
Col. Carrol H. Chandler, 000–00–0000.
Col. John L. Clay, 000–00–0000.
Col. Richard A. Coleman, Jr., 000–00–0000.
Col. Paul R. Dordal, 000–00–0000.
Col. Michael M. Dunn, 000–00–0000.
Col. Thomas F. Gioconda 000–00–0000.
Col. Thomas B. Goslin, Jr., 000–00–0000.
Col. Jack R. Holbein, Jr., 000–00–0000.
Col. John G. Jernigan 000–00–0000.
Col. Charles L. Johnson, II, 000–00–0000.
Col. Lawrence D. Johnston, 000–00–0000.
Col. Dennis R. Larsen, 000–00–0000.
Col. Theodore W. Lay, II, 000–00–0000.
Col. Fred P. Lewis, 000–00–0000.
Col. Stephen R. Lorenz, 000–00–0000.
Col. Maurice L. McFann, Jr., 000–00–0000.
Col. John W. Meincke, 000–00–0000.
Col. Howard J. Mitchell, 000–00–0000.
Col. William A. Moorman, 000–00–0000.
Col. Teed M. Moseley, 000–00–0000.
Col. Robert M. Murdock, 000–00–0000.
Col. Michael C. Mushala, 000–00–0000.
Col. David A. Nagy, 000–00–0000.
Col. Wilbert D. Pearson, Jr., 000–00–0000.
Col. Timothy A. Peepe, 000–00–0000.
Col. Craig P. Rasmussen, 000–00–0000.
Col. John F. Regni, 000–00–0000.
Col. Victor E. Renuart, Jr., 000–00–0000.
Col. Richard V. Reynolds, 000–00–0000.
Col. Earnest O. Robbins II, 000–00–0000.
Col. Steven A. Roser, 000–00–0000.
Col. Mary L. Saunders, 000–00–0000.
Col. Glen D. Shaffer, 000–00–0000.
Col. James N. Soligan, 000–00–0000.
Col. Billy K. Stewart, 000–00–0000.
Col. Francis X. Taylor, 000–00–0000.
Col. Rodney W. Wood, 000–00–0000.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Richard C. Bethurem, 000–00–0000, U.S. Air Force.

The following-named officer for reappointment to the grade of general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be general

Gen. Richard E. Hawley, 000–00–0000, U.S. Air Force.

ARMY

The following-named officers for promotion in the Regular Army of the United States to the grade indicated, under title 10, United States Code, sections 611(a) and 624:

To be brigadier general

Col. Joseph W. Arbuckle, 000–00–0000.
Col. Barry D. Bates, 000–00–0000.
Col. William G. Boykin, 000–00–0000.
Col. Charles M. Burke, 000–00–0000.
Col. Charles C. Campbell, 000–00–0000.
Col. James L. Campbell, 000–00–0000.
Col. Joseph R. Capka, 000–00–0000.
Col. George W. Casey, Jr., 000–00–0000.
Col. John T. Casey, 000–00–0000.
Col. Dean W. Cash, 000–00–0000.
Col. Dennis D. Cavin, 000–00–0000.
Col. Robert F. Dees, 000–00–0000.
Col. Larry J. Dodgen, 000–00–0000.
Col. John C. Doesburg, 000–00–0000.
Col. James E. Donald, 000–00–0000.
Col. David W. Foley, 000–00–0000.
Col. Harry D. Gatanas, 000–00–0000.
Col. Robert A. Harding, 000–00–0000.
Col. Roderick J. Isler, 000–00–0000.
Col. Dennis K. Jackson, 000–00–0000.
Col. Alan D. Johnson, 000–00–0000.
Col. Anthony R. Jones, 000–00–0000.
Col. William J. Lennox, Jr., 000–00–0000.
Col. James J. Lovelace, Jr., 000–00–0000.
Col. Jerry W. McElwee, 000–00–0000.
Col. David D. McKiernan, 000–00–0000.
Col. Clayton E. Melton, 000–00–0000.
Col. Willie B. Nance, Jr., 000–00–0000.
Col. Robert W. Noonan, Jr., 000–00–0000.
Col. Kenneth L. Privratsky, 000–00–0000.
Col. Hawthorne L. Proctor, 000–00–0000.
Col. Ralph R. Ripley, 000–00–0000.
Col. Earl M. Simms, 000–00–0000.
Col. Zannie O. Smith, 000–00–0000.
Col. Robert L. VanAntwerp, Jr., 000–00–0000.
Col. Hans A. VanWinkle, 000–00–0000.
Col. Robert W. Wagner, 000–00–0000.
Col. Daniel R. Zanini, 000–00–0000.

The following U.S. Army National Guard officer for promotion in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 3385, 3392 and 12203(a):

To be major general

Brig. Gen. Stanhope S. Spears, 000–00–0000.

NAVY

The following named Captains in the line of the U.S. Navy for promotion to the permanent grade of Rear Admiral (lower half), pursuant to Title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. William Wilson Pickavance, Jr., 000–00–0000.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. George Richard Yount, 000–00–0000.

NOMINATION OF COL. WILLIAM J. SHONDEL

Mr. BYRD. Mr. President, I am pleased that the President has nominated Colonel William J. Shondel for the rank of Brigadier General. Colonel Shondel, a native of Clinton, Ohio, earned undergraduate and graduate degrees from Ohio State University, and also earned a master's degree from Marshall University.

Colonel Shondel currently serves as the Assistant Adjutant General for Air, West Virginia Air National Guard. Prior to this he held many demanding positions, including Director of Logistics for the West Virginia Air National Guard, overseeing all maintenance, supply, transportation and logistics support for two C–130 airlift groups.

Before joining the Air National Guard, Colonel Shondel had a distinguished career in the U.S. Air Force where he was named the Air Force Outstanding Supply Officer of the year and his unit was rated the best in the nation for three consecutive years.

Colonel Shondel is a distinguished Reserve Officer Training Corps graduate, as well as a graduate of Squadron Officers School, Air Command and Staff College, and Air War College. His major decorations include the Meritorious Service Medal, Air Force Commendation Medal, Air Force Achievement Medal, Air Force Outstanding Unit Award, and the National Defense Service Medal.

Mr. President, I am pleased to cast my vote for the confirmation of Col. William J. Shondel as Brigadier General, and I urge my colleagues to support this nomination.

NOMINATION OF COL. WILLIAM L. FLESHMAN

Mr. BYRD. Mr. President, I am pleased that the President has nominated Colonel William L. Fleshman for the rank of Brigadier General. Colonel Fleshman is a native of Charleston and a graduate of the West Virginia Institute of Technology.

Colonel Fleshman has held many responsible positions within the West Virginia Air National Guard since he was commissioned in May, 1962, and graduated from pilot training in December, 1963. Most recently, he has been assigned as the Commander of the West Virginia Air National Guard, headquartered in Charleston.

Prior to his current assignment, Colonel Fleshman served for eleven years as the Deputy Commander for Maintenance of the 130th Tactical Airlift Group, and from July, 1987 through August, 1988, he concurrently served as the Group Vice Commander. Due to his demonstrated ability and leadership, he was promoted to the position of Commander, 130th Tactical Airlift Wing in August, 1988, and served in this position for six years, when he was appointed to his present position.

Colonel Fleshman is a command pilot with more than 6,000 flying hours. He is a graduate of Squadron Officers School, Air Command and Staff College, and the Industrial College of the Air Force, where he graduated with high honors. His decorations include the Bronze Star, Meritorious Service Medal, Air Force Commendation Medal, Armed Forces Reserve Medal, Combat Readiness Medal, and the Air Force Outstanding Unit Award. He was awarded the Southwest Asia Service Medal for Desert Shield/Storm and the Liberation of Kuwait Medal.

Mr. President, I am pleased to cast my vote for the confirmation of Col. William L. Fleshman as Brigadier General, and I urge my colleagues to support this nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

EXTENDING SYMPATHIES TO THE PEOPLE OF SCOTLAND

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 231, a resolution expressing condolences to the families of children killed and wounded in Dunblane, Scotland, submitted earlier today by Senator WELLSTONE; that the resolution be agreed to, and the motion to reconsider be laid upon the table, and that the preamble be agreed to; that any statements relating thereto be printed in the RECORD at the appropriate place, as if read.

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

So the resolution (S. Res. 231) was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 231

Whereas all Americans were horrified by the news this morning that 16 kindergarten children and their teacher were shot and killed yesterday in Dunblane, Scotland, by an individual who invaded their school;

Whereas another 12 children and 3 adults were apparently wounded in the same terrible assault;

Whereas this was an unspeakable tragedy of huge dimensions causing tremendous feelings of horror and anger and sadness affecting all people around the world; and

Whereas the people of the United States wish to extend their sympathy to the people of Scotland in their hours of hurt and pain and grief; Now, therefore, be it

Resolved by the Senate of the United States, That the Senate, on behalf of the American people, does extend its condolences and sympathies to the families of the little children and others who were murdered and wounded, and to all the people of Scotland, with fervent hopes and prayers that such an occurrence will never, ever again take place.

ORDERS FOR FRIDAY, MARCH 15, 1996

Mr. ABRAHAM. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in adjournment until the hour of 9:45 a.m., Friday, March 15; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders reserved for their use later in the day, and there then be a period for morning business until the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each. Further, that at 10 a.m., the Senate begin consideration of S. 942 as under the previous order.

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

PROGRAM

Mr. ABRAHAM. For the information of all Senators, the Senate will debate the small business regulatory relief bill tomorrow. Any votes ordered in relation to that bill will occur on Tuesday.

On Friday, following the small business bill debate, the Senate will resume consideration of the continuing resolution. Senators should be prepared to offer their amendments during Friday's session.

Under the previous order, there will be no votes until Tuesday, March 19.

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

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. ABRAHAM. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:49 p.m., adjourned until Friday, March 15, 1996, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate March 14, 1996:

DEPARTMENT OF DEFENSE

ROBERT E. ANDERSON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2001, VICE CLARENCE S. AVERY, TERM EXPIRED.

LONNIE R. BRISTOW, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2001, VICE GOPAL SIVARAJ PAL, TERM EXPIRED.

SHIRLEY LEDBETTER JONES, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 2001, VICE GEORGE TYRON HARDING, IV, TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SUSAN BASS LEVIN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1999, VICE RICHARD C. HACKETT.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KEVIN EMANUEL MARCHMAN, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JOSEPH SHULDINER.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHN J. CUSICK, 000–00–0000.

IN THE MARINE CORPS

THE FOLLOWING-NAMED COLONEL OF THE U.S. MARINE CORPS FOR PROMOTION TO THE GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. ARNOLD FIELDS, 000–00–0000.

IN THE NAVY

THE FOLLOWING-NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE AS LIMITED DUTY OFFICERS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIMITED DUTY OFFICERS, LINE

To be lieutenant

JAMES L. ABRAM, 000–00–0000
LISA L. ALBUQUERQUE, 000–00–0000
JAMES R. ALDERSON, 000–00–0000
ALFRED D. ANDERSON, 000–00–0000
RICKY A. ANFINSON, 000–00–0000
CHRISTOPHER E. ANGEL, 000–00–0000
HERMAN L. ARCHIBALD, 000–00–0000
ERNEST B. ASHFORD, 000–00–0000
CHARLES D. AUXTER, 000–00–0000
ROLAND B. AVELINO, 000–00–0000
STEVEN J. AVERETT, 000–00–0000
PAUL J. BACENET, 000–00–0000
ALLEN D. BALABIS, 000–00–0000
JEFFREY BALL, 000–00–0000
JAMES W. BALLINGER, 000–00–0000
JEFFREY W. BARNETT, 000–00–0000
RALPH G. BARRETT, 000–00–0000
VICTOR A. BARRIOS, 000–00–0000
ROBERT D. BEASLEY, 000–00–0000
ROY G. BEJSOVEC, 000–00–0000
LAREDO M. BELL, 000–00–0000
REYNOLFO D. BELTEJAR, 000–00–0000
JAMES BENNETT, JR., 000–00–0000
MICHAEL H. BLUM, 000–00–0000
JOHNNY E. BOWENS, 000–00–0000
HAROLD T. BRADY, 000–00–0000
ALLEN E. BRANTON, 000–00–0000
LAURAINE L. BRAY, 000–00–0000
TOMMY W. BROWN, 000–00–0000
APRIL L. BUCK, 000–00–0000
BILLY R. BURCH, 000–00–0000
MICHAEL R. BUTTREY, 000–00–0000
ERNEST M. BUTTS, 000–00–0000
RAUL V. CALIMLIM, 000–00–0000
MANOLITO Y. CALMA, 000–00–0000
PELAGIO B. CAOILE, 000–00–0000
SHIRLEY J. CARTER, 000–00–0000
TERRY B. CARWILE, 000–00–0000
JEFFREY L. CHANEY, 000–00–0000
ROGER L. CHANEY, 000–00–0000
MICHAEL E. CHESLEY, 000–00–0000
ROBERT N. CHEVRETTE, 000–00–0000
THOMAS K. CHO, 000–00–0000
THOMAS A. CHORLTON, 000–00–0000
HUGH W. CLARKE, JR., 000–00–0000
JAMES D. CRAYCRAFT, 000–00–0000
ANTHONY R. CREED, 000–00–0000
RICHARD L. CROCKER, 000–00–0000
STEPHEN E. CRUME, 000–00–0000
ANTHONY M. CUNNING, 000–00–0000
LARRY K. DAVIS, 000–00–0000
JACK D. DEAN, 000–00–0000
EMELITO T. DEGUZMAN, 000–00–0000
HOWARD L.S. DENSON, 000–00–0000
GREGORY J. DEVEAU, 000–00–0000
KENNETH DIMKE, 000–00–0000
CLIFFORD DINGLER, 000–00–0000
JAMES R. DIXON, 000–00–0000
RICHARD E. DOBKINS, 000–00–0000
JOHN A. DONNELL, 000–00–0000
JESSIE L. DOVE, 000–00–0000
THOMAS E. DRABCZYK, 000–00–0000
ANTHONY S. DULL, 000–00–0000
RICHARD B. DUQUE, 000–00–0000
DAVID L. EDMING, 000–00–0000
KENNETH R. ELLARD, 000–00–0000
DANIEL K. EMERSON, 000–00–0000
FRANK ESPINOSA, JR., 000–00–0000
PAUL C. EVANS, 000–00–0000
ROBERT B. FARMER, 000–00–0000
MATTHEW J. FEEHAN, 000–00–0000
JOHN J. FERRARA, 000–00–0000
DAVID FERREIRA, 000–00–0000
LINWOOD O. FISHER, 000–00–0000
WILLIAM P. FISHER, 000–00–0000
FARYLE G. FITCHUE, 000–00–0000
GREGORY P. FOOTE, 000–00–0000
LEO T. FORD, 000–00–0000
DANIEL J. FOSTER, 000–00–0000
THOMAS W. FOX, 000–00–0000
SCOTT W. FRAMPTON, 000–00–0000
TIMOTHY M. FRANCIS, 000–00–0000
VINCENT W. FRESCHI, 000–00–0000
MICHAEL J. GAGNON, 000–00–0000
SCOTT W. GALOW, 000–00–0000
NONATO A. GAOIRAN, 000–00–0000
PATRICK G. GARRISON, 000–00–0000
HERIBERTO GONZALEZ, 000–00–0000
DAVID K. GRAMPP, 000–00–0000
WAYNE S. GRAZIO, 000–00–0000
RICHARD A. GREEN, 000–00–0000
GEORGE F. GREENE, 000–00–0000
DAVID M. GROSS, 000–00–0000
RAYMOND GULLEY, 000–00–0000
JAMES L. HANLEY III, 000–00–0000
SALNAVE B. A. HARE, 000–00–0000
DANIEL J. HARTNETT, 000–00–0000
EVERETT HAYES, 000–00–0000
RAY L. HEDGPATH, 000–00–0000
KEITH L. HEDRICK, 000–00–0000
LUIS A. HERNANDEZ, 000–00–0000
EVAN S. HIGGINS, 000–00–0000
BETTY J. HILL, 000–00–0000
THOMAS A. HOLDER, 000–00–0000
MELVIN T. HOLLIS, 000–00–0000
LAWRENCE J. HOLLOWAY, 000–00–0000
EDWARD HOLMES, 000–00–0000
WILLIAM K. HOMMERBOCKER, 000–00–0000
JOHN A. HUCKS, 000–00–0000
MAX C. HUG, 000–00–0000
MARK A. HUMPHREY, 000–00–0000
VERNON C. HUNTER, 000–00–0000
ROLANDO C. IMPERIAL, 000–00–0000
ROBERT G. INFANTE, JR., 000–00–0000
JOSEPH H. JAMISON, JR., 000–00–0000
GREGORY S. JEFFERY, 000–00–0000
DONALD L. JENKINS, JR., 000–00–0000
DANNY J. JENSEN, 000–00–0000
PAUL C. JENSEN, 000–00–0000
PATRICK K. JOHNSON, 000–00–0000
ANTHONY W. JONES, 000–00–0000
LARRY R. JONES, 000–00–0000
ROBERT E. JONES, 000–00–0000
KARL J. JORDAN, 000–00–0000
GREGORY A. KARR, 000–00–0000
EDWARD D. KATZ, 000–00–0000
BETTYE D. KEEFER, 000–00–0000
THOMAS M. KEEFER, 000–00–0000
LARRY E. KELLEY, 000–00–0000
DAVID M. KELSEY, 000–00–0000
OSCAR R. KELSICK, 000–00–0000
CALVIN L. KELSO, 000–00–0000
THEODORE J. KIMES, 000–00–0000
JOHN S. KING III, 000–00–0000
KARL W. KING, 000–00–0000
WILLIE, KING, JR., 000–00–0000
WILLIAM K. KIVLAN, 000–00–0000
BRUCE KUKICH, 000–00–0000
TODD L. LAKE, 000–00–0000
DANE B. LAMBERT, 000–00–0000
DANIEL J. LANGLAIS, 000–00–0000
TOBY A. LAYMAN, 000–00–0000
BRIAN R. LEE, 000–00–0000
LEMUEL D. LEE, 000–00–0000
MICHAEL J. LENT, 000–00–0000
MICHAEL J. LISSY, 000–00–0000
GRANT S. LITTLE, 000–00–0000
GARY D. LOVE, 000–00–0000
MATTHEW V. LYDICK, 000–00–0000
GERALD A. MACKE, 000–00–0000
SUZETTE S. MAFFETT, 000–00–0000
JOAN E. MALONE, 000–00–0000
DANIEL K. MALONEY, 000–00–0000
WILLIAM G. MANDERS, JR., 000–00–0000
GARLAND D. MANGUM, 000–00–0000
JEFFREY L. MANIA, 000–00–0000

RUDOLPH MASON, 000–00–0000
GEORGE E. MASTER, 000–00–0000
THOMAS R. MATHISON, 000–00–0000
JIMMIE A. MC MATH, 000–00–0000
JAMES D. MC NEASE, 000–00–0000
ALBERT R. MEDFORD, 000–00–0000
EDWARD J. MESSMER, 000–00–0000
JACK A. MIDGETT, JR., 000–00–0000
SHARON A. MIDKIFF, 000–00–0000
KEVIN L. MILLER, 000–00–0000
ROBERT L. MILLER, 000–00–0000
PAUL F. MITCHELL, 000–00–0000
DANIEL E. MONTGOMERY, 000–00–0000
JAMES A. MORETZ, 000–00–0000
KIRK T. MORFORD, 000–00–0000
PAUL J. MORIN, 000–00–0000
JESSE R. MOYE, IV, 000–00–0000
KENNETH R. MULDER, 000–00–0000
CHARLES G. MURPHY, 000–00–0000
ROBERT A. MURRAY, JR., 000–00–0000
ROBERT L. MURRAY, 000–00–0000
RICKEY D. NEVELS, 000–00–0000
MARK C. NISBETT, 000–00–0000
BRUCE L. NIX, 000–00–0000
LENA R. NULL, 000–00–0000
RAYMOND M. NUSZKIEWICZ, 000–00–0000
DAVID A. OBRIEN 000–00–0000
TIMOTHY J. OBRIEN, 000–00–0000
THOMAS D. OCCHIONERO, 000–00–0000
PATRICK D. OSHAUGHNESSY, 000–00–0000
ROBERT OUTLAW, 000–00–0000
KARENLEIGH A. OVERMANN, 000–00–0000
SILVERIO Q. PADUA, JR., 000–00–0000
CURTIS B. PAGE, JR., 000–00–0000
PETER P. PASCANIK, 000–00–0000
MARQUIS A. PATTON, 000–00–0000
RALPH G. PAYTON, 000–00–0000
MARK C. PERSUTTI, 000–00–0000
CHARLES M. PHILLIP, 000–00–0000
PAUL D. PHILLIPS, 000–00–0000
WILLIAM A. PITARD, 000–00–0000
WILLIAM M. POLLITZ, 000–00–0000
HUGH RANKIN, 000–00–0000
THOMAS F. REBMAN, 000–00–0000
LOWELL P. REDD, 000–00–0000
MICHAEL A. REID, 000–00–0000
DAVID F. REISCHE, 000–00–0000
THEODORE B. REYES, 000–00–0000
EUGENE A. RHODES, JR., 000–00–0000
KEITH W. RHODES, 000–00–0000
CHARLES M. ROWELL, 000–00–0000
KENNETH R. ROYALS, 000–00–0000
JAMES R. RUSSELL, 000–00–0000
JOHN E. RUSSELL, 000–00–0000
JAMES P. SAUERS, JR., 000–00–0000
MATTHEW P. SCHAEFER, 000–00–0000
CHARLES E. SCHUCK, 000–00–0000
RANDALL L. SEAVY, 000–00–0000
JEFFREY L. SHEETS, 000–00–0000
JOHN K. SHELBURNE, 000–00–0000
JAIME V. SINGH, 000–00–0000
DAVID F. SMITH, JR., 000–00–0000
JAMES C. SMITH, JR., 000–00–0000
KAREN E. SMITH, 000–00–0000
LINDA J. SMITH, 000–00–0000
STEVEN F. SMITH, JR., 000–00–0000
WALTER F. SMITH, JR., 000–00–0000
GREGORY A. SPANGLER, 000–00–0000
JACQUELINE V. STALLINGS, 000–00–0000
DUANE T. STANFIELD, 000–00–0000
DANIEL D. STARK, 000–00–0000
ALAN B. STAUDE, 000–00–0000
RICHARD P. STEVENSON, 000–00–0000
WAYNE D. STONER, 000–00–0000
PERRY W. SUTER, 000–00–0000
KENNETH E. SWIGART, 000–00–0000
ANTHONY H. TALBERT, 000–00–0000
CHRISTOPHER P. TAYLOR, 000–00–0000
THOMAS J. TAYLOR, 000–00–0000
MICHAEL S. THOMPSON, 000–00–0000
CORINTHIA E. THOMS, 000–00–0000
DELLA F. TOPF, 000–00–0000
CRISTY L. TREHARNE, 000–00–0000
DENIS W. TREMBLAY, JR., 000–00–0000
ROGER A. TRUITT, 000–00–0000
RICHARD A. TUCKER, 000–00–0000
FREDERICK W. TURNER, 000–00–0000
CRAIG W. TWIGG, 000–00–0000
PETER C. VANKUREN, 000–00–0000
MICHAEL J. VANWIE, 000–00–0000
JOHN S. VISOSKY, 000–00–0000
JOHN B. VLIET, 000–00–0000
JOHN R. WARGI, 000–00–0000
JAMES C. WASHINGTON, 000–00–0000
BRIAN C. WATSON, 000–00–0000
ANTHONY D. WEBER, 000–00–0000
WILLIAM D. WHELCHEL, 000–00–0000
LARRY S. WHITE, 000–00–0000
LINWOOD, WHITERS, 000–00–0000
CHARLESWORTH C. WILLIAMS, 000–00–0000
ERIC M. WINANS, 000–00–0000
BENNIE R. WOODS, 000–00–0000
WILLIAM WOODS, 000–00–0000
STEPHEN G. YOUNG, 000–00–0000
CHRISTOPHER J. ZALLER, 000–00–0000

THE FOLLOWING-NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS AS LIMITED DUTY OFFICERS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIMITED DUTY OFFICERS, SUPPLY CORPS

To be lieutenant

ROBERT D. CLERY, 000–00–0000
MARCIA T. COLEMAN, 000–00–0000
LUIS D. DANCEL, 000–00–0000
CHERYL L. FEARS, 000–00–0000
JORGE GONZALEZ, 000–00–0000
ROBERT L. GOODE, 000–00–0000
CHARLES E. GREENERT, 000–00–0000
FEDERICO G. NALOS, 000–00–0000
KENNETH A. PIECZONKA, 000–00–0000
GARFIELD M. SICARD, 000–00–0000
EDWARD R. STORTI, 000–00–0000
TOBY C. SWAIN, 000–00–0000
JAMES WOOLFORD, 000–00–0000

THE FOLLOWING-NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS AS LIMITED DUTY OFFICERS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIMITED DUTY OFFICERS, CIVIL ENGINEER CORPS

To be lieutenant

KURT R. BRATZLER, 000–00–0000
JAMES N. COULTER, 000–00–0000
DENNIS E. EDWARDS, 000–00–0000
KIRK C. KELTON, 000–00–0000
JOHN W. NEUHAUSER, 000–00–0000
RICKY R. RODRIQUEZ, 000–00–0000

THE FOLLOWING-NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LAW PROGRAM AS LIMITED DUTY OFFICERS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIMITED DUTY OFFICERS, LAW PROGRAM

to be lieutenant

ROBERT E. CATTERTON, JR., 000–00–0000
EMMA TURNER, 000–00–0000
ROBERT E. WILLIAMS, 000–00–0000

CONFIRMATIONS

Executive nominations confirmed by the Senate March 14, 1996:

DEPARTMENT OF THE TREASURY

JAMES E. JOHNSON, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

NAVY

THE FOLLOWING-NAMED CAPTAIN IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS, THEREFORE, AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. JOHN B. PADGETT III, 000–00–0000.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG GEN. THOMAS R. CASE, 000–00–0000.
BRIG GEN. DONALD G. COOK, 000–00–0000.
BRIG GEN. CHARLES H. COOLIDGE, JR., 000–00–0000.
BRIG GEN. JOHN R. DALLAGER, 000–00–0000.
BRIG GEN. RICHARD L. ENGEL, 000–00–0000.
BRIG GEN. MARVIN R. ESMOND, 000–00–0000.
BRIG GEN. BOBBY O. FLOYD, 000–00–0000.
BRIG GEN. ROBERT H. FOGLESONG, 000–00–0000.
BRIG GEN. JEFFREY R. GRIME, 000–00–0000.
BRIG GEN. JOHN W. HAWLEY, 000–00–0000.
BRIG GEN. MICHAEL V. HAYDEN, 000–00–0000.
BRIG GEN. WILLIAM T. HOBBINS, 000–00–0000.
BRIG GEN. JOHN D. HOPPER, JR., 000–00–0000.
BRIG GEN. RYAMOND P. HUOT, 000–00–0000.
BRIG GEN. TIMOTHY A. KINNAN, 000–00–0000.
BRIG GEN. MICHAEL C. KOSTELNIK, 000–00–0000.
BRIG GEN. LANCE W. LORD, 000–00–0000.
BRIG GEN. RONALD C. MARCOTTE, 000–00–0000.
BRIG GEN. GREGORY S. MARTIN, 000–00–0000.
BRIG GEN. MICHAEL J. MCCARTHY, 000–00–0000.
BRIG GEN. JOHN F. MILLER, JR., 000–00–0000.
BRIG. GEN. CHARLES H. PEREZ, 000–00–0000.
BRIG. GEN. STEPHEN B. PLUMMER, 000–00–0000.
BRIG. GEN. DAVID A. SAWYER, 000–00–0000.
BRIG. GEN. TERRYL J. SCHWALIER, 000–00–0000.
BRIG. GEN. GEORGE T. STRINGER, 000–00–0000.
BRIG. GEN. GARY A. VOELLGER, 000–00–0000.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 8373, 8374, 12201, AND 12212:

To be major general

BRIG. GEN. JAMES F. BROWN, 000–00–0000.
BRIG. GEN. JAMES MCINTOSH, 000–00–0000.

To be brigadier general

COL. GARY A. BREWINGTON, 000–00–0000.
COL. WILLIAM L. FLESHMAN, 000–00–0000.
COL. ALLEN H. HENDERSON, 000–00–0000.
COL. JOHN E. IFFLAND, 000–00–0000.
COL. DENNIS J. KERKMAN, 000–00–0000.
COL. STEPHEN M. KOPER, 000–00–0000.
COL. ANTHONY L. LIGUORI, 000–00–0000.
COL. KENNETH W. MAHON, 000–00–0000.
COL. WILLIAM H. PHILLIPS, 000–00–0000.
COL. JERRY H. RISHER, 000–00–0000.
COL. WILLIAM J. SHONDEL, 000–00–0000.

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. BRIAN A. ARNOLD, 000–00–0000.
COL. JOHN R. BAKER, 000–00–0000.
COL. RICHARD T. BANHOLZER, 000–00–0000.
COL. JOHN L. BARRY, 000–00–0000.
COL. JOHN D. BECKER, 000–00–0000.
COL. ROBERT F. BEHLER, 000–00–0000.
COL. SCOTT C. BERGREN, 000–00–0000.
COL. PAUL L. BIELOWICZ, 000–00–0000.
COL. FRANKLIN J. BLAISDELL, 000–00–0000.
COL. JOHN S. BOONE, 000–00–0000.
COL. CLAYTON G. BRIDGES, 000–00–0000.
COL. JOHN W. BROOKS, 000–00–0000.
COL. WALTER E.L. BUCHANAN, III, 000–00–0000.
COL. CARROL H. CHANDLER, 000–00–0000.
COL. JOHN L. CLAY, 000–00–0000.
COL. RICHARD A. COLEMAN, JR., 000–00–0000.
COL. PAUL R. DORDAL, 000–00–0000.
COL. MICHAEL M. DUNN, 000–00–0000.
COL. THOMAS F. GIOCONDA, 000–00–0000.
COL. THOMAS B. GOSLIN, JR., 000–00–0000.
COL. JACK R. HOLBEIN, JR., 000–00–0000.
COL. JOHN G. JERNIGAN, 000–00–0000.
COL. CHARLES L. JOHNSON II, 000–00–0000.
COL. LAWRENCE D. JOHNSTON, 000–00–0000.
COL. DENNIS R. LARSEN, 000–00–0000.
COL. THEODORE W. LAY II, 000–00–0000.
COL. FRED P. LEWIS, 000–00–0000.
COL. STEPHEN R. LORENZ, 000–00–0000.
COL. MAURICE L. MC FANN, JR., 000–00–0000.
COL. JOHN W. MEINCKE, 000–00–0000.
COL. HOWARD J. MITCHELL, 000–00–0000.
COL. WILLIAM A. MOORMAN, 000–00–0000.
COL. TEED M. MOSELEY, 000–00–0000.
COL. ROBERT M. MURDOCK, 000–00–0000.
COL. MICHAEL C. MUSHALA, 000–00–0000.
COL. DAVID A. NAGY, 000–00–0000.
COL. WILBERT D. PEARSON, JR., 000–00–0000.
COL. TIMOTHY A. PEEPE, 000–00–0000.
COL. CRAIG P. RASMUSSEN, 000–00–0000.
COL. JOHN F. REGNI, 000–00–0000.
COL. VICTOR E. RENUART, JR., 000–00–0000.
COL. RICHARD V. REYNOLDS, 000–00–0000.
COL. EARNEST O. ROBBINS, II, 000–00–0000.
COL. STEVEN A. ROSER, 000–00–0000.
COL. MARY L. SAUNDERS, 000–00–0000.
COL. GLEN D. SHAFFER, 000–00–0000.
COL. JAMES N. SOLIGAN, 000–00–0000.
COL. BILLY K. STEWART, 000–00–0000.
COL. FRANCIS X. TAYLOR, 000–00–0000.
COL. RODNEY W. WOOD, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD C. BETHUREM, 000–00–0000, UNITED STATES AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. RICHARD E. HAWLEY, 000–00–0000, UNITED STATES AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be brigadier general

COL. JOSEPH W. ARBUCKLE, 000–00–0000.
COL. BARRY D. BATES, 000–00–0000.
COL. WILLIAM G. BOYKIN, 000–00–0000.
COL. CHARLES M. BURKE, 000–00–0000.
COL. CHARLES C. CAMPBELL, 000–00–0000.
COL. JAMES L. CAMPBELL, 000–00–0000.
COL. JOSEPH R. CAPKA, 000–00–0000.
COL. GEORGE W. CASEY, JR., 000–00–0000.
COL. JOHN T. CASEY, 000–00–0000.
COL. DEAN W. CASH, 000–00–0000.
COL. DENNIS D. CAVIN, 000–00–0000.
COL. ROBERT F. DEES, 000–00–0000.
COL. LARRY J. DODGEN, 000–00–0000.
COL. JOHN C. DOESBURG, 000–00–0000.
COL. JAMES E. DONALD, 000–00–0000.
COL. DAVID W. FOLEY, 000–00–0000.
COL. HARRY D. GATANAS, 000–00–0000.
COL. ROBERT A. HARDING, 000–00–0000.
COL. RODERICK J. ISLER, 000–00–0000.
COL. DENNIS K. JACKSON, 000–00–0000.
COL. ALAN D. JOHNSON, 000–00–0000.
COL. ANTHONY R. JONES, 000–00–0000.
COL. WILLIAM J. LENNOX, JR., 000–00–0000.
COL. JAMES J. LOVELACE, JR., 000–00–0000.
COL. JERRY W. MC ELWEE, 000–00–0000.
COL. DAVID D. MC KIERNAN, 000–00–0000.
COL. CLAYTON E. MELTON, 000–00–0000.

COL. WILLIE B. NANCE, JR., 000–00–0000.
COL. ROBERT W. NOONAN, JR., 000–00–0000.
COL. KENNETH L. PRIVRATSKY, 000–00–0000.
COL. HAWTHORNE L. PROCTOR, 000–00–0000.
COL. RALPH R. RIPLEY, 000–00–0000.
COL. EARL M. SIMMS, 000–00–0000.
COL. ZANNIE O. SMITH, 000–00–0000.
COL. ROBERT L. VAN ANTWERP, 000–00–0000.
COL. HANS A. VAN WINKLE, 000–00–0000.
COL. ROBERT A. WAGNER, 000–00–0000.
COL. DANIEL R. ZANINI, 000–00–0000.

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3385, 3392 AND 12203(A):

To be major general

BRIG. GEN. STANHOPE S. SPEARS, 000–00–0000.

IN THE NAVY

THE FOLLOWING-NAMED CAPTAINS IN THE LINE OF U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. WILLIAM WILSON PICKAVANCE, JR., 000–00–0000.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. GEORGE RICHARD YOUNT, 000–00–0000.

EXTENSIONS OF REMARKS

WHAT IT MEANS TO ME TO LIVE IN AMERICA

HON. STEPHEN HORN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. HORN. Mr. Speaker, amidst the current congressional debate over the U.S. immigration policies, it is very important to remember why so many people from around the world want to live in our country. My father was such an immigrant who came from his native Germany to the United States.

Recently, I was reminded of my father's reasons for immigrating when I attended the awards ceremony given to honor the winners of the Sertoma Club of Long Beach, California's Fifth Annual Heritage Month Essay Contest. The essay contest topic was ''What It Means to Me To Live in America.'' The winners—all young people from Long Beach and Lakewood, CA—represent the many faces of America. Some are recent immigrants; others, native born. But all write words that are a moving tribute to the fundamental spirit of our Nation—the right to be free, the opportunity to build a better life, and the chance to follow one's dreams.

As the immigration debate continues, Congress would do well to remember the insightful words of these young people. They speak directly to the heart of what makes our Nation great.

WHAT IT MEANS TO ME TO LIVE IN AMERICA

(By Lauren Struve)

We often take for granted all the privileges that come with living in a country where human rights are protected and enforced. Little does the average American take time to think about those who aren't as lucky as we are. Those who are told exactly what to say, do, and even think.

In America we are given the freedom of speech, which is a freedom like no other. This allows one to express his or her true opinions through written, verbal, or visual pieces, which some unfortunate people in other countries will never have the opportunity to experience.

Just thinking about how different life would be if we were unable to choose what was in store for us is unimaginable. In America we are able to lead or own lives and create a future for ourselves. We make crucial, sometimes life-changing, decisions every day and always have the opportunity to change our minds or fix our mistakes.

I truly believe that if people would take the time to appreciate their country and all that it offers them, things would be different. Perhaps people would be a little more sympathetic to those who are not blessed with these remarkable rights.

AMERICA'S A FREE COUNTRY

(By Kim Du)

''We come to America for freedom. We want you childrens to have a good education and a better future.'' This is what my dad often tells us kids.

I think that America is a beautiful country. A land where people from all over the world bring their hope and dreams to build a better life. A place where they don't know what's awaiting for them but still wanted to come and start all over again.

They wanted to come to a place where everybody is equal. A land where they have the right to choose their own religion. A land where they can take part in the government and together they decide what they wanted for their nation. A place where everything is possible if you try hard enough and a land where you can made your dream come true.

AMERICA

(By Michael D. Ghali)

America . . . the land among the many, but clearly standing above them all! America . . . the land of the fifty states bonding together to form a union. When I think of America, I think of the freedom and especially the freedom of speech.

The first freedom of speech is voting which is one person's voice in the world of politics. One person's voice standing up when elections come around. Whether a person is voting for president or the mayor of a city, voting is a big part of being an American.

Other important parts of freedom of speech include the right to form interest groups. This is important because it lets you stand up for what you believe. This again lets a person speak his or her voice and be heard by others. One group which comes to mind is the Sierra Club. That club is an environmental group who fights to save endangered species and keep the earth clean.

The last but not least important (to me) is the right to attend congress meetings which is part of participatory democracy. This lets a person know what is happening in the world around them and does not leave them out of the system. This keeps people on track and caring about the world around them.

In conclusion, I say America is a loving country with many rights I could not live without. God Bless you America.

WHAT IT MEANS TO ME TO LIVE IN AMERICA

(By Cyril Balanque)

To me, living in America is a privilege. Its filled with many diverse people from different cultures. Everyday I learn something new because of all the people around me, especially at school. To live in America means freedom. Our forefathers worked hard to win this land and I think we should appreciate it.

Many advantages are gained by living here. We have the right for religious freedom. We can worship whomever we wish. Living in America brings more rights than other countries. For example, the right for life, liberty, and the pursuit of happiness. In some other countries people are still slaves working in factories. Here, in America, we are free, but we have some limitations accompanying it.

Living in America means responsibility. We're free but if we don't obey by the rules it could be total chaos. We have rights for certain things, not everything. The Constitution gives us things we can do but laws gives us guidelines on how to abide them.

Altogether, to me, America means hard work. Mostly everybody in the United States work. At home and at school too. People worked really hard to establish America. Since then, people have improved the way we live. America has really come a long way.

WHAT IT MEANS TO ME TO LIVE IN AMERICA

(By Acquin Time)

To live in America, it means freedom, peace, and rejoiceful times to every person in this world that we have. Freedom means a person who is not under a person's control and who has their own rights

Freedom is like a freshly white dove soaring through the sky, searching for what is right. This is what freedom means to me and how it feels, and what it means to live in America.

Living in America brings joy and tears to those who's heart has been aching for so long to get to America. To them, it gives them peace because they have been aching to get here because, they been going through hard times and been suffering from all the hatred and the unpeaceful world around them. America gives us the right to testify and stand up for what you believe. You have all those rights. America is a loving and a caring country. It supports you when you need their help most.

I believe that America is the best country you could live in because there is no racism going around like other countries today. Students of every race gets to go school together and learn. Some kids of every other five races gets along together.

America is not only a country who supports you, allow you to vote, it gives you the power to stand up for your rights.

Long time ago, a man named Martin Luther King Jr. said, ''I have a dream.'' Yes, I do have a dream. My dream is that one day every one in this whole world would someday be free.

Free is a word that brings peace to every person in this world's heart. As for me, it did. I was one of those who didn't have freedom. Everything was so strict, but now I have that chance and I took it. I'm very glad that I look it.

So this is what America means to me, ''Freedom.'' I once was a bird who's been searching and soaring through the sky, looking for a place where they'd accept me for what and who I am. I found that place. That place is America.

WHAT IT IS LIKE TO LIVE IN AMERICA

(By Allegra Ban)

I am a young woman of Croatian descent. My father was born in Russia, his father in Yugoslavia. I will never know what it is like to be native to these places, yet from family stories I have heard, I can imagine.

My grandfather, Papa as we call him, came to America in search of the ''promise'' land. To him America was the place he could be what he wished, not what his father was and his father's father. An Ironworker.

I think the true moment of freedom came in the new country when my grandfather watched his oldest son, my father, graduate from University High.

Then Berkeley.

Then M.I.T.

My grandfather sits silently some nights, staring out over the calm of what he calls his own. Looking closely, you can still see Russia in his eyes. From this, I know how lucky I am to live and be of this country. By leaving Russia, my papa gave my father the chance to be something other than an Ironworker. He gave me more opportunities than I can imagine. For this I am thankful. This is what makes me American.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Ironworks shop where Howard Ban was apprenticed was destroyed in early 1990 by Serbian revolutionaries.

WHAT IT MEANS TO LIVE IN AMERICA

(By Alexander J. Negvesky)

America was founded on the beliefs of equality and freedom from tyranny. Together, they form the basic idea of America, and are our inalienable rights. I have never thought of America as a country, but more of as a union of all the people within the boundaries of the United States. I have seen the news reports about other countries fighting for their freedom. The countries seem the be controlled by dictators. People shouldn't have to fight for their freedom. It is a right they should have to begin with. We have many freedoms; freedom of speech, religion, choice, and the press are the most important of our freedoms. I am happy to live in America and to be an American. I enjoy exercising my rights. If they were taken away from me, I would fight to get them back. Freedom is part of America, and I hope it always will be.

LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS

(By Fred Ngo)

Through mountains and hills has America over to get to its greatest achievement, a nation full of equity and freedom. This achievement stated in the Constitution for all to see, follow, and know that America is the people and can't survive without the people.

The Constitution is a wonder. How could a little group of people work together to form the blueprints for an entire government? Powers of the people, rules of the government, everything was included. It all starts out with ''We the people of the United States of America . . .'' These powerful words represent all people of the U.S. ''In order to form a more perfect union. . . .'' meaning all work together to operate the government. One line in the Declaration of Independence is also important. ''That they are endowed by their Creator certain unalienable rights that among these are life, liberty, and the pursuit of happiness.'' The 3 guaranteed rights of the people and the goal of every government. They are the rights all should have. Is America a place of freedom? Yes, it is. How? Because here, you have life: a chance to live, you have liberty: to be free and independent, you have a chance at happiness.

TRIBUTE TO STAGECRAFTERS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. LEVIN. Mr. Speaker, as the Stagecrafters present their 40th anniversary season, I rise today to recognize the important role that this community theater has played in the lives of citizens of Royal Oak and theater lovers throughout southeastern Michigan.

What began in the summer of 1956 with a production of Noel Coward's ''Blithe Spirit,'' presented in a garage in Clawson, has evolved into a large family of 250 volunteers, 2,400 season ticketholders, 21,000 main stage audience members in their own house, and a reputation as one of the finest community theater groups in Michigan.

Each year Stagecrafters presents a full season of drama and musical theater. In the late 1970's Stagecrafters added the popular youth theater group for ages 12 to 18, and studio productions of nonbox office shows performed during the summer.

In 1984, recognizing the need for an adequate space for both production and audience accommodation, the search began in earnest for a permanent home. The city of Royal Oak offered to help Stagecrafters purchase the historic, decaying Washington Theater. With help from the Royal Oak Downtown Development Authority and the National Bank of Royal Oak this volunteer community theater group undertook the purchase and restoration of this recognized landmark. The Baldwin Theater reopened in 1985, one of the oldest theaters left in existence in southeast Michigan and the only historic theater in operation in Oakland County, a jewel in the city's crown.

Through this effort, Stagecrafters has, indeed, played a vital role in the redevelopment of downtown Royal Oak for more than a decade.

Today the Baldwin Theater balcony has been added as an active second stage with its own following. The youth theater group continues to be one of the best in the State and has hosted two international community theater competitions; a sister-theater relationship has been developed with St. Albans in England. The theater features an infrared assistive listening system for the hearing impaired, and the Wurlitzer Theater Pipe Organ has been restored—the only theater organ in an open-to-the-public space in Oakland County. A capital campaign is under-way now to improve the exterior of the Baldwin Theater and install a replica of the original marquee.

In this 40th anniversary season, Stagecrafters' ability to restore the Baldwin Theater building through volunteer efforts, and to consistently provide high quality dramatic entertainment at affordable prices, makes Stagecrafters unique among community theater groups in the United States.

NATIONAL PEOPLE'S ACTION DAY

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. RUSH. Mr. Speaker, the National People's Action is a national network of more than 300 community organizations from 38 States across the country. The National People's Action is made up of thousands of members in many different organizations that work together to resolve neighborhood problems at local and national levels.

The enactment of the Home Mortgage Disclosure Act which protects urban areas and minorities from loan discrimination, and providing technical assistance to community groups which directly led to over $25 billion in Community Reinvestment Act lending agreements are a few of the numerous major accomplishments of the National People's Action.

Mr. Speaker, Saturday, April 27 to Monday, April 29, 1996 National People's Action holds its 25th national neighborhoods conference. In recognition of this organizations dedication and commitment to community service let it be known that Monday, April 29, 1996 and each April 29, thereafter, shall be known as ''National People's Action Day''.

CONGRATULATIONS SHELBYVILLE HIGH BASKETBALL TEAM

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. POSHARD. Mr. Speaker, I rise today to congratulate the Shelbyville High School basketball team on their championship season. For the past 2 years, Shelbyville has proven themselves a force to be reckoned with on the hardwoods of central Illinois. It is only fitting that, having been ranked No. 1 for most of the season, the Rams became the first State champion team to win the title in Peoria's Carver Arena.

After making the trip to the ''Elite Eight'' before falling in 1995, the virtually unchanged Rams roster came back in 1996 determined and prepared to achieve their goal of proving they truly were No. 1. This year's Rams team compiled an all-time record high in the school's history, finishing the season 34–1, and bringing the State championship trophy home to Shelbyville for the first time ever. In addition, they have the added distinction of having the best 2-year won-loss record in the State of Illinois for the 1995–96 combined seasons.

Blending their abilities for this No. 1 team were: Kevin Herdes, Todd Wilderman, Mike Steers, Roger Jones, Rich Beyers, Ben Short, Dirk Herdes, Aaron Rohdemann, Tim Hardy, Harlan Kennell, Jim Brix, and Ryan Shambo. This talented bunch of players were led by first-class coach Sean Taylor and his assistant coaches, Bob Herdes and Jarrett Brown. They are the perfect example of what teamwork is all about and should all be proud of their contribution toward this winning effort. Lending their support and leading the community in Ram Fever Spirit were cheerleaders Jennifer L. Banning, Rachel Bitzer, Catherine Eberspacher, Angie Gregg, Brooke Peifer, Malea Price, Monica Nohren, Shauna Galvin, Leslie Kirksey, Brooke White, Jennifer S. Banning, Kelly Hoene, Carrie Skinner, Destany Lucas, Rebecca White; sponsors Dixie Burrell and Lisa Alberson; Ram mascot Dan Kiley; and team managers George Bolinger and John Evans.

I am honored to represent Shelbyville in Congress; and it is with great pleasure that I pay tribute to these excellent students, who won not only with talent, but by displaying the intangible qualities that define a champion: discipline, esprit de corps, and grace under pressure. I wish them equal success in their future endeavors.

COMMENDING DOCTORS RUSS, RUSSANO, AND SHERMAN

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. MARTINI. Mr. Speaker, true happiness dwells in activity, both physical and spiritual. Joy, pleasure, satisfaction, delight, all the elements of true happiness, reside in doing the right things well. For a select few, the right thing to do is to serve a community in distress.

Despite the myriad problems that plague many of New Jersey's major cities, the dentists of the Downtown Dental Center have

stubbornly clung to their inner city practice for the past 25 years. I applaud Doctors Leo Russ, Robert Russano, and Stephen Sherman for their collective sense of loyalty to the people of Paterson, NJ as well as their unwavering perseverance to do a job well. These men invest in their community, flourish in their practice, and help others to live better, healthier lives.

Benjamin Franklin made the exultation to ''work while it is called today, for you know not how much you may be hindered tomorrow. One today is worth two tomorrows; never leave that till tomorrow which you can do today.'' The doctors of Downtown Dental take this truism to heart. They see more than 200 patients a day with no required appointment 6 days a week. With this miraculous resolve and constancy, the doctors of Downtown Dental perform a genuinely needed service to the people of Paterson. Indeed, Leo Russ, Robert Russano, and Stephen Sherman have never waited for someone else to do the job.

Life's greatest joys are found in what one does with one's life. And, Doctors Russ, Russano, and Sherman should be admired for the great work they are doing with their lives. With Downtown Dental, the character of the work has become inseparable from the character of the men doing the work. Their loyalty to the people of Paterson endures every assault and it does not cringe under pressure.

I congratulate the doctors of the Downtown Dental Center as they challenge all of us to take up the task of helping others. Those who have missed the joy of working on behalf of others have certainly missed something very special. Thank you Doctors Russ, Russano, and Sherman for your true, honest, and willing labor.

NATIONAL MARINE SANCTUARIES RENEWAL ACT OF 1996

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. FARR. Mr. Speaker, I am extremely happy today to be able to join a bipartisan coalition of marine sanctuary supporters in introducing the National Marine Sanctuaries Renewal Act of 1996. This bill will reauthorize funding for the National Marine Sanctuary Program which is set to expire on September 30, 1996.

The country's 13 marine sanctuaries are the national parks of our oceans. They celebrate and preserve some of the Nation's most significant ocean resources. Like our national parks, our marine sanctuaries focus out attention on how important sound environmental stewardship is to our quality of life and the sustainability of our economies.

The National Marine Sanctuary Program began modestly in 1975 off North Carolina's stunningly beautiful outer banks to protect the Civil War wreck of the world's first iron ship, the U.S.S. *Monitor.* The program expanded several years later to protect sensitive marine resources off the California and Florida coasts. The program reached its full maturity in the fall of 1992 with the designation of the Monterey Bay National Marine Sanctuary.

The Monterey Bay National Marine Sanctuary embraces the entire coast of my central California coastal district. It is the largest protected marine area in the United States and second only to Australia's Great Barrier Reef in size worldwide. It encompasses more than 4,000 square nautical miles of open ocean along 350 miles of shoreline. It is unique among all marine preserves in being so accessible from shore. Most of my constituents don't pass a day without seeing sanctuary waters and are grateful that the sanctuary has protected their coast from offshore oil development.

However, marine sanctuaries are not just about conserving resources. They are also about protecting coastal economies. The Monterey Bay Sanctuary is a key to my district's billion dollar tourism industry. Indeed, one of this Nation's premiere tourist attractions, the Monterey Bay Aquarium, is a thriving private business that showcases the extraordinary marine life of the Monterey Bay Sanctuary. The sanctuary also helps support a prosperous fish industry.

All of this comes at a very modest cost. The entire sanctuary program costs less than $12 million a year to administer. It is truly a bargain for the taxpayers. But, like all government programs, the sanctuaries need to make the most of their funding. This bill helps them accomplish that by allowing the sanctuaries to develop, trademark, and market logos and other merchandise to help supplement their funding.

I urge support of the bill.

LOCKHEED-MARTIN CHAIRMAN DANIEL TELLEP RECEIVES 1996 JAMES FORRESTAL MEMORIAL AWARD

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. MONTGOMERY. Mr. Speaker, I want to take this opportunity to congratulate Daniel M. Tellep, chairman of the board of Lockheed-Martin, who was honored this week with the 1996 James Forrestal Memorial Award. The 1996 annual awards dinner was cohosted by the National Security Industrial Association [NSIA] and the American Defense Preparedness Association. This year, the NSIA presented its Forrestal Award at the dinner held here in Washington.

I wanted to share with my colleagues the remarks Mr. Tellep made in accepting this prestigious award.

SHALL WE WAIT AND SEE?

(Forrestal Award Acceptance Speech)

I thank you from the bottom of my heart for this most special award,

I feel honored . . . humbled . . . and deeply appreciative;

Honored when I think of the names of others to whom you've conferred this award and Humbled to join their ranks. I'm

Appreciative because this award also reflects the shining achievements of the men and women I work with.

James Forrestal himself also provides excellent perspective on an occasion like this.

He once said in reference to himself:

''You can't make a hero out of a man in a business suit. I'm just a businessman trying to do a job and that's the whole story.''

That's also my whole story. I, too, am just a businessman and it has been my privilege for the past 41 years trying to do a job in the aerospace and defense industry in support of our military services.

As a businessman, I returned last night from an eleven-day trip to the mid-east. . .

A volatile, vitally important region.

The trip was a kaleidoscope of countries, cultures, cuisines, people, and events.

During the trip I also tried to stay abreast of the news in this country. The Republican primaries, for example.

Flying home and thinking ahead to my remarks this evening I thought: ''How can I make something coherent and relevant out of over two dozen meetings in that complex, turbulent region?'' Looking back, there was a common thread to the discussions in each of the countries. Invariably, we discussed three topics:

Economics . . . peace . . . and . . . military preparedness.

What I found was consistent, clear logic on these topics. In each country, their philosophy was basically the same. They said this:

First . . . we desire economic growth and development . . . but that depends on peace and political stability.

Second, peace and political stability depend as much on military preparedness as diplomacy.

Third, military preparedness deserves high priority because it is inextricably linked to national political and economic goals.

As I listened to these recurring themes, I felt that there were great similarities to attitudes in this country on the desire for economic growth and peace.

But there is also a difference here at home on the priority to accord military preparedness. . . compared to what I found abroad.

In our country we continue to search for a fresh national security policy.

And we debate the proper level of defense expenditures.

Lately, however, these issues appear secondary to the presidential campaign.

This is Super Tuesday and along the way, we've witnessed the ups and downs and then the shakeout of the Republican candidates. As we did, it struck me that something vital was missing from the debates and the news coverage;

Something beyond a flat tax, the deficit, immigration, abortion and trade policy.

What has been missing is any serious discussions of the candidates' views on defense and national security.

This morning's Washington Post, for example, has 115 column inches of space devoted to the election but not one mention of defense.

This diffuse, lower key focus on defense here in the U.S. is strikingly different than what I encountered on my trip.

Abroad, defense is seen as a guarantor for economic health. Here, defense is often seen as a source of budget to be tapped for other purposes.

This is disconcerting since we are about to elect not just our president. . . but also our Commander-in-Chief.

Defense should be a front-burner topic but it isn't and it is a profound reflection of our times.

The fact that defense isn't very high on the political or national agenda is easy to explain.

With the collapse of Communism and the end of the Cold War, we are having difficulties in seeing threats to our national interests.

For a moment, think back to the Cold War.

Volumes of policy statements could be conveniently distilled into two galvanizing words . . .

These two words telegraphically described a single grave threat, provided continuity of support for a national policy . . . and underpinned our national will.

Those words were, of course, Contain Communism.

Today we lack those two or three words which serve as shorthand for a broadly supported . . . focussed national security program.

It's not ''be prepared'' and it's not ''dial 911 U.S.A.''

What it is, is still emerging.

I assert that peacekeeping and nation building aren't it either, because although our military forces can and do perform such missions under special circumstances, this is not what we are trained for and not something which justifies current levels of defense expenditures.

Does our inability to provide a succinct phrase to describe threats to our national interests mean there aren't any? Hardly.

I'll return to this in a moment, but first let's review the course we've been on for the past seven years.

Basically, we've downsized and we've continued to conduct studies to help define our force structure.

I don't have to remind you of the downsizing.

The defense budget is down by some 40 percent in constant dollars since its peak in the late 1980's.

The procurement account is down 72 percent in real purchasing power for $138 billion in 1985 to $39 billion in the fiscal year 1997 request.

Our force structure—including Army divisions, warships, carriers, and fighter squadrons—has already been reduced by at least one-third in just over six years. And more cuts are on the way.

In contrast to other areas of the budget where cuts are in the context of reducing the rate of growth, these are deep, real reductions.

I also think that the comportment of the military services and our industry during this massive downsizing has been remarkable. To their credit, the services ''saluted'' and the industry ''got with it.''

The question is, ''when have you gone too far in downsizing and when do you stop?''

Here are a couple of perspectives worth considering. History shows that five times in this century America's military forces have fought major wars. Following each of the previous four, filled with the promise of peace, America proceeded to dismantle its military capability . . . only to be disappointed to find itself once again engaged in war a few years later.

New York Times columnist, A.M. Rosenthal, recently observed, ''the deep reductions in the armed forces . . . could turn out to be the essence of wisdom. It could also turn out to be the greatest misjudgment since the U.S. disarmed itself after World War II knowing that Stalin would not be stupid enough to bother us.''

To answer the question on how deep the downsizing should be, we have a penchant for analysis and modelling.

We do bottom up reviews and define MRC's . . . Major Regional Conflicts.

It is almost as if we hope that somewhere in the computer we can find the answer.

Now, I'm not against modelling or computer studies . . .

But it is not a substitute for something more basic—the sort of deep inner conviction President Reagan felt when he launched the Strategic Defense Initiative.

That brings us back to the issue of the threat.

Frankly, I don't think we—the collective ''we''—have done a good job in conveying to the American public the worldwide spectrum of threats to our national security and economic interests.

But all it takes is newspapers, a map and a compass.

The public press is a rich source of information on the military activities and postures of nations worldwide. The headlines hardly suggest a peaceful world and an era of tranquility.

We know for example, that the Mediterranean is a virtual stew of over 80 submarines from as many as 12 nations.

We know that over 20 countries are building ballistic missiles . . . and China is flexing its muscles with them in the Taiwan Straits. We know that there are at least a half dozen nuclear ''wannabees'' in addition to the eight countries that already possess nuclear weapons.

We know that modern high technology weapons are available worldwide.

For example more than 400 MiG 29's—the equivalent of our front-line fighters—are in the service of 22 foreign countries.

We know that Russia recently sold four modern diesel submarines to Iran.

In a sense, the soviet arms threat is still there * * * it's just more geographically distributed.

This list goes to include terrorism which can be the spark for a major conflict in a region where we have vital interests.

All this and more just from the public press.

If newspaper reports don't fully convey the picture of a world laced with threats, a map and a compass help.

Take a compass, a world globe, and strike arcs of 500 or 1,000 or 1,500 miles from countries possessing ballistic missiles to countries which could be the intended targets. It soon becomes apparent that much of the world falls under the sinister umbrella of potential missile attacks.

The threat also extends to the men and women from our services stationed in countries of threatened allies—as they were in the Gulf War.

We saw in Desert Storm that the single event which caused the greatest casualties among U.S. troops, was when a Scud impacted barracks housing our soldiers.

Do we need any more analyses to tell us that we need upgraded missile defenses to protect our troops and our allies now and not five or more years from now?

In discussing the pervasive nature of threats—a situation in many ways much worse than when we faced the monolithic Soviet threat—I'm reminded of another conversation during my mid-east trip.

A high ranking defense official explained his views this way:

Despite a situation which you and I would call reasonably clear, he said:

''We don't really know what the threat will be and when it will occur. Intelligence has failed us.'' He want on to say:

''We don't try to react to a narrowly defined threat, instead we look at the size and balance of the forces we want.

We use the most advanced technology because it gives us the qualitative edge.

When we have a qualitative edge, we don't coast. We try to add to it. This saves lives.

If we don't use our forces, we've succeeded through deterrence.

Besides, it's always good insurance, something we must have.

This clear view makes sense for us as well.

Now, despite the frustrations I've expressed and which many of you must share, I believe there is room for optimism.

Optimism that we may be on the threshold of arresting, if not reversing the protracted decline in defense budgets * * * and the downsizing and force reductions.

I point to recent remarks by two highly respected defense leaders—our Secretary of Defense, Bill Perry, and the Head of the Joint Chiefs of Staff, Admiral Bill Owens.

Recently Bill Perry took an unequivocal public stand that the basic strategic underpinnings of the administration—the ability to fight two full-scale theater conflicts at once—isn't possible without increasing the defense procurement budget over the next five years to somewhere in the range of $50–60 billion per year from today's level of $39 billion.

Admiral Owens' remarks echo those of Secretary Perry's. He also rejected the thought of further cuts in combat forces and focussed on reducing fixed costs to improve the tooth-to-tail ratio of our forces.

In addition to Perry, Owens and other military leaders, there is also a substantial block is Congress who believe it is time to halt the decline in defense.

But I'm not sure it will happen unless we can help the American public understand the basics which are so obvious to us:

That we are in an era of ''come-as-you-are'' wars.

That the equipment which performed so well in the Gulf War was the technology of the 60's * * * the development of the 70's * * * the production of the 80's.

That this equipment won't do for the year 2010 and that the real debate is over the capability we want our military forces to have past the turn of the century.

That defense is different than fast foods—you can't just order it and get it because lead times are measured in years, and the systems for the year 2010 should be in development today.

That relations among nations rise and fall on a much shorter time scale than that required to equip and train an armed force.

That it is unacceptable to fight wars of parity—in effect winning by one point in double overtime. The fact that the last person left standing on the battlefield is an American does not constitute victory.

That because of our high regard for the lives of our men and women in service, we need sustained investments in advanced technologies to minimize casualties when conflict is unavoidable.

That we should not let the fact that the bright incandescent light of the Soviet threat has gone dim blind us to dozens of glowing embers which can ignite anywhere at any time.

I believe that the American public will accept these basics and that even in the face of other pressing issues, they will support a strong defense.

I also believe they do not want to disregard the lessons of history and have us make the grave error of undermining America's military capability—leaving it to future generations to pay the price not in dollars but in lives. . .

The columnist I referred to earlier also asked a profound question in connection with the observation that an enormous chemical weapons plant is nearing completion in Libya.

He observed that conventional wisdom is that Quadafi would never be mad enough to use these weapons against the west or our allies in the mid-east.

Mr. Rosenthal then simply asked the rhetorical question, ''He would not be mad enough to do that . . . would he? ''Shall we wait and see?''

Whether it is Libya's chemical weapons or any one of dozens of potential threats to our national interests . . . shall we wait and see?

I'm on the side of Bill Perry, Admiral Owens, our service leaders, and those in Congress who say, no.

. . . That it is time to arrest and reverse the decline in defense . . . rather than wait and see.

I also believe that the time is now...in the fiscal year 1997 budget, rather than in future years.

Looking ahead there are several immediate things we can and must do:

First, we must make a better case to the American public on the global nature of threats and our current defense posture. On this note a recent poll shows that two-thirds of the American public believe that we are now protected by a ballistic missile system—despite the fact that no such system exists.

Second, we must take steps to see that defense becomes an issue in the current election cycle, with a focus on Fiscal Year 1997 defense budget.

Third, we must reestablish the firewalls around the defense budget so that it does not become a checkbook for the rest of the federal budget.

Fourth, we must continue to spend each dollar for defense more efficiently by continuing the DOD's excellent start on acquisition reform and by improving the tooth-to-tail ratio of our armed forces by shedding ourselves of excess depot capacity.

We can do this and arrest the protracted decline or we can wait and see.

Again . . . Forrestal's words ring true.

Advising President Truman in 1945 when Stalin began breaking the agreements reached at Yalta, Forrestal said:

''We might as well meet the issue now as later on.''

For us, some fifty years later, we might as well meet the issue in our next cycle of defense budgets and not wait and see.

CONFERENCE REPORT ON H.R. 1561, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1996 AND 1997

SPEECH OF

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 1996

Mr. CARDIN. Mr. Speaker, I rise to express my disappointment in the conference report on H.R. 1561. I support many of the provisions in the bill and I had hoped that the conferees might fix H.R. 1561 so that I could support the conference report. For example: I believe that it is important to show, particularly at this time, our support for Taiwan; to support initiatives which require that organizations receiving United States assistance in Ireland abide by the MacBride principles; to continue to condemn China for its human rights record; and to prohibit assistance to any county that bars or obstructs delivery of United States humanitarian aid.

Despite these favorable provisions in H.R. 1561, I cannot support the conference report. This bill seeks to consolidate the State Department and its related agencies. However, the House leadership decided to impose its reconfiguration instead of working in conjunction with the administration. The result is legislation that is very poorly draft as to how to achieve consolidation. In addition, this bill fails to authorize international family planning assistance spending which was required by the Foreign Operations appropriations bill. The appropriations bill stated that no monies for international family planning would be released unless authorized to do so in H.R. 1561. The failure to include such authorization is disastrous. Because of the lack of authorization language, it is projected that over 5,000 women will die over the next year from either self-induced abortions or unplanned pregnancies.

Mr. Speaker, I voted ''no'' on the foreign relations authorization conference report. I hope that Congress will begin to work in cooperation with the administration regarding agency consolidation and pass on appropriate Foreign Relations Revitalization Act.

TRIBUTE TO HORACE RAYMOND GEORGE

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. BARRETT of Wisconsin. Mr. Speaker, it is with sadness that I pay tribute to the memory of a remarkable man from the city of Milwaukee, Horace Raymond George. I would like to extend my greatest sympathy to the George family by taking a moment to reflect on the rich life of this fine family man.

Mr. George was born in Chicago and raised in Louisiana. As a youth, he loved to play basketball which he matched with an even greater appetite for reading. Mr. George found employment at a local drugstore where he had access to scores of newspapers to satisfy his hunger for knowledge. He came to Wisconsin to study economics at the University of Wisconsin-Madison where he also attended law school, earning his degree in 1950. After serving as a judge advocate during the Korean war, he settled in Milwaukee with his wife Audrey.

Determined to establish his own law practice, Mr. George worked nights for the American Motor Co. while using his days to get the practice up and running. A skilled and diligent attorney, he also worked as a field attorney for the Department of Veterans Affairs, was a lecturer at Wisconsin Law School, and was a member of the Wisconsin, Illinois, Texas, and District of Columbia bars. Mr. George was admitted to practice before the U.S. Supreme Court. In 1984, Wisconsin Law School honored Mr. George for his outstanding commitment and dedication to the legal profession, awarding him their special recognition award.

In addition to his professional endeavors, Mr. George will long be remembered for his selfless work on behalf of our community. He was active in the Knights of Columbus and the St. Thomas Moor Legal Society. Mr. George also served on the boards of St. Anthony's Hospital and the Wisconsin Center. He will also be long remembered for his vivid interest in Egyptian and African art, history, and culture.

Mr. George is survived by his beloved wife Audrey, his son Gary, a State senator and former classmate and colleague of mine from Milwaukee, his sons Mark, Michael, Gregory, and his daughter Janice. Indeed, this is a loss that will be felt throughout Milwaukee and the entire State of Wisconsin, for Horace Raymond George touched the lives of many during his rich 71 years.

I ask my colleagues to join me in remembering the honorable and gracious memory of Horace Raymond George. I am certain that his legacy will endure for years to come.

NEIL SMITH, KANSAS CITY CHIEFS HONORED

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Ms. McCARTHY. Mr. Speaker, I rise today to pay tribute to one of NFL's finest defensive players and one of Kansas City's finest citizens, Neil Smith of the Kansas City Chiefs. Mr. Smith is in Washington today to accept a prestigious award from the U.S. Junior Chamber of Commerce [JAYCEES] which has selected Neil Smith as a member of the Congress of Ten Outstanding Young Americans.

Neil Smith spent his childhood struggling in school with a learning disability. He was in junior high school before the education system acknowledged his special challenges and helped him discover ways in which he could learn and succeed. Neil Smith will never forget the cruel labels placed on children with dyslexia. That is why today he dedicates time and energy to help youngsters living with learning disabilities.

As a former educator, I personally appreciate Mr. Smith's selfless efforts to heighten public awareness and find solutions for individuals with disabilities. He is the national spokesperson for Foundation for Exceptional Children's ''Yes I Can'' Program which encourages disabled children to reach their goals and recognizes their many achievements. He recently partnered with the Learning Disabilities Association of Missouri to fund and produce a public service announcement aimed at dispelling the misconception that children with learning disabilities are ''dumb'' or ''slow''. He says they just need to be shown things in a different way.

Neil Smith's efforts remind the Congress that these youth need the support of an education system that works for them, not against them. All children have dreams and each and every one of them deserves the opportunity to achieve those dreams just as Neil Smith has. In Mr. Smith's words, ''People with learning disabilities are not unfortunate. The unfortunate people are quarterbacks.'' Thank you, Neil, for your dedication to our children and your inspiring energy both on and off the field.

THE COMMON SENSE CORPORATE RESPONSIBILITY ACT OF 1996

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. VISCLOSKY. Mr. Speaker, because I am concerned about the hundreds of billions in taxpayer dollars spent every decade on Fortune 500 corporations and special interests, today I am introducing legislation that will cut $39.575 billion in corporate welfare and end welfare for Ronald McDonald. The House has already passed the Personal Responsibility Act to reform welfare. it's time to pass the Commonsense Corporate Responsibility Act and get some of our richest corporations off the Government dole. This bill puts a balanced budget, jobs, education, and a clean environment ahead of handouts to Fortune 500 companies and special interests.

Estimate on total corporate welfare expenditures range from $200 billion to $500 billion over 5 years, which would go a long way toward balancing the budget and investing in our future. This bill would save $39.575 billion over 5 years by ending 6 programs and reforming 1 program, some of the most egregious corporate welfare programs. Because I've limited this legislation to the most egregious examples, my bill is a litmus test for anyone who is serious about ending corporate welfare.

My bill will end the territorial possessions tax credit, which will save taxpayers $19.8 billion over 5 years. Corporations chartered in the United States are subject to U.S. taxes on their worldwide income. However, the U.S. Territorial Possessions Tax Credit provided by section 936 of the IRC permits qualified U.S. corporations a tax credit that offsets some or all of their U.S. tax liability on income from business operations in the possessions. My bill would eliminate this tax credit because the current incentive encourages companies to move jobs and capital out of the 50 States to overseas locations. The tax credit is not cost effective because foregone tax collections are high compared to the number of jobs created in the possessions. For example, taxpayers lose an average of $70,000 in revenue for every job created in Puerto Rico. The many drug companies and electronic firms that have set up subsidiaries in the possessions often assign ownership of their most valuable assets—patents, trade secrets and the like—to their territorial operations, and then claim that a large share of their total profits is earned in the possessions and therefore eligible for the tax break.

My bill will end the Foreign Sales Corporation [FSC] tax credit, which will save taxpayers $7.8 billion over 5 years. The tax code's FSC provisions permit U.S. exporters to exempt 15 percent of their export income from U.S. taxation. This encourages U.S. companies to form subsidiary corporations in a foreign country—which can just be a mailing address—to qualify as a FSC. A portion of the FSC's own export income is exempt from taxes, and the FSC can pass on the tax savings to its parent because domestic corporations are allowed a 100-percent dividends-received deduction for income distributed from a FSC. This program does not increase U.S. exports, and it may actually expand our trade deficit.

My bill will end special tax treatment of alcohol fuels, which will save taxpayers $3.875 billion over 5 years. Manufacturers of gasohol (a motor fuel composed of 10 percent alcohol), get a tax subsidy of 54 cents per gallon of alcohol used. Also known as ethanol, 95 percent of current production is derived from corn. The subsidy is designed to encourage the substitution of alcohol fuels produced from corn for gasoline and diesel. The gasohol tax break was enacted to lower the cost of producing a fuel that is not competitive. It targets one, specific, alternative fuel over many others—such as methanol, liquefied petroleum gas, compressed natural gas, or electricity—that could also substitute for gasoline or diesel. Alcohol fuel not only costs more, but also requires substantial energy to produce, diminishing the net, overall, conservation effect. Providing tax subsidies for one type of fuel over others is an inefficient allocation of resources when the subsidized fuel is more costly to produce than other fuels. Substantial losses in Federal tax revenue have primarily benefited Archer-Daniels-Midland, the Nation's chief gasohol producer.

My bill will end irrigation subsidies, which will save taxpayers $4.15 billion over 5 years. Irrigation subsidies encourage inefficient use of water resources, including production of water-intensive crops in arid regions. In these regions, loss of natural river flows has destroyed wetlands and devastated fish and wildlife populations. Many of these subsidies go toward production of surplus crops, which the U.S. Government pays farmers not to grow. This double dipper subsidy costs taxpayers as much as $830 million annually. Also, these subsidies foster agricultural production on marginal lands, the cultivation of which requires excessive chemicals. Polluted drainage and runoff from these lands contributes to the degradation of rivers and streams, as well as to the contamination of aquifers and poisoning of fish and wildlife.

My bill will end the practice of subsidizing the purchase of produce by foreign consumers, which will save taxpayers $3.5 billion over 5 years. The United States Department of Agriculture subsidizes the export of agricultural commodities through the Export Enhancement Program [EEP]. U.S. exporters, primarily multinational commodity firms, participating in the EEP negotiate directly with buyers in a targeted country, then submit bids to the USDA for cash bonuses. The program, established under the Reagan administration, is ostensibly meant to match European export subsidies, but does more to boost exporters' profits than U.S. farm production. The program has not been an effective counterweight to foreign subsidies and has depressed world commodity prices, penalizing competitors who do not subsidize their exports.

My bill will end the Market Promotion [MPP], which will save taxpayers $550 million over 5 years. The Market Promotion Program [MPP], which will save taxpayers $550 million over 5 years. The Market Promotion Program spends $110 million per year underwriting the cost of advertising American products abroad. In 1991, American taxpayers spent $2.9 million advertising Pillsbury muffins and pies, $10 million promoting Sunkist oranges, $465,000 advertising McDonald's Chicken McNuggets, $1.2 million boosting the international sales of American Legend mink coats, and $2.5 million extolling the virtues of Dole pineapples, nuts, and prunes. Wrangler of Japan—partly owned by Mitsubishi—collected $1.1 million from American taxpayers to advertise jeans in Japan, which were not even manufactured in the United States. The MPP has done little to assure that funds increase overseas promotional activities rather than simply replace private funds that would have been spent anyway. These companies hardly need a Federal subsidy for advertising, and the program has become a virtual entitlement for some of the biggest corporations in America.

My bill will reform the Mining Act of 1872, which will save taxpayers $300 million over 5 years. The 1872 Mining Act permits companies (foreign or domestic) to extract valuable minerals from Federal land—taxpayer-owned land—for next to nothing. They can purchase land for $2.50 per acre and pay no royalties on the minerals they extract. Each year, $2 billion to $3 billion worth of minerals are taken from public lands. Mining companies can ''patent''—or buy—20-acre tracts of land for $5 an acre or less. This patenting process has been used to sell more than 3.2 million acres of public land, an area about the size of Connecticut. Also, massive environmental damage has been left by mining operations on public lands. The cost of such cleanups is estimated at between $32 to $72 billion. The Atlanta Journal and Constitution newspaper editorialized that a Canadian company * * * was able to steal a $10 billion gold mine from the United States taxpayers, who owned both the property and the mineral rights. The company paid less than $10,000 for the land. My bill would charge royalties and lease land.

The legislation I am introducing today will be a good start toward ending corporate welfare and balancing the Federal budget. I urge you and all of my House colleagues to support it.

THE ONLINE PARENTAL CONTROL ACT OF 1996

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Ms. ESHOO. Mr. Speaker, today I'm introducing the Online Parental Control Act of 1996 to fix a major flaw in the telecommunications reform bill. My proposal strengthens the control parents have over their children's access to online materials and better protects the first amendment rights of computer users.

First, it replaces the controversial indecency standard with a constitutional harmful to minors standard.

Second, it provides additional incentives for the development of better parental control technologies, as well as the use of labeling or segregating systems which would allow parents to restrict access to online materials.

I support efforts to address this issue in court. But I also believe a protracted legal battle will potentially leave children exposed to harmful material and place the free speech rights of computer users in jeopardy for an extended period of time.

Congress needs to offer both sides of this controversy a reasonable opportunity to resolve it. The Online Parental Control Act, I believe, is the sensible opportunity.

Mr. Speaker, I urge my colleagues to support this effort to protect both children and free speech by cosponsoring this legislation.

LEGISLATION TO ELIMINATE THE DISINCENTIVE FOR EMPLOYERS TO PROVIDE BONUSES TO CERTAIN EMPLOYEES

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. BALLENGER. Mr. Speaker, today I am joined by Mr. GOODLING and Mr. FAWELL in the introduction of legislation to eliminate the disincentive under the Fair Labor Standards Act for employers to provide bonuses to hourly paid employees. Presently, the FLSA requires that certain payments to a nonexempt employee—such as commissions, gainsharing, incentive, and performance contingent bonuses—must be included in the employee's

regular hourly rate of pay for the purposes of calculating overtime pay.

It is becoming more common for companies to link pay to performance as they look for innovative ways to improve employee performance. More employers are awarding one-time payments to individual employees or to groups of employees in addition to regular wage increases. Employers have found that rewarding employees for high quality work improves their performance and the ability of the company to compete. If a company's profits exceed a certain level, employees are able to receive a proportionate piece of the profits. Unfortunately, many employers who choose to operate such pay systems can be burdened with unpredictable and complex overtime liabilities.

Under current law, an employer who wants to give an employee a bonus must divide the payment by the number of hours worked by the employee during the pay period that the bonus is meant to cover and add this amount to the employee's regular hourly rate of pay. This adjusted hourly rate must then be used to calculate time-and-a-half overtime pay for the pay period. Employers can easily provide additional compensation to executive, administrative, or professional employees who are exempt under the FLSA without having to recalculate rates of pay.

Some employers who provide discretionary bonuses do not realize that these payments should be incorporated into overtime pay. One company ran afoul of the FLSA when they gave their employees bonuses based on each employee's contribution to the company's success. The bonus program distributed over $300,000 to 400 employees. The amount of each employee's bonus was based on his or her attendance record, the amount of overtime worked, and the quality and quantity of work produced.

When the company was targeted for an audit, the Department of Labor cited it for not including the bonuses in the employees' regular rate for the purpose of calculating each employee's overtime pay rate. Consequently, the company was required to pay over $12,000 in back overtime pay to their employees. The company thought it was being a good employer by enabling its employees to reap the profits of the company and by paying wages that were far above the minimum. These types of actions taken by the Department of Labor are especially surprising in view of Labor Secretary Reich's exhortations to businesses to distribute a greater share of their earnings among their workers.

This legislation will eliminate the confusion regarding the definition of regular rate and remove disincentives in the FLSA to rewarding employee productivity. The definition of regular rate should have the meaning that employers and employees expect it to mean—the hourly rate or salary that is agreed upon between the employer and the employee. Thus, employers will know that they can provide additional rewards and incentives to their nonexempt employees without having to fear being penalized by the Department of Labor regulators for being too generous.

JUDICIAL MANDATE AND REMEDY CLARIFICATION ACT

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. MANZULLO. Mr. Speaker, I rise today to introduce legislation that I believe is long overdue. This bill, the Judicial Mandate and Remedy Clarification Act of 1996, seeks to limit the authority of Federal courts to fashion remedies that require State and local jurisdictions to assess, levy, or collect taxes in any way, shape, or form.

We are currently entering into a debate on reforming the Federal Tax Code. We will be studying the impact of Federal tax policy on personal savings and spending, on State and local governments, as well as the over all effect on the economy.

It is time for Congress to address the effect judicial mandates and taxes have on State and local governments. Actions by Federal judges that directly or indirectly force a State or local government to raise taxes have serious ramifications on our Nation's economy. In many cases, remedial decisions have forced State and local governments to increase taxes, further squeezing take-home pay or affecting property values.

For example, in the congressional district I serve, people living in Rockford Illinois Public School District 205 are alarmed over the sharp increase in their property taxes as part of a remedy decision to pay for the implementation of a desegregation lawsuit against the school district. The complaints I have received include the fact that taxpayers are funding millions of dollars for a master, attorney's fees, consultants, and so forth, while seeing little money going to educate their children. They also complain that huge hikes in real estate taxes are making homes in Rockford very difficult to sell. Seniors have advised me that they can barely pay the taxes on their homes. This situation with the Rockford schools is dividing, if not slowly eroding the ties that bind the community.

Rockford, IL, is not the only community affected by judicial taxation. Hundreds of school districts across the country have the same problems. A Federal judge in Kansas City ordered tax increases to fund a remedy costing over $1 billion. Yet, there has been little improvement in the school system. Lawyers, masters, and consultants have been the beneficiaries of such court orders while the childrens' education has seen little improvement.

Judicial taxation is not, however, limited to school districts. Federal judges have ordered tax increases to build public housing and expand jails. Any State or local government is subject to such rulings from the Federal courts.

The U.S. Congress is given the authority under article III of the U.S. Constitution to define the scope of judicial powers.

My bill will place very strict limitations on the power of a Federal court to increase taxes for purposes of carrying out a judicial order. It is not a statement about desegregation, prison overcrowding, or any other decision where a Federal law has been broken. It is about taxpayers obligated to pay for Federal court remedies through higher taxes without recourse—i.e., taxation without representation. Judicial remedies should be, must be, tempered by the community's ability to pay for it, without raising taxes.

If a school board, municipality, or State government feels that taxes must be raised, then the people should be asked. Otherwise, the governing board must operate within its means. There is no such thing as a school district dollar just as there is no such thing as a Federal tax dollar. The money belongs to the people. Judicial taxation is a back door method to take people's hard-earned money without representation.

A judge works under the parameters of the laws available to him or her. The purpose of my legislation is to make it very difficult for Federal judges, who are unelected officials, to raise taxes, and therefore press them to work within the budgetary constraints of the State or local government.

Any lasting result that could come out of a judge's remedial decision must come from the community and must have the people behind it. There has been no success in cases where judicial mandates alone act as the remedy. As I mentioned before, there are many people who are willing to make a positive contribution to solving these problems. By relieving the State and local governments of the burden of judicial taxation, the people of a State, city, or school district will be able to step forward and be part of a solution that is best for the community.

Let me be explicitly clear that I am not talking about whatever remedies are made by the court. I am talking about how to pay for whatever remedy or settlement results from any decision. That is where Congress can have input into this area. I take no position on what remedial actions may be enacted—that is a matter of the elected officials on the State and local level, but I am compelled to take a position on how those Federal court remedies are funded.

Mr. Speaker, I urge that congressional hearings be held soon on the effects of these court orders and this important legislation. Congress must bring to light the effects of such remedies. In the past, there have been attempts to limit the power of the Federal courts to act in certain areas, but there has been little focus on placing restrictions on the courts issuing orders that are essentially unfunded judicial mandates. To date, none of these bills has passed. That is why I crafted carefully focused language to address this very difficult issue.

THE MOTHER AND CHILD PROTECTION ACT OF 1996

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. TOWNS. Mr. Speaker, I rise today to introduce legislation which ensures that newborn babies and their mothers receive appropriate health care in the critical first few days following birth.

The legislation requires insurance companies, HMO's, and hospitals to offer mothers and newborns at least 48 hours of inpatient care following normal births and 120 hours after caesarean sections. Mothers may choose to go home earlier but insurers and HMO's must then offer them a home care visit within 24 hours of discharge.

The typical length of stay over a decade ago for a woman and her infant after delivery was 3 to 5 days for a vaginal delivery and 1 to 2 weeks for a caesarean delivery. Over the past few years the typical length of stay decreased to 24 hours or less for an uncomplicated vaginal delivery and 2 to 3 days for a caesarean. In some regions around the country, hospitals are now discharging women 6 to 12 hours following a vaginal birth.

Health care organizations such as the American Medical Association [AMA] have stated that early discharge of women and infants after delivery cannot be considered medically prudent. The AMA's policy on early discharge is that it is a decision which should be based on the clinical judgement of attending physicians and not on economic factors. Furthermore, national medical health care organizations such as the AMA and the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, all agree that shorter hospital stays are placing the health of many newborns and mothers at risk.

There is reason for concern for the trend toward shorter hospital stays. Health care officials agree that the shorter stay increases the incidence in newborns of jaundice, dehydration, phenylketonuria [PKU], and other neonatal complications. For an example, adequate PKU test requires a newborn to have had 24 hours of milk feeding and most babies are not fed until 4 hour after birth. If a newborn is discharged prior to the 24 hours of milk feeding, then the hospital readmissions for undetected jaundice, a common condition in newborns and the easiest to treat. PKU and severe jaundice are conditions that can cause mental retardation if not detected early. Clearly if newborns spend more time in the hospital, then these and other conditions can be easily detected and treated, saving lives and money.

A recent study by the Dartmouth-Hitchcock Medical Center found that within an infant's first 2 weeks of life, there is a 50-percent increased risk of readmission and a 70-percent increased risk of emergency room visits if the infant is discharged at less than 2 days of age. Other studies indicate that early release is just as harmful to mothers as to infants.

Mothers can develop serious health problems such as hemorrhaging, pelvic infections, and breast infections. There is also the concern that opportunities for educating new mothers in the care of their newborns are lost when inappropriate early discharge occurs. This, coupled with the fact that many mothers are simply too exhausted to care for their children 24 hours after delivery, often leads to newborns receiving inadequate care and nourishment during their crucial first few days of life.

A 48-hour minimum stay is consistent with steps being considered by some States. For example, my bill is very similar to one which recently passed the New York Assembly, and which is being considered in the Senate. New Jersey, Maryland, and North Carolina have also enacted laws on maternity hospital stays.

Prevention has always been a way to cut health care costs. However, discharging mothers and newborns early creates its own costs. When a child suffers brain damage or other permanent disabilities because they did not receive adequate early care, insurers are then forced to pay for treating patients for conditions which could have been prevented or lessened if caught earlier.

Mr. Speaker, this bill allows new mothers to focus on learning to care for their newborns and themselves instead of being concerned with when their insurance coverage will run out.

CONDEMNING RESTRICTIONS ON THE MEDIA AND THE CLOSING OF THE SOROS FOUNDATION IN SERBIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. LANTOS. Mr. Speaker, with my distinguished friend and colleague from Nebraska, Mr. BEREUTER, and the bipartisan support of a number of our colleagues, I have introduced a resolution deploring recent actions by the Government of Serbia that restrict freedom of the press and freedom of expression, deplores the decision of the Serbian Government to prevent the Soros Foundation from continuing its democracy-building and humanitarian activities in Serbia, and calling upon the Government of Serbia to remove immediately these restrictions against freedom of the press and the operation of the Soros Foundation.

Recently, the autocratic President of Serbia, Slobodan Milosevic, closed down the only independent television station in Belgrade. This follows the government closure just over 1 year ago of the leading independent daily newspaper in the country. Mr. Speaker, this is an outrage. As Slobodan Milosevic tries to work his way back into acceptance by the civilized world community—and we should encourage him to do that—he continues his autocratic and antidemocratic moves against the news media in Serbia.

But, Mr. Speaker, this is not all. The Milosevic government has also closed down the Soros Foundation, a humanitarian and charitable organization that has done an enormous amount of good for the people of Serbia and, indeed, for the peoples of countless other countries. It is an organization that has established an outstanding reputation for encouraging democratization and the development of open, pluralistic civil societies in the former Communist countries of Central and Eastern Europe and the republics of the former Soviet Union.

The decision of the Serbian Government to withdraw the registration of the internationally renowned Soros Foundation is most likely related to the activities of the foundation in encouraging freedom of the press and freedom of expression. The Soros Yugoslavia Foundation was established in Serbia in 1991. Its board was comprised of prominent scholars and intellectuals from different ethnic backgrounds and regions. Since its establishment, the foundation has dispersed millions of dollars in grants for a variety of programs.

The programs that most likely earned for the foundation the hostility of the Milosevic government were those which it sponsored supporting the free media and freedom of expression. Beginning in 1992, the foundation initiated a program to support independent media, including assisting the start-up of some 40 independent media outlets, restarting publications in Albanian, Hungarian, and Slovak languages and initiating a major research project on repression in the media.

The Soros Foundation was also involved in establishing the Association of Independent Electronic Media in Serbia and in establishing a media center in Belgrade to promote cooperation between journalistic associations. Grants were provided to permit many journalists in Serbia to attend symposia and workshops abroad and to encourage communication between Serbian and foreign journalists. In 1994 the foundation began support for an independent daily newspaper in Belgrade—Nasa Borba—after Serbian Government authorities absorbed Borba, previously the most prominent independent newspaper published in Belgrade.

The problem of government control of the media in Serbia is an issue of major concern to the United States, Mr. Speaker. The latest issue of ''County Reports on Human Rights Practices in 1995,'' which was released by the Department of State just last week, reflects both the conditions in Serbia and the problem this represents for the United States. The report on Serbia notes the following:

> An important factor in Milosevic's rise to power and almost total domination of the political process is his control and manipulation of the state-run media. Freedom of the press is greatly circumscribed. The Government discourages independent media and resorts to surveillance, harassment, and even suppression to inhibit the media from reporting its repressive and violent acts.
>
> Opposition politicians and minority ethnic groups are routinely denied access to the state-run mass media; they are vilified in the government-controlled media, and their positions misrepresented. This year the government-controlled press mounted a campaign against nongovernmental organizations [NGO's] and international humanitarian organizations. In some instances personnel of United Nations and religious organizations were not granted visas to continue their work; in at least one case, the Government revoked the registration of a major NGO.

Mr. Speaker, the government of Serbia and President Slobodan Milosevic need to understand how we in the United States feel about these serious issues. They need to understand our firm and unequivocal commitment to freedom of the press and to the vital necessity of freedom of expression. The resolution that I have introduced with Mr. BEREUTER is intended to make that clear and unequivocal. It is important that we in the Congress reaffirm our commitment to these vital democratic principles and that the Government of Serbia know of our commitment.

Mr. Speaker, I ask that the text of our resolution be placed in the RECORD, and I invite my colleagues to join as cosponsors of this resolution to demonstrate our support for freedom of the press and to make clear to Serbian authorities our commitment.

H. RES. 378

> A resolution deploring recent actions by the government of Serbia that restrict freedom of the press and freedom of expression and prevent the Soros Foundation from continuing its democracy-building and humanitarian activities on its territory and calling upon the government of Serbia to remove immediately restrictions against freedom of the press and the operation of the Soros Foundation.
>
> Whereas free and independent news media and freedom of expression are fundamental tenets of democracy and are vital to assuring democratic government;
>
> Whereas democracy can exist only in an environment that is free of any form of state

control or censorship or official coercion of any kind and where freedom of the press is protected by the rule of law;

Whereas independent radio and television stations and independent newspapers in Serbia have recently been subjected to restrictions, harassment, intimidation, and closure;

Whereas the internationally respected humanitarian and philanthropic organization, the Soros Foundation, has been denied the legal authorization to function in Serbia, and one of the principal activities of the Soros Foundation in Serbia has been to provide assistance for regular publication and distribution of independent daily, weekly, and local newspapers and to provide equipment and technical assistance to independent radio and television outlets; and

Whereas parliamentary elections will take place in Serbia in the near future and the existence of free and independent news media is essential to the proper functioning of democratic elections: Now, therefore, be it

Resolved, That the House of Representatives—

(1) deplores the recent actions of the government of Serbia that restrict freedom of the press and freedom of expression and hamper civic organizations and democratic opposition groups;

(2) deplores the actions of the government of Serbia in revoking the legal registration of the Soros Foundation, which therefore prevents the Foundation from further activity in Serbia, and commends the Soros Foundation for its past activities in Serbia and elsewhere in support of freedom of the press, freedom of expression, and the development of democratic institutions;

(3) calls upon the government of Serbia to remove immediately those restrictions against the independent press and against independent radio and television stations, to remove immediately restrictions that have hampered free activity by civic organizations and democratic opposition groups, and to restore immediately the right of the Soros Foundation to operate fully in Serbia;

(4) declares that United States economic and other assistance for Serbia and United States support for full participation of Serbia in international financial institutions should be conditioned on the full functioning of independent news media, civic organizations, and democratic opposition groups; and

(5) requests that the President and the Secretary of State convey to appropriate officials of the governments of Serbia, including President Slobodan Milosevic, the Prime Minister, and the Minister of Foreign Affairs, this expression of the views of the Congress.

JOHN F. GRIMES HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mr. John F. Grimes, a good friend of mine from Pittston, PA. This Sunday, Jack will be honored as the 1996 Man of the Year at the annual St. Patrick's Day Banquet of the Friendly Sons of St. Patrick. I am pleased to have been asked to recognize Jack as he is awarded this honor.

Mr. Speaker, Jack Grimes is a man of great wisdom and is certainly worthy of being named the Friendly Sons' Man of the Year. He was born in Pittston and has lived there all of his life. In 1942, after graduating from St. John the Evangelist High School, Jack began a 21-year career with the Lehigh Valley Railroad. Within just a few years of beginning his career with the railroad, Jack was appointed assistant division engineer and became the youngest person ever to be assigned to that position of responsibility. During his career, Jack earned two professional licenses: surveyor and civil engineer.

Although Jack remained very committed to his job, he made community service a major part of his life. He served as the president of the Lions Club of Pittston, and has been a lector and usher at St. Mary's Church. He has also contributed to the city of Pittston by serving as both secretary and president of the planning commission. He has served the commission for over 30 years.

Knowing of Jack's commitment to his community, his colleagues called on him to be the executive director of the Pittston Chamber of Commerce. During his tenure, Jack reactivated the Pittston Area Industrial Development Authority as a subsidiary function of the chamber. He has aggressively campaigned to bring new industry to the region, and has helped publicize Pittston's strongest assets to companies seeking to relocate in the city. Jack Grimes has become a valuable partner with local, county, and State officials who diligently work to revitalize the Greater Pittston area.

Since he became involved with the chamber of commerce, Jack has helped to bring nearly three thousand jobs to the Greater Pittston area. Although many people would be satisfied with this accomplishment, Jack believes in going the extra mile. He wants to continue the campaign to revitalize the city, and plans to market the Pittston area on the World Wide Web. I am sure that Jack's involvement with this project will result in the continuation of Pittston's development.

Another distinguished leader will present the award to Jack. This individual is my good friend, His Excellency John McCarthy, Ambassador of Australia. When I learned Jack was being honored, I contacted Ambassador McCarthy to ask him if he would present the award. Always gracious, the Ambassador accepted my invitation and agreed to visit Pittston for this special event. The Ambassador's strong ties to the large Irish population that exists in Australia make him one of the most appropriate leaders to present this award to Jack.

Mr. Speaker, Jack Grimes embodies the leadership qualities that the Friendly Sons honor each year, I applaud their decision to choose Jack as the 1996 Man of the Year. On behalf of the people of Pittston, I extend my deepest appreciation to Jack Grimes for a lifetime of commitment to promoting industrial and business development throughout his community.

HONORING SCOTT O'GRADY

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. NETHERCUTT. Mr. Speaker, I rise to honor Air Force Capt. Scott F. O'Grady, who today received the Purple Heart, the Bronze Star, and the Air Force Commendation Medal at a special ceremony at the Pentagon.

Scott's heroism and courage during his 6 days in hiding in hostile Bosnian territory after his F–16 was shot down by a Serb missile made him an immediate celebrity upon his return to the United States. Americans were riveted by the story of his avoiding detection by armed patrols and using basic survival techniques to stay alive for 6 days without food and water before his ultimate rescue by a group of courageous Marines from the U.S.S. *Kearsage.*

On Friday, June 2, 1995, Scott was piloting his F–16 Falcon in a routine combat air patrol with another F–16 as part of the NATO operation to enforce a no-fly zone over Bosnia. Suddenly, he detected missiles aimed at him from the ground and took evasive maneuvers. One missile exploded between the two planes, but the second one scored a direct hit on Scott's plane, forcing him to eject. Dazed from the force of his abrupt separation from the aircraft and suffering burns from the explosion, Scott parachuted to the ground where Bosnian Serb troops were already searching for him.

Quickly gathering his wits, he pressed his body to the ground to avoid discovery. He then used his survival training to collect dew for drinking water and gather grasses and insects for food. He stayed alive with only these things for 6 long days and was able to move around only at night. When the rescue team arrived on Thursday, they found him exhausted yet unbowed by his ordeal.

I had the pleasure of meeting this young man when he returned to the United States for a hero's welcome that included a ceremony with President Clinton and Secretary Perry. He was exceedingly modest about his exploits and full of praise for his rescuers.

I believe that Scott embodies the qualities for which Americans are respected around the world, namely dedication to duty, belief in God, rugged individualism, and a never-say-die spirit that keeps us going even when we fear that all is lost.

I am proud of this native son of the State of Washington, who hails from my hometown of Spokane. I wish him congratulations and best wishes for the future.

FRIENDS OF IRELAND, ST. PATRICK'S DAY, 1996

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. WALSH Mr. Speaker, though in the course of Irish history there have been many extraordinary years, surely the time since the Friends of Ireland's last St. Patrick's Day statement must be labeled one of significance.

With the exhilaration of hope, we participated on the heels of a year-long cease fire in the march toward peace. We joined the historic visit to Northern Ireland by President Bill Clinton, the first by a sitting U.S. President. Our bipartisan congressional delegation met with political leaders in Northern Ireland and in the Republic. We carried a message of peace from Speaker NEWT GINGRICH.

A month ago we were shocked by the interruption of that peace, and the resumption of violence by one group. We were shocked, because we had come to believe in the possibility of a permanent peace.

Now we are again heartened by a promise to convene all-party talks on June 10.

In light of events, it is important for us at this juncture to condemn outright the bombings by the enemies of peace. Whatever their faction, whatever their affiliations, whatever their politics, we are unanimous in saying this.

By killing and terrorizing, you have set back the struggle. By disrupting the lives of innocents, you have not judiciously brought attention to the history of discrimination in the north. Instead you have validated suspicion and mistrust and made the job of peacemaking that much more difficult.

Having made this plea, we in the Friends of Ireland send our sympathies to all the families who have been the victims of violence and terror over the years. Like a wound re-opened, this breach of the peace pains you perhaps the most.

At the same time we congratulate the masses of people, Protestant and Catholic, unionist and republican, who have demonstrated to take back the peace. We stand with them in spirit and encourage them wholeheartedly.

It is significant that 1 year ago, in our St. Patrick's Day statement, we spoke confidently about peace as a result of the cease fire. We now look hopefully toward next year when we may speak of cease fire and peace as a result of all-party talks.

We note that St. Patrick's Day is both a Catholic and Protestant holiday. The Friends use this occasion to remember and restate our commitment to all the people of Ireland. And it is important for all Irish people to know that we believe firmly in the philosophy of the Forum for Peace and Reconciliation, with whom our congressional delegation met when in Dublin with the President in December. Simply stated, the philosophy is this: There must be room in Ireland's future for all the cultures and traditions of its past.

We will continue to support economic assistance by way of the International Fund for Ireland and other means. Established in 1986, the Fund creates jobs, which in turn promote social development, which in turn encourages reconciliation among all groups. We believe this all the more after touring with President Clinton at a business park in Belfast supported by the Fund.

Lastly, we applaud the work of former Senator George Mitchell, the President's envoy, and stand ready to assist his significant effort in any way we can.

It is a tentative time in Ireland. While in Belfast just a few months ago, many of us met with the political leaders on all sides of the struggle. We heard consistently, even from those who are affiliated with paramilitaries on both sides, that peace is an honorable goal, a desirable goal. Events may have slowed the advance of peace—but we do not believe violence can ever erase the desire.

The Friends of Ireland properly represents the will of the United States as it relates to our alliance with the people of Ireland, north and south. We want very much for there to be peace and prosperity in Ireland.

We pledge our continued friendship. We will work tirelessly for peace. And we pray that all leaders will have the wisdom and patience to make this another extraordinary year in Irish history—one which brings what the people demand, a lasting peace.

INJUNCTIVE RELIEF AMENDMENTS ACT OF 1996

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. FAWELL. Mr. Speaker, I am pleased today to introduce the Injunctive Relief Amendments Act of 1996. This legislation will establish a uniform standard governing the award of preliminary injunctive relief under section 10(j) of the National Labor Relations Act [NLRA]. It will also allow parties against whom injunctive relief is sought an opportunity to review and respond to legal memoranda or documents presented to the National Labor Relations Board [NLRB] in support of such relief.

Section 10(j) of the NLRA authorizes the NLRB, upon the issuance of an unfair labor practice complaint, to petition a U.S. district court for appropriate temporary relief or restraining order. Most courts have followed a two-prong test for determining when section 10(j) injunctive relief is appropriate: first, whether there is a reasonable cause to believe that an unfair labor practice has occurred, and second, whether, injunctive relief is just and proper. The reasonable cause prong of the test requires the Board to produce some evidence in support of the petition, but does not demand that the court be convinced of the validity of the theory of liability. There is a split among the courts of appeals as to the meaning of the just and proper prong of the test with some circuits opting for a traditional equity test and others for a less demanding standard of whether an injunction is necessary to avoid a frustration of the remedial purposes of the act.

The Injunctive Relief Amendments Act would require the Board to satisfy the higher traditional equity standard before a Federal court could issue injunctive relief under the NLRA. I believe, like in other areas of the law, injunctive relief under labor law should be available only when the traditional equity test for such relief is met. Certainly, the standard for granting any relief under the NLRA should be the same whether your case is heard in Chicago or New York or Boston or Detroit or San Francisco.

The legislation also addresses my observation, harkening back to my own days practicing law, of how closed the process for adjudicating unfair labor practice complaints seems to be. There is no real discovery, as there would be in a lawsuit filed in court, and the respondent in a complaint seems to acquire information about the charges against him or her only by happenstance. The Injunctive Relief Amendments Act tales a small step to open the process by allowing parties to review and respond to materials submitted to the Board in support of seeking injunctive relief under section 10(j). My hope is that opening the process in this way will increase the sense of fairness or impartiality perceived by those who are impacted by the NLRB's adjudicatory processes.

REGULATION OF TOBACCO

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. COLLINS of Georgia. Mr. Speaker, many citizens in Georgia have concerns over the Food and Drug Administration's proposal to regulate tobacco. As a result, the Georgia House of Representatives passed a resolution asking the U.S. Congress to rescind any action giving the FDA authority to regulate tobacco.

I submit Georgia House Resolution 980 for the Congress' careful consideration.

HOUSE OF REPRESENTATIVES

H.R. NO. 980

By: Representatives Reaves of the 178th, Floyd of the 138th, Hudson of the 156th, Royal of the 164th, James of the 140th and others.

A Resolution

Petitioning the President of the United States and the Congress of the United States to rescind and remove any action that would give the Food and Drug Administration regulatory powers over the tobacco industry; and for other purposes.

Whereas the tobacco industry has been a vital part of the economy of the State of Georgia for more than 250 years; and

Whereas tobacco products are legally grown and produced in this state for the enjoyment of adults who choose to use those products; and

Whereas tobacco growers are productive citizens of the State of Georgia; and

Whereas the plan by the Food and Drug Administration is to severely and unnecessarily restrict the marketing of legal products grown in the State of Georgia; and

Whereas tobacco companies, growers, tobacco producing states, and individuals who work within the industry sincerely and publicly oppose young people smoking; and

Whereas the laws of Georgia forbid the sale of tobacco products to youth under 18 years of age; and

Whereas the tobacco industry is more than adequately regulated by other state and federal agencies and tobacco products are the most highly taxed commodity in the country; and

Whereas FDA Commissioner Kessler has publicly stated that he wants to put the tobacco industry, including our tobacco farmers, out of business; and

Whereas regulation of the tobacco industry by the FDA is costly, unnecessary, and unwarranted.

Now, therefore, be it resolved by the House of Representatives, That this body hereby petitions the President of the United States and the Congress of the United States to rescind and remove any action that would give the Food and Drug Administration regulatory powers over the tobacco industry.

Be it further resolved, That the Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to the President of the United States and the Congress of the United States.

In House, Read and Adopted, February 26, 1996.

ROBERT E. RIVERS, Jr.,
Clerk.

TRIBUTE TO DAVID E. SMITH

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. LEVIN. Mr. Speaker, I rise today to recognize Commissioner David E. Smith, who is retiring from public office after many years of distinguished service to the city of Pleasant Ridge, MI.

Throughout his career, Mr. Smith has been an active and influential leader in civic affairs and projects, with membership on a wide range of boards and organizations. In 1981, he began his service to Pleasant Ridge as a delegate and cochair of the Ferndale-Pleasant Ridge Cable Commission. This led to his membership on the Intergovernmental Cable Communications Authority. From 1985 to 1987 he was a planning commissioner, and in 1987 he was elected to the city commission, serving until 1996.

While a city commissioner Mr. Smith was a member of the Pleasant Ridge Foundation and the city of Pleasant Ridge 75th Anniversary Celebration Committee. In these positions, as others, Mr. Smith earned the admiration and regard of the city, his colleagues, and the community at large. I congratulate him on his accomplishments and thank him for his service to the community.

OLDER WORKERS WEEK

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mrs. MEEK of Florida. Mr. Speaker, it is my great pleasure to join with the Jewish Family Service of Greater Miami in celebration of Older Worker Week, March 10–16, to honor two older workers.

Alice Perrin—for her efforts as a clerk-intraining at the North Miami Foundation for Senior Citizens, she has been selected as the 1996 Jewish Family Service of Greater Miami's Senior Aide of the Year.

Selected from among 75 senior aides, Haitian-born Perrin, 64, began a new career 3 years ago as a clerk in the Jewish Family Service of Greater Miami training program for older workers. Her caring and willingness to assist has made her an asset to the North Miami Foundation team. She provides access and critical information to the foundation for Creole-speaking clients, and is an outstanding example the reliable, enthusiastic, and capable mature worker.

Dorothy Patterson—82, of Miami is also being bestowed honors for her extraordinary commitment to her fellow older workers. She is the assistant director of the Jewish Family Service Seniors AIDES Project, and has served as an ideal mentor for the 70 participants.

Ms. Patterson commits of her time to serve the needs of others by also being actively involved in the Church of the Open Door in Liberty City, singing in the choir, and serving as a member of the Women's Fellowship. She also devotes every Saturday towards helping to feed the homeless on the streets of Miami.

Alice Perrin and Dorothy Patterson are true examples of older citizens who have dedicated their life to continued service. They provide an example for all of us to follow.

A PASTOR FOR THE COMMUNITY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. BARCIA. Mr. Speaker, learning to live one's life according to the Scriptures is both tremendously rewarding and tremendously challenging. For the past 40 years, the people of Saginaw have been blessed with individuals who can both guide and encourage people to live their lives to the fullest, including living in the image that the Bible has suggested for us. Pastor Roosevelt Austin, Sr., and his wife Nurame, have helped countless men, women, and children improve the quality of their lives with the spiritual direction of the Baptist Church. They are being honored for their 40 years of service to their church and their community, and I can think of no individuals who better deserve this recognition.

Coming to Michigan from Louisiana, Pastor Austin has served as both the associate pastor and the pastor of the Zion Missionary Baptist Church in Saginaw. He has led from the pulpit and from the streets during these years, having also served as an advisor to Delta College and its campus ministry, as well as being the spiritual advisor for the Saginaw County Jail. He has been a board member of the NAACP, the president of Saginaw Training Center, Inc., a board member of the Commission on Quality Education for all Children, and a member of the Saginaw City Council.

Throughout this time, he has been supported and aided by his wife, Nurame, who has served as a community volunteer, and has been certified as a teacher by the Evangelical Teachers' Training Association. She has been recognized for her community service by the Michigan House of Representatives, the Zeta Phi Beta Sorority, the Saginaw County Community Action Center, and Top Ladies of Distinction, Inc.

They have been blessed with three children, Roosevelt Austin, Jr., who is also a minister, Dona, and David. These lives have been made far richer by the wonderful example set by their parents.

Pastor Austin has a motto which is profound encouragement to each of us. He believes that ''Our lives are songs; God writes the music and we set them to music at pleasure; and the song grows glad, or sweet or sad, as we choose to fashion the measure.'' We each have been given an opportunity to succeed in a wide variety of fashions. It is up to each of us if we want our own songs to sing glad, or to let the refrain be sad.

Mr. Speaker, I urge you and our colleagues to join me in thanking Pastor Roosevelt and Nurame Austin for their wonderful 40 years of devotion. I am sure that their work will continue with even more impressive results for years to come.

ST. PATRICK'S DAY 1996: A DAY OF CELEBRATION AND DEDICATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mrs. MALONEY. Mr. Speaker, we are all looking forward to St. Patrick's Day festivities back home.

For me, the upcoming celebrations bring back memories of the wonderful friends I made in Ireland last year when I accompanied President Clinton on his historic visit to that beautiful country—and of the message they conveyed in their words and actions: We want peace.

For those of us involved with Irish issues, the recent setbacks brought true heartache. But that's why now, more than ever, the United States must stand firm in its commitment to help the Irish people win a lasting peace.

Perhaps our best opportunity to do this is by promoting opportunities for economic growth in Northern Ireland and the Republic. This will be mutually beneficial, since one-third of all foreign business in the Republic is United States-owned.

We've already taken several steps toward that goal. President Clinton has appointed a Special Envoy for Economic Initiatives on Ireland, and the White House convened a conference on trade and investment in Ireland. This week I was proud to vote to continue funding for the International Fund for Ireland.

But I firmly believe we must do more. Along with my New York colleagues PETER KING and TOM MANTON, I have introduced H.R. 2844, the Ireland Economic Development Act. My bill would authorize the issuance of loan guarantees for economic development and job creation activities in the Republic of Ireland and Northern Ireland.

I think Dan O'Kennedy said it best: ''Prosperity and peace go hand in hand—that's why the Irish-American Unity Conference strongly supports H.R. 2844, the Ireland Economic Development Act.''

I urge all my colleagues who are friends of Ireland to cosponsor H.R. 2844 before going home this St. Patrick's Day.

And every Member of this Congress should support the MacBride Principles, which I and 226 other Members of Congress cast our vote for earlier this week.

I authored the New York City MacBride Principles Contract Compliance Law, which made it illegal for the city of New York to award contracts to companies which discriminate against Catholic workers in Northern Ireland.

We should have a zero tolerance policy for discrimination: That's the statement we make when we vote for the MacBride Principles.

Last, but by no means least, my heart goes out to all the families still threatened with cruel separation by deportation proceedings. I am committed to continuing my work on this issue with members of the Ad Hoc Committee for Irish Affairs, and I urge my colleagues to get involved.

We all love taking part in the fun of St. Patrick's day celebrations. But this year, as we put on our green shirts, we must all resolve to roll up our sleeves and do the hard work necessary to help realize a bright and promising future for Ireland and her people.

TAX AND SPEND NEVER ENDS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. PACKARD. Mr. Speaker, the President has proclaimed the era of Big Government to be over, but his $8 billion reelection pork package looks more like business as usual—taxing America's hard-working families and spending it on frivolous Federal programs.

President Clinton is stubbornly insisting upon $8 billion more in Federal spending for Big Government programs, just to keep his key voting constituencies happy. The American taxpayers and their children should not have to finance President Clinton's reelection campaign.

We must not foolishly dole out money as though the American people were a money tree. The President wants more money for questionable programs. One such program helps guide a person through the 160 job training programs in the Federal Government. Is this not the same man who challenged Congress to consolidate 70 overlapping and antiquated job training programs? Now, he wants another program to help 160 other programs. In addition, he wants more money to send overseas for an environmental project so that children in foreign countries can be educated in environmental studies and can learn how to measure rainfall. This kind of spending just does not make sense.

Mr. Speaker, hard-working American families want responsible government and responsible spending. What the President wants amounts to nothing more than tax and spend Big Government. My Republican colleagues and I pledged to cut Big Government down to size and we will keep our promise. It is time the President remembered his pledge to American families instead of his election contributors.

CONTINUITY OF CARE WEEK

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. RUSH. Mr. Speaker, the concept of continuity of care is an essential component of today's health care delivery system.

The professional responsible for continuity of care comprise a variety of disciplines, educational backgrounds, and practice in diverse setting. These professionals function as facilitators, caregivers, and advocates to ensure that patients receive quality, cost-effective health services.

Mr. Speaker, in recognition of these individuals' dedication and commitment to health care, the third week of September 1996, and each September thereafter, shall be known as ''Continuity of Care Week.''

COMMENDING THE YOUNG ITALIAN AMERICAN A.C.E.S. CLUB OF UNICO

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. MARTINI. Mr. Speaker, for the past 7 years, the Young Italian American ACES—Athletic, Cultural, Educational, Social/Service—Club of UNICO National has been sharing fellowship, support, benevolence, friendship, and hope with those less fortunate. And, in celebration of Saint Joseph Day's, the ACES Club sponsored by the Belleville UNICO Chapter will once again respond to the needs of the community by preparing a traditional Sicilian Alter for the sick and the needy.

The ACES Club provides a living example of what the Roman Statesman Seneca meant when he wrote that wherever there is a human being, there is an opportunity for kindness. Certainly, the ACES Club proves to all of us that no selfless act of kindness is insignificant. Indeed, heroic compassion is first learned through loving kindness. By faithfully evidencing the love and justice of Saint Joseph, the Young ACES Club reminds us that society is most profoundly changed not by huge, impersonal institutions but by people determined to make a positive difference.

Acts of compassion and mercy add meaning to our lives and to the lives of those around us. The Young Italian American ACES Club's consistent example of volunteerism teaches the valuable lesson that all of humankind is all our business. Truly, it gives us greater satisfaction to be helpful than helped.

The 18th century statesman Edmund Burke described voluntary associations that feed the hungry, house the homeless, and clothe the needy as ''little platoons.'' The ACES Club is a modern day example of a little platoon performing works of mercy and helping to produce the spirit by which people do good out of compassion, not compulsion.

The young people of the ACES Club perform the highest role of citizenship as they love their neighbor and respond to the needs of the community. This year the ACES Club will distribute the Saint Joseph's donations to a broad range of civic and charity organizations that serve the sick and the less fortunate. This standard of enduring goodness shows us that the health of society depends on how well its individual citizens treat one another.

The Young Italian American ACES Club of UNICO National is the embodiment of goodwill and generosity. I greatly admire the ACES Club's dedication to loving others and promoting justice in the best tradition of Saint Joseph. Furthermore, I offer my congratulations to the Belleville UNICO Chapter for challenging young people to take up the task of helping others.

Happy Saint Joseph's Day.

THE ACCOMPLISHMENTS OF CHARLES SHUMAN

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to a great friend of the State of Illinois. Earlier this year, Mr. Charles Shuman retired from his position as a Sunday schoolteacher at the First United Methodist Church in Sullivan, IL. What makes this a memorable event is that Mr. Shuman taught his class faithfully for 60 years. And this has been just one facet of his exceptional life. He has been a longstanding friend of the Democratic Party, as well as a former president of the American Farm Bureau. It is with great respect and admiration that I say thank you to Charles for his phenomenal contributions to life in central Illinois.

Our present world moves at a seemingly nonstop pace. There never seems to be enough hours in the day, and everything from technology to fashion changes right before our eyes. But how small some of these developments seem when compared to an older generation's observance of motor cars and radio. Charles used to ride to church in a horse and buggy when in grade school, his family wrapping warmed bricks for the ride to help keep them warm. To this day he remembers vividly his first encounters with radio, automobiles, and movies. Despite these drastic changes in the world around him, Charles knew what was important to him and stood by it. His devotion to the church was one of these things, and he began his Sunday school teaching with the same boys' class he himself had participated in as a student. He met his wife Ida while teaching, and the two formed a coed teenage class. Later Charles taught the builder's class for young married couples.

The devotion Mr. Shuman has displayed over the years has touched countless lives both in and out of his classroom, and serves as an example of what faith can provide for each of us in our lives. As Charles has said, ''I always felt that one of my objectives in life was to find how to walk closer to God, and it seemed to me that Sunday school Bible study was one way to do it.'' And as he has shown, change is no excuse for losing sight of what is truly important. I am honored to represent Charles Shuman in the U.S. Congress, and I wish him many more years of health and happiness.

INTERNATIONAL FAMILY PLANNING

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. FARR. Mr. Speaker, I rise today to bring your attention to the crisis in funding for international family planning programs.

The United States has traditionally provided developing countries with money to create effective, voluntary family planning programs. However, in the fiscal year 1996 Foreign Operations appropriations bill, family planning programs were cut by 85 percent, from $547 to $356 million.

A recent study by the Alan Guttmacher Institute, a nonprofit corporation for reproductive health research, policy analysis and public education, stated funding cuts will restrict 7 million couples in developing countries from using modern contraceptive methods. This will result in 1.9 million more unplanned births, 134,000 more infant deaths, and 8,000 more women dying in childbirth and pregnancy, including from unsafe abortions. In fact, due to the dearth of funding, there will be at least 1.6 million more abortions in developing countries in just 1 year.

Family planning services offer often lifesaving health care services, including family planning, prenatal services, maternal and infant health programs, treatment of infertility, and the prevention of AIDS. The more we limit funds for family planning, the more we will spend on money for destitute children and health care for the sick.

Long-term costs of the cuts may prove so disastrous that the United States will wind up spending more than it will save. Worsening population trends mean the United States may confront more international instability, greater depletion of important global resources and ultimately much higher levels of foreign aid assistance.

International family planning funding must be restored. Not only is it a public health issue, but family planning is the answer to the question of overpopulation. Global population now exceeds 5.7 billion people. If nothing is done to stem this growth, the Earth's population will quadruple to over 19 billion people by the end of the next century. Uncontrolled population growth not only causes extreme poverty, unemployment, and urban overcrowding, but it is having an enormously damaging effect on our environment and public health.

In much of the developing world, overpopulation, caused mainly by the lack of access of women to basic reproductive health services and information, is contributing to impoverishment, malnutrition, and hopelessness. The damaging effect on the world's environment is resulting in resource depletion, tropical deforestation, extinction of certain plants and animals, and pollution of air, water, and land. Population growth is outstripping the capacity of many nations to make even slight gains in economic development leading to political instability.

Overpopulation must be addressed by sustainable development programs. There are three key areas which will target overpopulation directly: international family planning, financial commitment, and technical expertise. Practically every major innovation in the population and family planning field can be linked to U.S. support. Modern technology has also been applied to the population field in the areas of mass communication, biotechnology, and biomedical research in the development of new contraceptives.

Funding for international family planning is not about whether women in third world countries have abortions. The ramifications to funding cuts stretch from health counseling to global warming. Family planning directly deals with the protection of our environment, economy, and the health of women and children. We must work to maintain sustainable development programs to protect our environment, public health, and future. Please join me in the fight to restore this vital funding.

HARD TIME FOR GUN CRIMES ACT

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. CHRISTENSEN. Mr. Speaker, today I am introducing the Hard Time for Gun Crimes Act.

This bill would make it clear that the problem with guns in our society is not the guns but the felons who use them for a criminal purpose. The bill would dramatically increase the penalties for possessing, brandishing, or discharging a firearm during the commission of a Federal felony.

For instance, under my bill, if you fire a gun during the commission of a Federal crime: It it's the first offense, you'll get 30 extra years in jail; if it's the second offense, you'll get a minimum 50 extra years in jail.

The key message is that we've had it with gun-related violence. Americans have zero tolerance for gun crime, so our justice system should too. Our families and children shouldn't be afraid to walk to school, go to the grocery store, and leave their windows open at night.

That's why I think we should work to keep those who would misuse guns in jail. No more slick criminal defense attorneys pushing criminals to freedom through legal loopholes. No more soft sentences after teary speeches before the bench. No more legal gymnastics setting criminals free after a fraction of their allotted time in jail.

For 30 years, we've heard about rehabilitation and the root causes of crime. We should try to reform those who've committed crimes. We should try to address the grinding poverty of our urban areas, with welfare reform, for instance. But one of the root causes of crime—is criminals. Put a career criminal back on the street, and he's not rehabilitated, he's rejuvenated. What's gotten lost is punishment.

The Hard Time for Gun Crimes Act sends a clear message: If you use a gun to commit a felony, plan on spending the next few decades behind bars—no exceptions.

TRIBUTE TO GEORGE DITOMASSI, THIS YEAR'S AMBASSADOR OF IRELAND AWARD

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to pay tribute today to George Ditomassi, a constituent of mine who has distinguished himself both professionally and privately, as a man of significant accomplishment and compassion. Mr. Ditomassi is the Chairman of Milton-Bradley Co. in East Longmeadow, MA, a toy and game manufacturer owned by the Hasbro Corporation.

For as long as I can remember, George Ditomassi has given generously to the communities in which he lives and works. Year-in and year-out George Ditomassi is a good friend and neighbor to western Massachusetts. Though he sits on the corporate boards of some of America's largest companies, he also contributes his time to local and neighborhood organizations. In his many and varied roles, George Ditomassi has favorably impacted the lives of thousand of other people. That, in part, is why I have chosen to recognize him here today.

On Sunday, March 17, St Patrick's Day, George Ditomassi will be given the Ambassador of Ireland Award by the Holyoke, MA, St Patrick's Day Parade Committee. The Ambassador's Award is given annually to an American citizen who is judged by the committee to have built an economic or social bridge between our two great nations. George Ditomassi fits this description extremely well.

Raised in Holyoke, a long-time Irish enclave in western Massachusetts, George Ditomassi understands well the contributions that Irish-Americans have made to American society. As a businessman, he clearly understands the value that is added to a company by a well educated and highly skilled workforce, the type which is found in Ireland.

As the chairman of the Milton-Bradley Co., Mr. Ditomassi has guided his company's decision to own and operate a manufacturing facility in Waterford County, Ireland. With over 500 people employed by Milton-Bradley at the facility, the plant is one of the largest employers in Waterford. It is a boon to the local economy and Mr. Ditomassi calls it ''a jewel in our crown.'' It is his stewardship of this investment in the Irish economy that has qualified George Ditomassi for the 1996 Ambassador of Ireland Award and also, it is the other part of why I have chosen to recognize him in the House of Representatives today.

Mr. Speaker, I ask my colleagues to join me today in congratulating George Ditomassi for his upcoming receipt of the Ambassador of Ireland Award, and also, for a lifetime of service to his community.

IN HONOR OF WILLIAM DEAN, WORLD WAR I VETERAN

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mrs. THURMAN. Mr. Speaker, I rise today to honor a remarkable individual, William Dean, who passed away on March 11, 1996.

Mr. Dean, who lived with his wife at Cloverleaf Farms, Brooksville, was 1 of fewer than 20 World War I veterans in Florida. He would have celebrated his 97th birthday on March 20.

Mr. Speaker, veterans of World War I have stood up for America longer than any other group—three quarters of a century. Their determination and pressure has insured that benefits and programs are today available for all veterans.

In June 1917, William Dean, at the tender age of 18, was mustered from his regiment in the Philadelphia, Pennsylvania National Guard and sent to the battlefields of Europe.

Mr. Dean served with distinction and honor in both France and Belgium as a private and then a wagoner in the cavalry. His service has been recognized by both countries with ribbons and medals.

Mr. Speaker, Mr. Dean's great service to his Nation was in keeping with a long family tradition.

His grandfather served in the Civil War with the Union Army of the Potomac, having volunteered at the age of 34 with the Pennsylvania cavalry.

While Mr. Dean may have retired to Florida, he never stopped trying to help his fellow veterans. For more than 10 years, Mr. Speaker, this dedicated individual drove his fellow veterans to hospitals in St. Petersburg and Tampa to make sure they received the quality medical care they deserved.

Mr. Speaker, Tampa and St. Petersburg are not right around the block from Brooksville; they are a long drive away. But Mr. Dean was willing and ready to give this kind of selfless service to others in need. According to his wife, the frequency of these trips made it necessary for Mr. Dean to buy a new car every 15 months.

On March 20, friends of William Dean will gather at the cemetery in Bushnell to bid farewell to remarkable man who witnessed both the horrors of war and some of the most astounding advances in his country's history.

Mr. Speaker, Mr. Dean's life reminds us how important it is that we pay tribute to those who served and sacrificed for liberty during World War I. In William Dean's care, his service to his country continued long after he laid down his Army uniform.

THE NEW BAMC OPENS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. GONZALEZ. Mr. Speaker, I rise today to commemorate the opening of the new Brooke Army Medical Center at Fort Sam Houston in San Antonio, TX.

This is a proud day—for BAMC, for the Army, and for me personally.

At long last, BAMC is a state-of-the-art, unsurpassed medical center, at the forefront of military medicine. Patients here will get the finest care, and the staff here will continue the advances in medical technology that made BAMC as famous as it is great. San Antonio will continue to advance its role as a great center for medical care and research.

There are very few people who know what a long and bitter struggle it took to bring us to this day. But today, the moment this great institution opens for business, we know that the fight was worth it, and I am proud to have led it.

The new BAMC will build on a great history and find tradition. Starting today, Army medicine has a new reason to be proud of its history and certain of its future, which I know will be as great as its past. As today's ribbon falls, we will open the doors to a great future. Thank you, Mr. Speaker.

TRIBUTE TO STEVEN HOLTER

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mrs. KENNELLY. Mr. Speaker, I rise today to honor an outstanding young man, Steven Holter of Hartford, CT. Steven has recently been honored with the National Center for Neighborhood Enterprise 1996 Achievement Against the Odds Award, and I am sure my colleagues will agree that his story is inspiring.

Steven grew up in a public housing complex in Hartford. Moved by the need for companionship and belonging, several of the neighborhood children formed a recreation club. What began as innocent after-school fun, however, soon became gang activity. With Steven at the helm, The Magnificent Twenties became one of Hartford's largest gangs—and the violence escalated.

Four years of brutality and bloodshed took their toll, and Steven finally tired of the ugliness. He stood before his followers one morning, and declared, ''We have to move in a different direction. Today, we will curb our behavior.''

''We turned from night to day, like a light switch,'' says Steven. The Magnificent Twenties undertook a host of community service activities, including visits to the elderly, providing food for needy families, and establishing drug- and alcohol-free discos for teens.

After 2 years of organized community service, the gang dispersed—but Steven went on, his spirit of philanthropy undimmed. Today, he continues to act as a mentor for teenagers throughout the city of Hartford. Meeting with kids in prison, making presentations in inner-city schools, or chatting with his successors on the street, Steven's message remains the same. ''You can make a difference in this chaotic world,'' he tells them. ''It won't be easy. You need to want to help yourself. No one can do this for you. Life is all about choices.'' He urges young men and women to make the choice for a more meaningful life, a life of service rather than of destruction.

In addition to his youth mentorship activities, Steven is also the copresident of a construction firm, Relph & Holter Home Builders, Inc. He offers young people the opportunity to train with his company to develop valuable job skills for their future.

Steven reminds neighborhood youth of their unique capacity to contribute to the community. And he gets through—after all, as Steven often says, ''Can't nobody tell it the way I can tell it.''

I join all my neighbors in Hartford in agreeing that nobody can. Steven is a unique and irreplaceable part of our community, and we all join in congratulating him on this well-deserved award.

GRAPHIC POSTCARD ACT OF 1996

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I rise to urge support for legislation that I have introduced, the Graphic Postcard Act of 1996. My bill, formulated after postcards showing a dismembered fetus were sent unsolicited to a number of towns in Connecticut, requires that material depicting violent or sexually explicit acts sent through the U.S. Postal Service be enclosed in an envelope emblazoned with a large print warning.

It is not unusual for parents to allow small children to open the mailbox and examine the contents. Bills, letters, and most advertisements pose no threat to young children. Sexually explicit material is already required to be covered when sent through the mail.

The right to free speech is one we all cherish. This legislation will not interfere with free speech; it does not prohibit graphic materials to be mailed, but instead places a simple requirement on their mailing in order to protect children. Like it or not, those responsible for these postcards have every legal right to use the U.S. mail to express their viewpoints. However, I believe that parents have an equal right to protect their children from graphic presentations of frightening or violent actions. Requiring an envelope and warning does not infringe on the sender's freedom of speech, it simply guarantees protection for our Nation's children.

This is rational action to stop potentially dangerous behavior. Hundreds of my constituents have called or written to let me know they were outraged by these postcards. The level of violence in our society has reached an unprecedented level and is eroding the values that have made us a strong society. We have a special obligation to protect young hands and eyes from unsuitable material, and this is step one.

I therefore urge my colleagues to join me in support of the Graphic Postcard Act of 1996.

COMMENDATION OF INTERAGES ON THEIR 10TH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mrs. MORELLA. Mr. Speaker, I rise today in commendation of Interages, Montgomery County's intergenerational resource center, on the eve of their 10th year anniversary celebration. Over the past 10 years, Interages has become an increasingly valuable member of our local community. Interages is dedicated to bridging the gap between senior members of our society and today's youth.

Interages programs bring volunteer youth to homebound seniors, helping to alleviate their loneliness and respond to the concerns of these otherwise isolated individuals. These young people take it upon themselves to uplift the spirits of these elderly men and women, giving their time in the interest of service to their community. Rather than finding this task a sacrifice, many of them feel that it is they who benefit from the deep friendships and exchange of ideas that often occur.

Since 1990, Interages has also sponsored the intergenerational bridges project. This project brings together elderly mentors with poor and disadvantaged youth. These young people receive the benefit of their mentors' lifetime of knowledge and experience. Often matched up with illiterate and immigrant youth, the seniors enable these at-risk students to rise above their surroundings, helping them to read, write, and speak English; the students end up with an increased sense of self-worth and a reduced risk of leaving school or engaging in criminal activity. The mentors, too, find themselves learning from their proteges, as they come to see through some of the myths surrounding disadvantaged youth in today's society.

On Sunday, March 17, Interages will officially celebrate their 10th anniversary with a celebration at the Chevy Chase Women's Club. This event will again bring together young and old in the spirit of intergenerational achievement and community service that

Interages has so fully come to represent. Mr. Speaker, I hope that my colleagues will join me in commending the founder of Interages, Austin Heyman; Interages current copresidents, Jean Linehan and Robert Shoenberg, and all of Interages' dedicated volunteers and workers, on 10 years of exceptional service and in wishing them success in the years ahead.

PERSONAL EXPLANATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. HASTINGS of Florida. Mr. Speaker, on Thursday, March 7, 1996, during consideration of H.R. 3019, the Balanced Budget Downpayment Act, I mistakenly voted ''nay'' on the Lowey amendment.

This amendment would have deleted the bill's provision permitting States to decide whether to use Medicaid funds to pay for an abortion in the case of rape or incest. Had the amendment passed, it would have retained the current law which requires that States fund abortions in cases of rape, incest, or to save the life of the woman.

My vote against the Lowey amendment was purely accidental. I have always been and will continue to be 100 percent supportive of a woman's right to choose.

250TH ANNIVERSARY OF TOWN OF MERRIMACK, NH

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. ZELIFF. Mr. Speaker, let me extend my sincerest congratulations to the town of Merrimack, NH, as it celebrates its 250th anniversary on April 2, 1996. It is a pleasure to commemorate such a milestone event and recognize this New England village.

The people of Merrimack have preserved the town's historic past and traditions. Once known for timber and agricultural trade, Merrimack has welcomed new industries that promote technology and future expansion. In the 1980's, Merrimack was one of the fastest growing towns in New Hampshire. This town serves as an economical, industrial, and social tie between New Hampshire's two largest cities, Manchester and Nashua. Though these changes have occurred, Merrimack has not lost its identity and still attracts travelers to its recreational settings and scenic beauties.

I have had the opportunity to work with the people of Merrimack on a number of important issues over the last few years. I appreciate the willingness of the residents to speak frankly and honestly about issues that affect the town. These people are hard working and always concerned with what is best for their community.

Statewide, Merrimack is well known for being a close-knit, informed, and caring community symbolizing the best that New Hampshire has to offer. Allow me to wish the town of Merrimack a happy anniversary, and I appreciate the opportunity to be included in its celebration. It is an honor to represent the town of Merrimack in the U.S. Congress.

TACTILE CURRENCY FOR THE VISUALLY IMPAIRED

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. BAKER of Louisiana. Mr. Speaker, today, I am introducing legislation that encourages the Bureau of Printing and Engraving to consider making Federal Reserve Notes tactually identifiable by the blind and visually impaired. This legislation enjoys considerable bipartisan support from my colleagues on the House Committee on Banking as well as other Members who share the same interests in assisting visually impaired individuals exert their independence.

In March 1994, the Bureau of Engraving and Printing commissioned the National Academy of Science to execute a study entitled ''Current Features for Visually Impaired People.'' This recently published study explores methods of making currency more accessible for all Americans.

The report concluded that the needs of the blind could be better served if further study on specific changes such as size, color, and tactile marks be initiated.

Currently, the Department of the Treasury is engaged in efforts to redesign the Federal Reserve Note to prevent counterfeiting. Indeed, the new $100 bill is prepared to be issued nationwide right now. With this window of opportunity upon us, I believe Congress has the chance to assist the millions of visually impaired Americans who strive to live independently by marking their money more accessible to them.

My bill simply endorses the efforts of the Bureau of Printing and Engraving to study cost-effective tactile changes in Federal Reserve Notes and encourages the incorporation of those change in the national currency.

My bill does not cost the Federal Government any money, nor does it impose any undue, unfair mandates.

Such a minor change in currency will have a significant impact on the independence of visually impaired Americans. Further, a tactual mark can serve other purposes, such as being an additional counterfeit deterrent.

Visually impaired individuals are capable, independent people whose valuable contributions touch all of our lives. It is important that all Americans are afforded equal opportunities to perform at the best of their abilities. My bill stresses that importance. I hope all Members will join me to pass this legislation.

TRIBUTE TO FRED DUVAL

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. PASTOR. Mr. Speaker, I read in last week's newspapers of the resignation of Fred Duval as Deputy Chief of Protocol of the United States. This is a loss for the Department of State and the U.S. Government.

Protocol is one of those things in this town many of us take for granted. It is practiced in the breach. If it's done well, it is hardly noticed. If it is done poorly, it could have major ramifications for relations between our country and others.

In the United States, Protocol is responsible for overseeing the visits of foreign royalty, chiefs of state, heads of government, and foreign ministers. It is responsible for overseeing many ceremonial events including meals, events at Arlington Cemetery, major diplomatic gatherings, et cetera, for selecting Presidential gifts, and the administration of the Blair House. Protocol is also responsible for the accreditation of the diplomatic community, and the selection of Presidential delegations abroad.

During his almost 3 years of service, DuVal has hosted emirs, emperors, and over 120 heads of government. He spent 12 days as the host of the Emperor and Empress of Japan. He played a major role in a number of mega-events such as the PLO-Israel peace signing ceremony in September 1993, the Israel-Jordanian peace signing ceremony in Jordan, the Nixon state funeral, the Atlanta Olympics, and the 50th anniversary of the United Nations, where over 120 heads of government attended.

DuVal is widely admired and well-liked in the diplomatic community where he is often representing the President at evening embassy events, and is thought of in the State Department as one of the strongest and the most effective people to ever hold his position as Chief Deputy of Protocol.

Before coming to Washington, Mr. Duval was a constituent of mine in Arizona and has for many years been a friend.

He will be missed at the State Department, and it is as a tribute to him that I ask unanimous consent to place James Morrison's article from the Washington Times announcing his departure in the RECORD.

RABBI ARTHUR SCHNEIER RECEIVES PRESTIGIOUS VIENNA PRIZE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. LANTOS. Mr. Speaker, next week, a truly extraordinary American will become only the second American in history to be awarded the Vienna Prize by the Dr. Karl Renner Foundation. In recognition of his lifelong efforts on behalf of the human rights of the citizens of the world, Rabbi Arthur Schneier will receive this coveted award and a grant of $20,000 from the mayor of Vienna, Dr. Michael Haupl.

Rabbi Arthur Schneier is internationally known for his leadership on behalf of human rights and religious freedom. A group of distinguished citizens of Vienna, including the mayor, members of the city Senate, and prominent members of the community, have chosen Rabbi Schneier for this honor because he is an international role model for the promotion of democratic societies.

Rabbi Schneier joins with President Vaclav Havel of Czechoslovakia as the only non-Austrians to receive this distinguished award. By virtue of his international standing, Rabbi Schneier, as with President Havel, has promoted the ideas of democracy and freedom to the furthest reaches of the globe.

As founder and president of the Appeal of Conscience Foundation, Rabbi Schneier has met with Presidents, Prime Ministers, and Foreign Ministers, as well as religious leaders in the former Soviet Union, Hungary, Poland, Czechoslovakia, Albania, Romania, Argentina, Cuba, Israel, Egypt, Morocco, Bulgaria, Germany, England, Ireland, the Vatican, and Turkey.

Since 1965, when he led a group of political and religious leaders for an Appeal of Conscience rally protesting religious repression in the Soviet Union, he has championed the cause of religious freedom around the world. After the 1965 rally, he established the Appeal of Conscience Foundation, which continues to this day to provide effective and influential leadership on behalf of human rights.

The Appeal of Conscience Foundation and Rabbi Schneier have been involved in a wide range of the world's most intractable problems and most egregious human rights violations. From meeting with Foreign Minister Andrei Kozyrev to discuss United States-Russian relations to meetings with Presidents of Bosnia, Serbia, and Croatia to discuss a lasting peace in that troubled region, Rabbi Schneier has taken it upon himself to provide inspirational and effective leadership that has won him worldwide praise, including the prestigious Vienna Prize.

It brings me great pleasure to rise today to honor this exceptional religious leader on the occasion of his receiving this most deserved award. I invite my colleagues to join me in expressing our appreciation for his extraordinary efforts.

FIGHT TERRORISM, BUT DON'T DAMAGE INDIVIDUAL LIBERTIES

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. BONIOR. Mr. Speaker, we all have been shocked and horrified by the acts of terrorism in Oklahoma City, in New York City, in Israel, London, Tokyo, and elsewhere.

The painful loss of innocent lives leaves us with a terrible sense of vulnerability that tears away at our peace of mind.

There are laws on the books that prosecute terrorists for the violent acts they commit—the World Trade Center bombing trial and the trial that will soon get underway in Denver, CO, show us that. We should also carefully strengthen our ability to prevent these acts of terror. But this bill doesn't get us where we need to go.

As Anthony Lewis wrote Monday in the New York Times:

> Terrorism has a cost beyond its menace to life and peace. A democratic society, feeling threatened, may put aside legal norms and adopt authoritarian measures. It may fear freedom.

This approach doesn't take us forward. It takes us back to the now-discredited ideas of the McCarthy Era, and even more recently, to the intimidating FBI interviews with Arab-American leaders during the gulf war about their supposed knowledge of possible terrorist activities, and to the ''LA 8'' case with its attendant revelation of secret Justice Department contingency plans for the mass roundup, internment, and deportation of Arab nationals.

When this bill first came to the floor, it would have given us selective prosecution, more wiretaps, more domestic counterintelligence, deportation of political asylum seekers, and secret evidence to be used in secret trials. While some of these problems have been corrected, the bill is still fatally flawed.

We are debating this issue in tense times, with the recent bombings in Israel still fresh in our minds. These were terrible tragedies, and we should respond, but we should do so with clear minds, with a view that values the liberties that so many have fought and died for over our history as a nation.

Mr. Speaker, let us not cast freedom aside and allow fear to prevail. We can do better than this bill, and we must, for our liberty and our safety depend on it.

WOMEN IN HEALTH CARE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in honor of all women in the health care field.

As the health care industry continues to change dramatically and rapidly, these professionals remain steadfast in their dedication to the well-being of the aged and infirm. They work hard to keep up with the changing market, while unfailingly remaining committed to helping the sick.

And no matter what their position, everyone contributes in an essential way. I honor the efforts made by all women in all roles in providing the best quality work toward meeting the needs of patients.

When I read today the Northern New Jersey Visiting Nurses Association's newsletter, I was reminded of the challenges facing our health care workers. Their mission: Keeping people healthy by providing quality community health service by skilled and caring individuals and promoting the health and well-being of the entire community.

Nursing in particular demands such a broad array of skills and knowledge combined with attributes of compassion and commitment. From many of the health care professionals with whom I am acquainted, I know of the extraordinary job they do at continually re-educating themselves in medicine, disease, and an ever-changing, high-technology environment, while never losing sight of their most important responsibility—the health and well-being of their patients.

This sense of duty is astonishing. I was recently told of a home health aide who during the January blizzard, when so many of us were home and safe, walked a couple of miles through 5-foot snowdrifts to care for her patient and walked home. I was told of the health workers who stayed 2 or 3 consecutive days working extra shifts at the hospital to meet the needs of patients. Mr. Speaker, I applaud them.

These are truly multitalented individuals who fill an essential role in our communities. Their job not only requires strong leadership and skill, but also a heart and soul unfamiliar to many of us. Today I rise to honor them—those individuals who help us stay healthy and serve us when in need.

LEGISLATION AMENDING THE FAIR LABOR STANDARDS ACT

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. GRAHAM. Mr. Speaker, today I am introducing legislation to allow professional services firms which contract with the Federal Government to pay their professional employees on an hourly basis or a salary basis, without defeating their exemption from overtime under the Fair Labor Standards Act.

The FLSA exempts from overtime requirements professional employees who meet a duties test laid out by the Department of Labor's regulations under the act. Professional employees must also be paid on a salary basis, meaning that they must be paid on a salary or fee basis but not on the basis of number of hours worked. If the employee does not meet the duties test for a professional or the salary basis test, the Department of Labor and the courts have held that the employee is not exempt from overtime and therefore must be paid time-and-a-half for all hours worked over 40 within a 7-day period.

When the Federal Government contracts with private firms for professional services, most requests for proposals for such contracts require that the contractor submit bids as to the fee for the professional services that are based on hourly rates. However, because the contractor must bid the contracts on an hourly basis and, as a practical matter, calculate the pay of the professional employees working on the contract on an hourly basis, these employees may not meet the requirements for the overtime exemption under the act.

In addition to adversely affecting contractors, the salary basis requirement under the regulations can have the effect of requiring overtime pay for well-compensated, highly skilled employees, many of whom are lawyers, certified public accountants and financial analysts—simply because the employer compensates the employee on an hourly basis, as opposed to a salary basis.

This legislation will enable those firms contracting with the Federal Government to pay their employees in the manner which meets the requirements of the contract without running afoul of the FLSA.

EAST CENTRAL HIGH SCHOOL'S OVERALL EXCELLENCE AWARD

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. TEJEDA. Mr. Speaker, I rise to pay tribute to East Central High School, a school in my district, for being recognized by Redbook magazine for overall excellence in its America's Best Schools Project competition. East Central High School is 1 of 63 schools nationwide recognized for its overall excellence in academics and extra-curricular activities.

This distinction truly an accomplishment for which everyone connected to East Central High School should be proud. I applaud the faculty, school administrators, and staff for their dedication beyond the call of duty to provide the best education to their students. This

is what has earned this school the recognition in Redbook. The students of East Central who have worked hard to learn and excel equally deserve praise. Last year, more than 800 students at the school brought home hard-won awards in a variety of disciplines. The parents of these students, who dedicate themselves to creating new and greater learning opportunities for their children, deserve our recognition.

East Central High School draws from both urban and rural areas, being the only high school in a school district that spans 260 square acres. The area has a low tax base, and the school and the community came together to overcome financial challenges. They did so by creating a foundation to raise funds and provide incentive grants to teachers to create new, exciting programs to challenge and excite students. In this way, parents, teachers, administrators, and members of the community have created a wide variety of choices to excite the students and to encourage them to get involved.

East Central's innovative efforts set a positive example to everyone whose goal is to enrich the lives of our children. Examples of this unique programming are impressive, as well as abundant. East Central students taking French are communicating with students in France using the Minitel, the French electronic information system. Students interested in hospitality management are receiving first-hand experience through mentoring programs at a local Marriott Hotel. Restructured English and history classes have spurred student interest to pursue these subjects beyond the required courses. New daily class schedules help students learn more with time for extracurricular activities. Extended library hours and an after-school tutoring program fosters a complete learning environment.

Greater student achievement has been the result. The number of students on the honor roll each 9-week period increased dramatically while the student failure rate has decreased. Students have won local, regional, State, national, and international awards in history, science, literature, and agriculture. A student at East Central placed third at the International Conference for Science in Toronto, Canada. The school's one-act play took the district trophy for the first time in 10 years. Nine students placed in the U.I.L. Literary region 4 contests. The school's basketball team ranks first in the State of Texas.

I am greatly impressed by the spirit at East Central. Overcoming financial and geographic obstacles, the entire community created and continues to create a positive educational center for its students. The ability to think creatively, to put new ideas to the test, has paid off. East Central stands as an example of what a community can accomplish—not alone—but together.

THE FAST AND EFFICIENT TAX FILING ACT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. COX of California. Mr. Speaker, many Government rules and regulations now on the books are obsolete and just plain burdensome. Today, with bipartisan support, and in behalf of taxpayers across the Nation, I am introducing the Fast and Efficient Tax Filing Act to correct one of these obsolete regulations.

Every April 15, thousands of Americans nationwide wait in long lines at the U.S. Postal Service to mail their tax returns and receive their registered mail receipts which prove that their documents were mailed on time. So even though the tax documents might arrive at the Internal Revenue Service 2 or 3 days after the due date, it is counted as being delivered on the date of the registered mail receipt. This is a good rule—it gives taxpayers peace of mind that they will not be fined or penalized if the Postal Service takes longer than expected to deliver the documents.

However, like so many other things, the devil is in the details. This timely-mailing-as-timely-filing rule applies only to documents delivered by the U.S. Postal Service. So if the same taxpayer sent his or her tax documents on the due date via Federal Express, United Parcel Service, or some other reliable private delivery service, the timely-mailing-as-timely-filing rule would not apply, and the tax documents would be considered officially late.

The timely-mailings-as-timely-filing rule was written at a time when only the U.S. Postal Service delivered mail. Today, it doesn't make any sense to limit the timely-mailing-as-timely-filing provision just to documents delivered by the U.S. Postal Service when many alternative methods are much more reliable and quicker.

The Fast and Efficient Tax Filing Act will correct this inequity by permitting the Secretary of the Treasury to expand the timely-mailing-as-timely-filing rule to include qualified private delivery services. This would both increase the efficiency of the IRS and make it easier for taxpayers to file their tax returns on time.

Mr. Speaker, I ask unanimous consent to introduce into the RECORD letters of endorsement for the Fast and Efficient Tax Filing Act from the National Taxpayers Union, the United Parcel Service, and even from a former IRS Commissioner.

I invite my colleagues to cosponsor this important bill, so that we may make life a bit easier for millions of American taxpayers.

NATIONAL TAXPAYERS UNION,
Alexandria, VA, March 7, 1996.

Hon. CHRISTOPHER COX,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN COX: The 300,000-member National Taxpayers Union strongly supports your Fast and Efficient Tax Filing Act, which would permit the Secretary of the Treasury to designate qualified delivery services for purposes of timely filing of tax documents with the Internal Revenue Service and Tax Court.

Many aspects of the Internal Revenue Code and its enforcement seem outmoded and inconsistent, but few are as archaic as the policy on the filing of tax documents. Few taxpayers are aware of the fact that the IRS will only accept a receipt from the U.S. Postal Service as evidence that a document was delivered to the tax agency on time. Every year many citizens have been placed in financial peril simply because they made a reasonable assumption that a receipt from a delivery service was adequate.

With the onset of the Information Age, many national delivery services have proven to be more reliable than the U.S. Postal Service. Indeed, private companies from law firms to financial industries often entrust Federal Express, United Parcel Service, and many others to quickly deliver documents upon which their livelihoods depend. Yet, current IRS policy forces taxpayers to patronize the postal monopoly.

Your legislation would also make the filing of important documents more convenient for taxpayers who do not have easy access to a Post Office, or do not have time to wait in long lines for Registered Mail receipts. Private delivery firms can provide the personalized, door-to-door service many citizens prefer.

A federal appeals court in San Francisco recently upheld a lower court ruling that the judicial branch cannot compel the IRS to recognize the receipts of reputable delivery services. According to the ruling, while a taxpayer may ''put forth what may be a legitimate policy rationale for extending the rule to private delivery services, it is for Congress, not the courts, to make such a change.''

For this reason, taxpayers are now looking to Congress to remove this onerous and pointless compliance burden. Congress should modernize the tax filing law by enacting the Fast and Efficient Tax Filing Act.

Sincerely,

DAVID KEATING,
Executive Vice President.

UNITED PARCEL SERVICE,
Washington, DC, March 13, 1996.

Hon. CHRISTOPHER COX,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN COX: United Parcel Service (UPS) strongly supports passage of the ''Fast Efficient Tax Filing Act'' with its goal of expanding the current timely-filing rule to include private companies. The bill would not only allow the Internal Revenue Service (IRS) to receive important documents as promptly as possible but would provide the flexibility to UPS customers to file their tax documents through a carrier of their choosing.

The information age has brought about a transformation in the way business is conducted. Consumers are continuously looking for new choices to meet their constantly changing needs. UPS alone has over 1.3 million daily pick-up customers and delivers nearly 12 million parcels and documents on a daily basis.

Private companies such as UPS present convenient and more reliable alternatives to the Postal Service. UPS offers time definite express services which would ensure the timely filing of tax documents with the IRS. In addition, UPS has the infrastructure and technology to track vital documents through its system to the final destination. These are the types of services taxpayers are looking for when dealing with the IRS.

The current IRS policy requires taxpayers to patronize the Postal Service when filing their tax returns. This is not only inconvenient for those who do not have easy access to a Post Office, but it unfairly treats private sector companies by creating an unlevel playing field between the Postal Service and its competitors.

A federal appeals court in San Francisco recently ruled that there is a legitimate policy rationale for extending the timely-mailing-as-timely-filing rule to private delivery companies but left the matter up to Congress to resolve. The time is ripe for reforming this unfair rule which does not serve the needs of society. On behalf of all taxpayers, we urge Congress to pass the Fast and Efficient Tax filing Act.

Sincerely,

ARNIE WELLMAN,
Vice President,
Corporate Public Affairs.

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM
Washington, DC, March 14, 1996.

Hon. CHRISTOPHER COX,
House of Representatives, Washington, DC.

Re: Fast and Efficient Tax Filing Act

DEAR CONGRESSMAN COX: As a former IRS Commissioner, as a tax practitioner, and as a taxpayer, I enthusiastically support your proposed Fast and Efficient Tax Filing Act. The change is long overdue—I only wish I had focused on the issue and taken the step administratively while I was at the IRS!

Your proposal embodies the kind of real world, common sense legislation that the tax system so desperately needs. While the courts in Correia applied the law correctly, these are precisely the situations that drive people up the wall and destroy their confidence in government. You should be applauded for your ongoing efforts to make the system work better for citizens and taxpayers. If there is ever anything I can do to lend a hand, please let we know.

Sincerely,

FRED R. GOLDBERG, JR.

HONORING THE REVEREND KIRBYJON CALDWELL

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. BENTSEN. Mr. Speaker, I rise in honor of Rev. Kirbyjon Caldwell of the Windsor Village United Methodist Church in Houston, who has done so much to provide economic opportunity and improve the quality of life for so many people in Houston. I want to insert in the RECORD the following article from the February 20, 1996, issue of the Wall Street Journal that does an excellent job of describing Reverend Caldwell's contributions to our community:

[From the Wall Street Journal, Feb. 20, 1996]

DUAL MINISTRY—A HOUSTON CLERGYMAN PUSHES CIVIC PROJECTS ALONG WITH PRAYERS

(By Rick Wartzman)

HOUSTON.—Time was when the Rev. Kirbyjon Caldwell was more focused on profits than prophets, more on rates and investments than rites and vestments.

That was before he pulled a colleague, Gerald Smith, into a conference room at the Houston investment bank where they worked and, out of the blue, told him he was leaving business for the ministry.

Knowing that the Wharton School graduate and Wall Street alumnus was on the cusp of making big money, Mr. Smith could muster only one response: ''Are you crazy?'' He begged his friend to slow down, at least to mull his decision overnight.

But Mr. Caldwell's mind was made up, and he tendered his resignation that afternoon. ''He was completely confident that this was what he was supposed to do,'' recalls Mr. Smith, who now runs his own $2 billion asset-management firm. ''There was just no turning him back.''

Some 17 years later, at age 42, Mr. Caldwell is one of Houston's most prominent clergyman. An electrifying preacher, he took over Windsor Village United Methodist Church in 1982, when it was struggling with a mere 25 members, and he has made it flourish, with more than 9,000.

More broadly, Mr. Caldwell has emerged as a strong advocate for civil rights in Houston's black community, the largest of any city in the South. He also serves as a bridge to the white establishment, landing on the boards of Texas Commerce Bank, Hermann Hospital and the Greater Houston Partnership, a button-down business-development group long dominated by corporate executives.

But his grandest achievement may be a project now nearing completion: a multimillion-dollar business facility, located in a once-abandoned Kmart, that is reviving a blighted area of southwest Houston.

MANY FACETS

Called the Power Center, the 104,000-square-foot complex houses a Texas Commerce Bank branch; Houston Community College, which offers computer training and business classes there; a federal Women, Infants and Children (or WIC) nutrition program, expected to soon serve more than 5,000 people a month; a health clinic; a pharmacy run by a first-time businessman; a 1,900-seat banquet facility; and a private grade school founded by Mr. Caldwell. In addition, 18 of the 27 office suites have been leased to businesspeople, including to Mr. Caldwell's wife, Suzette, an environmental consultant.

''I think it's a tremendous experiment . . . to create a situation where people help themselves,'' says Forrest Hoglund, chairman of Enron Oil & Gas Co. and a financial contributor to the Power Center.

The project, launched four years ago, embodies what Mr. Caldwell calls ''holistic salvation''—a bedrock belief that God cares not only about the soul but also about people's everyday social and financial well-being. The pastor sees a connection between economic power and civil rights. ''Unless there is economic justice, you won't have peace in the community,'' he says. ''The Old Testament speaks of that.''

SUCH PROJECTS PROLIFERATING

The Power Center is hardly unique. Across the nation, ever more black churches are making commercial investments designed to help empower African-Americans economically.

Last month, on Martin Luther King's birthday, five of the country's largest black religious organizations announced they were forming a for-profit enterprise, Revelation Corp. of America, which plans to recruit millions of churchgoers and others to buy products at a discount from designated companies; in return, the companies would also funnel money back to the consumers' churches and into a national home-mortgage fund. Nationwide, black clergymen are increasingly taking on entrepreneurial roles, starting up ventures to bring capital and jobs to their areas.

What makes the Power Center special, though, is the way Mr. Caldwell so easily mixes divinity and deal-making.

''His background in banking and finance has helped him a lot,'' says the Rev. William Lawson, Houston's pre-eminent African-American pastor, who is leading an effort to build a shopping center in the impoverished Third Ward. ''He has set a standard for most of the rest of us in terms of development around the church.''

Well before the Power Center, Mr. Caldwell started several nonprofit ventures to, among other things, shelter abused children and develop low-income housing. While providing needed services, these nonprofits also give jobs to more than 125 people, placing them among the largest black-owned employers of blacks in Houston.

For a long time, Mr. Caldwell notes, black churches were pillars of economic activity, serving during Reconstruction as the community's savings institutions and insurance companies. ''What we're doing,'' he says, ''is simply taking a page from the 19th-century church.''

And giving it a 20th-century twist. To get his holistic message across, Mr. Caldwell delivers potent sermons filled with the vernacular of modern life. A recent homily on the need for better communication between the sexes drew as much from the bestseller ''Men Are From Mars, Women Are From Venus'' as it did from Scripture. As he spoke, he tossed a basketball, football and softball to underscore key points.

This rousing style—along with a myriad of community-outreach programs and several popular choirs backed by a pulsating band—attracts many black urban professionals to Windsor Village. But the church also draws older people and the working class, making it one of Houston's most socially diverse black congregations.

As Windsor Village has expanded, so has Mr. Caldwell's power base. In turn, he has used that to attack redlining, fight to bring more minorities into the state judiciary and, early on, battle unsuccessfully to promote a black or Hispanic to the superintendent of Houston schools. In recent days, Mr. Caldwell has helped lead a protest against what he calls the unfair treatment of the family of Warren Moon, as the professional football player stands trial on spousal-abuse charges.

USEFUL BACKGROUND

Yet his intellect and leadership skills—and his years at Charleton College, in Northfield, Minn., where he majored in economics; the University of Pennsylvania's Wharton School; and then First Boston Corp., where he sold municipal bonds—have made him an attractive addition to old-line Houston institutions.

''We in the establishment bet on Kirbyjon,'' says Charles Miller, a wealthy Houston businessman. He helped put Mr. Caldwell on the boards of the Greater Houston Partnership and Texas Commerce Bank after meeting him through the late Mickey Leland, a Democratic congressman from Houston. Not many years ago, Mr. Miller acknowledges, many white business leaders worried that minorities let into the club might turn out to be ''divisive or agitators or take advantage of the system.''

But Mr. Caldwell has assuaged those fears while avoiding the impression in the black community that he has sold out or been coopted. ''Although he moves with poise and ease . . . in corporate boardrooms, he also moves with the independence of knowing that his base of support comes from people who are out of the economic mainstream,'' says Rodney Ellis, a Democratic state senator and a former senior aide to Rep. Leland. (Mr. Caldwell's first wife, from whom he was divorced, worked as a Leland aide and was killed with him when their plane crashed in Ethiopia in 1989.)

The idea for the Power Center came to Mr. Caldwell in 1992, when he was in Jonesboro, Ark., for a family reunion and visited a Wal-Mart there. Several weeks earlier, he had been approached by the owners of Houston's Fiesta supermarket chain about what to do with the old Kmart on their property; the building, just down the road from the Windsor Village church, had long been vacant and was turning into a rat-infested eyesore.

THE SMORGASBORD IDEA

Walking through the Wal-Mart, Mr. Caldwell was struck by its wide range of products. And he thought Windsor Village should similarly offer ''a smorgasbord of services''—in its case, medical, financial and educational—as ''a one-stop shopping center for persons in the community.''

But the church didn't have the money to lease the old Kmart—what Fiesta had in mind. So, Mr. Caldwell started negotiating. ''By the time we were through, the discussion had switched from us leasing them the

property to us giving them the property,'' says Buster Freedman, who manages Fiesta's real estate. He not only calls Mr. Caldwell a ''visionary'' for persuading Fiesta to make the $4.4 million donation, but a ''wheeler-dealer'' as well.

Attracting tenants to the Power Center hasn't always been easy. For example, Texas Commerce Bank, a unit of New York's Chemical Banking Corp., determined that the neighborhood's traffic pattern didn't make it ''the right place to put a branch,'' Chairman Marc Shapiro says. But in the end, he adds, he was persuaded by Mr. Caldwell's ability ''to attract people and energy to that spot.''

Most of the Power Center's occupants and customers are black. But the area is diverse, and Mr. Caldwell is careful to reach out, making sure that fliers promoting a recent health fair, for instance, were in Spanish as well as English. ''It would be insensitive, not to mention economically dumb, to fail to recognize the multicultural nature of Houston and market accordingly,'' he says.

Like most CEOs, Mr. Caldwell likes to tout numbers. The Power Center, he says, will generate some $26.7 million in cash flow over the next three years—''and that's real conservative''—plus more than 220 new jobs.

Before anybody could move in, the site had to be renovated, of course, at a cost of more than $4 million. Some of that money came from donations, some from federal and private grants. But most of it—$2.3 million—came from refinancing a bond offering the church had made years earlier and from issuing new debt.

Mr. Caldwell delights in recounting how the church put the deal together with American Investors Group Inc., a Minneapolis securities firm specializing in working with nonprofit groups. ''They offered us the lowest NIC,'' he says, quickly explaining: ''That means net investment cost. It's investment-banker talk.''

He didn't always talk like that. A product of Kashmere Gardens, a low-income neighborhood here, he grew up around his father's clothing store, and he credits that entrepreneurial environment with helping point him toward a business career. But he says he also recognized that others from the neighborhood—''pigeon droppers, hustlers, pimps and prostitutes''—were entrepreneurs in their own way, and he learned lessons from them, too. ''They lived what, materially speaking, was a good life,'' Mr. Caldwell remembers. He vowed to do the same, ''only legally and morally.''

Throughout his life, Mr. Caldwell was active in the church. And while on Wall Street, he even called his godfather, a Sunday-school teacher back in Houston to ask, ''How do you know when you've been called to be a minister?''

''You'll know when you stop asking and start telling,'' came the reply.

In October 1978, Mr. Caldwell did just that. He had recently returned to Houston from New York and was working at Hibbard, O'Conner & Weeks, a regional investment bank, when he decided on his bold career change. He says he simply had reached a point where ''my heart and my mind were in synch.''

Now, at a Sunday service, more than 1,000 are packed into Windsor Village. ''Welcome to Kingdom-building, Satan-busting territory,'' Mr. Caldwell declares. For the next 90 minutes, he is a whirlwind—kneeling down, springing up, raising his arms heavenward, mopping his brow with a blue towel—as he prays and sermonizes and laughs and sings. Behind him, a giant sign reads, ''The Power Center, It's In Your Hands.''

As the collection plate is passed, Mr. Caldwell invites to the altar all those with ''financial celebrations and concerns.'' He implores them to ''thank God for blessing your contracts, your business plans, your marketing decisions.'' As scores come forward, he shouts, ''Amen.''

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1996

Mr. BURTON of Indiana. Mr. Speaker, I wish to insert into the RECORD a number of items pertaining to our Cuban Liberty and Democratic Solidarity Act, which was signed into law by the President on Thursday. We are convinced that this legislation will contribute to the struggle for freedom in Cuba, and we are gratified that it is now the law of the land.

I wish to include my official statement from last week's floor debate as well as a number of news stories regarding the effects of our bill and an op-ed from a Canadian newspaper.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT

Mr. Speaker, it is with a great sense of history and responsibility that I rise in support of H.R. 927, the Cuban Liberty and Democratic Solidarity Act. This legislation has travelled a very long way and many colleagues on both sides of the aisle have worked very hard to get us to this point.

What we have before us today is nothing less than a strong, bipartisan message from the American people for Fidel Castro. That message is a very clear one: to paraphrase what Moses said to pharaoh, like Castro, the major tyrant of his day: Let your people go! Stop oppressing the people of Cuba who have suffered for 37 years under your corrupt, vicious, cruel dictatorship.

You have run the Cuban economy into the ground, you have murdered hundreds, tortured and imprisoned thousands, and you have denied freedom to the people of Cuba for far too long. You are the last dictator in this hemisphere, and one of the very last communist thugs left in the World.

Get lost!

The libertad bill, Mr. Speaker, will help to deny hard currency to the Castro regime—the very hard currency that cruel dictatorship needs to survive.

It tightens the embargo, and through codification, ensures that the embargo will remain in force until there is a democratic transition in Cuba.

It sets up a plan to assist such a democratic transition government in the future. And it protects the rights of American citizens by allowing them to sue those foreigners who traffic in their stolen property. It also denies visas to those traffickers.

Mr. Speaker, we have been working on this bill for over a year. I want to thank my colleagues, Congressman Gilman, Congresswoman Ros-Lehtinen, Congressman Diaz-Balart, Congressman Menendez, Congressman Torricelli, Senator Helms, Senator Coverdell, and Senator Dole. I also want to thank the committee staff and legislative counsel who worked so long and hard on this bill.

Finally, to our friends, in the Cuban-American community, to Jorge Mas-Canosa and the Cuban American National Foundation, to the Valladares Foundation, to Unidad Cubana and other friends—thanks a million.

I also want to particularly thank Ambassador Otto Reich, Robin Freer, Tom Cox and the U.S.-Cuba Business Council for their indispensable help over the past months in support of our bill. We are very appreciative and we are certain that the council will continue to play a constructive role on these issues.

The four Cuban-American martyrs who gave their lives last week, Armando Alejandre, Jr., Pablo Morales, Mario de la Pena, Carlos Costa, made this possible. We dedicate this bill to their blessed memory. We will see to it that they did not die in vain.

[From Reuters, Mar. 9, 1996]

CUBA SAYS NEW U.S. LEGISLATION HAS ALREADY HURT

HAVANA.—Cuba's foreign minister, Roberto Robaina, says pending U.S. legislation to tighten Washington's embargo against the island has already hurt because potential investors have been worried that it is in the pipeline.

Given this, business people would have to be ''daring'' to invest now in Cuba, Robaina told Cuban state television late on Friday, reiterating his stance that the legislation was a ''law against humanity.''

He did not give any details of foreign companies that have been scared away by the prospect of the Helms-Burton bill, named after its Republican sponsors.

The legislation, approved this week in Congress and now awaiting President Clinton's signature, includes provisions to punish third country firms doing business in Cuba. These have been criticized by European Union countries, Canada and Mexico, which do business with the communist-ruled island.

The legislation had been in the U.S. Congress for a year but was given added momentum after Cuba downed two small exile-operated planes on February 24. The United States has led international condemnation of the incident.

Cuba argues it acted in legitimate defense of its airspace, after issuing warnings and tolerating repeated violations of its airspace over the past 20 months.

Cuban authorities are presenting Havana as a victim of unfair legislation while at the same time trying to reassure current and potential investors and traders by saying the law will have no effect.

Cuba and the United States have had no diplomatic relations and have been at odds since the 1959 revolution that brought Castro to power.

Robaina reiterated Cuba's willingness to talk with the United States on any issue as long as it was on a basis of mutual respect.

''What this cannot be is a relationship of subordination,'' he said.

[From the Toronto Sun, Feb. 28, 1996]

OTTAWA STILL LOVES TYRANT

Once more, Canada continues to support Cuban communist dictator Fidel Castro—despite his shooting down of two unarmed U.S. civilian planes in international air space.

The best that Jean Chretien's foreign affairs minister, Lloyd Axworthy, could do was describe as ''deplorable'' the shooting down of the planes by Soviet-made MiG-29 fighter jets and the killing of the four Cuban exiles.

Instead of ripping at Castro who ordered the planes shot down without even issuing any warnings first, Axworthy yesterday warned the U.S. Congress not to pass legislation that would penalize companies—including foreign ones—that do business with Cuba.

''That would be contravening international law,'' whined Axworthy.

Of course, it would be a real surprise if Axworthy and his boss Chretien did the right thing and really condemned Castro with some meaningful tough action. After all,

they were both cabinet ministers for Pierre Trudeau, the strongly leftist Canadian prime minister who was a close buddy and supporter of Castro throughout the Cold War.

It was no accident that Trudeau shouted ''Long live Commander President Fidel Castro!'' to a huge, cheering crowd in Havana back in the 1970s. And it was no accident that the Trudeau regime encouraged Canadian trade to help prop up Cuba against a U.S. trade embargo. And it was certainly no accident that he encouraged Canadians to vacation in Cuba so that Castro could pick up their badly needed western dollars.

I remember reporting on some of those early Canadian tourists who were sucked into visiting there and had to put up with an endless supply of greasy chicken and bad plumbing.

Throughout that period, another big booster of Castro was the Soviet Union, which turned the island nation into an armed fortress and jump-off base for spreading communist revolution in the Western Hemisphere.

However, after the Soviet Union collapsed, Castro and his police state were left to flounder as a totally inefficient economic basket case.

Except for the continuing, never-ending support of Canada and much of the European Community. For instance, Canada has an $84-million annual trade deficit with Cuba. Our exports to it are $215 million and imports are $299 million.

For 33 years, the U.S. backed strongly by a large community of Cuban exiles, has tried to force the overthrow of Castro to give the people freedom and democracy. And with the Soviet collapse, the opportunity was at hand.

But nations such as Canada keep propping up Castro, allowing him to survive and keep the Cuban people under his heel.

Also, Castro has long been the master of creating an outside threat in order to declare an emergency and put his still formidable armed forces on alert. When his critics are becoming a bit bold, such actions help pressure the Cuban people to back him against foreign threats—one more time.

In the U.S., President Bill Clinton had been suckered into a policy of trying to appease Castro by improving trade links.

But now, with the shooting down of the two unarmed planes, he toughened the U.S. trade embargo, calling the attack ''an appalling reminder of the Cuban regime: repressive, violent, scornful of international law.''

Republican Sen. Jesse Helms, co-sponsor of a Congressional bill to punish those who have bought confiscated U.S. property in Cuba, declared:

''This act of terror is a searing indictment of European and Canadian policies of engagement with Fidel Castro's brutal regime.''

''What we are trying to do is send a very strong signal to business communities throughout the world that we don't want them buying property of Americans taken away from them by Fidel Castro so he can get hard currency to survive as the last communist dictator,'' contended co-sponsor Congressman Dan Burton.

Will the Chretien government support the Americans? Of course not. Canada still backs Castro.

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[From the Washington Post, Mar. 10, 1996]

CASTRO'S BLUNDER

(By Ernesto F. Betancourt)

On Feb. 24 the Cuban situation took a turn for the worse for Fidel Castro. There is a mythical notion that Castro always ends up on top. But this time it's evident he has made a mistake that will aggravate the long-run disaster he has brought upon the Cuban people and undermine the goals he was pursuing. Why did he do it?

Last year Castro launched a public relations offensive whose external objectives were to (1) prevent passage of the Helms-Burton legislation, (2) promote the image of Cuba as a safe and worthy investment location and (3) get access to the International Monetary Fund, World Bank and Inter-American Development Bank, over U.S. objections. But the most important objective was internal: to ensure consolidation of his Stalinist hold on power.

The offensive went well from the public relations point of view but was unable to bring about a solution of his economic predicament. And the meager economic and political opening wave he was forced to accept to win support from groups such as the European Community and the Inter-American Dialogue, not to mention pro-Castro advocates in the United States, was creating a threat to his political control.

In October 1995, dissident groups within Cuba agreed to come together in a loose association called Concilio Cubano, with a minimal program aimed at peacefully getting the government to grant citizens the rights guaranteed not only by the Universal Declaration of Human Rights but by the Cuban Constitution.

The Castro regime's response was the usual: unleashing against Concilio bands of police-protected hoodlums, planting false information to justify arresting the promoters and infiltrating people to generate internal conflicts within the groups.

But it wasn't working. The vision of an end to the nightmare of Castro's rule seems to have given strength to an increasing number of courageous Cubans to endure the beatings and hardships of prison and deprivation that the regime uses to discourage them. Moreover, Castro's making his appeal for support against the United States an international one is causing even more decent people worldwide to come forward to demand that, in exchange for their support, the regime make concessions to democratize Cuba and respect human rights.

The surge in internal opposition in Cuba was made financially possible by the privatization of certain service and agricultural production activities, emigrant remittances and tourism. In other words, the modest economic reforms have had a most threatening impact on Castro's rule while at the same time failing to generate enough economic improvement to allow him to tighten his hold.

For contrary to the image of being conveyed by Castro and his propagandists, the Cuban economy is not growing. The 2.5 percent growth in GDP claimed for 1995 is highly questionable in the presence of a meager 3.3 million-ton sugar crop. The sugar crop for 1996 is in serious trouble and may not increase significantly despite the borrowing of $300 million to buy fertilizer, spare parts, etc.

Meanwhile, dollarization, another basic Castro political mistake made in 1993, continues to destroy the previous egalitarian basis of Cuban society. The ''winners,'' the 10 to 15 percent with access to dollars, are sucking food and other consumer items for the rationing markets, on which 85 to 90 percent of the population, the ''losers,'' depend for survival. To appear to be siding with the losers, Castro lashes out at capitalists, particularly of the local variety, and takes measures against them such as the confiscatory taxes profits and private income enacted this January.

As to foreign investment, the picture is equally cloudy. The sacking in December of Ernesto Melendez, the minister in charge of foreign investment, and the imprisonment without trial of Robert Vesco reflect Castro's displeasure with the situation. The flagship of the deals, the $1.3 billion Mexican Domos Group investment in the Cuban telephone system, has turned out to be a mirage.

Faced with Concilio's rapidly escalating internal political challenge, Castro needed an external crisis to justify the measures he intended to take. For that, he selected his favorite enemies: American imperialism and the Cuban exile community. As in the past, he expected to paint himself as the victim of their aggression. As to the embargo, it was to be tightened anyway with the likely approval of the Helms-Burton law. But Castro probably thought he could extort from President Clinton the concession of entry to the IMF, World Bank and the IDB by threatening a wave of immigration during the presidential campaign.

The crisis resulting from Castro's action has backfired on him. The story the Cuban government tried to convey was not credible. You just don't down civilian airplanes, period. The infiltrated defector's premature return to Cuba provided proof of the premeditation behind Castor's actions. The truth has prevailed, and Brothers to the Rescue is clearly perceived as the humanitarian organization it is one that helped save the lives of more than 7,000 rafters and is now supporting the peaceful efforts of Concilio Cubano. The Cuban foreign minister was not able to get any significant support at the United Nations.

Castro misread President Clinton, who did not cave in to Cuban hints about massive migration, and instead announced a set of moderate but adequate measures. Among the most important; a stronger Helms-Burton has become law. It not only will dry up the speculative hopes that were feeding the investment frenzy promoted by Castro's friends and agents but will make mandatory Cuba's exclusion from international financial institutions. Radio Marti broadcasts will be able to reach more Cubans. The hopes of an economic assistance agreement with the European Community have been dashed. Castro has been disinvited to joint he Rio Group of Latin American presidents as an observer.

There are two additional measures to be expected. At a later date, once the International Civil Aviation Organization investigation is completed, aviation sanctions may be applied to Cuba and the MiG pilots may be named as war criminals. As for Concilio Cubano, its predicament is likely to be brought to the attention of the U.N. Human Rights Commission meeting in Geneva later this month by our delegation. Those being persecuted by Castro for trying to exert their legitimate rights to speak, associate and meet will get the encouragement that comes from knowing that the world has not forgotten them.

Finally, it is to be hoped that the Justice Department will revise its policies toward the Cuban American community. These are Americans who should be protected from the activities of Cuban intelligence. Instead, present policies have led to the embarrassing situation of the FBI paying a Castro agent, Maj. Juan Roque, to spy on a peaceful and humanitarian American organization, Brothers to the Rescue.

Thursday, March 14, 1996

Daily Digest

HIGHLIGHTS

House Committees ordered reported 9 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S2005–S2142

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 1613–1618, and S. Res. 231. **Page S2101**

Measures Reported: Reports were made as follows:

S. 487, to amend the Indian Gaming Regulatory Act, with an amendment in the nature of a substitute. (S. Rept. No. 104–241)

Measures Passed:

Expressing Condolences to Scotland: Senate agreed to S. Res. 231, expressing sympathies to the people of Scotland. **Pages S2101, S2104**

Further Continuing Appropriations: Senate passed H.J. Res. 163, making further continuing appropriations for the fiscal year 1996. **Page S2094**

Continuing Appropriations: Senate continued consideration of H.R. 3019, making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, taking action on amendments proposed thereto, as follows:

Pages S2005–30, S2031–33, S2038–79, S2081–94

Adopted:

Craig Amendment No. 3494 (to Amendment No. 3466), to provide for payment for attorney's fees and expenses relating to certain actions brought under the Legal Services Corporation Act. **Page S2029**

Hatch/Grassley Modified Amendment No. 3495 (to Amendment No. 3466), to provide additional funding for the Office of National Drug Control Policy. **Pages S2031–33, S2039–40**

Hatfield (for Bingaman) Amendment No. 3497 (to Amendment No. 3466), to restore funding for the Competitiveness Policy Council. **Page S2039**

Faircloth Amendment No. 3502 (to Amendment No. 3466), to require that contracts to carry out programs of assistance for Bosnia and Herzegovina using funds appropriated for that purpose be entered into only with corporations and other organizations organized in the United States. **Page S2056**

Gorton Amendment No. 3503 (to Amendment No. 3466), to partially restore funds in the Department of the Interior's and the Department of Energy's administrative accounts. **Pages S2056–57**

Gorton (for Stevens) Amendment No. 3504 (to Amendment No. 3466), to provide emergency funding for the U.S. Fish and Wildlife Service to repair damage caused by flooding in Alaska. **Pages S2056–57**

Gorton (for Kempthorne) Amendment No. 3505 (to Amendment No. 3466), to provide emergency funding for the U.S. Fish and Wildlife Service to provide technical assistance to other agencies involved in disaster response. **Pages S2056–57**

Gorton (for Daschle) Amendment No. 3506 (to Amendment No. 3466), to provide funding for the Indian Health Services for inhalant abuse treatment programs. **Pages S2056–57**

Gorton (for Hatfield) Amendment No. 3507 (to Amendment No. 3466), to provide funds for repairs at the Amalgamated Mine site in the Willamette National Forest. **Pages S2056–57**

Cohen/Bumpers Amendment No. 3501 (to Amendment No. 3466), to permit recipients of Legal Services Corporation grants to use funds derived from non-Federal sources to testify at legislative hearings or to respond to requests for certain information. **Pages S2055–56, S2060, S2067–68**

Warner (for Hatfield) Amendment No. 3527 (to Amendment No. 3466), to provide assistance to meet unanticipated needs for the defense of Israel against terrorism. **Pages S2071, S2093–94**

Rejected:

By 42 yeas to 54 nays (Vote No. 33), Murray Modified Amendment No. 3493 (to Amendment No. 3466), to repeal the emergency salvage timber sale program. **Pages S2005–28**

By 43 yeas to 52 nays (Vote No. 35), McConnell/Dole Amendment No. 3500 (to Amendment No. 3466), to strike provisions concerning certification of population programs. **Pages S2043–44, S2044–54**

Pending:

Hatfield Modified Amendment No. 3466, in the nature of a substitute. **Page S2005**

Lautenberg Amendment No. 3482 (to Amendment No. 3466), to provide funding for programs necessary to maintain essential environmental protection. **Pages S2005, S2088–92**

Hatch Amendment No. 3499 (to Amendment No. 3466), to provide funds to the District of Columbia Metropolitan Police Department. **Page S2044**

Boxer/Murray Amendment No. 3508 (to Amendment No. 3466), to permit the District of Columbia to use local funds for certain activities. **Pages S2057–59, S2084–86**

Gorton Amendment No. 3496 (to Amendment No. 3466), to designate the ''Jonathan M. Wainwright Memorial VA Medical Center'', located in Walla Walla, Washington. **Page S2060**

Simon Amendment No. 3510 (to Amendment No. 3466), to revise the authority relating to employment requirements for recipients of scholarships or fellowships from the National Security Education Trust Fund. **Pages S2061–62**

Simon Amendment No. 3511 (to Amendment No. 3466), to provide funding to carry out title VI of the National Literary Act of 1991, title VI of the Library Services and Construction Act, and section 109 of the Domestic Volunteer Service Act of 1973. **Pages S2061–62**

Coats Amendment No. 3513 (to Amendment No. 3466), to amend the Public Health Service Act to prohibit governmental discrimination in the training and licensing of health professionals on the basis of the refusal to undergo or provide training in the performance of induced abortions. **Pages S2062–63, S2086**

Bond (for Pressler) Amendment No. 3514 (to Amendment No. 3466), to provide funding for a Radar Satellite project at NASA. **Pages S2063–64**

Bond Amendment No. 3515 (to Amendment No. 3466), to clarify rent setting requirements of law regarding housing assisted under section 236 of the National Housing Act to limit rents charged moderate income families to that charged for comparable, nonassisted housing, and clarify permissible uses of rental income by such projects, in excess of operating costs and debt service. **Pages S2063–64**

Bond Amendment No. 3516 (to Amendment No. 3466), to increase in amount available under the HUD Drug Elimination Grant Program for drug elimination activities in and around federally-assisted low-income housing developments by $30 million, to be derived from carry-over HOPE program balances. **Pages S2063–64**

Bond Amendment No. 3517 (to Amendment No. 3466), to establish a special fund dedicated to enable the Department of Housing and Urban Development to meet crucial milestones in restructuring its administrative organization and more effectively address housing and community development needs of States and local units of government and to clarify and reaffirm provisions of current law with respect to the disbursement of HOME and CDBG funds allocated to the State of New York. **Pages S2063–64**

Lautenberg Amendment No. 3518 (to Amendment No. 3466), relating to labor-management relations. **Pages S2064–65**

Santorum Amendment No. 3484 (to Amendment No. 3466), expressing the sense of the Senate regarding the budget treatment of Federal disaster assistance. **Page S2065**

Santorum Amendment No. 3485 (to Amendment No. 3466), expressing the sense of the Senate regarding the budget treatment of Federal disaster assistance. **Page S2065**

Santorum Amendment No. 3486 (to Amendment No. 3466), to require that disaster relief provided under this Act be funded through amounts previously made available to the Federal Emergency Management Agency, to be reimbursed through regular annual appropriations Acts. **Page S2065**

Santorum Amendment No. 3487 (to Amendment No. 3466), to reduce all Title I discretionary spending by the appropriate percentage (.367%) to offset Federal disaster assistance. **Page S2065**

Santorum Amendment No. 3488 (to Amendment No. 3466), to reduce all Title I ''Salary and Expense'' and ''Administrative Expense'' accounts by the appropriate percentage (3.5%) to offset Federal disaster assistance. **Page S2065**

Gramm Amendment No. 3519 (to Amendment No. 3466), to make the availability of obligations and expenditures contingent upon the enactment of a subsequent act incorporating an agreement between the President and Congress relative to Federal expenditures. **Pages S2065–66**

Wellstone Amendment No. 3520 (to Amendment No. 3466), to urge the President to release already-appropriated fiscal year 1996 emergency funding for home heating and other energy assistance, and to express the sense of the Senate on advance-appropriated funding for FY 1997. **Pages S2066, S2068**

Bond (for McCain) Amendment No. 3521 (to Amendment No. 3466), to require that disaster funds made available to certain agencies be allocated in accordance with the established prioritization processes of the agencies. **Page S2067**

Bond (for McCain) Amendment No. 3522 (to Amendment No. 3466), to require the Secretary of Veterans Affairs to develop a plan for the allocation of health care resources of the Department of Veterans Affairs. **Page S2067**

Warner Amendment No. 3523 (to Amendment No. 3466), to prohibit the District of Columbia from enforcing any rule or ordinance that would terminate taxicab service reciprocity agreements with the States of Virginia and Maryland. **Page S2068**

Murkowski/Stevens Amendment No. 3524 (to Amendment No. 3466), to reconcile seafood inspection requirements for agricultural commodity programs with those in use for general public consumers. **Pages S2069–70, S2078–80**

Murkowski Amendment No. 3525 (to Amendment No. 3466), to provide for the approval of an exchange of lands within Admiralty Island National Monument. **Page S2070**

Warner (for Thurmond) Amendment No. 3526 (to Amendment No. 3466), to delay the exercise of authority to enter into multiyear procurement contracts for C–17 aircraft. **Pages S2070–71**

Burns Amendment No. 3528 (to Amendment No. 3466), to allow the refurbishment and continued operation of a small hydroelectric facility in central Montana by adjusting the amount of charges to be paid to the United States under the Federal Power Act. **Page S2071**

Burns Amendment No. 3529 (to Amendment No. 3466), to provide for Impact Aid school construction funding. **Page S2072**

Burns Amendment No. 3530 (to Amendment No. 3466), to establish a Commission on restructuring the circuits of the United States Courts of Appeals. **Page S2072**

Coats (for Dole/Lieberman) Amendment No. 3531 (to Amendment No. 3466), to provide for low-income scholarships in the District of Columbia. **Pages S2072–76**

Coverdell Amendment No. 3532 (to Amendment No. 3466), to provide funds for employment-related activities of the 1996 Paralympic Games. **Page S2076**

Bond/Mikulski Amendment No. 3533 (to Amendment No. 3482), to increase appropriations for EPA water infrastructure financing, Superfund toxic waste site cleanups, operating programs, and to increase funding for the Corporation for National and Community Service (AmeriCorps). **Pages S2088–92**

Withdrawn:

Harkin Amendment No. 3498 (to Amendment No. 3466), to establish a fraud and abuse control program in order to prevent health care fraud and abuse. **Pages S2040–43, S2044**

Mikulski Amendment No. 3509 (to Amendment No. 3466), to provide additional funding for the Corporation for National and Community Service, and to express the Sense of the Congress regarding the financial management of taxpayers' funds. **Pages S2059–60, S2092–93**

During consideration of this measure today, Senate also took the following action:

By 36 yeas to 57 nays (Vote No. 36), three-fifths of those Senators duly chose and sworn not having voted in the affirmative, Senate rejected a motion to waive certain provisions of the Congressional Budget Act of 1974 with respect to consideration of Grams Amendment No. 3492 (to Amendment No. 3466), to establish a lock-box deficit reduction and revenues generated by tax cuts. Subsequently, a point of order that the amendment was in violation of section 306 of the Congressional Budget Act was sustained, and the amendment was ruled out of order. **Pages S2081–84**

A unanimous-consent agreement was reached providing for further consideration of the bill and the amendments pending thereto, with votes to occur on, or in relation thereto, on Tuesday, March 19, 1995. **Page S2094**

Whitewater Investigation—Cloture Vote: By 51 yeas to 46 nays (Vote No. 34), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on the motion to proceed to the consideration of S. Res. 227, to authorize the use of additional funds for salaries and expenses of the Special Committee to Investigate Whitewater Development Corporation and Related Matters. **Pages S2033–36**

Small Business Regulatory Enforcement Fairness Act—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 942, 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, and to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, on Friday, March 15, 1996. **Page S2095**

Messages From the President: Senate received the following messages from the President of the United States:

Received on Wednesday, March 13, 1996, during the recess of the Senate:

Transmitting the report of five proposed rescissions of budgetary resources; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11,1986, to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services. (PM–131). **Page S2099**

Nominations Confirmed: Senate confirmed the following nominations:

James E. Johnson, of New Jersey, to be an Assistant Secretary of the Treasury.

92 Air Force nominations in the rank of general.

39 Army nominations in the rank of general.

3 Navy nominations in the rank of admiral.

Pages S2138–39

Nominations Received: Senate received the following nominations:

Robert E. Anderson, of Minnesota, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2001.

Lonnie R. Bristow, of California, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2001.

Shirley Ledbetter Jones, of Arkansas, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2001.

Susan Bass Levin, of New Jersey, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1999.

Kevin Emanuel Marchman, of Colorado, to be an Assistant Secretary of Housing and Urban Development.

1 Army nomination in the rank of general.

1 Marine Corps nomination in the rank of general.

Routine list in the Navy. **Pages S2140–42**

Messages From the President: **Page S2099**

Messages From the House: **Pages S2099–S2100**

Measures Read First Time: **Page S2100**

Communications: **Page S2100**

Executive Reports of Committees: **Page S2101**

Statements on Introduced Bills: **Pages S2101–04**

Additional Cosponsors: **Page S2104**

Amendments Submitted: **Pages S2105–35**

Notices of Hearings: **Page S2135**

Authority for Committees: **Pages S2135–36**

Additional Statements: **Page S2136–38**

Record Votes: Four record votes were taken today. (Total–36) **Pages S2028, S2036, S2054, S2083–84**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 10:49 p.m., until 9:45 a.m., on Friday, March 15, 1996. (for Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2140.)

Committee Meetings

(Committees not listed did not meet)

AUTHORIZATION—DEFENSE

Committee on Armed Services: Committee continued hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, receiving testimony from Shelia E. Widnall, Secretary of the Air Force; and Gen. Ronald R. Fogleman, Chief of Air Force Staff.

Committee will meet again on Tuesday, March 19.

MILITARY READINESS

Committee on Armed Services: Subcommittee on Readiness held hearings to examine current and future military readiness as the Armed Forces prepare for the 21st Century, receiving testimony from Gen. Dennis J. Reimer, USA, Chief of Army Staff; Adm. Jeremy M. Boorda, USN, Chief of Naval Operations; Gen. Ronald R. Fogleman, USAF, Chief of Air Force Staff; and Gen. Charles C. Krulak, USMC, Commandant of the Marine Corps.

Subcommittee will meet again on Thursday, March 21.

IMPACT OF SPECTRUM ESTIMATES ON BUDGET

Committee on the Budget: Committee concluded hearings to examine budgetary and economic implications of certain proposals to auction the electromagnetic radio frequency spectrum, focusing on the current plan at the Federal Communications Commission to manage a transition from existing broadcast television technology to a new technology, after receiving testimony from David H. Moore, Senior Analyst, Natural Resources and Commerce Division, Congressional Budget Office; Larry Irving, Assistant Secretary of Commerce for Communications and Information; Mike Burgess, KOB–TV, Albuquerque, New Mexico; Howard Shrier, Nebraska Broadcasters Association, Lincoln; Jerry A. Hausman, Massachusetts Institute of Technology, Cambridge; and Tom Hazlett, University of California, Davis, on behalf of the American Enterprise Institute.

INTERNATIONAL AVIATION RELATIONS

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation held hearings to examine United States policy with regard to international aviation relations, receiving testimony from Charles A. Hunnicutt, Assistant Secretary for Aviation and International Aviation, and Patrick Murphy, Deputy

Assistant Secretary for Aviation and International Affairs, both of the Department of Transportation; John Anderson, Director, Transportation Issues, Resources, Community, and Economic Development Division, General Accounting Office; Frederick W. Smith, Federal Express Corporation, Memphis, Tennessee; Dan Kasper, Coopers & Lybrand, Boston, Massachusetts; and Joseph Schwieterman, Chaddick Aviation Institute/DePaul University, Chicago, Illinois.

Hearings were recessed subject to call.

RIGHT-OF-WAY CLAIMS

Committee on Energy and Natural Resources: Committee concluded hearings on S. 1425, to recognize the validity of rights-of-way for the construction of highways over public lands, not reserved for public uses, granted under section 2477 of the Revised Statutes, after receiving testimony from Senator Stevens; John D. Leshy, Solicitor, Department of the Interior; Alaska Assistant Attorney General Elizabeth J. Barry, and Alaska State Senator Loren Leman, both of Juneau; Chip Dennerlien, National Parks and Conservation Association, Anchorage, Alaska; Scott Groene, Southern Utah Wilderness Alliance, Cedar City; and Barbara Hjelle, Washington County, Utah.

WETLAND MITIGATION BANKING

Committee on Environment and Public Works: Committee concluded oversight hearings to examine basic concepts underlying wetland mitigation banking, current practice and trends, Administration's recent Federal Guidance for the Establishment, Use and Operation of Mitigation Banks, and related proposals, including H.R. 961, Clean Water Amendments/Comprehensive Wetlands Conservation and Management Act, after receiving testimony from H. Martin Lancaster, Assistant Secretary of the Army for Civil Works; Robert Perciasepe, Assistant Administrator for Water, Environmental Protection Agency; Thomas R. Hebert, Deputy Under Secretary of Agriculture for Natural Resources and the Environment; John R. Dorney, North Carolina Department of Environment, Health and Natural Resources, Raleigh; Steve Gordon, Lane Council of Governments, Eugene, Oregon; John H. Ryan, Land and Water Resources, Inc., Rosemont, Illinois; Denver J. Stutler, Jr., ECOBANK, Winterpark, Florida; Robert D. Sokolove, U.S. Wetland Services, Inc., Bethesda, Maryland; William J. Mitsch, Ohio State University, and Charles J. Ruma, on behalf of the National Association of Home Builders, both of Columbus, Ohio; Leonard Shabman, Virginia Water Resources Research Center/Virginia Tech, Blacksburg; Jan Goldman-Carter, National Wildlife Federation, Washington, D.C.; and Curtis C. Bohlen, Center for Estuarine and Environmental Studies/University of Maryland, Solomons, Maryland.

POSTAL SERVICE REFORM

Committee on Governmental Affairs: Subcommittee on Post Office and Civil Service held hearings on proposals to reform the United States Postal Service, receiving testimony from Ian D. Volner, Advertising Mail Marketing Association, John F. Sturm, Newspaper Association of America, and Tonda F. Rush, National Newspaper Association, all of Washington, D.C.; Cary Baer, Reader's Digest Association, Inc., Pleasantville, New York, Christopher McCormick, L.L. Bean, Inc., Freeport, Maine, and Jonah Gitlitz, Washington, D.C., all on behalf of the Direct Marketing Association; Hamilton Davison, Paramount Cards, Pawtucket, Rhode Island, Jack Mayer, Hallmark Cards, Kansas City, Missouri, and Jeff Weiss, American Greetings Corporation, Cleveland, Ohio, all on behalf of the Greeting Card Association; and Timothy J. May, Patton, Boggs, and Blow, Washington, D.C., M. Jerome Jensen, Jr., Fingerhut Companies, Inc., Minneapolis, Minnesota, and Chris Rebello, Current, Inc., Colorado Springs, Colorado, all on behalf of the Parcel Shippers Association.

Hearings continue on Monday, March 18.

IMMIGRATION REFORM

Committee on the Judiciary: Committee continued markup of S. 269, to increase control over immigration to the United States by increasing border patrol and investigator personnel, improving the verification system for employer sanctions, increasing penalties for alien smuggling and for document fraud, reforming asylum, exclusion, and deportation law and procedures, instituting a land border user fee, and reducing the use of welfare by aliens, and S. 1394, to reform the legal immigration of immigrants and nonimmigrants to the United States, but did not complete action thereon, and will meet again on Wednesday, March 20.

House of Representatives

Chamber Action

Bills Introduced: 20 public bills, H.R. 3083–3102; and 4 resolutions, H. Con. Res. 152, and H. Res. 382, 383, 385 were introduced. **Pages H2315–16**

Reports Filed: Reports were filed as follows:

Conference report on H.R. 956, to establish legal standards and procedures for product liability litigation (H. Rept. 104–481);

H.R. 2739, to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives, amended (H. Rept. 104–482); and

H. Res. 384, providing for consideration of H.R. 2202, to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States (H. Rept. 104–483).

Pages H2238–47, H2315

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Foley to act as Speaker pro tempore for today. **Page H2225**

Journal: By a recorded vote of 336 ayes to 73 noes, with 1 voting ''present'', Roll No. 63, the House approved the Journal of March 13. **Page H2238**

Committees to Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the five-minute rule: Committees on Commerce, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, the Judiciary, National Security, Resources, Science, Small Business, Transportation and Infrastructure, Veterans' Affairs, and Select Intelligence. **Page H2229**

Continuing Resolution: By a yea-and-nay vote of 238 yeas to 179 nays, Roll No. 62, the House agreed to H.J. Res. 163, making further continuing appropriations for fiscal year 1996. **Pages H2229–38**

Anti-Terrorism Act: By a recorded vote of 229 ayes to 191 noes, Roll No. 66, the House passed H.R. 2703, to combat terrorism. **Pages H2247–H2304**

Rejected the Conyers motion to recommit the bill to the Committee on the Judiciary. **Page H2267**

Rejected:

The Watt amendment that sought to strike provisions relating to ''habeas corpus'' reform that place strict limits on the ability of state death row prisoners to challenge in Federal court the constitutionality of their conviction or sentence (rejected by a vote of 135 ayes to 283 noes, Roll No. 64). This amendment was debated on Wednesday; and

Pages H2247–50

The Conyers amendment in the nature of a substitute that sought to strike provisions restricting habeas corpus appeals by death row prisoners; to strike provisions expanding wire tapping authority; to strike provisions allowing the FBI access to telephone and consumer records; to strike language regarding the deportation of criminal aliens; to strike provisions for a study of ''cop killer'' bullets; to strike provisions designating a mandatory minimum penalty for knowingly transferring firearms used to commit violent crimes; to add provisions making it a crime to target children in an act of terrorism; to add provisions increasing the ability of U.S. citizens to sue a foreign country for sanctioning terrorism by eliminating the current requirement that the U.S. citizen enter into arbitration with the foreign country before filing suit; and to add provisions requiring judicial review of the State Department and the Attorney General designation of a terrorist group (rejected by a recorded vote of 129 ayes to 294 noes, Roll No. 65). **Pages H2250–67**

The Clerk was authorized to correct section numbers, cross-references, punctuation, and to make any such stylistic, clerical, technical and conforming changes as may be necessary in the engrossment of the bill. In addition, it was made in order that the Clerk be authorized to make a specific technical correction to the bill. **Page H2268**

Subsequently, S. 735, a similar Senate-passed measure, was passed in lieu after being amended to contain the text of H.R. 2703 as passed the House. The title of the Senate bill was amended and H.R. 2703 was laid on the table. **Pages H2268–H2304**

House then insisted on its amendments to S. 735 and asked a conference with the Senate. Appointed as conferees: Representatives Hyde, McCollum, Schiff, Buyer, Barr, Conyers, Schumer, and Berman. **Page H2304**

Agriculture Market Transition Act: House disagreed to the Senate amendment to H.R. 2854, to modify the operation of certain agricultural programs; and agreed to a conference. Appointed as conferees: Representative Roberts, Emerson, Gunderson, Ewing, Barrett of Nebraska, Allard, Boehner,

Pombo, de la Garza, Rose, Stenholm, Volkmer, Johnson of South Dakota, and Condit. **Pages H2304–05**

Agreed to the Peterson of Minnesota motion to instruct House conferees to insist on the House language regarding program extension of the Conservation Reserve Program through the year 2002 (agreed to by a yea-and-nay vote of 412, Roll No. 67).

Pages H2304–05

Committee Election: House agreed to H. Res. 382, electing Representative Parker of Mississippi to the Committee on Appropriations to rank following Representative Riggs of California. **Page H2305**

Committee Resignation: Read a letter from Representative Serrano wherein he resigns from the Committee on the Judiciary. **Page H2305**

Committee Election: House agreed to H. Res. 383, electing Representative Serrano to the Committee on Appropriations. **Page H2305**

Legislative Program: Representative Hastert, as a designee of the Majority Leader, announced the legislative program for the week of March 18. Agreed to adjourn from Thursday to Monday. **Pages H2305–06**

Meeting Hour: Agreed to meet at 12:30 p.m. on Tuesday, March 19 for morning hour debates.

Page H2306

Recess: House recessed at 4:29 p.m. and reconvened at 6:41 p.m. **Page H2313**

Designation of Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Dreier to sign enrolled bills and joint resolutions through Tuesday, March 19, 1996.

Page H2314

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of March 20. **Page H2306**

Senate Messages: Message received from the Senate appears on page H2225.

Quorum Calls—Votes: Two yea-and-nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H2237–38, H2238, H2249–50, H2266–67, H2267, and H2304–05.

Adjournment: Met at 10 a.m. and adjourned at 6:43 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, FDA, and Related Agencies held a hearing on the Farm Credit Administration and on the Commodity Futures Trading Commission. Testimony was heard from Marsha Martin, Chairman of the Board, Farm Credit Administration; and John Tull, Jr., Acting Chairman, Commodity Futures Trading Commission.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Natural Resources. Testimony was heard from public witnesses.

LABOR–HHS–EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on the Corporation for Public Broadcasting, the U.S. Institute of Peace, the National Education Goals Panel and the NLRB. Testimony was heard from Ambassador Richard W. Carlson, President and CEO, Corporation for Public Broadcasting; Max M. Kampelman, Vice Chairman, Board of Directors, U.S. Institute of Peace; Ken Nelson, Executive Director, National Education Goals Panel; and William B. Gould, IV, Chairman, NLRB.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction continued appropriation hearings. Testimony was heard from congressional and public witnesses.

NATIONAL SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security met in executive session to hold a hearing on Commander in Chief, Special Operations Command and Commander in Chief, U.S. Central Command. Testimony was heard from the following officials of the Department of Defense: Gen. Henry H. Shelton, USA, Commander in Chief, Special Operations Command; and Gen. Binford J.J. Peay, III, USA, Commander in Chief, U.S. European Command.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on the Office of the Secretary. Testimony was heard from Mortimer L. Downey, Deputy Secretary, Department of Transportation.

TREASURY, POSTAL SERVICE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on tax systems modernization and on IRS operations. Testimony was heard from the following

officials of the Department of the Treasury: Larry Summers, Deputy Secretary; and Margaret Milner Richardson, Commissioner, IRS.

HEALTH COVERAGE AVAILABILITY AND AFFORDABILITY ACT

Committee on Commerce: Subcommittee on Health and Environment approved for full Committee action H.R. 3070, Health Coverage Availability and Affordability Act.

MISCELLANEOUS MEASURES

Committee on Economic and Educational Opportunities: Ordered reported the following bills: H.R. 2570, amended, Older Americans Amendments of 1995; H.R. 3055, to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section; and H.R. 3049, to amend section 1505 of the Higher Education Act of 1965 to provide for the continuity of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development.

LOCAL EMPOWERMENT AND FLEXIBILITY ACT

Committee on Government Reform and Oversight: Subcommittee on Human Resources and Intergovernmental Relations approved for full Committee action H.R. 2086, Local Empowerment and Flexibility Act of 1995.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported the following resolutions: H. Res. 345, expressing concern about the deterioration of human rights in Cambodia; H. Res. 379, expressing the sense of the House of Representatives concerning the eighth anniversary of the massacre of over 5,000 Kurds as a result of a gas bomb attack by the Iraqi Government; H. Con. Res. 102, concerning the emancipation of the Iranian Baha'i community; H.J. Res. 158, to recognize the Peace Corps on the occasion of its 35th anniversary and the Americans who have served as Peace Corps volunteers; and H. Con. Res. 148, amended, expressing the sense of the Congress that the United States is committed to the military stability of the Taiwan Strait and United States military forces should defend Taiwan in the event of invasion, missile attack or blockade by the People's Republic of China.

CRISIS IN THE TAIWAN STRAIT

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on Crisis in the Taiwan Strait: Implications for U.S. Foreign Policy. Testimony was heard from Winston Lord, Assistant Secretary, East Asian and Pacific Affairs, Department of State; Kurt Campbell, Deputy Assistant Secretary, East Asian and Pacific Affairs, Department of Defense; and public witnesses.

FEDERAL COURTS IMPROVEMENT ACT

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held a hearing on H.R. 1989, Federal Courts Improvement Act of 1995. Testimony was heard from Stephen H. Anderson, Judge, Salt Lake City, Utah; Emmett R. Cox, Judge, U.S. Court of Appeals, 11th Circuit; Barefoot Sanders, Chief Judge, U.S. District Court, Northern District of Texas; Earl W. Britt, Judge, U.S. District Court, Eastern District of North Carolina; and a public witness.

DEFENSE AUTHORIZATION

Committee on National Security: Continued hearings on fiscal year 1997 national defense authorization request, with emphasis on the ABM Treaty and its relationship to national and theater missile defense programs. Testimony was heard from R. James Woolsey, former Director, CIA; Richard N. Perle, former Assistant Secretary, International Security Policy, Department of Defense; and Michael Krepon, President, Henry L. Stimson Center.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries, Wildlife and Oceans approved for full Committee action the following bills: H.R. 1772, amended, to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge Complex; H.R. 1836, to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge; H.R. 2660, to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge; and H.R. 2679, to revise the boundary of the North Platte National Wildlife Refuge.

IMMIGRATION IN THE NATIONAL INTEREST ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing 2 hours of debate on H.R. 2202, Immigration in the National Interest Act of 1995. The rule waives all points of order except those arising under section 425(a) of the Congressional Budget Act of 1974 (unfunded mandates) against consideration of the bill. The rule makes in order the Committee on the Judiciary amendment in the nature of a substitute now printed in the bill,

as modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. The rule provides that the amendment in the nature of a substitute, as modified, shall be considered as read.

The rule provides for the consideration of the amendments printed in the report of the Committee on Rules, which shall be considered only in the order printed in the report, 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 opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments referenced in the report of the Committee on Rules except those arising under section 425(a) of the Congressional Budget Act of 1974 (unfunded mandates).

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and allows the Chairman of the Committee of the Whole to reduce to five minutes a postponed question if the vote follows a fifteen minute vote. The rule provides that a separate vote may be demanded in the House on any amendment adopted to the committee amendment in the nature of a substitute. The rule provides one motion to recommit, with or without instructions.

The rule further provides that 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 not previously disposed of which are printed in the report of the Committee on Rules or germane modifications thereof, which may include a perfecting amendment to text proposed to be stricken by such an amendment. Amendments offered en bloc shall be considered as read (except that modifications shall be reported) and shall be debatable for 20 minutes equally divided between the chairman and ranking minority member of the Committee on the Judiciary or their designees. The original proponent of an amendment included in an en bloc amendment is permitted to insert a statement in the Congressional Record immediately prior to the disposition of the amendment en bloc. Testimony was heard from Representatives Hyde, McCollum, Smith of Texas, Schiff, Gallegly, Canady of Florida, Goodlatte, Bryant of Tennessee, Chabot, Chrysler, Campbell, Tate, Archer, Shaw, Bunning, Camp, Doolittle, Pombo, Chambliss, Smith of New Jersey, Dreier, Rohrabacher, Deal of Georgia, Kim, Kingston, Bilbray, Brownback, Waldholtz, Conyers, Schumer, Berman, Bryant of Texas, Scott, Becerra, Jackson-Lee of Texas, Vento, Gutierrez, Roybal-Allard, Velázquez, Abercrombie, Cardin, Kleczka, Condit, Farr of California, Obey, Beilenson, Richardson, Traficant, and Filner.

ENERGY—OUTLOOK AND IMPLICATIONS

Committee on Science: Subcommittee on Energy and Environment held a hearing on U.S. Energy Outlook and Implications for Energy R&D. Testimony was heard from the following officials of the Department of Energy: Jay E. Hakes, Administrator, Energy Information Administration; and Joseph J. Romm, Acting Deputy Assistant Secretary, Energy Efficiency and Renewable Energy; and public witnesses.

AIRPORT IMPROVEMENT PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Aviation continued hearings on the Airport Improvement Program, with emphasis on airport needs. Testimony was heard from Gerald L. Dillingham, Associate Director, Transportation Issues/Resources, Community, and Economic Development Division, GAO; Frederick H. Vogt, Director, Aeronautics Division, Department of Transportation, State of Tennessee; William L. Blake, Director, Division of Aeronautics, Department of Transportation, State of Illinois; Willard G. Plentl, Jr., Director of Aviation, Division of Aviation, Department of Transportation, State of North Carolina; and public witnesses.

Hearings continue March 20.

BUDGET VIEWS AND ESTIMATES

Committee on Veterans' Affairs: Approved Budget Views and Estimates for submission to the Committee on the Budget.

UNITED STATES-ISRAEL FREE TRADE AREA IMPLEMENTATION ACT AMENDMENTS; BUDGET VIEWS AND ESTIMATES

Committee on Ways and Means: Ordered reported H.R. 3074, 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.

The Committee also approved Budget Views and Estimates for submission to the Committee on the Budget.

Joint Meetings

VETERANS PROGRAMS

Joint Hearing: Senate Committee on Veterans' Affairs concluded joint hearings with the House Committee on Veterans' Affairs on legislative recommendations of certain veterans organizations, after receiving testimony from Richard Grant, Paralyzed Veterans of

America, Richard G. Fazakerley, Blinded Veterans of America, Virginia M. Torsch, Retired Officers Association, Charles R. Jackson, Non-Commissioned Officers Association of the United States, and Neil Goldman, Jewish War Veterans of the United States, all of Washington, D.C.

PRODUCT LIABILITY

Conferees on Wednesday, March 13, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 956, to establish legal standards and procedures for product liability litigation.

ALBANIA

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission held hearings to examine the challenges to democracy in Albania, receiving testimony from Elez Biberaj, Director of the Albanian Service, Voice of America; and Fred Abrahams, Human Rights Watch/Helsinki, and Kathleen Imholz, both of New York, New York.

Commission recessed subject to call.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 15, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services, Subcommittee on Airland Forces, to hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense, focusing on tactical aviation programs, 9:30 a.m., SR–222.

Subcommittee on Acquisition and Technology, 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, 10 a.m., SR–232A.

Committee on 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, 9:30 a.m., SD–430.

House

No committee meetings are scheduled.

House Chamber

Monday, No legislative business is scheduled.

Tuesday and the balance of the week, Consideration of the following 5 Suspensions:

H.R. 2937, Reimbursement of former White House Travel Office Employees;

H. Con. Res. 48, Sense of Congress that the United States is committed to the military stability of the Taiwan Straits;

H.R. 2739, House of Representatives Administrative Reform Technical Correction Act;

Two House Oversight Committee resolutions adopting congressional accountability regulations;

Consideration of H.R. 2202, the Immigration in the National Interest Act of 1995 (modified closed rule, 2 hours of general debate); and

Consideration of an omnibus appropriations bill for fiscal year 1996.

NOTE: Conference reports may be brought up at any time. Any further program will be announced later.

Next Meeting of the SENATE

9:45 a.m., Friday, March 15

Senate Chamber

Program for Friday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will consider S. 942, Small Business Regulatory Enforcement Fairness Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, March 18

House Chamber

Program for Monday: No legislative business is scheduled.

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