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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 6, 1995, at 12 noon.

Senate

MONDAY, JUNE 5, 1995

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, Your loving kindness draws us to You. Your faithfulness opens our hearts before You, and Your omniscience motivates us to seek wisdom from You. We know that it is in a relationship of complete trust in You that revelation of Your will is released. You have called the women and men of this Senate to give dynamic leadership in a troubled, contentious, strife-filled world. National problems pile up and international issues intensify. Especially, we ask for Your guidance in the continuing discussion and vote on the antiterrorism legislation and for direction for the extent of our Nation's involvement in the crises in Bosnia. Grant the Senators a special gift of sagacity and strength.

May we all press on to the challenges of this week with the grateful memory of the decisive and visionary leadership of Margaret Chase Smith. Thank you, Father, for her life and courage. We seek to live this day with the same measure of devotion to You and commitment to excellence that she exemplified. So, today we will attempt great things for You and humbly receive great power from You. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. BURNS. Mr. President, the leader time has been reserved this morning, and there will be a period of morning business until the hour of 11 a.m., with Senators allowed to speak for up to 5 minutes each.

At the hour of 11 a.m., the Senate will resume consideration of S. 735, the antiterrorism bill. The majority leader has announced there will be no rollcall votes prior to 5 p.m. today.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business with Senators permitted to speak therein.

The Senator from North Dakota is recognized.

AMERICAN TROOPS IN BOSNIA

Mr. DORGAN. Mr. President, this morning I want to talk briefly about two subjects in morning business.

The first is the issue of Bosnia. I believe that President Clinton has made the right decision in the last couple of days with respect to the introduction of American troops into Bosnia. I know there was discussion by the White House and others about the potential of committing American troops under certain circumstances, particularly if United Nations peacekeepers need to redeploy within Bosnia. However, in the last few days the administration has been saying that they have no intention of introducing American troops into Bosnia under that circumstance.

Frankly, I think the moving of United States troops to Bosnia would be a very serious mistake. It is true that the war in Bosnia is an international tragedy. It is also true, I think, that sending American troops to Bosnia will do very little, if anything, to resolve that tragedy. This country's support of the efforts by the United Nations in Bosnia has been significant. It has included flyovers and logistical support and other things. We should continue that kind of support. But I think the support should not include the sending of American troops to Bosnia. I believe it poses enormous risks to our troops and our country with the potential of very few gains for Bosnia.

We should expect, I think, that the Europeans, through NATO, will play a significant role in responding to the issue of Bosnia. It is not as if this issue does not matter and it is not as if our country should be isolationist. We are not isolationist, and what is happening in Bosnia does matter. But under the term of internationalism, it ought not

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

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be suggested that this country must send troops everywhere in the world.

Bosnia is in the European neighborhood. We have spent a great deal of money and offered a great deal of support over the years to NATO. It seems to me that under the aegis of NATO and in the European Community we should be able to expect a substantial commitment from the Europeans to try to resolve the issue of the current role in Bosnia. I notice that is essentially what is now happening. The European countries are committing more and are getting involved in a more aggressive way to respond to this, and I appreciate that because I think that is the way this needs to be resolved.

I most especially do not think it is wise or appropriate to send United States troops to the ground in Bosnia. I think a couple of centuries of history in the Balkans ought to tell us that foreign powers attempting to achieve certain goals in that region of the world have generally paid a terrible cost and with none of their goals achieved.

So, Mr. President, I think the President of the United States has made the right decision in the last couple of days. I support that decision, and I hope that will remain the decision of the administration as the months go by.

I do hope and pray for the sake of the people in that region that somehow and some way this war can be stopped. As I have said, I think the United States has participated and will participate in an appropriate way to the logistics and equipment, overflights, and other approaches under the aegis of the United Nations.

I think war is a tragedy always, but in this circumstance—I have been to what was formerly the country of Yugoslavia. I recall, in fact, when I was there, there was a forest fire in the country. I recall the people of that region coming together, as people do in crisis situations, and working together to try to respond to a natural disaster.

It occurred to me that people of the then Yugoslavia are very much like the people I grew up with in North Dakota, like the people of the United States—good, wonderful, hard-working people. Yet that society has split apart, and we see in that former Yugoslavia now unspeakable horrors of war visited upon so many families and innocent people. I hope and pray that one day there will be peace in that region.

HELP FOR THE FAMILY FARMERS

Mr. DORGAN. Mr. President, last week, when the Senate was not in session and we had no votes, I was in North Dakota. In part of my visit to North Dakota, I visited my home county of Hettinger County, a relatively small county in southwestern North Dakota. It is down in ranching country, and there are also small farms. They raise a substantial amount of wheat.

I was reminded of the circumstances of rural America again. My home county lost 20 percent of its population in the 1980's, and it lost another 11 percent of its population in the first half of the 1990's. The fact is that rural counties—and, yes, Hettinger County, ND—is shrinking like a prune.

The farm bill that we have in this country to try to help family farmers is not working. At least it is not working to keep family farmers on the farm and make a decent living doing so. We are losing ground in rural America.

It is a paradox that our cities are more crowded and exhibit all of the problems of overcrowding at the same time that my home county, and virtually every rural county throughout the Farm Belt, is losing population.

We are told that this is a global economy and that there are these dislocations. In a global economy, we are told, there are some winners and there are some losers, and rural areas are losers. I do not understand why a global economy means that the big get bigger and the rich get richer and the rest somehow get hurt; the small do not make it. I do not understand that. That is not an economy that makes sense to me. That is not an economy that equates reward with effort.

It seems to me that we ought to have an economy that rewards less speculation and rewards more real production. Yet, the economy does not seem to do that. It is a high time these days on Wall Street, as all of us know, but it is hard times on Main Street of Hettinger County and small towns trying to make a go of it.

We have in a global economy the spectacle of American jobs going overseas, and those jobs that are left here are jobs paying less with fewer benefits. It is, we are told, a function of the global economy, the economy of economic realities.

Well, it is not an economic reality which I am prepared to accept. I do not think the people of the Farm Belt are prepared to accept it either.

We learned long ago in this country that just like the wagon trains that forged west, you do not move ahead by leaving some behind. That was a good lesson from the wagon trains because it is the only way they could survive, and it is still a good lesson for our country today. We cannot, as a country, move ahead while leaving some behind.

I think that as we discuss this year the construction of a new 5-year farm bill, we ought to think about that, what works to give family farmers in America a decent opportunity to make a living so that we do not see this exodus of the family farm to the major cities where overcrowding already exists.

Well, the farm bill will be written now in the next 60 or 80 days, and the question is: What will it be? If it is like the last two farm bills, it will be the same but less of it. So it will be less of the same. So you take something that simply does not work and say let us do less of it. It is a concept that does not make much sense to me.

The farm bill ought to be a farm bill that cares about family farmers and, if it does not, we ought not to have a farm bill at all; we do not need it. The U.S. Department of Agriculture was founded under Abraham Lincoln in the 1860's with nine employees. That behemoth now has over 100,000 employees. In the last 15 years, we had about a 25-percent decrease in farm population—that is, the number of people living on farms—and about a 28-percent increase in the number of people running the farm program. It not only does not work, it is so frightfully complicated that nobody in this country fully understands it.

So why do we not do it differently and construct a new farm program that has as its preamble one central tenet, which is that we have a farm program in this country to try to give an opportunity to family-size farms to make a living.

Why is that necessary? Well, corporate agrifactories can farm successfully because they have the economic strength to withstand two risks that farmers face. The first is the risk that you may not get a crop. You might have excessive rain or hail or insects. You might plant a crop and get nothing.

The second risk is, if you get the crop, you may not get a price, because, in the meantime, international grain prices for wheat or barley may have plummeted, and so you have a crop but no price. Those two risks are risks that the big agrifactories can stomach and can overcome, but family-size farms do not have the financial strength to do so.

So if we want in this country family farms producing our food, then we must have some kind of a farm program. It is that simple.

Now, should the farm program be one that rewards the big folks at the expense of the little folks? I do not think so. We have had a fundamental disconnection in the kind of farm program that we have had in this country.

We have believed that we can control the supply of grain and therefore increase price. In order to do that, you want all of the farmers in the country in the farm program, which means you especially want the big farmers. If you get the big farmers in the farm program, you spend most of your money on the big farmers. So most of the money for the farm program has gone to the big farmers.

The fact is that we have not controlled supply and we have not affected price. Why? Because we plant less in this country and Canada plants more, Argentina plants more, the French plant more. So, it is a fundamentally flawed strategy.

We should decide now to disconnect from it and not do any of that. We should decide that the farm program ought to be a mechanism by which we will provide decent prices to the output of a family-size farm.

In the current farm program there is a circumstance where the Prince of Liechtenstein was paid farm program benefits to a farm in Texas. Does anybody think the Prince of Liechtenstein is a Texas farmer? Of course not.

We had a bunch of Texans, a farmer coalition, so they could farm in Montana. They plowed a bunch of ground and seeded it by helicopter. They were not farming the land. They were farming the farm program, so they could get $20,000, $40,000, or 50,000 payments each.

We have a national newsman in this country that everyone probably has read about recently—who I assume lives in Washington, DC—gets $90,000 under the wool and mohair program. I bet that newsman does not live with the sheep most of the year. He is living in Washington, DC, or New York City. It seems to me the farm program ought to be targeted to family-size farms.

Now what I propose is a new approach, and I hope the Senate Agriculture Committee will look at it. I think it will do the right thing and save the Government money. I propose we structure farm program price benefits or farm program price supports or the safety net for farm programs, so that the strongest price goes to the first increment of production.

We say if a farmer raises 20,000 bushels of wheat, we provide a price of $4.50 a bushel. We hope the farmer gets money from the marketplace, but if not, we provide $4.50 for the bushel for the first 20,000 bushels of wheat, and that is all the money we have. We are sorry. If they want to farm the whole county, God bless you, they have every right to farm the whole county, but the Federal Government does not have to be the financial partner beyond the first 20,000 bushels. If a farmer wants to farm beyond that level, they are on their own.

That ought to be the case in all farm programs.

In the dairy program, I have never understood, for example, why there is need to support a dairy operation in California that milks 3,500 cows every day. I do not know if anybody here has milked a cow. I have milked a cow, but if you milk 3,500 cows a day and get a price support under every gallon of milk you pull from the cows, that just does not make sense.

It seems to me if we have price supports for milk, we say we might provide a decent price support for the milk from 80 cows. That is hard work for a farmer running a farm. However, if a farmer wants to buy the 81st cow, guess what? When they sit on the milk stool, do a little milking, those farmers would be milking on their own risk.

I think that is what we ought to do with the farm program. If we are not willing to recognize that the farm program is one that is designed to try to help the family farmers stay on the farm—and those are important things to care about from social and economic policy reasons—if that is not the purpose of it, I say we should get rid of the farm program.

We do not need to provide a stimulant for corporate agrifactories to plow. They will plow. Corporations will plow the whole country. As soon as they have plowed the whole country and cornered the supply of food, guess what? Go to the grocery store and see what the price of food will be. The corporations of this country will darn sure make certain that consumers would be paying well above the cost of production for food.

Of course, now we do not do that. We go to the store and buy a box of elbow macaroni. Let us see how that relates to the price of durum wheat. Somebody out on a farm raises durum wheat and he grinds it into semolina flour, and the semolina flour is produced into elbow macaroni.

I can show when the price of durum wheat goes down 2 bucks a bushel, the price of elbow macaroni goes up. I can show when the price of wheat goes down the price of cereal goes up. I can show that the snap, crackle, and pop in Rice Krispies often brings more to the people that produce the snap and the crackle, than the person that produces the rice.

It is the same with puffed wheat. The puffer gets more than the wheat. It is the same with corn flakes. The flaker gets more than the person that rides the tractor and raises the corn.

That is the way things have worked. It is not right.

We have an opportunity this year to write a farm program that produces the right result. Now for social and economic reasons, this country ought to care about who produces its foodstuffs. It ought to care about the Farm Belt. It ought to care about preserving a network of family farmers. For that reason, we ought to have a safety net—not for a set of golden arches or for the largest agrifactories—but, a safety net for family farmers.

We can do that. We can do it in a responsible and reasonable way—and we can save the taxpayers' money at the same time—if we simply decide the current farm program is not working and we construct a new farm program, a better farm program, one that gives some hope to family farmers for a change.

It is interesting that with all the discussion around this town about reform and reinventing, the odds are that unless things change in the next 60 or 80 days, we will see the same old tired, failed policies with respect to agriculture.

I hope that the proposal that I am making this year—the legislative proposal for targeting farm program support prices to family-sized farms—and the roles by others that try to really substantially reform the farm program will this year give us a change. It does not make sense to do less of the same, when the same does not work.

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

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

THE UNBALANCED BUDGET

Mr. PRESSLER. Mr. President, I have just returned from my State of South Dakota, where I listened to the farmers, small businessmen, students, wives, and citizens of South Dakota for 9 days. I found many were thanking me for voting for the balanced budget resolution, the Domenici-Dole budget that passed the U.S. Senate about 2 weeks ago. The people of our country want change. They want us to do something about the huge deficit that has been built up and they feel we have taken the first step. The message I heard loud and clear was, ''Please take the second and third steps now.''

For the first time since I have been in the Senate, this body passed a real budget that will move us toward a balanced budget in the year 2002. But even with a balanced budget in 2002, we will still have a huge deficit. In some of my high school graduation speeches, I predicted they will have to pay a tax surcharge on their income taxes for most of their lives to help pay down the Federal deficit, or at least pay interest on it.

I know the dullest story in the world probably is the Federal deficit, but cattlemen are aware that our budget that we passed here, if we stick to it, will result in lower interest rates. It will also result in a stable dollar so that there can be international trade. Senior citizens understand that the cuts in Medicare are merely a cut in the rate of increase. Medicare has been increasing at a 10-percent increase. This budget allows about a 7-percent increase, and it provides for streamlining, doing away with fraud and abuse, and other steps within Medicare and Medicaid so they can still provide solid service.

Even the Democrats' study predicted that Medicare would go bankrupt by the year 2000 unless something is done. I find it very strange that many are criticizing the Domenici-Dole budget but they did not provide an alternative here on the Senate floor. There was the alternative of President Clinton which every Member of this Chamber voted against.

I do not mean to be partisan, but I would say I am very proud and I have found my constituents thankful that Congress has finally started to address the budgetary deficit problem. There is also a strong feeling among senior citizens that to keep our currency solvent, our dollar stable, and to avoid inflation is worth a great deal to them. This budget will start to do that if we stick to it.

So the message I got from my constituents was, ''Thank you for the vote on the balanced budget that went through the Senate.'' But they are a little nervous about us. They say, ''You are on second base. Keep going.'' So that is the message I bring back from my constituents. I think it is an important one to our Nation, because it is our No. 1 domestic problem, the unbalanced budget.

Mr. President, I yield the floor. 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. BINGAMAN. 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 PLACED ON THE CALENDAR—H.R. 1045

The PRESIDING OFFICER. The clerk will read H.R. 1045 for a second time.

The legislative clerk read as follows:

A bill (H.R. 1045) to amend the Goals 2000 Educate America Act, to eliminate the National Education Standards and Improvement Council, and for other purposes.

Mr. BINGAMAN. Mr. President, I object to proceeding at this time to the bill.

The PRESIDING OFFICER. The bill will be placed on the calendar.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 20 minutes as if in morning business.

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

CUTS IN CIVILIAN RESEARCH AND DEVELOPMENT

Mr. BINGAMAN. Mr. President, 2 weeks ago the Senate passed a budget resolution designed to eliminate the Federal deficit over the next 7 years. The House passed its version of that budget the week before.

While there are some major differences in those budgets, particularly on tax cuts and defense spending and domestic discretionary spending, there is one common feature, and that is a proposed drastic cut in Federal support for civilian research and development. That is across Government.

There has been very little attention paid to this part of the budget balancing effort so far. The public attention has been concentrated on Medicare, Medicaid, education, and tax cuts for the wealthy. But this issue, these drastic cuts in Federal support for civilian research and development, may be the place where the Republican budgets that have been passed through the two Houses will do the most damage to our Nation's future well-being and prosperity.

Overall, civilian research and development spending will be cut 30 to 40 percent by the year 2002 to a four-decade low as a percentage of our economy. Some agencies, such as the National Science Foundation, perhaps the National Institutes of Health, may be cut only at the inflation rate during the next 7 years, but all others—that is, NASA, the Department of Energy, the Department of Commerce, EPA—all appear to be slated for much deeper reductions.

For those who are not familiar with the budget process here—I am sure there are some who are watching who may not be—let me explain why we cannot be more specific about the effect of these budgets at this point. The budget resolutions that are still being considered in conference make many assumptions about Federal programs. The only binding assumption which came out of what we did here in the Senate and in the House is the assumption that affects civilian-applied research with regard to the domestic discretionary spending cap. In fiscal year 1995, this current year, that cap is $257 billion for total domestic discretionary spending. Under the Senate version of the budget in 2002, it will be $234 billion, or a 10-percent reduction. That is a 10-percent reduction coupled with 7 years of no inflationary adjustment. Under the House version, the domestic discretionary spending total in 2002 is even lower. In the House version, it will be $229 billion.

If civilian research is treated on average like all other programs in this larger category, this domestic discretionary spending category, which I would assume is really the best case that we could hope for, if that were to be the case, then that research and development funding would be cut 30 percent in real terms. If other programs, such as highway funding, law enforcement, and veterans programs are protected from cuts when funding is finally allocated by the Appropriations Committees, the cuts in research and development could reach 40 percent in real terms.

Mr. President, I am tempted to ask what the research community in this country has done or failed to do to deserve this type of treatment at this stage in our Nation's history. The research community won the cold war for us. They put men on the moon, they revolutionized medicine, they invented computers, they pioneered electronics and semiconductor devices. They invented a myriad of new materials that have fundamentally changed our lives.

This is just as Vannevar Bush, who was one of the giants in the post-World War II generation in science, predicted in his report, ''Science: The Endless Frontier,'' about half a century ago. Bush had the wisdom to know nearly 50 years ago that new scientific and technological fields would emerge that he could not yet imagine —semiconductor electronics, for example, or molecular biology and the material sciences, just to name three. Bush had the vision to see that Federal investments in science and technology could transform our lives and contribute to our health and the standard of living and the security of all Americans.

Federal investment in civilian research and development did not cause the Federal deficit. In fact, it is quite the opposite.

Mr. President, here is a chart that I want to direct my colleagues' attention to. It shows civilian research and development as a percentage of gross domestic product during the 40-year period from 1961 through the year 2001 or 2002. In 1969, which is the last Federal budget that we had that was in balance, Federal civilian research spending was .76 percent of gross domestic product, about in this range. With the sole exception of the Bush administration, it has trended lower for the last quarter of a century. In 1995, it is estimated at about .46 percent of gross domestic product, the same as it was in 1992.

In the year 2002, under this budget resolution that passed both the House and now a different one in the Senate, but the same in this regard, in the year 2002, it will be about .27 percent under these Republican budgets. That assumes the best case, as I mentioned earlier; that is, that research is treated on averages the same as other domestic discretionary programs.

It is not just that our civilian research investments have not caused our current deficit. More importantly, there is almost universal recognition that these investments have paid for themselves many times over by the growth that they have contributed to our economy. It is not an accident that American industries, from aerospace to agriculture to electronics to pharmaceuticals, enjoy world leadership. Federal civilian research investments are truly investments in the Nation's future. Mr. President, in my view, it is folly to be cutting them to this extent over the next 7 years as we enter this new century.

The cuts in Federal support for civilian research will almost surely not be made up in the private sector. The Wall Street Journal on May 22 reported on deep cuts being made by AT&T, by General Electric, by IBM, Kodak, Texaco, and Xerox in their research budgets. The reason: Private-sector firms have an ever narrower focus and an ever greater unwillingness to invest in long-term research projects, the benefits of which are uncertain, and usually the benefits of which are not capturable by any single firm alone.

The governments of our major economic rivals, Japan and Germany, recognize the importance of civilian research investments. Let me show you another chart, Mr. President. This chart compares the three countries in 1992. It shows that in 1992, the German Government invested .9 percent of gross domestic product that year in civilian research, over in the right. The Japanese Government invested .5 percent, directly and indirectly. Neither

country shows any sign that it is joining us in planning to slash investment in research spending. It is quite the opposite. They and the other industrial countries around the world are seeking to emulate the successful American model of the last half century in science and technology, just as we seem bent on abandoning that model.

Our research universities, our Federal laboratories, and our investments in small business research and innovation are the envy of the world. Under the Republican budgets, we risk losing a generation of research and of young researchers, since the best students will be diverted to other professions by the grim job prospects awaiting them in research careers.

Mr. President, it is worthwhile to ask how we got ourselves into this fix, and how we can get out of it. That is something I believe will be discussed here in the coming months as we talk about these budgets.

What we have seen over the last 2 years is the almost complete fracturing of bipartisan consensus which was forged during the Reagan and Bush administrations on the appropriate Federal role in civilian research and development. The consensus was that the Federal role should stop at precompetitive development activity, which should be conducted on a cost-shared basis, with industry putting up at least half the money. One test of the precompetitive nature of the research was whether some of our industry's intense rivals, such as Intel and Motorola, in the case of Sematech, which most of us are familiar with, could collaborate in a single effort. Everyone agreed that the Federal role should not include helping individual firms to get specific products to the commercial marketplace.

Indeed, the very term, ''precompetitive development,'' was first coined by President Bush in a speech that he gave to the American Electronics Association in February of 1990. He was seeking to distinguish the technology policy that he was pursuing in his administration from the industrial policies of his predecessors in the 1970's—for example, the Clinch River Breeder Reactor, supersonic transport, and the Synfuels Corporation.

President Bush spoke proudly during the 1992 campaign of his efforts to expand civilian applied research through a series of new, high payoff investments in critical technologies:

A high performance computing and communications initiative; an initiative to improve the manufacturing and performance of materials; an expanded program in biotechnology research; the establishment of the U.S. advanced battery consortium, which was to be funded for 4 years; a significant increase in our aeronautics research budgets; and the establishment of seven regional manufacturing technology centers for the distribution of modern manufacture of tools and know-how.

This notion of what the appropriate role of the Federal Government in research is and is not was supported in numerous pieces of legislation passed since 1980 with bipartisan sponsorship and with the blessing of the Reagan and the Bush administrations. The vast majority of that legislation passed this body unanimously.

Indeed, the American bipartisan consensus of 1992 on the appropriate role of Government in civilian research and development was incorporated in late 1993 into the Uruguay round subsidies code, and it is now the world norm that governments can fund the full cost of basic research, they can fund up to 75 percent of the cost of applied research that is relevant to industry and up to 50 percent of the cost of precompetitive development. They can do all of that without risking trade sanctions. Any development subsidies beyond that precompetitive stage are fully sanctionable, as they should be.

Unfortunately, by late 1993, this bipartisan consensus that I have referred to had been fractured. As President Clinton and Vice President GORE pursued a science and technology policy almost identical to President Bush's and did so with real commitment, which I commend them for, our debate suddenly reverted to the sort of bumper sticker level which we had mistakenly thought was behind us. Charges of industrial policy, charges of picking winners and losers were affixed to a broad range of civilian research programs.

By early this year, the bumper sticker pejorative had become corporate welfare. That is a phrase which, unfortunately, was popularized earlier this year when Secretary of Labor Bob Reich used it to refer to tax incentives, tax subsidies of various kinds.

Republican leaders argued, mistakenly, that Federal support for research in areas from aeronautics to computers to health to energy to agriculture and the environment was somehow illegitimate, either because it was corporate welfare or it represented some type of industrial policy. It was merely seen as a duplication of private sector efforts.

As David Sanger, who has reported on these issues for many years, pointed out in an article in the business section of the New York Times on May 23—this is a quote from his article:

> Such arguments underscore the sharp difference in the way technology and trade policy is dealt with in Washington and in the capitals of its major economic competitors, where trade is considered national security and ''picking winners and losers'' is a phrase with no political resonance.

Mr. President, the overall budget prospects facing civilian research in this country in the years ahead demonstrate just how high a political resonance this issue seems to have taken on today, at least in some parts of the political spectrum.

I do not believe this course we have charted for ourselves in these budget resolutions makes sense for the Nation, and as my colleagues know I led an effort during the debate on the budget to make spending on research, technology and related trade promotion and trade law enforcement programs a high priority in the allocation of funds for the next 7 years. The amendment would have put the Senate on record in favor of maintaining the overall fiscal year 1995 level for these programs. It would have conceded that there would be no inflationary adjustment during that period. But it would at least have tried to keep in place existing funding. It would have put the Senate on record against any net tax cuts unless we could first achieve that goal.

The amendment did not seek to allocate funds within any of the various civilian research agencies. That would have been left, as it should be, to the authorizing and appropriating committees.

By the year 2002, even under the amendment I offered, Federal civilian research and development investments would be at a four-decade low as a percentage either of Federal spending or of gross domestic product.

Mr. President, this first chart I put up before makes that point very dramatically. It shows that we would have the lowest level of spending, the lowest percentage of spending of our gross domestic product on civilian research we have had in four decades.

It would not have fixed the problem of sustaining our investments at the level that our economic competitors will be investing. Even if the amendment had been adopted, in 2002 we would still be spending slightly more than half of what the Japanese Government spends and about a third of what the German Government spends as a percentage of gross domestic product.

Unfortunately, this very modest effort was defeated here on the Senate floor by a vote of 53 to 47, with all Republicans except Senator JEFFORDS voting in opposition and all Democrats voting in favor.

I also supported a comprehensive fair-share budget, which was a substitute offered by my colleague, Senator CONRAD, that would have balanced the budget while preserving funds for domestic discretionary programs. The fair-share budget provided $36 billion in additional discretionary funds in 2002 for research, education, and other priorities by limiting the growth of tax loopholes for wealthy corporations and individuals. That also failed on a 60-to-39 vote, largely along party lines.

Almost a century ago, in 1899, the head of the Patent Office, Charles Duell, is purported to have proposed to close up shop at the Patent Office because, in his opinion, ''everything that can be invented has been invented.'' A half century later, Vannevar Bush laid out his starkly different vision for the Federal role in science and technology.

Now, as we prepare to enter the 21st century, we face a choice between those two competing visions. Because I believe that the scientific and the technological frontier is still endless, just

as it was 50 years ago, and because I do not want to risk condemning our children and grandchildren to a less prosperous and less healthy and less secure future, I intend to continue fighting for Federal research investments even as we continue working toward a budget resolution.

I hope we can restore the bipartisan support for these programs that was there until very recently, and I hope we can do so before serious damage is done to the programs. I am afraid this is going to take not just months but perhaps even years.

Mr. President, I appreciate the chance to speak. I yield the floor, and 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. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO THE LATE JAMES C. SELF

Mr. THURMOND. Mr. President, this month in Greenwood, SC, a terrible, sudden loss has been suffered by the entire community. On May 4, James C. ''Jim'' Self—successful businessman, committed public servant, concerned community leader, and dedicated family man—was tragically killed in a traffic accident which no one could have anticipated.

Respected for his position as chairman of the board of Greenwood Mills Inc., Mr. Self was born and raised in Greenwood and went on to earn a bachelor of arts degree from Clemson University and a masters of business administration from the University of South Carolina. Throughout his life, Mr. Self established a well deserved reputation as a civic leader whose activities included service on the Greenwood board of Bankers Trust, the State board of NCNB, and the boards of Benedict College, Junior Achievement, and the Greenwood YMCA. In addition, Mr. Self served on the Governor's Review Board under John West, for which he was awarded the South Carolina Order of the Palmetto. He was also a member of the First Baptist Church of Greenwood.

Let us make certain that we remember with respect and admiration the substantial contributions this outstanding citizen made to his family, his community, and the State of South Carolina.

Mr. President, I know I speak for all those who knew Jim Self when I say that he will be missed greatly. My deepest sympathies go out to his wife—Linda Coleman Self—and children—Linda Elizabeth Self, James C. Self III, and Furman Coleman Self—and the entire Self family, including his distinguished father—Mr. James C. Self—for the tremendous loss they have suffered.

TRIBUTE TO FORMER SENATOR MARGARET CHASE SMITH

Mr. THURMOND. Mr. President, during my tenure as a Member of this distinguished body, I have had the pleasure of serving with many individuals of impressive character and ability. Few, however, possessed the unwavering commitment to principle and public service demonstrated by Senator Margaret Chase Smith, who passed away this week at her home in Skowhegan. I would like to offer her family and friends my deepest condolences for their loss, a loss suffered by our entire Nation.

After an accomplished career of 8 years in the House of Representatives, Mrs. Smith was first elected to the Senate in 1948 and served four consecutive terms. A political leader of national stature, her substantial talents earned her a prominent role in Republican Presidential contests.

Mrs. Smith brought grace and wisdom to this Chamber as a dedicated representative of the people. An intrepid spirit characterized her work as a member of the Senate Armed Services Committee, on which I had the pleasure of serving with her. At all times, the safety and prosperity of the Nation were her sole objectives, and she worked to ensure that the United States was always prepared to defend liberty against any enemy.

When our Nation was gripped in turmoil, Mrs. Smith was quick to supply raging debates with needed perspective and calming insights. She personified the very best qualities that define the American character and applied those commendable attributes to all of her work as a Member of this institution.

Mr. President, I am confident I speak for all of us who knew Margaret Chase Smith when I say that she will be greatly missed. Her legacy is a standard of public service toward which every Member of the U.S. Senate should strive, and my sympathies go out to all those touched by her warmth and intelligence.

TRIBUTE TO THE LATE JAMES BOYD ''JIM'' KLUTTZ

Mr. THURMOND. Mr. President, James Boyd ''Jim'' Kluttz passed away last month at his home in Laurens, SC, and I would like to offer his family and many friends my deepest condolences for their heavy loss.

A dedicated reporter, Mr. Kluttz served as editor emeritus of the Laurens County Advertiser following his retirement from the paper in 1981. His tenure with the paper began in 1966, and Mr. Kluttz photographed and reported upon the people and places of Laurens County for the next 15 years. His colleagues described his love and commitment to the people of Laurens as follows: ''(Mr. Kluttz') was the kind of journalism that reflects the heart and soul of a community and all that is good in it * * * and, in many ways, he was the soul and conscience of our community.'' Clearly, Mr. Kluttz practiced the kind of journalism that, unfortunately, is now all too rare.

Mr. President, I know I speak for all those who knew Jim Kluttz when I say that he will be missed greatly. My heartfelt condolences go out to his wife, Alma Wyatt Kluttz, his two sons, James Thomas Kluttz and John Boyd Kluttz, his daughter, Laura Anne K. Smith, and their families for the loss they have suffered.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, more than 3 years ago, I began daily reports to the Senate to make a matter of record the exact Federal debt as of close of business the previous day.

As of the close of business Friday, June 2, the exact Federal debt stood at $4,902,882,032,835.06, meaning that on a per capita basis, every man, woman, and child in America owes $18,611.42 as his or her share of the Federal debt.

It is important to note, Mr. President, that the Senate had an opportunity to implement a balanced budget amendment to the Constitution. The Senate failed by one-vote in its first opportunity to bring the Federal debt under control.

There will be another opportunity in the months ahead.

Mr. DOLE. What is the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

COMPREHENSIVE TERRORISM PREVENTION ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

A bill (S. 735) to prevent and punish acts of terrorism, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hatch Amendment No. 1199, in the nature of a substitute.

AMENDMENT NO. 1199

Mr. DOLE. Mr. President, let me say to my colleagues that we hope to complete action on this bill very quickly, and I am asking my colleagues on each side—I think there are 67 amendments on the Democratic side, 30-some on the Republican side—to see if we cannot limit the number of amendments. We will also file cloture today and try to get consent to vote on that cloture motion tomorrow in an effort to expedite this bill.

Immediately after the tragic events in Oklahoma City, I wrote to President Clinton expressing my hope that we could put aside partisanship and develop an antiterrorism plan all Americans could support. Just as partisan

politics stopped at the water's edge during World War II, it has always been my view that partisan politics should stop at ''evil's edge'' in our war against terrorism.

During the past several weeks, I have had the opportunity to discuss this issue directly with the President. Our staffs have shared ideas. We have introduced our own legislative plans. And Senator HATCH, chairman of the Judiciary Committee, has had several important hearings. The proposal now before the Senate is a culmination of all these efforts: Democrats, Republicans, the President, staff input. This is a bipartisan plan. It reflects many Republican ideas, and it contains many of the initiatives endorsed and sought by President Clinton himself—prohibitions on fundraising for foreign terrorist organizations; the Alien Terrorist Removal Act, which is designed to deport alien terrorists in a prompt manner without disclosing vital national security information; and increased funding for the Federal Bureau of Investigation and other law enforcement agencies.

Now, last week we brought this up before the recess first, I think, for the record. So we had this almost filibuster on the budget with tons of amendments that took, I do not know how many, 10, 20 hours to vote on the amendments. That lost us 24 hours in the process. By design? I do not know, but it happened and we wasted a lot of time.

I told the President I wanted to pass this bill on the Senate side before the Memorial Day recess, and we did bring it up. And then we were flooded with amendments, again maybe by design and maybe not. But the President is the leader of the Democratic Party. He said last week, ''There are too many amendments (to the Senate bill) that threaten too much delay.''

I happen to agree with the President on that, but I have not seen any evidence of any active engagement by the White House in the legislative process on the other side of the aisle. The last count was, as I said, 67, 69.

The bottom line is that words of complaint will not be enough. Complaining about delay may make for good politics, but what we need from the President is not words but leadership. I want to fulfill the President's request. I want to pass the antiterrorism bill promptly, without delay. But if we are going to accomplish this goal, the President will have to move off the sidelines and get into the game, as we need his help. It is not enough to make the speeches, not enough to make the radio addresses, not enough to say whatever. We ought to pass it. But particularly in the U.S. Senate, where any group of Senators can slow things down—and we have had almost a record performance this year by my colleagues on the other side—this happens to be a bill that is not partisan. It is bipartisan. It is something that the President claims credit for. It seems to me it would be in his interest to have somebody up here trying to make certain that we pass the bill.

If we do not complete action by the close of business tomorrow, I will have no other choice but to withdraw the antiterrorism bill and move on to other legislative business. If we can get consent to vote on cloture tomorrow, we will find out how many people really want this bill, or whether this bill will become a Christmas tree where everybody has a political agenda and they want to put it on the antiterrorism bill. I believe that would be a grave mistake. We have a full plate here in the Senate. We have telecommunications, and I promised both Senators PRESSLER and HOLLINGS for the last 2 or 3 weeks that we would like to finish that this week. We have welfare reform and regulatory reform, just to name a few. All of these will take some time.

We do not have time to get bogged down for 3 weeks on a very important bill with amendments that are not important at all, for the most part, and just making statements or having votes when the amendments could be accepted. I have heard that many of the amendments will be accepted. Let us not waste 20 or 30 minutes on rollcall votes on 15 or 20 amendments that can be accepted. It seems to me that if our colleagues want to pass this bill, accepting it is just as good as having a vote, and we can save a lot of time.

We will be in late tonight, and votes will start at 5 o'clock. It is not in the interests of the American people to delay. We can always return to the antiterrorism bill, and this might be something to do during the August recess if we cannot get it done now. We are going to be here for part of August, no doubt about it. Maybe this will be a priority during the first 2 or 3 weeks during what might have been the August recess.

Mr. President, of all the antiterrorist proposals under consideration, habeas corpus bears perhaps most directly on the tragic events in Oklahoma City. If we really want justice that is ''swift, certain, and severe,'' as President Clinton urged, then we must stop the endless appeals and endless delays that have done so much to weaken public confidence of our system of criminal justice.

According to Princeton Prof. John Diiulio, more than 330,000 Americans were murdered during the 16 years between 1977 and 1993. Yet, during the same period, only 2,716 people were placed on death row and only 226 convicted killers have actually been executed. In America, today there is clearly a big disconnect between crime and punish.

Our habeas corpus reform proposal seeks to bridge this gap by imposing a 1-year filing deadline on all death row inmates, State or Federal. It limits convicted killers in State or Federal court to one habeas petition. That is one bite at the apple. In contrast, under current law, there is virtually no limit to the number of petitions a convicted killer may file. It requires the Federal courts, once a petition is filed, to complete judicial action within a specified period of time.

In fact, if the Federal Government prosecutes the Oklahoma City case and the death penalty is sought and imposed, the execution of the sentence could take as little as 1 year if these reforms are enacted into law. Otherwise, it might take 5, 10, 15 years. It seems to me it is a step that ought to be taken, a step the President talked about on ''60 Minutes.'' Somebody said he wanted habeas corpus reform. Habeas corpus reform is an essential component of any serious antiterrorism plan. The relatives of some of the victims of the Oklahoma City bombing have traveled all the way to Washington today to make this very point. In fact, I think there is a press conference going on as I speak. They want Congress to act on these reforms and act now. That is the view also shared by a bipartisan group of State attorneys general, including Drew Edmondson, the Democratic attorney general of Oklahoma.

In a recent letter to President Clinton, these attorneys general write:

> Expedited consideration of [habeas corpus reform] legislation in the context of the antiterrorism bill is entirely appropriate. Unless habeas corpus reform is enacted, capital sentences for such acts of senseless violence will face endless legal obstacles. This will undermine the credibility of the sanctions and the expression of our level of opprobrium as a Nation for acts of terrorism.

Despite his positive comments about habeas reform in a ''60 Minutes'' interview, President Clinton has written me urging me to exclude habeas corpus reform. One day he is for it, and the next day he says exclude it. Do not bring it in now because it might upset some of the liberals on the other side of the aisle.

The President has publicly chided Members of the Senate for refusing to endorse his ''emergency wiretap'' proposal; yet, strangely enough, the President himself refuses to endorse the one proposal that will bear most directly on the Oklahoma City tragedy—and that is habeas corpus reform.

Finally, Mr. President, the American people deserve the straight story, and the straight story is that America is not an impregnable fortress. No legislation, no matter how well-intentioned, no matter how well-conceived, can guarantee absolute security. We can take every possible precaution. We can pass tough laws. But in a free society there will always be risks—a fact of life vividly demonstrated by the recent breaches of White House security.

I want to thank my distinguished colleague from Utah, Senator HATCH, for his leadership in developing an antiterrorism plan. During the past several weeks, he has provided the intellectual glue that has kept this effort together. I also thank my distinguished colleagues from Oklahoma,

Senators NICKLES and INHOFE, for their input and for their role in developing this antiterrorism plan. We all know this has been a very difficult time for them and their constituents. So we are especially appreciative of their invaluable help.

I had a conversation with Senator BIDEN from Delaware before we went out for the recess. I believe he wants to complete action on this bill as quickly as possible. I think with his cooperation, and with some help from the White House and with help on this side on Republican amendments, we can wrap this bill up. There is no reason we could not finish it today, or certainly by tomorrow.

I ask unanimous consent that a letter I sent to President Clinton last Thursday be printed in the RECORD immediately after my remarks.

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

(See exhibit 1.)

Mr. DOLE. The letter suggests that the President should help us out on this bill. He could call his Democratic colleagues, maybe have a White House meeting, and see if we cannot complete action on this bill. The House has not acted. But that does not mean we cannot act. We can act first for a change.

I say to my colleagues, let us expect a number of votes. I do not see the managers here, but I think they are in a press conference with some family members of the victims of the Oklahoma City tragedy. I say, again, if the amendments can be accepted and if there is no problem with the amendments, let us not have votes like that at 7, or 8, or 9 o'clock tonight.

With all the good will I can muster, I believe this is an important bill, important for the American people, important for the victims' families and those involved in Oklahoma City. Also, it is important that we get it done. I am certainly willing to work with the President in an effort to do that by the close of business tomorrow.

EXHIBIT 1

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, June 1, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As you may know, the Senate is currently scheduled to resume consideration of the anti-terrorism bill when we return on Monday, June 5. Under a unanimous consent agreement adopted last Friday, a total of 99 amendments to the bill are in order (32 Republican amendments and 67 Democratic amendments).

I am now in the process of urging my Republican colleagues not to offer any unnecessary or unrelated amendments. Hopefully, these efforts will pay off and we will be able to reduce the number of Republican amendments to a manageable level. During the remainder of this week, it is my hope that you will exert similar pressure on the Democrats in the Senate, particularly in light of your complaint yesterday that "there are too many amendments that threaten too much delay."

Mr. President, if you really want Congress to pass the anti-terrorism bill as promptly as possible, words will not be enough. Your active involvement in discouraging Democratic Senators from offering unnecessary and unrelated amendments is absolutely essential.

I hope you would also call upon Congress to pass meaningful habeas corpus reform as part of the anti-terrorism proposal now pending before the Senate. Of all the anti-terrorism initiatives under consideration, it is perhaps habeas corpus reform that bears most directly on the tragic events in Oklahoma City. In fact, if the federal government prosecutes the Oklahoma City case and the death penalty is sought and imposed, the execution of the sentence could take as little as one year if the reforms in the pending legislation are enacted into law.

Not surprisingly, a bipartisan group of State Attorneys General, including Drew Edmondson, the Democratic Attorney General of Oklahoma, has written that "expedited consideration of [habeas corpus reform] legislation in the context of the anti-terrorism bill is entirely appropriate. Unless habeas corpus reform is enacted, capital sentences for such acts of senseless violence will face endless legal obstacles. This will undermine the credibility of the sanctions, and the expression of our level of opprobrium as a nation for acts of terrorism."

Finally, I was struck by how your radio address last Saturday characterized the anti-terrorism legislation now pending before the Senate. The address described the legislation in very personal terms, as "my proposal," "my anti-terrorism bill," "the legislation I proposed." With all due respect, Mr. President, this legislation is a bipartisan product, incorporating many initiatives proposed by Republicans and Democrats alike. The simple fact is that the anti-terrorism plan now before the Senate does not belong to any one party or any one political figure. It belongs to the American people.

Sincerely,

BOB DOLE.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant 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 substitute amendment to S. 735, the anti-terrorism bill.

Bob Dole, Orrin G. Hatch, John Ashcroft, Slade Gorton, Craig Thomas, Strom Thurmond, Spencer Abraham, Alfonse D'Amato, Trent Lott, Larry E. Craig, Dan Coats, Rick Santorum, Bob Smith, Don Nickles, Rod Grams, R.F. Bennett.

Mr. DOLE. Mr. President, let me indicate I will be speaking with the Democratic leader to see if we cannot have a vote on this tomorrow. I did not file the motion on the Friday before we went out because I thought at that point there would be a lot of progress made during the recess. I am not certain what progress has been made, but this is just the final attempt on the part of the majority leader to try to pass this bill.

We will find out how many people really want to pass the antiterrorism bill when it comes to a cloture vote. There will be other bills this year to offer amendments on. This is not the last train to come through the Senate. I hope we can pass a good bill, and I hope the House follows suit very quickly and that we get it to the President in the next week or so.

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. HATCH. 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. HATCH. Mr. President, I have just come from a press conference where a significant number of the victims of the Oklahoma City bombing appeared. It was a very moving experience for me to hear these people talk about their loved ones who were killed in the bombing and to meet some of them who were actually maimed and harmed during the bombing.

At that particular press conference were Diane Leonard, whose husband, Don, a Secret Service agent was killed in the bombing; Glenn Seidl, who lost his wife, Kathy; Kay Ice, who lost a brother, Paul, a Customs agent; Mike Reyes, who lost his father and was injured himself; Jason Smith, who lost his mother, Linda McKinney; Dan McKinney, Linda's husband; Gary Bland, who lost his wife, Shelly; Suzanne Britten, who lost her fiance, Richard Allen; Earl Adams, who lost a nephew, Scott Williams; Alice Maroney Dennison, who lost her father, who gave me this ribbon and pinned it on me personally, representing the tragedy, or I should say tragedies that occurred in the Oklahoma City bombing.

I very proudly will wear this ribbon and will keep it after this debate, as well. And I want to thank Alice Maroney Dennison for thinking of me and being kind enough to give me these ribbons, representing various aspects of the Oklahoma City bombing.

Beverly Rankin was also a survivor who lost many friends in the bombing.

Mr. and Mrs. Lee Chancellor were there, as well, and of course he is a strong force in one of the national organizations trying to get some finality in the habeas corpus laws.

I have to say I was very impressed by these victims of this bombing. They stood there and told their stories and begged the U.S. Senate and the Congress as a whole to get this bill through and to keep the true habeas corpus provisions in the bill as they are currently written.

The habeas corpus provisions of this bill happen to be the only part of the bill and really, the only thing we can do, to make up to those who have lost family members and those who have been hurt and maimed, as a result of the Oklahoma City bombing. It is the one reform Congress can pass which will affect this case.

It is the one thing we can do something about. We can stop these incessant, frivolous appeals, that cost the taxpayers hundreds of millions of dollars—billions over the extended period of time—in frivolous litigation, that keeps these people alive for 5, 10, usually an average of almost 10 years, sometimes as long as 18 to 20 years. Some of them die in prison before the final judgments are carried out.

The reason that the far left in this country is fighting habeas corpus reform is because they hate the death penalty. They feel they cannot win the battle over public opinion so they have adopted a strategy to make death penalty litigation so costly and so protracted that capital punishment is eliminated de facto. Now, I have to admit that I believe the death penalty is proper, but I hate it, too. I wish we never had to use it. I wish there would be no heinous murderers in our society. But there are occasions where it is appropriate and just. It is a deterrent, as much as the opponents of the death penalty argue against it.

However, I would suggest that instead of throwing up frivolous appeal after frivolous appeal and allowing this system to distort and disrupt our society and putting these victims and their families through frivolous appeal after frivolous appeal, I would suggest that if they hate the death penalty, argue the issue straight up, argue against the death penalty. Make their philosophical points. Fight it throughout society if they want to, but do not make a mockery of justice by keeping a system alive that literally is thwarting justice.

The fact of the matter is some have argued that habeas reform applied to the State is not germane to this debate. These individuals, including my distinguished colleague and friend from Delaware, contend that a reform of the political overview of State convictions is meaningless in the context of the debate we are having. They are willing to admit that some revision of the collateral review may be in order, but they contend that reform of Federal collateral review of cases tried in State court is unnecessary. This position is simply incorrect.

I would like to read from a letter written by Robert H. Macy, district attorney of Oklahoma City, and a Democrat. By the way, at this meeting today, representatives from the attorney general for the State of Oklahoma, a Democrat, were there, and one came up to me afterwards—Richard Winnery—and said, ''Thank you for what you are doing.'' Drew Edmondson has been one of our strongest supporters as a Democrat of habeas corpus reform, and there are a number of other Democrat attorney generals, and I might say many prosecutors who are Democrats throughout the country, who agree with what we are doing here.

Robert H. Macy, as district attorney of Oklahoma City and a Democrat, said:

> Immediately following the trial or trials in Federal court, I shall, working in cooperation with the United States Department of Justice and the Federal law enforcement agencies investigating the bombing of the Alfred P. Murrah Building, prosecute in Oklahoma State court the cowards responsible for murdering innocent people in the areas surrounding the Federal building. And I shall seek the death penalty. We must never forget that this bombing took several lives and injured dozens of persons in the neighborhoods and businesses near the building. The State of Oklahoma has an overwhelming, compelling interest to seek and obtain the maximum penalty allowable by law for the senseless and cowardly killings.

That is a statement of Robert H. Macy, the district attorney for Oklahoma City, a Democrat.

In our reaction to the destruction of the Federal buildings in Oklahoma City, we may overlook the fact that the bomb also caused the death of people not inside the building at the time, that were not inside the building itself, or even on Federal property. The State of Oklahoma, not the Federal Government, will thus prosecute those responsible for the bombing that killed people outside of the Alfred P. Murrah Building.

In those instances, Federal jurisdiction may not obtain and it will thus be necessary to prosecute the killers under State law, as well as Federal, court.

A failure to enact a complete, meaningful, reform of habeas corpus proceedings may enable the individuals in this case, provided they are apprehended and duly convicted, to frustrate the demands of justice. The blood of the innocent men and women are on the hands of the evil cowards who committed this terrible tragedy. Justice must be, as President Clinton declared, ''swift, certain, and severe.''

Moreover, failure to enact meaningful, comprehensive, habeas reform will permit other killers who have terrorized their communities to continue to frustrate our judicial system in this country. If we adopt this view, we will create a schism between State and Federal capital law. In other words, murderers tried in Federal court will face imposition of their final penalty more swiftly than persons tried for capital crimes in State courts—that is, if we adopt the amendments that apparently are going to be put forth by the ranking minority member on this committee. So, in other words, if we adopt any amendment that changes the habeas corpus reform bill within this bill that would provide that it applies only to Federal courts, that will create a schism between State and Federal capital law.

Murderers tried in Federal court will face imposition of their final penalty more swiftly than persons tried for capital crimes in State cases. Why should we adopt such a piecemeal approach to reform, one that will leave such a gap between State and Federal cases? It simply makes no sense to reform habeas proceedings for cases tried in Federal court but leave the current disastrous system in place for cases tried in State court.

As of January 1, 1995, there were some 2,976 inmates on death row. Yet, only 38 prisoners were executed last year, and the States have executed only 263 criminals since 1973.

Yet, keep in mind, 2,976, almost 3,000, are sitting there on death row. Many more have died while in prison from natural causes, and some even from unnatural causes, while waiting for imposition of their penalty, because of frivolous habeas corpus appeals.

I might add, some of them have committed further murders while the delays have occurred, murders that would not have been committed had sentences been carried out.

Abuse of the habeas process features strongly in the extraordinary delay between the sentence and the carrying out of that sentence. In my home State of Utah, for example, convicted murderer William Andrews, with his partner, murdered a number of people in the hi-fi murder case, but only after they had tortured them by ramming pencils through their ears and pouring drain cleaner down their throats, destroying their vocal boxes and their esophageal areas.

There, the imposition of a constitutionally imposed death sentence for over 18 years. The State had to put up millions of dollars in precious criminal justice resources to litigate his meritless claims. His guilt was never in question. He was not an innocent person seeking freedom from an illegal punishment. Rather, he simply wanted to frustrate the imposition of punishment his heinous crimes warranted.

This abuse of habeas corpus litigation, particularly in those cases involving lawfully imposed death sentences, has taken a dreadful toll on victims' families, seriously eroded the public's confidence in our criminal justice system, and drained State criminal justice resources. This is simply not a just system.

Justice demands that lawfully imposed sentences be carried out. Justice demands that we now adopt meaningful habeas corpus reform. Justice demands that we not permit those who would perpetuate the current system to steer us from our course. We must do as the victims, families, and friends of those who have asked us to do: enact meaningful, comprehensive, habeas reform now.

Mr. President, the Senate is in session today debating the specific topic of habeas corpus reform, as well as other aspects of this antiterrorism bill. I have been devoting my time to habeas corpus reform because of, and in honor of, the witnesses, the victims, and the families of victims who appeared here today.

I notice the distinguished Senator from California is here. Does the Senator desire to take the floor and speak?

Mrs. FEINSTEIN. In response to the Senator, I would like to send an amendment to the desk. I was going to do it at 11:30.

Mr. HATCH. That will be fine. I will hold off on any further comments on this until after the distinguished Senator has a chance to present her amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1202 TO AMENDMENT NO. 1199

(Purpose: To amend the bill to authorize requirements for tagging of explosive materials and other purposes)

Mrs. FEINSTEIN. 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 California [Mrs. FEINSTEIN], proposes an amendment (No. 1202) to amendment No. 1199.

Mrs. FEINSTEIN. 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 152, strike line 6 through line 17 on page 153, and insert the following:

SEC. ___. 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 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) 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.''.

(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 18 months after the enactment of this Act, 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, 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.

Mrs. FEINSTEIN. Mr. President, the amendment I am offering today is an amendment to require the use of taggants. Now, what is a taggant? A taggant is a tiny, microscopic, color-coded plastic or ceramic piece which can be mixed with explosive materials to allow law enforcement agencies to trace a batch of explosives like we currently do with car serial numbers. In other words, it might be possible, therefore, to identify the place of purchase of these explosives and therefore to, quite possibly, trace the purchaser.

Why is this important? It is important because we have seen in this Nation a rising incidence of bombs. In my own State in the last few years, there have been about 500 bomb incidents. The Department of Justice tells us that about 80 percent of these result in an actual detonation. Consequently, there has been major loss of life from bombing incidents. I think this was brought home to every American by the incident in Oklahoma City.

It is a complicated amendment because it is actually two parts. First, it requires the Secretary of the Treasury to do a study within 12 months, and then within 18 months to implement the results of that study or put into place a system by which taggants can be included in across-the-counter explosives. The affected explosives would include dynamite, water gels, slurries, emulsions, and black powder.

Second, it would require a study on the use of diffusers in another body of agents used in explosives, and those are common chemicals such as the ammonium nitrate fertilizer that was used in the Oklahoma City bombing—common chemicals, these kinds of chemicals, as well as pool chemicals that can be utilized. This part of the amendment would only require a study, however, as to how these chemicals can be made inert or diffused or nonexplosive. The amendment also has language so that it will not impair the effectiveness, the safety, nor the environmental impact of the explosive materials which are covered.

This past Friday in Los Angeles, I met with members of the Los Angeles County bomb squad, the Orange County bomb squad, Bureau of Alcohol, Tobacco and Firearms bombs experts, and FBI experts, and virtually everyone in the room supported the use of taggants as a possible viable law enforcement tool.

Taggants have been available for use in the United States and elsewhere for some 20 years but, frankly, special-interest groups have prevented their use. The current bill only provides that a study be done on the feasibility of using these taggants. There is no deadline. This means that 16 years of delay that has already taken place could be followed by another 16-year period of delay. My amendment includes two real deadlines. First, the report must be done in 12 months; and, second, after 18 months, the use of taggants would be required.

I think the potential effectiveness of taggants was highlighted by a study conducted in the late 1970's when ATF seeded a very small portion of explosives, 10,000 pounds, with taggants. Despite this relatively small sample, these taggants actually helped solve a bombing in Maryland. In other words, by seeding just 10,000 pounds of explosives with taggants, they actually got leads to one bombing which led to the conviction of the individual responsible.

If we had required taggants years before, we could have had crucial evidence in about 17 percent of the bombs cases that occurred between the years of 1987 and 1993. People will say taggants do not work or should not work. They will say they should not be included. But I will tell my colleagues that Switzerland for some time has incorporated taggants into explosives, and it has resulted in the conviction of many who have perpetrated bombings.

I should say that, although ammonium nitrate was used along with diesel fuel, the people I have spoken to also believe there had to have been another accelerator included in that explosive batch of materials, and that accelerator most probably could have been tagged with a taggant.

I believe the amendment before my colleagues is well thought out, Mr. President, and I believe it can and should be supported by both sides of this Chamber.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum. And I also retain the remainder of my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I would like to add my support of the Comprehensive Terrorism Prevention Act of 1995, which is the bill before us.

For many years, it seemed to many Americans that the United States was immune to terrorism, that somehow it could not reach our shores. Perhaps it is because we are surrounded by oceans

on the west and the east, by friendly neighbors to the north and to the south. We may have fooled ourselves into a false sense of security, somehow thinking that we live on an island and that no terrorist would reach us.

We were long ago disabused of any such notion about our safety abroad. The hijackings and hostage takings of the 1970's and 1980's taught all Americans that we could be the victims of foreign terrorists who were prepared to use violence to advance their causes. We have expended much time, effort and money to improve the safety of our airlines and our Embassies and to ensure the cooperation of other governments in combating terrorism. But for many, home seemed a refuge, a haven from the political violence that has plagued so many other parts of our world. But we can no longer comfort ourselves with such illusions—and illusions they are. What was once unthinkable here in America is today a reality. Terrorism can strike us here at home. It can strike with massive deadly force, and it poses a most fundamental threat to our freedoms—the right to life, liberty, and the pursuit of happiness. So that is why we must act, and that is why we must take action on this bill today.

In the wake of Oklahoma City, there is a new imperative—a bipartisan consensus on the need for tough, comprehensive antiterrorism legislation that can move through the legislative process and become law quickly. So I would like to commend the distinguished majority and minority leaders, as well as the Senator from Utah and the Senator from Delaware, who are the distinguished chairman and ranking member of the Judiciary Committee, for acting expeditiously to bring this bill to the floor.

The purposes of the legislation are clear: To make it more difficult to carry out acts of terrorism, to toughen the penalties for committing or abetting acts of terrorism, and to strengthen the hands of our law enforcement authorities to prevent and respond to acts of terrorism.

Terrorists do not wait to get caught. It is our job to give our law enforcement agencies the authority and ability to seek out terrorists before they act. We must find them before they find us. It is that simple and that important.

I believe that terrorism, the ultimate act of cowardice, actually threatens our life, our way of life, and jeopardizes our most fundamental liberties. With all that at stake, it is important that we act today.

One of the most important sections of this bill, in my view, is a section that toughens restrictions on access to explosives, and increases the penalties for possessing stolen explosives, for transferring explosives with knowledge that they will be used to commit a crime, for conspiracies involving explosives, and for using explosives to commit a crime. These provisions are long overdue and well-considered. Oklahoma City taught us what the people of Beirut and London, Tel Aviv and Buenos Aires have known for far too long: Bombs kill. That is their sole purpose—to blow up buildings and kill people. We should be doing everything possible to make it harder for terrorists to get their hands on explosives.

I have a very personal interest in the issue of bombs. You see, Mr. President, I myself was the target of a terrorist bombing less than 20 years ago. An extremist group, the New World Liberation Front, tried to blow up my home, and failed only because the type of explosive they used does not detonate when the temperature drops below freezing and San Francisco experienced a rare frost that night. I was lucky, but so many others have not been.

The proliferation of bombmaking materials has reached astounding proportions. According to the Bureau of Alcohol, Tobacco and Firearms, from 1983 to 1993 bombings in the United States more than tripled, from 910 to 2,980. The Department of Justice now puts out an annual Bomb Summary each year—who ever thought such a thing would be necessary?—and in 1993 summary, we learn that the 2,980 bombing incidents, 541 of which were in California, caused 49 deaths and 1,323 injuries nationwide. Whether or not all of these bombing incidents can be classified as terrorist attacks, these appalling statistics clearly demonstrate the need to restrict access to bombmaking materials.

Indeed, Mr. President, the problem is not merely with bombmaking materials. In my opinion, there is altogether too much information too readily available on how to conduct terrorist attacks. Books and manuals, some of them posted on the Internet, teach everything one could want to know about picking locks, stealing chemicals, building bombs—all the skills you need to be a successful terrorist. Later, I intend to offer an amendment that will strengthen this legislation by making it a crime to teach or disseminate bombmaking information with knowledge that it will be used in a crime.

Mr. President, another extremely important section of this bill deals with the problem of aliens who are members of terrorist organizations. It should be clear, that the risks of allowing alien terrorists to work their way through ordinary deportation hearings, which are often lengthy and slow-moving, are unacceptable. Yet this is the case under current law. In terrorist cases, our law enforcement authorities must be granted expedited procedures for deportation.

I am pleased that the pending legislation provides for a special ''terrorism court,'' composed of U.S. district court judges appointed by the Chief Justice of the Supreme Court, that would be able to deport expeditiously alien terrorists without risking the disclosure of national security information and techniques. In the rare cases where evidence against an alien is highly classified, a summary of the evidence will be provided to the alien. In addition, the pending legislation would make membership in a terrorist organization a sufficient basis for exclusion from the United States.

The point of this provision, is that when the Government has reliable information regarding terrorist activities of specific aliens, we cannot afford to wait until they commit crimes to deport them. The special court will hear evidence, and if it makes a compelling case that the alien is a member of a terrorist organization, the alien will be deported. I am confident that we can trust a panel of five Federal judges, appointed by the Chief Justice of the United States, to fairly weigh the evidence disclosed. And importantly, there is provision to not fully disclose sensitive information that could lead to the deaths of Americans and others. Such disclosures should not be necessary just to deport someone dangerous.

Mr. President, one of the most serious problems we face is that international terrorist groups use the open environment of the United States to raise funds for their terrorist activities. The President has already delineated a list of organizations—such as Hamas and Hizbullah, and Jewish extremist groups like Kach and Kahane Chai—that raise funds in the United States for terrorist activities that undermine the Middle East peace process. The legislation before us will help put an end to that, by making it illegal to raise funds for any activity conducted by an organization deemed by the Secretary of State to be engaged in terrorist activities.

Some have raised the objection that certain groups, that may conduct terrorist operations, also run humanitarian or social service operations, like schools and clinics. But I simply do not accept that so-called humanitarian works by terrorist groups can be kept separate from their other operations. I think the money will ultimately go to bombs and bullets, rather than babies, or, because money is fungible, it will free up other funds to be used on terrorist activities.

Mr. President, we have all witnessed over the years the harm done to U.S. citizens and U.S. interests by international terrorism. The bombings of United States Embassies, the slaughter of 241 U.S. marines in Beirut, the hijacking of American airliners, the bombing of Pan Am flight 103 over Lockerbie, Scotland, the holding of American hostages. All of these images are deeply imprinted on our national psyche.

These incidents, and the hundreds of others like them, aimed at Americans and non-Americans alike, pose one of the greatest threats today to international stability and security. Terrorism, as we have seen in Tel Aviv, Jerusalem, and Hebron, can wreak havoc on

the Middle East peace process. It undermines moderate regimes, such as Egypt, and exacerbates social tensions. It disrupts the lives of ordinary people, the flow of commerce, and the policies of affected governments.

The State Department's Patterns of Global Terrorism report tells us that in 1994, there were 321 international terrorist attacks, over one-fifth of which were anti-U.S. attacks. And although this figure represents a 23-year low, it still means that there was an average of nearly one terrorist attack per day in 1994. All told, these attacks killed 314 people and left another 663 wounded.

In the face of this problem, the United States should demand, and has every right to expect, full cooperation from all friendly governments in the battle to combat international terrorism. Cooperation today is by and large quite good, although some nations are not as cooperative as we would like. The pending legislation would increase the incentive for other governments to cooperate in our antiterrorist efforts by prohibiting U.S. assistance to countries that provide aid or military equipment to terrorist states. The seven state sponsors of terrorism—Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria—do not deserve such assistance until they can justifiably be removed from the list of state-sponsors.

The bill would also expand the type of assistance that we can provide our allies under the Anti-Terrorism Assistance Program. With the expansion of such programs, and the increased incentive for other countries to cooperate with us, the United States can help forge even greater international consensus on combating terrorism.

But again, Mr. President, the primary lesson of the World Trade Center and Oklahoma City bombings is that from now on we face the possibility of a serious terrorist problem here at home. In addition to international terrorist groups that may set up cells in the United States, there is a growing danger of armed extremist groups of Americans, who hold antigovernment views, using violence to pursue their agenda. We have all heard the inflammatory statements of some members of militia and other right-wing extremist groups attacking religious or ethnic groups, predicting violent revolution against the Government, or slandering Federal law enforcement officers, who risk their lives to protect the very freedoms that allow the extremists to make their outrageous statements. But we have been warned. When heavily armed people with the ability to make bombs make threats, we ignore them at our peril.

For that reason, Mr. President, perhaps the most important provisions of this legislation are those that strengthen the ability of Federal law enforcement officers to monitor extremist and potential terrorist groups. These provisions grant Federal law enforcement agencies enhanced access to credit, telephone, financial, and certain commercial records in counterterrorism cases. It will no longer be required to have evidence of criminal activity, but it will allow officers to investigate groups whom they suspect may be engaging in criminal activity.

The effect of these changes in law will effectively be to untie the hands of our law enforcement officials. Currently our agents are unable to be proactive—they are only able to react to criminal activity, and launch an investigation of suspect individuals or groups after there is credible evidence of wrongdoing. These changes will allow our law enforcement officials to take steps to stop terrorist attacks before they happen. By investigating, monitoring, and infiltrating groups that may be involved in terrorism before a crime is committed, our agents can actually help prevent terrorist acts, and perhaps prevent the kind of horror we all witnessed last month.

Passive investigation by the FBI of any group with terrorist potential is absolutely necessary in this day and age. As FBI Director Louis Freeh testified before the Judiciary Committee earlier this month, we ''can't afford'' even one terrorist nuclear incident. Infiltration and court-ordered surveillance are critical to preventing that doomsday scenario from becoming a reality at some point in time. As long as the FBI and police do not encourage illegal conduct or otherwise entrap group members, we simply have to have the information that good surveillance—and only good surveillance—can provide.

I want very much to make a few comments on the habeas corpus provisions. I suspect that these provisions are often complicated, that they are not always well known. But I believe very strongly in the provisions of this bill. As President Clinton recently said—and I could not agree more—''swift punishment, including the death penalty, where appropriate, is critical in efforts to combat terrorism.'' I strongly believe that the death penalty can act as a deterrent to the most violent of crimes and is an appropriate punishment for those who knowingly take another life.

There has been a lot of discussion as to whether the death penalty is or is not a deterrent. But I remember well in the 1960's when I was sentencing a woman convicted of robbery in the first degree and I remember looking at her commitment sheet and I saw that she carried a weapon that was unloaded into a grocery store robbery. I asked her the question: ''Why was your gun unloaded?'' She said to me: ''So I would not panic, kill somebody, and get the death penalty.'' That was firsthand testimony directly to me that the death penalty in place in California in the sixties was in fact a deterrent.

But the deterrent impact of the death penalty is weakened when it cannot be imposed swiftly after a verdict has been reached in a fair trial. As the Senate Judiciary Committee heard at its hearing on habeas reform last March, the extraordinary delay in carrying out capital sentences is in effect a form of terrorism against the survivors of murder victims, traumatizing them year after year by preventing justice from being carried out.

Let no one doubt, Mr. President, that habeas reform should and must be an integral part of this legislation.

Indeed, I spoke a few days ago with Oklahoma Attorney General Drew Edmondson, and a number of surviving family members of the men and women who lost their lives in Oklahoma City in that blast. It was a moving conversation and one that I will not forget. In sum, each of the survivors with whom I spoke, as well as the attorney general, urged the swift adoption of the habeas proposals in this legislation. Each conveyed to me that justice will not fully have been done until those responsible for the bombing have been tried, convicted, and the death penalty imposed and swiftly carried out.

As Alice Maroney Dennison, the daughter of Mickey B. Maroney, a special agent with the Secret Service, said to me: ''I'm 27 years old and they took my father. I cannot be 47 when this man goes to death. That's not fair.''

Mr. President, Alice Maroney Dennison's plea, and indeed the voices of all of the family members of Oklahoma City's victims, a number of whom just about a half-hour ago held a press conference in front of this Capitol, must be heard, and their loved ones must not have died in vain.

Mr. President, it is time for meaningful habeas corpus reform. This bill contains it. Let no one doubt that comprehensive reform is critical, and particularly in capital cases.

Much has been said about the case of Robert Alton Harris in California, a vicious murderer, and what he did when he was out of prison in San Diego. He went to a drive-in. He wanted to take a car. There were two 16-year-old boys in the car eating hamburgers. He took the car with the boys in it. He took the youngsters to a remote location. He killed one. The other dropped to his knees crying and begging for help, and he killed the second. Then he ate their hamburgers and went on to commit other robberies.

This man actually filed no fewer than 6 Federal habeas petitions and another 10 such petitions in State court before he was ultimately executed 14 years later for his crime. In all, Harris and his attorneys were able to engineer 14 years' delay of his capital sentence. It was 14 years of unresolved grief for the survivors of his victims.

In California today there are currently 410 convicted criminals on death row. On June 7, the longest serving member of California's death row population, Andrew E. Robertson, will mark the 17th year of his incarceration. He

has managed to delay his capital sentence by filing habeas petitions for 17 years.

In California, since 1978, when the people of the State voted to put back into place the death penalty, 18 prisoners on death row have died of natural causes or committed suicide. Only 2 have been executed. Only 2 have had their sentence carried out, while 18 have either committed suicide or died of natural causes, all of them delaying their sentence.

Another case deserves attention as well. Clarence Ray Allen committed murder in 1974. He was convicted and sentenced to life in prison in 1977. From within prison he ordered the murder of the witnesses to the first murder. In September 1980, his assassin shotgunned to death three people and gravely wounded a fourth.

Six years later, the California Supreme Court affirmed his conviction and death penalty. During the next 2 years, it considered and denied a State habeas corpus petition in which a prison inmate is permitted to attack his sentence on factors outside the appellate record.

The U.S. Supreme Court declined review. On September 2, 1988, a Federal district judge issued a stay of execution. Over 6 years later that stay remains in effect, and the case is still mired in the district court. Unfortunately, this is a typical case. This points out a need for the habeas corpus reform in the bill before the Senate today.

In fact, according to Attorney General Dan Lungren's testimony before the Senate Judiciary Committee in March of this year, there are ''currently 410 inmates on death row in California. We have had 2 executions occur since 1992, the only 2 in the last 27 years. The number of capital cases pending on Federal habeas corpus has more than doubled since 1991,'' when he first testified here on this issue.

In 4 years, the number of Federal habeas corpus cases on death row in California has doubled. Mr. President, since the death penalty was reinstated in California, as I said, many more prisoners on death row have died of natural causes and suicide than of a carrying out of their sentence.

This problem is not unique to California. According to the Administrative Office of the U.S. Courts, during the year ending September 30, 1994, there were 11,918 prisoner petitions for habeas corpus review in the U.S. district courts alone. That is the reason habeas corpus reform has been a high priority of the Judiciary Committee. We should do it right and not merely pass a bill labeled with the term ''habeas reform'' for the sake of passing legislation.

That is why all 58 California district attorneys opposed the habeas provisions included in Senate bill 1607, the crime bill as originally introduced in 1993, and legislation introduced that year, Senate bill 1657.

I am very pleased to say that the habeas provisions included in the bill currently under consideration by the Senate are identical to those included in the Habeas Corpus Reform Act, Senate bill 623, legislation strongly supported by the attorneys general of California and Oklahoma and which, I believe, strikes an appropriate balance between the need to assure due process of those both convicted in capital and noncapital crimes and the need of any rational judicial system to bring cases to closure.

Most importantly, Mr. President, this bill provides habeas petitioners with one bite of the apple. It assures that no one convicted of a capital crime will be barred from seeking habeas relief in Federal court. In my view, it appropriately limits second and subsequent habeas appeals to narrow and appropriate circumstances.

Furthermore, the bill requires States which provide for counsel that habeas appeals must be filed within 6 months of when a State prisoner's conviction becomes final, or in States where standard for the adequacy of counsel are not adopted, such appeals must be filed within 1 year. So there is an incentive that if there is an adequacy of counsel standard in your State, there is 1 year from which the habeas petition must be filed.

Time limits are also imposed upon courts. The bill requires that Federal courts must act promptly on habeas appeals and establishes a mechanism by which courts of appeals will screen habeas petitions before they are permitted to go to a Federal district court for resolution.

Finally, unlike the crime bill proposals that I and the Nation's law enforcement officials opposed 2 years ago, the bill does not dictate to the States precisely what counsel competency standards are adopted, but rather it properly provides States with an incentive to formulate their own plans by making expedited timetables I have just described available for States to do so.

I believe there are two things that are an effective deterrent to crime. One of them is the speed of the trial. The other is the certainty of punishment. The habeas corpus reforms in this bill will make much more certain the certainty of punishment. I am very pleased to support them. I am very pleased to give my commendation to the committee chairman, the Senator from Utah, and to support this bill.

I think this is an important moment for our country and for this Congress. We have an opportunity to take bold action which will go a long way toward increasing the security of our citizens. This comprehensive package of antiterrorist legislation is an important step also in the recovery for the people of Oklahoma City, the people of the State of Oklahoma, and the people of the United States. For while the wounds of that day will never fully heal, today we begin to act to help prevent future sorrows and to help the American people be reassured that their rights to life, liberty, and the pursuit of happiness will not be threatened by the menace of terrorism, whether from foreign shores or our own.

I yield the floor.

Mr. HATCH. Mr. President, I thank the distinguished Senator from California for her cogent remarks on habeas corpus reform. She is one of the leaders in this body in trying to reform these laws, and I want to personally compliment her for them.

I appreciate the support that she is bringing to this debate. It means a lot to me personally, as one who has fought for years to try to get the habeas corpus bill through. This is the time when I think we have to stand up and do it. I thank her and I appreciate the leadership she has provided.

Presently, there are 100 amendments, under our unanimous consent agreement, to this bill. Mr. President, 68 of these amendments are Democrat amendments and 32 amendments are Republican. Most of the Republican amendments, I believe, will not be offered. So it is really coming down to the 68 amendments that our friends on the other side have.

We have the Feinstein taggant amendment pending, but I want to urge my Democrat colleagues to come to the floor and offer their amendments. We will stack them for votes beginning at 6 o'clock tonight. I believe we also can dispense with several GOP amendments, including the two Pressler amendments, the Smith amendment, a Brown amendment, and perhaps an Abraham amendment today, if we can. I would like to do that.

Having said that, I would like to spend a few minutes chatting about the amendment of the distinguished Senator from California which is currently pending.

I have to rise in opposition to that amendment, but I first want to emphasize that the bill under consideration, S. 735, already contains a requirement for a study of the feasibility of ''tagging'' all explosives for tracing purposes.

Trace tagging, unlike ''identification'' taggants, are actual chips mixed in with the explosive. This is certainly an area that merits further serious study. We have authorized, in the bill, the Departments of Treasury and Justice to undertake exactly such a study.

Our bill also includes a provision which requires plastic explosives to be tagged with a detectable agent, thus helping to ensure that these devises can be detected before they are used in sabotage.

A detection taggant is a chemical odorant added to the explosive which enables security devises to detect the explosive. This particular provision fulfills our obligations under an international convention requiring such legislation.

The amendment under consideration, however, goes much further. In addition to providing a study of tracing

taggants, it also gives regulatory authority to the Bureau of Alcohol, Tobacco and Firearms to implement the results of the study without congressional review. The amendment thus presupposes that the study will conclude that the use of tracing taggants is feasible, and the amendment criminalizes the failure to include these agents in the manufacturer of explosives.

Thus, the Feinstein amendment would require the placement of so-called traceable taggants—that is, microscopic bits of plastic coded to link explosives to a particular manufacturer—in all explosives before the study of whether this is feasible or safe is concluded, or even conducted for that matter. This is hardly the type of impartiality and objectiveness the American people would want in a study of this sort.

Indeed, even if the study reasonably concluded that use of such agents was practical, cost effective, and would aid law enforcement, opponents of the inclusion of such agents would have the perfect argument that the results of the study were preordained and thus unreliable.

Even the Bureau of Alcohol, Tobacco and Firearms, the agency which would have regulatory authority, has conceded that more study is needed before implementing procedures and regulations. The BATF's division chief for arson and explosives recently stated:

> It would be important for us to at least assess the state of the technology and the research and the development that has been done in the last 15 years. We need to get ourselves up to speed.

Moreover, this amendment would impose a requirement for regulation without regard to the need for unbiased study of this issue, or for the legitimate safety concerns raised by the use of these taggants.

A 1980 report by the Office of Technology Assessment found substantial evidence that placing these ''tracing'' taggants in explosives seriously affects the stability of the explosive materials. Thus, these taggants could increase the risk of injury or death. Tagging explosives may raise other very important issues, such as contamination of evidence, saturation of tagging agents in places where explosives are used for legitimate uses, and negative effects on small business.

Given these very important and wide-ranging concerns, it is imperative that the Congress, not the BATF, have the ability to make these important decisions regarding tracing taggants once a study is completed. Requiring the use of taggants before a thorough study of the effectiveness and safety implications of their use is conducted places the cart before the horse.

The bill now before the Senate provides for a comprehensive study of this issue. Congress should commission and review the study before enacting criminal penalties based on the assumed outcome.

I understand the distinguished Senator is very sincere in her amendment and is trying to do what is right here. But I hope the points I have raised will persuade colleagues on both sides of the aisle that we ought to approach this with a study first and then see where we go from there and have congressional action with regard to taggants after we have a thorough-going study because of the safety and other concerns involved in tagging various explosives.

It is not just safety; it is effectiveness of the explosives as well. But safety is something that is more important to me. I really believe we ought to do this the right way. Of course, hopefully, do it in a way that ultimately will be pleasing to our friend from California, who is very sincere about her amendment and has the highest of motivations in bringing it here. But I hope I have made the case we really should not accept this amendment at this time.

I am prepared to move to table the amendment with the understanding the vote will occur after 6 p.m. today.

Mrs. FEINSTEIN. I wonder if the Senator would permit me to respond to his statement prior to tabling?

Mr. HATCH. Sure.

Mrs. FEINSTEIN. I appreciate that very much.

Mr. President, if I might just very briefly respond? Taggants have been studied. I am holding up one of these studies entitled ''Taggants In Explosives.'' The date is April 1980. The studying office is the Office of Technology Assessment. You can see the thickness of the study.

On the issue of safety, what the Office found:

> In no case did the addition of encapsulated taggants significantly increase the sensitivity of the explosive materials to the test conditions. No evidence of any decreased stability or other significant changes was found in any of the tests with dynamite, gels, slurries or black powder.

That is essentially the world that would be affected by taggants. The taggants would affect, really, these areas. In my amendment we do provide for a study, but what we say is at some point you have to say enough of studying and make a decision and go ahead. Twelve more months of study and then it is implementation, where taggants can be used with safety, with no increase in the volatility of the explosive matter, and where they could lead to being able to trace suspects in bombings.

There have been two constituencies opposed to taggants. Let us be brutally frank. One of them is, once again, our friends in the National Rifle Association. And the second is the explosives industry. The explosives industry says taggants would add cost to us.

In fact, the cost of using taggants in dynamite, water gels, slurries, emulsions, and cast boosters, as quoted are, per pound, $1.42; $1.47; $1.45, and $7.41 respectively. That is a minimal cost to be able to trace back where an explosive might be used in a bomb that can blow up as many as 168 people at one time.

The National Rifle Association has once again opposed the use of taggants. I cannot figure out the reason for the life of me, but I suppose it is because we surround this area with a certain kind of anonymity. I think if ever we have seen the need to increase transparency in sales of explosives we saw it at the World Trade Center and we saw it once again in Oklahoma City.

My amendment would also permit the study, and a study only, of chemical fertilizers that are used, like ammonium nitrate, to see if these fertilizers can be made inert. There are countries, for example, that add lime to ammonium sulfate and prevent it from exploding. Should we do that? I think we ought to study it. The amendment in the bill, the original, includes no study in the area of chemical fertilizers and chemical components which are increasingly used as bomb materials in this country.

In response to my distinguished chairman, I would only say there is a time to study and there is a time to stop studying and take action. This issue has been studied in 1980. In my amendment it will be studied for another year. But then we will move ahead in the areas I have just mentioned: dynamite, water gels, slurries, emulsions, and black powder. All of these areas can be successfully tagged. The state of the art is there to do it. Switzerland has done it for a number of years. Other countries are doing it and there is no reason why we should not as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, there are a couple of letters I have received, mailed to the Honorable CHRISTOPHER J. DODD and the Honorable JOE LIEBERMAN. This is from Unimin Corp. in New Canaan, CT, a corporation or business right in the middle of their State. I will just read the letter to Senator DODD. I ask unanimous consent both letters be printed in the RECORD at this point.

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

UNIMIN CORP.,
New Canaan, CT, May 24, 1995.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: I am writing on behalf of Unimin Corporation to express Unimin's opposition to S. 761 (proposed by the Clinton Administration and introduced by Senators Daschle and Biden) which authorizes the Treasury Department (BATF) to promulgate regulations requiring the use of identification ''taggants'' in explosives manufactured in or imported into the United States. This legislation could devastate our business.

Unimin is the world leader in the mining, production and sale of high purity silica powders used both domestically and abroad in the production of semi-conductors. In the

initial stage of Unimin's silica purification process, explosives are used to extract the silica-containing ore from the earth.

In order to meet the stringent purity requirements of our semi-conductor industry customers, Unimin has gone to great expense using the most advanced technology in the industry to remove nearly all forms of contaminants from our silica products. Unimin has reduced the metal contaminants to levels below 1 part per million. The slightest impurity in our materials can result in costly losses to our customers because they result in defective silicon chips. High purity silica is the hallmark of our international business success and leadership. We produce the world's purest natural silica powder. As a result we are the leading supplier of this essential semi-conductor product to producers in each of the U.S., Europe and Japan.

This proposed legislation would force Unimin to introduce contaminants (the taggants to be included in the explosives we use) into our product, and could make our product unsuitable for their intended use—the production of semi-conductors. This legislation would give our foreign competitors (who will not have their products contaminated by taggants from explosives used in silica mines abroad) an enormous opportunity to get our customers in the U.S. and overseas to drop their U.S. supplier, Unimin.

Unimin Corporation urges that you oppose this legislation. While everyone seeks to deter terrorism, further study and thorough consideration should be given to this important issue before any action is taken which will have unintended, far-reaching and commercially injurious consequences to Unimin's world leadership in the high purity silica market. There must be some way to meet the objectives of this legislation without requiring a company which depends entirely on the purity of its product to introduce contaminant taggants into our production stream.

Unimin urges you to support S. 735, sponsored by Senators Dole and Hatch, which proposes a study of detection and identification taggants for non-plastic explosives.

Unimin looks forward to your support in this issue.

Very truly yours,

JOSEPH C. SHAPIRO,
Senior Vice President/Legal and Regulatory Affairs.

UNIMIN CORP.,
New Canaan, CT, May 24, 1995.

Hon. JOE LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: I am writing on behalf of Unimin Corporation to express Unimin's opposition to S. 761 (proposed by the Clinton Administration and introduced by Senators Daschle and Biden) which authorizes the Treasury Department (BATF) to promulgate regulations requiring the use of identification ''taggants'' in explosives manufactured in or imported into the United States. This legislation could devastate our business.

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Senior Vice President/Legal and Regulatory Affairs.

Mr. HATCH (reading the letter):

DEAR SENATOR DODD: I am writing on behalf of Unimin Corporation to express Unimin's opposition to S. 761 (proposed by the Clinton Administration and introduced by Senators Daschle and Biden) which authorizes the Treasury Department (BATF) to promulgate regulations requiring the use of identification ''taggants'' in explosives manufactured in or imported into the United States. This legislation could devastate our business.

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JOSEPH C. SHAPIRO,
Senior Vice President/Legal and Regulatory Affairs.

That is just one illustration of perhaps many illustrations that indicates we are not as sure of what we are doing in this area as we should be.

I am concerned about the effectiveness of explosives. More importantly, I am concerned about the safety of explosives. But this raises another issue, and that is whether putting taggants into explosives that are utilized in some of our industries might destroy those industries in this country at a high cost to our society. And I would say the silica chip industry is a very important industry in this country.

Senator FEINSTEIN's amendment requires the Secretary of Treasury to promulgate regulations requiring the placement of trace elements which ''will not substantially impair the safety of the explosive.''

I would like to ask my colleague one question. Where do we draw the line, and what is a substantial or unsubstantial impairment of safety?

Does not the Feinstein amendment require the placement of taggants where doing so may very well impair safety? At least, that is what I have been led to believe.

I would be happy to yield for a response.

Mrs. FEINSTEIN. Mr. President, if the Senator will yield for a moment, the amendment very specifically says so that safety would not be impaired; in other words, in the study that would be done in the ensuing 12 months that there not be an adverse environmental impact, not impair the stability of the explosive materials, and that safety not be impaired.

Those are the three criteria in the amendment.

Mr. HATCH. The study that the distinguished Senator from California has cited was conducted, I believe, back in 1980. I am a member of the Technology Assessment Board. That study itself found substantial evidence that placing taggants in explosives seriously affects

the stability of the explosive material. I am reading what it says here on page 29, in their detailed findings.

The tests so far conducted are only a small fraction of the total number of tests that must be performed before it can conclusively be determined whether taggants are compatible with commercial explosives and gun powders. Even if the current question of the stability of smokeless powder in boosters is resolved, it is not possible to generalize from the results of the limited tests . . . so far completed.

And they conclude that the testing has not demonstrated that taggants can be safely added to explosives.

Thousands of people come into contact with explosives every day during the manufacture, storage, transportation, and use of explosives. Accidents involving explosives can have extremely severe consequences to these thousands of people. Therefore, safety must be demonstrated, and a carefully administered qualification program for analysis, safety, testing, and manufacturing procedures, control, and experience is necessary before a new explosive or an explosive with a significant exchange in composition can be considered safe.

In addition, each type of explosive product requires individual evaluation and testing, the type of qualification program considered necessary before safety can be demonstrated as shown in table 12 and discussed in detail in chapter 4. A particularly important aspect of that qualification testing is the effect of long-term storage.

It goes on. The point is that recently, the ATF itself asked for further studies recognizing that technologies had changed substantially since the original study was conducted. It is pretty apparent that I and those on my side of this issue do not oppose taggants per se. Rather, we oppose granting regulatory authority to an agency before an updated study can be done which may solve some of these very important issues.

Even though the distinguished Senator requires a study, as do we, she requires without further congressional approval that taggants be placed automatically at a certain time. It makes no sense to grant regulatory authority before an updated study is conducted. Indeed, I think that this legislation proposed by Senator FEINSTEIN would seriously undermine our confidence in the studies that have occurred thus far and our confidence in explosives in general.

So there is a lot of use of explosives in our society—legitimate, honest, decent use. The Unimin letter is a perfect illustration of perhaps thousands of businesses or companies or people who might be affected by this. We should not compromise the integrity or the objectivity of the study conducted by OTA.

So I, therefore, oppose this amendment, and with the Senator's permission, I move to table the amendment and ask for the yeas and nays, with the understanding that it will not be voted upon until after 6 o'clock tonight.

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

Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that the Feinstein amendment No. 1202 be laid aside, and at 6 p.m., we have a vote on my motion to table.

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

Mr. HATCH. Mr. President, I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, this is a very special day to Oklahoma. We have a very distinguished group of people from Oklahoma who are at this very moment visiting with various Senators who oppose the idea of habeas reform. I cannot think of any stronger message that we can take to these people than from those who are the survivors and those who have families lost in the tragic explosion in Oklahoma.

I just came back from my 76th town hall meeting out in Oklahoma. I think I probably have more of those than any other Member of this body. A question always comes up when I have these meetings. They say something to the effect, ''Why is it that people in Washington are more concerned about the criminals than they are the victims?'' I try to explain to them—and I know that this is rather controversial to say, but I really believe it in my own heart, Mr. President—that at least prior to this new Congress coming in, the majority of people in both of these bodies did not honestly in their own hearts believe that punishment is a deterrent to crime.

It is one that I look at, and it seems very logical that when you take a tragedy such as we experienced in Oklahoma, when the perpetrators of that crime were preparing this explosion and what they were going to do, the bombing and the attack on the Federal building in Oklahoma City, this is not something that they did just overnight. This is something they planned—not for days, not for weeks, but maybe even, we feel, for several months.

During the time that something like this is happening, those individuals who are making the plans to detonate a bomb that will murder many, many people have to be thinking what is the worst thing, what is the downside of this, what is the worst thing that can happen to me if I get caught? The worst thing that can happen, as they look at it, might be to sit around in some air-conditioned prison cell watching color TV, eating three good meals a day for 10 years, 15 years, 20 years. And I suggest to you, Mr. President, that is not much of a deterrent.

I think particularly some of the people from maybe the Middle Eastern cultures, and others, people who are trained terrorists—most of them—do not think they are going to be around for 10 years, anyway. Here in America, it takes an average of 9½ years between conviction and execution. I suggest that takes away all of the deterrent value.

This happens because we have things built into our system. I am sure that they were put in there in the sense of trying to be fair to everyone, and to make sure no chances are taken that someone might be executed who was not actually the one who committed the crime. But they sit in there through appeal after appeal after appeal.

Roger Dale Stafford, in the spring of 1978, murdered a Sergeant Lorenz, then he murdered his wife, then he murdered Sergeant Lorenz' small son. Then he turned around and drove 60 miles to Oklahoma City, where he went into the Sirloin Stockade Restaurant. He rounded up six employees at gunpoint, bound them, took them into a refrigerator, and murdered them execution style.

That was in 1978. Roger Dale Stafford is now still in McAlester in our State prison in Oklahoma. By the way, he is now over 100 pounds more than he was when he went in, so you know they are feeding him pretty well. He has been sitting in his cell for 17 years and probably living better than he lived before anyway. And I suggest to you that is not just an inhumane thing to do to the families of those victims of his murders, but it is no deterrent for other people who may be tempted to do the same thing.

What is interesting about this is that the attorney who is so successful in getting all of these appeals and all these delays in the ultimate execution which still has not taken place of the guy who did kill those nine people back in Oklahoma in 1978, that attorney is a very competent and capable attorney named Steven Jones from Enid, OK. I happen to know him personally. I suggest to you that Steven Jones is also the attorney for Timothy McVeigh, one who is held right now as possibly one who is responsible for the tragedy in Oklahoma City.

So today we have a number of people who are here from Oklahoma. We have Diane Leonard, whose husband Don, a Secret Service agent, was killed in the bombing in Oklahoma City. We have Glenn Seidl, who lost his wife, Kathy, in the bombing. I talked to Kay Ice just a few minutes ago, who lost her brother, Paul. He was a customs agent; Mike Reyes, who lost his father and was injured himself in the explosion. I believe he is the one who actually fell four stories and was able to survive. But he lost his father; Jason Smith, who lost his mother, Linda; Dan McKinney. That is Linda's husband. He was here today; Gary Bland, who lost

his wife, Sally; Suzanne Britten, who lost her fiance.

It is very significant that we understand what these people are doing today. We had a news conference at 10:30, and we stood down there in front of the Senate and they described the types of deaths that their loved ones had been subjected to, how there was no longer any facial characteristics left; they could not really identify them as they normally would; and being exposed to this, they are going through all this for one reason. That is, they know the way to deter this type of thing from happening again is to have swift justice.

We had a President who came out and said we want swift and sure justice. I call upon the President right now to stand up before these Oklahomans who are up here today and say, yes, I support Senator HATCH's habeas reform as in the bill. Frankly, as a Senator from Oklahoma, I am going to support the Kyl amendment for a stronger habeas bill. It is very moderate and very fair, but it is a habeas reform that will not allow these things to go year after year after year, 10 years, 15 years and 20 years, where all deterrent value is lost.

So, Mr. President, I hope that those Senators who are being visited right now by Diane Leonard, and by Glenn Seidl, and by Kay Ice and Mike Reyes and Jason Smith and Dan McKinney and Gary Bland and Suzanne Britten will stop and realize that they have an opportunity to preclude something like this from happening again, allow the message that will go out to all who might be considering such an act that in America we are not going to allow someone to sit around for 8 years or 10 years or 20 years before an execution takes place. We will in fact have swift justice.

Maybe, Mr. President, I am old fashioned, but I really believe in my heart that punishment is a deterrent to crime, and sitting around for 10 years is not cruel punishment.

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

The PRESIDING OFFICER (Mr. FRIST). 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. Without objection, it is so ordered.

AMENDMENT NO. 1203 TO AMENDMENT NO. 1199

(Purpose: To make technical changes in section 102 of the Dole-Hatch substitute)

Mr. HATCH. Mr. President, I send an amendment to the desk for and on behalf of Mr. SMITH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. SMITH, proposes an amendment numbered 1203 to amendment No. 1199.

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:

On page 12, line 6, strike "25 years." and insert the following:

"25 years; *Provided, however*, That the damages to property that were caused, or would have been caused if any object of the conspiracy had been accomplished, must exceed, or must be reasonably estimated to exceed, $25,000.

On page 7, at the end of line 17, add the following:

"*Provided, however*, That the damages to property must exceed $25,000;"

Mr. HATCH. 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. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I have just sent up the amendment for and on behalf of Senator SMITH. This is an amendment of a technical nature. This amendment simply places a dollar floor on cases that can be brought in Federal court in acts of terrorism. This amendment will prevent Federal courts from having to try minor cases in Federal court. For example, we would not want a case involving a mere broken window or a smashed door to be tried in Federal court.

So this amendment basically says, "* * * 25 years; provided, however, that the damages to property that were caused, or would have been caused if any object of the conspiracy had been accomplished, must exceed, or must reasonably be estimated to exceed, $25,000." So that is basically what this amendment does.

This amendment makes a great deal of sense in the context of this debate so I would urge my colleagues to support this Smith amendment.

Mr. President, I ask unanimous consent that the Smith amendment be set aside so that I can call up a Pressler amendment.

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

AMENDMENT NO. 1204 TO AMENDMENT NO. 1199

(Purpose: To designate the Federal building at 1314 LeMay Boulevard, Ellsworth Air Force Base, SD, as the "Cartney Koch McRaven Child Development Center")

Mr. HATCH. 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 bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. PRESSLER, proposes an amendment numbered 1204 to amendment No. 1199.

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:

At the appropriate place, insert the following:

SEC. —. 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".

Mr. PRESSLER. Mr. President, I am proud to offer this amendment along with my South Dakota colleague, Senator DASCHLE, to S. 735, the Comprehensive Terrorism Prevention Act, to designate the child development center at Ellsworth Air Force Base in South Dakota as the Cartney Koch McRaven Child Development Center.

It was just slightly more than a month ago that terrorist thugs bombed the Alfred P. Murrah Federal Building in Oklahoma City. Among the victims inside was Cartney Koch McRaven. Stationed at Tinker Air Force Base and having just been married the previous weekend, Cartney was in the Murrah Federal Building to register her new married name on Federal documents. Tragically, her life was cut short by the savagery of domestic terrorism.

It is only fitting that we honor Cartney at Ellsworth Air Force Base. Spearfish was her home. And she chose to begin her adult life by joining the Air Force and serving her country. And serve she did, with honor, with devotion, with dignity.

It is even more fitting that her name appear on the child development center at Ellsworth. A1c Cartney Koch McRaven served in Haiti, where the stark poverty had an enormous impact on her. Cartney's heart went out to the children of Haiti. She devoted her time in Haiti to an orphanage, offering a warm smile and a kind, loving word to young faces. The mission of our Armed Forces in Haiti was to ensure peace and offer hope to the people of Haiti—young and old. Cartney took her mission to heart.

Even her family honored Cartney's commitment to young people by urging that donations be made in Cartney's memory to the orphanage in Haiti.

But we do more than honor a person. We honor the values she personified and practiced in her daily life. The values of service, of duty, of compassion and caring for the underprivileged young—values that are at the core of South Dakota and of America.

It is my hope that by passing this amendment and the underlying bill, Cartney Koch McRaven forever will be remembered as a symbol of these core values and an inspiration to the young people in South Dakota and America to honor and serve their family, community, and country.

I urge my colleagues to support the amendment.

Mr. HATCH. Mr. President, I am offering this amendment on behalf of my colleague, Senator PRESSLER, the distinguished Senator from South Dakota. This amendment would designate the child development center at Ellsworth Air Force Base in South Dakota as the ''Cartney Koch McRaven Child Development Center.''

This amendment intends to honor the dedication and service of a young Air Force airman from South Dakota who was killed in the Oklahoma City bombing. U.S. Airman First Class Cartney Koch McRaven, a South Dakota native stationed at Tinker Air Force Base outside Oklahoma City, was among those killed in the April 19, 1995 bombing.

Last year, while serving in Haiti, Cartney devoted her free time to an orphanage. Her family asked that in lieu of flowers, donations be made to the orphanage in Haiti. This amendment seeks to honor her memory by designating the child development center at Ellsworth Air Force Base the ''Cartney Koch McRaven Child Development Center.''

I believe we can get unanimous consent on this amendment honoring this young Air Force airman. My colleague from Delaware is not here to comment on this amendment, so I ask unanimous consent that the amendment now be set aside so that we can call up another amendment.

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

Mr. HATCH. 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. Without objection, it is so ordered.

AMENDMENT NO. 1205 TO AMENDMENT NO. 1199

(Purpose: To amend title 18 of the United States Code regarding false identification documents.)

Mr. HATCH. 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 Utah [Mr. HATCH], for Mr. PRESSLER, proposes an amendment numbered 1205 to amendment No. 1199.

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:

At the appropriate place, insert the following:

SEC. . FALSE IDENTIFICATION OF DOCUMENTS.

(a) MINIMUM NUMBER OF DOCUMENTS FOR CERTAIN OFFENSE.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by striking ''five'' and inserting ''3''; and

(2) in subsection (b)(1)(B), by striking ''five'' and inserting ''3''.

(b) REQUIRED VERIFICATION OF MAILED IDENTIFICATION DOCUMENTS.—

(1) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by adding at the end the following:

''§ 1739. Verification of identification documents

''(a) Whoever knowingly sends through the mails any unverified identification document purporting to be that of the individual named in the document, when in fact the identity of the individual is not as the document purports, shall be fined under this title or imprisoned not more than 1 year, or both.

''(b) As used in this section—

''(1) the term 'unverified', with respect to an identification document, means that the sender has not personally viewed a certification or other written communication confirming the identity of the individual in the document from—

''(A) a governmental entity within the United States or any of its territories or possessions; or

''(B) a duly licensed physician, hospital, or medical clinic within the United States;

''(2) the term 'identification document' means a car, certificate, or paper intended to be used primarily to identify an individual; and

''(3) the term 'identity' means personal characteristics of an individual, including age and nationality.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 83 of title 18, United States Code, is amended by adding at the end the following new item:

''1739. Verification of identification documents.''.

(c) CONFORMING AMENDMENT.—Section 3001(a) of title 39, United States Code, is amended by striking ''or 1738'' and inserting ''1738, or 1739''.

Mr. PRESSLER. Mr. President, I rise to explain the false ID amendment I have proposed to S. 735, the Comprehensive Terrorism Prevention Act.

According to several national news sources, Timothy McVeigh, the primary suspect in the Oklahoma City bombing, allegedly used a false South Dakota driver's license to rent the Ryder truck which exploded outside the Alfred P. Murrah Federal building on April 19 of this year. Again, the driver's license used by McVeigh was a fake. Timothy McVeigh is not a resident of South Dakota, nor do I believe he ever has been a resident of my State. My understanding is the fake license contained his picture, but a different name. To add insult to injury, the birthdate listed on the license was April 19, the same date as the bombing. This example illustrates how easily a terrorist can obtain an authentic-looking driver's license, and operate in our society under an assumed name.

It is not clear at this point exactly how McVeigh obtained the false South Dakota driver's license. However, the sad fact is, false identification documents [ID's] are easy and cheap to obtain given the advanced state of computer technology today. Counterfeiting a driver's license is child's play for sophisticated computer users. Modern color printers can produce stunningly accurate reproductions of driver's licenses, Social Security cards, and other ID's. Even anticounterfeiting measures, such as holographic images and magnetic strips, are being duplicated with relative ease.

A vast underground industry has emerged to meet the growing demand for false ID's from underage drinkers. Just last week, two young men who were students at George Washington University here in Washington, DC, plead guilty to operating a sophisticated fake driver's license operation. They sold the fake licenses to college students for $65 each. They even gave a discount for ordering 10 or more fake ID's. I ask that a news article describing that operation be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PRESSLER. Most States have laws against the use of false ID's to purchase alcohol, but those laws only target the underage drinker. Nothing prohibits anyone from mailing false ID's from another State. Tough Federal action is needed to really make a difference. Congress needs to crack down on the suppliers—those in the industry of producing and distributing false ID's.

Last year, and again this year, I introduced legislation designed to deal with this situation. The amendment I have offered today is similar to this legislation. It seeks to target and punish those in the business of producing and distributing false identification documents nationally.

Anyone convicted of distributing false ID's under this provision would face a prison sentence of up to 1 year, a fine, or both. The amendment also would reduce from five to three the number of false ID's that must be in a person's possession to trigger penalties under Federal law.

These two changes are needed if we are to make a dent in the volume of false ID's being offered and sold throughout our country. I urge my colleagues to support the amendment.

EXHIBIT 1

[From the Washington Post, June 2, 1995]

TWO PLEAD GUILTY TO SELLING FAKE DRIVER'S LICENSES

(By Toni Locy)

A student and a former student at George Washington University pleaded guilty in U.S. District Court yesterday to running a sophisticated fake driver's license operation, using computers to make nearly perfect copies to sell to underage students in several states so they could buy liquor.

Prosecutor Joseph B. Valder described Ronald Stewart Johnson, 20, as the mastermind of the scheme and Said C. Kiwan, 19, as the legman who drummed up business and

made deliveries for the illegal enterprise. They sold the licenses for $65 each or at a discount of $55 each for 10, making about $8,000 in less than six months.

Valder said Johnson, as a high school student in Durham, N.C., discovered the wonders of computers and learned how to alter valid driver's licenses. He said Johnson used scanning equipment to enter a driver's license into a computer and shading and texture devices to make changes.

In 1994, Kiwan and Johnson, who were friends when their families lived in Rio de Janeiro when they were both 10, became reacquainted and began selling the licenses to make money, Valder said.

Though the prosecutor and defense attorneys lauded their cooperation with authorities after they were caught, U.S. District Judge Ricardo Urbina rejected a request by Kiwan's attorney to forgo the normal procedures and sentence him immediately.

Attorney Thomas Abbenante said GWU officials will decide next week whether to expel Kiwan, as they have done with Johnson. If Kiwan's case is resolved, Abbenante said, he has a chance to remain in school.

But Urbina refused to give Kiwan such a consideration. ''This is an episode in his life that carries the potential of two years of incarceration. I would not want to send you the wrong message by having you walk in here, plead guilty . . . and walk out with probation that you may not deserve,'' the judge told Kiwan, who is a citizen of England and Lebanon.

''You are a privileged young man with lots of education, lots of advantages in life, with no need for money, and yet you engaged in this enterprise, which probably resulted in a lot of young people getting booze and possibly driving under the influence,'' Urbina said. ''If ill consequences develop because of it, then that is your problem. You are here because you committed a crime, and you have to deal with the consequences, whatever they are.''

Kiwan pleaded guilty to two misdemeanor counts for sending fake driver's licenses to a student at Vanderbilt University, in Nashville, and to a high school student in Durham. Johnson, who was born in Brazil but is a U.S. citizen, pleaded guilty to a felony charge of unlawful production of false identification. He faces up to five years in prison.

Mr. HATCH. Mr. President, I also believe this is another technical amendment that probably will be accepted by unanimous consent. I think many of the Republican amendments are of this nature. I do not believe this amendment needs to delay the debate on this matter.

What this amendment does is that it is similar to S. 507, the False Identification Act of 1995, which has the support of Senators GRASSLEY and DASCHLE. It would make the following two changes in our current law:

First, it would reduce from five to three the number of false identification documents—that is, ID's—that must be in a person's possession to trigger penalties under Federal law.

Second, it would require a prison sentence of up to 1 year, a fine, or both, for anybody convicted of distributing false ID's through the mail.

The amendment seeks to target and punish those producing and distributing false identification documents nationally. According to new sources, Timothy McVeigh used a false identification to rent the Ryder truck used in the Oklahoma City bombing. This illustrates how a terrorist can obtain an authentic-looking driver's license and operate in our society under an assumed name.

False ID's are obtained far too easily and cheaply today. Counterfeiting a driver's license is child's play for sophisticated computer users. Modern color printers can produce stunningly accurate reproductions of driver's licenses, Social Security cards, and other identification documents.

Even anticounterfeit measures such as holographic images and magnetic strips are being duplicated with relative ease. A vast underground industry has emerged to meet the growing demand for false ID's for underaged drinkers. Most States have laws against the use of false ID's to purchase alcohol, but they only target the underaged drinker. Nothing prohibits mailing false ID's from another State.

Tougher Federal action is needed to really make a difference. Congress needs to crack down on the suppliers, those in the industry producing and distributing false ID's.

I ask unanimous consent that the Pressler amendment be set aside so that another amendment can be offered.

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

Mr. HATCH. 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. Without objection, it is so ordered.

AMENDMENT NO. 1206 TO AMENDMENT NO. 1199

(Purpose: To authorize assistance to foreign nations to procure explosives detection equipment)

Mr. HATCH. 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 Utah [Mr. HATCH], for Mr. SPECTER, proposes an amendment numbered 1206 to amendment No. 1199.

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:

On page 22, between lines 18 and 19 insert the following:

''(b) ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVES DETECTION DEVICES AND OTHER SOPHISTICATED COUNTERTERRORISM TECHNOLOGY.—Subject to section 575(b), up to $10,000,000 in assistance in any fiscal year may be provided to procure explosives detection devices or other sophisticated counterterrorism technology to any country facing an imminent danger of terrorist attacks that threaten the national interests of the United States or put United States nationals at risk.''.

On page 22, line 19, strike ''(b)'' and insert ''(c)''.

Mr. HATCH. Mr. President, this amendment I have sent to the desk on behalf of Senator SPECTER simply authorizes assistance to foreign countries to procure explosives detection devices and other sophisticated counterterrorism technology.

I believe that, in time, we can unanimously accept this amendment. That is why I have sent it to the desk. I compliment Senator SPECTER for his work on this amendment. I also compliment Senator PRESSLER for the work on his two amendments and Senator SMITH for the work on his amendment, all of which are before the Senate.

I ask unanimous consent that this Specter amendment be set aside so we can call up another amendment.

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

Mr. HATCH. 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. HATCH. 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. HATCH. Mr. President, referring to the current debate on the taggants amendment of Senator FEINSTEIN, Senator SIMPSON has asked me to get a letter into the RECORD from ARCO Coal Co. This is a letter to the Honorable ALAN K. SIMPSON dated June 5, 1995.

I ask unanimous consent that this letter be printed in the RECORD.

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

JUNE 5, 1995.

Hon. ALAN K. SIMPSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMPSON: I understand that the Senate will be discussing S. 735 as early as June 6. As noted in earlier correspondence we support the concept of the bill. However, we have learned that Senator Feinstein will probably be introducing an amendment that broadens the scope of the bill to include such explosive agents as ammonium nitrate with fuel oil (ANFO). I am writing to urge you to resist this amendment as unnecessary and very costly. Following is most of the letter that was previously sent to your attention, and believe that it explains the problems with the Feinstein amendment.

In the wake of the tragedy in Oklahoma City, I have learned of Senate legislation that has been introduced to address the issue of domestic terrorism (S.735). ARCO Coal Company supports legislation that reduces or eliminates these horrific acts, but urges against any over reaction that would adversely impact the legal and responsible use of explosive materials, including ANFO.

Before discussing the proposed legislation in more detail, let me first explain the importance of this issue to the coal industry in Wyoming. Thunder Basin Coal Company (TBCC) is our subsidiary in Wyoming, operating the Black Thunder (BTM) and Coal Creek Mines. In order to mine efficiently, safely and cost effectively, the overburden and coal is ''shot'' with an ANFO/emulsion

blend. Blasting operations at BTM safely and legally consume about 75 to 85 million pounds of ANFO on an annual basis (with plans to increase the usage to nearly 100 million pounds annually). The ammonium nitrate prill is manufactured at the fertilizer plant near Cheyenne, Wyoming and is transported to the mine by Wyoming trucking companies.

In reading about the proposed legislation we concur with the requirement for a ''detection agent'' (or taggant) in ''plastic explosives''. However, we oppose any broader requirements that explosive material, which would include ANFO, to contain ''taggants'' or ''tracer elements'' (to be defined by regulation). We have several key concerns with requiring taggants in ANFO, including:

1. Safety—manufacturers of the explosives used by the mining industry have raised the concern that the introduction of taggants will raise safety concerns. For example, the manufacturers are concerned that the introduction of the taggant into an explosives mixture can have an adverse effect on the friction and impact sensitivity and/or the stability properties of the explosives. The Wyoming coal mining industry is among the safest, if not the safest, in the entire world. This admirable safety record has not come about by accident, but rather through careful implementation of safety awareness and programs. We cannot compromise the safety of our employees.

2. Cost—a 1993 study by the Institute of Makers of Explosives (IME) conservatively estimated that taggants in ANFO would cost an additional 47 cents per pound. As previously noted, BTM anticipates using 75 to 85 million pounds of ANFO annually. Using the IME study, TBCC's costs would conservatively rise by $35 to $40 million annually on a product that is currently being used in a safe, legal and regulated manner. In a market that is highly competitive, costs have to be controlled.

We hope that you will support Title VIII provisions in S. 735 and will resist any efforts to expand the scope of the bill to include ANFO. This will help ensure that any new legislative and/or regulatory program meets its specified purpose without compromising safety or punishing industries using the product in a safe and legal fashion. We would also be glad to help you in any manner you desire with regard to this issue.

Sincerely,

GREG SCHAEFER.

Mr. HATCH. Gregg Schaefer is director of Government issues and analysis for the ARCO Coal Co.

Mr. President, as I said before, there are presently 100 amendments under the unanimous consent. We have five up. Sixty-eight of those are Democrat amendments; we have one of those up. Thirty-two amendments are Republican; four of those are up. Most of those 32 amendments, I believe, will not be offered.

I am hoping that Senators will get to the floor and offer their amendments so that we can stack these votes after 6 o'clock p.m. and move ahead with this very important bill.

I am wearing this ribbon in honor of the people who died, and their families who have survived, the Oklahoma City bombing. It has great significance to me because one of the survivor's daughters pinned it on me earlier this morning. I wear it with honor and with consideration for what these good people suffered and what they are going through currently.

We know that this bill is critical. The President has expressed dissatisfaction with the Congress because we did not pass an antiterrorist bill by Memorial Day. We are only a little time later than Memorial Day—one week. I believe we can, if we can get the cooperation of our friends on both sides of the aisle, I believe we can pass this bill by tomorrow evening or at some reasonable time this week.

I hope that Senators who have amendments will get over here to the floor and offer them. We will stack those amendments until after 6 o'clock tonight, and if necessary, tomorrow. I would like to debate them now and utilize this time so that we can move ahead on this very important bill.

Regarding a vast majority of this bill, I think a vast majority of Senators will agree with. I believe a vast majority of this bill, if not most all of it, the President agrees with.

It is a bill that should not have any real controversy except in some isolated areas, and of course on the habeas corpus reform provisions.

There are people who sincerely believe that we should have no habeas corpus rights in this society. There will be an amendment offered, perhaps later today or tomorrow, that will severely curtail habeas corpus appeals, if it is passed.

Then there are others who believe we ought to continue the same system we have now which allows for multiple frivolous appeals, one appeal after another, all the way up to the State courts, and then all the way up to the Federal courts, or vice versa. I do not think very many people in this country would agree with either of those extreme points of view.

Habeas corpus is a statutory right that was established for the purpose of protecting the rights of the accused. Our habeas corpus provision, the Specter-Hatch bill, will protect those rights, but it will put an end to the frivolous appeals that make a mockery out of our system of justice.

I hope that our fellow Senators will get over here and bring their amendments to the floor so that we can move ahead and get this bill done within a reasonable time, please our President, and certainly do so in memorialization of the suffering that these folks from Oklahoma City are undergoing and in memorialization of those who have died, because we have not done enough to resolve terrorist problems in our society.

I am not sure that any piece of legislation is going to absolutely protect people from terrorist activities. Of course, no legislation can be crafted to do that. But this legislation will put teeth in our criminal laws, our Federal criminal laws, to bring people to justice who might commit terrorist activities and might deter those who are considering participating in terrorist activities in our society.

I am hopeful we can move ahead here today. I am prepared to stay as long as we have to and to debate any issue that any Member cares to bring to the floor. I hope those who have the remaining 67 amendments on the Democrat side and the remaining 28 amendments on the Republican side will get to the floor and move ahead on this matter.

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. HATCH. 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. HATCH. Mr. President, I am very concerned that we are sitting here just wasting time while there have been complaints about not moving ahead on the terrorism bill. So we are moving ahead. We are here to go. Frankly, the only real controversial issue that I can see of any real consequence on this bill happens to be the habeas corpus, Specter-Hatch bill. I am hoping that those who have amendments on that habeas corpus reform bill will bring them to the floor and debate them and let us get them out of the way. If they win, they win. If they lose, they lose. The fact is let us get out here and use this time and not waste it. Thus far, we have had four Republican amendments, one Democrat amendment. The Democrat amendment is scheduled for a vote at 6 o'clock.

AMENDMENT NO. 1207 TO AMENDMENT NO. 1199

Purpose: To extend U.S. sanctions against Iran to all countries designated as ''terrorist countries'' by the Secretary of State)

Mr. HATCH. Mr. President, I send another Republican amendment to the desk and ask for its immediate consideration. I send this up for and on behalf of Senator BROWN from Colorado.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. BROWN, proposes an amendment numbered 1207 to amendment No. 1199.

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:

At the appropriate place in the Dole-Hatch substitute, add the following new section—

''SEC. . SANCTIONS AGAINST TERRORIST COUNTRIES.

(a) PROHIBITION.—In conjunction with a determination by the Secretary of State that a nation is a state sponsor of international terrorism pursuant to 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), the Secretary of State, in consultation with the Secretary of Commerce, shall issue regulations prohibiting the following—

(1) The importation into the United States, or the financing of such importation, of any goods or services originating in a terrorist country, other than publications or materials imported for news publications or news broadcast dissemination;

(2) Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)), the exportation from the United States to a terrorist

country, the government of a terrorist country, or to any entity controlled by the government of a terrorist country, or the financing of such exportation, of any goods, technology (including technical data or other information subject to the Export Administration Act Regulations, 15 CFR Parts 768–799(1994)) or services;

(3) The reexportation to such terrorist country, its government, or to any entity owned or controlled by the government of the terrorist country, or any goods or technology (including technical data or other information) exported from the United States, the exportation of which is subject to export license application requirements under any U.S. regulations in effect immediately prior to the enactment of this Act, unless, for goods, they have been (i) substantially transformed outside the U.S., or (ii) incorporated into another product outside the United States and constitute less than 10 percent by value of that product exported from a third country;

(4) except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)), any transaction, including purchase, sale, transportation, swap, financing, or brokering transactions, or United States person relating to goods or services originating from a terrorist country or owned or controlled by the government of a terrorist country;

(5) Any new investment by a United States person in a terrorist country or in property (including entities) owned or controlled by the government of a terrorist country;

(6) The approval or facilitation by a United States person or entry into or performance by an entity owned or controlled by a United States person of a transaction or contract:

(A) prohibited as to United States persons by subsection (3), (4) or (5) or

(B) relating to the financing of activities prohibited as to United States persons by those subsections, or of a guaranty of another person's performance of such transaction or contract; and

(7) Any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempting to violate, any of the prohibitions set forth in this section.

(b) DEFINITIONS.—For the purposes of this section:

(1) the term ''person'' means an individual or entity;

(2) the term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization;

(3) the term ''United States person'' means any U.S. citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States;

(4) the term ''terrorist country'' means 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) and includes the territory of the country and any other territory or marine area, including the exclusive economic zone and continental shelf, over which the government of the terrorist country claims sovereignty, sovereign rights, or jurisdiction, provided that the government of the terrorist country exercises partial or total de facto control over the area or derives a benefit from the economic activity in the area pursuant to international arrangements; and

(5) the term ''new investment'' means—

(A) a commitment or contribution of funds or other assets, or

(B) a loan or other extension of credit.

(6) the term ''appropriate committees of Congress'' means—

(A) the Banking and Financial Services Committee, the Ways and Means Committee and the International Relations Committee of the House of Representatives;

(B) the Banking, Housing and Urban Affairs Committee, the Finance Committee and the Foreign Relations Committee of the Senate.

(c) EXPORT/RE-EXPORT.—The Secretary of the Treasury may not authorize the exportation or reexportation to a terrorist country, the government of a terrorist country, or an entity owned or controlled by the government of a terrorist country of any goods, technology, or services subject to export license application requirements of another agency of the United States government, if authorization of the exportation or reexportation by that agency would be prohibited by law.

(d) RIGHTS AND BENEFITS.—Nothing contained in this section shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(e) WAIVER.—The President may waive the prohibitions described in subsection (a) of this section for a country for successive 180 day periods if—

(1) the President determines that national security interests or humanitarian reasons justify a waiver; and

(2) at least 15 days before the waiver takes effect, the President consults with appropriate committees of Congress regarding the proposed waiver and submits a report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate containing—

(A) the name of the recipient country;

(B) a description of the national security interests or humanitarian reasons which require a waiver;

(c) the type and amount of and the justification for the assistance to be provided pursuant to the waiver; and

(D) the period of time during which such waiver will be effective.

The waiver authority granted in this subsection may not be used to provide any assistance which is also prohibited by section 40 of the Arms Control Export Control Act.''

Mr. HATCH. Mr. President, I rise to offer this amendment for and on behalf of the distinguished Senator from Colorado, [Mr. BROWN].

This amendment will extend the sanctions currently imposed against Iran to all countries designated as terrorist countries by the Secretary of State. Thus, under Senator BROWN's proposed amendment, all countries deemed to engage in terrorist activities and designated as supporting international terrorism will be punished to the same degree that Iran is.

Now, this is a controversial amendment. I hope that those who are opposed to it will come to the floor and be prepared to debate it if they so desire. If not, we will put it in line following the stacked amendments where either it will be accepted by unanimous consent or voted upon one way or the other. Senator BROWN has permitted me to put that amendment into the RECORD at this point.

Now, that makes five Republican amendments. I think it is safe to assume that Senator DOLE probably is not going to call up his two. I am not going to call up my two. And so that is at least 9 or 10 Republican amendments disposed of, and I do not believe most of the others will be brought forward either.

Major difficulties are going to be over the question of habeas corpus reform. And I hope that those who have amendments to that will bring them up here today and let us debate them and go ahead. If there are any other amendments that can be brought to the floor at this time, we sure would like to encourage our colleagues to do so so we can dispose of as many of them today as we possibly can.

I ask unanimous consent that the Brown amendment be set aside so that another amendment can be called up by any Senator who desires to do so.

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

Mr. HATCH. 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. HATCH. 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. HATCH. Mr. President, again I encourage my colleagues to get here and bring up their amendments. So far, we have five Republican amendments up, and two Democrat amendments. I believe that Senator DOLE will forgo his two. I intend to forgo my two, unless we have to use those. I have been informed by Senator GRAMM's staffer that he will forgo his two. That is six more.

We are moving through this pretty well today. But I would like to get as many amendments as can be agreed to or debated over a short term today as quickly as possible. Of course, we would be happy to take any habeas corpus amendments that there are.

As I have been standing here, some people have called in and wondered about the ribbons I am wearing on my lapel that were kindly placed there by one of the family members who lost a member of their family.

I think it is important, as we discuss this matter, that we recall why in the world we are here. There are 167 victims of the Oklahoma City bombing. This morning, along with Senator INHOFE and Senator NICKLES, I met with the families of some of the victims of that tragedy. So they presented me with this ribbon I am wearing. Let me just explain its significance. It has four ribbons, or four strands. The blue strand right here represents the State of Oklahoma. The white strand represents hope. The yellow strand represents those who were missing in the wake of the bombing. The purple strand represents those killed. Just to make that point a little more dramatically, this chart represents the victims of the Oklahoma City bombing.

I ask unanimous consent that all of those names be printed in the RECORD at this point.

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

THE MURDERED VICTIMS OF OKLAHOMA CITY

Lucio Aleman, Jr., 33.
Teresa Alexander, 33.
Ted Allen, 48.
Richard Allen, 46.
Baylee Almon, 1.
Diane E. Hollingsworth Althouse, 44.
Pamela Argo, 36.
Saundra Avery, 34.
Peter Avillanoza, 57.
Calvin Battle, 65.
Peola Battle, 51.
Danielle Bell, 1½.
Oleta Biddy, 54.
Shelly Turner Bland, 25.
Andrea Blanton, 33.
Olen B. Bloomer, 61.
Army Sgt. 1st Class Lola Rene Bolden, 40.
James E. Boles, 51.
Mark A. Bolte, 27.
Cassandra Booker, 25.
Carol Bowers, 53.
Peachlyn Bradley, 3.
Woodrow Brady, 41.
Cynthia Campbell Brown, 26.
Paul G. Broxterman, 43.
Gabreon Bruce, 4 months.
Kimberly Ruth Burgess, 29.
David N. Burkett, 47.
Donald E. Burns, 62.
Karen Gist Carr, 32.
Michael J. Carrillo, 44.
Rona Chafey, 35.
Zackary Chavez, 3.
Robert Chipman, 51.
Kimberly K. Clark, 39.
Margaret L. Clark, 42.
Anthony C. Cooper II, 2.
Antonio A. Cooper, Jr., 6 months.
Dana L. Brown Cooper, 24.
Harley Cottingham, Jr., 46.
Kim R. Cousins, 33.
Elijah Coverdale, 2.
Aaron Coverdale, 5.
Jaci Coyne, 14 months.
Katherine Cregan, 60.
Richard Cummins, 56.
Steven Curry, 44.
Brenda Daniels, 42.
Sgt. Benjamin L. Davis, 29.
Diane Lynn Day, 38.
Peter DeMaster, 44.
Castine Deveroux, 48.
Sheila Driver, 28.
Tylor Eaves, 8 months.
Ashley Eckles, 4.
Susan Ferrell, 37.
Carrol ''Chip'' Fields, 49.
Katherine Ann Finley, 44.
Judy J. Fisher, 45.
Linda Florence, 43.
Donald Fritzler, 64.
Mary Anne Fritzler, 57.
Tevin Garrett, 1.
Laura Jane Garrison, 62.
Jamie Genzer, 32.
Margaret Goodson, 55.
Kevin Lee Gottshall, 6 months.
Ethel Louise Griffin, 55.
Colleen Guiles, 58.
Marine Capt. Randolph Guzman, 28.
Cheryl Hammons, 44.
Ronald Harding, 55.
Thomas Hawthorne, 52.
Doris Adele Higginbottom, 44.
Anita C. Hightower, 27.
Thompson E. ''Gene'' Hodges, 54.
Peggy Louise Holland, 37.
Linda Coleen Housley, 53.
George M. Howard, 46.
Wanda Howell, 34.
Robbin A. Huff, 37.
Charles Hurlburt, 73.
Anna Jean Hurlburt, 67.
Paul D. Ice, 42.
Christi Y. Jenkins, 32.
Domonique London Johnson, 2.
Norma Jean Johnson, 62.
Raymond L. Johnson, 59.
Larry J. Jones, 46.
Blake R. Kennedy, 1½.
Carole Khalil, 50.
Valerie Koelsch, 33.
Carolyn A. Kreymborg, 57.
Teresa L. Lauderdale, 41.
Catherine Leinen, 47.
Carrie Lenz, 26.
Donald R. Leonard, 50.
Airman 1st Class Lakesha R. Levy, 21.
Rheta Long, 60.
Michael Loudenslager, 48.
Aurelia ''Donna'' Luster, 43.
Robert Luster, 45.
Mickey Maroney, 50.
James K. Martin, 34.
Gilberto Martinez, 35.
Tresia Mathes-Worton, 28.
James Anthony McCarthy, 53.
Kenneth McCullough, 36.
Betsy J. McGonnell, 47.
Linda G. McKinney, 48.
Airman 1st Class Cartney J. McRaven, 19.
Claude Medearis, 41.
Claudette Meek, 44.
Frankie Ann Merrell, 23.
Derwin Miller, 27.
Eula Leigh Mitchell, 64.
John C. Moss III, 51.
Patricia Mix, 47.
Jerry Lee Parker, 45.
Jill Randolph, 27.
Michelle Ann Reeder, 33.
Terry Smith Rees, 41.
Mary Leasure Rentie, 39.
Antonio Reyes, 55.
Kathryn Ridley, 24.
Trudy Rigney, 31.
Claudine Ritter, 48.
Christy Rosas, 22.
Sonja Sanders, 27.
Lanny L. Scroggins, 46.
Kathy L. Seidl, 39.
Leora L. Sells, 57.
Karan D. Shephard, 27.
Chase Smith, 3.
Colton Smith, 2.
Army Sgt. 1st Class Victoria Sohn, 36.
John T. Stewart, 51.
Dolores M. Stratton, 51.
Emilio Tapia, 49.
Victoria Texter, 37.
Charlotte A. Thomas, 43.
Michael Thompson, 47.
Virginia Thompson, 56.
Kayla M. Titsworth, 3.
Ricky L. Tomlin, 46.
LaRue Treanor, 56.
Luther Treanor, 61.
Larry L. Turner, 43.
Jules A. Valdez, 51.
John K. VanEss, 67.
Johnny A. Wade, 42.
David J. Walker, 54.
Robert N. Walker, 52.
Wanda L. Watkins, 49.
Michael Weaver, 45.
Julie Welch, 23.
Robert Westberry, 57.
Alan Whicher, 40.
Jo Ann Whittenberg, 35.
Frances A. Williams, 48.
Scott Williams, 24.
William Stephen Williams, 42.
Clarence Wilson, 49.
Sharon L. Wood-Chestnut, 47.
Ronota A. Woodbridge, 31.

KILLED IN RESCUE EFFORT

Rebecca Anderson, 37.

Mr. HATCH. These were folks who were working for our country or standing in the street at the time. Many of them have been heroes for years, and they are all heroes today. These ribbons I am wearing represent these people of the State of Oklahoma—those missing and those killed.

These people are crying out for us to get this bill passed and to do what should be done. There were a number of children who were killed. I would just like to read their names into the RECORD:

Almon, Baylee, 1; Bell, Danielle, 1½; Bradley, Peachlyn, 3; Bruce, Gabreon, 4 months; Chavez, Zackary, 3; Cooper, Anthony C., II, 2; Cooper, Antonio A., Jr., 6 months; Coverdale, Elijan, 2; Coverdale, Aaron, 5; Coyne, Jaci, 14 months; Eaves, Tylor, 8 months; Eckles, Ashley, 4; Garrett, Tevin, 1; Gottshall, Kevin Lee, 6 months; Johnson, Domonique London, 2; Kennedy, Blake R., 1½; Smith, Chase, 3; Smith, Colton, 2; and Titsworth, Kayla M., 3.

These people are crying out in having been killed. These children and their families are crying out for us to do what should be done here. I intend to see that it is done.

Let us get our amendments here and get this bill done. If it can be improved, fine. The people who have amendments, we would like to get them here.

Baylee Almon turned 1 year old on Tuesday, April 18, 1995. That day her family threw her a birthday party. Her aunts, uncles, and cousins—along with her 22-year-old, single mother Aren—celebrated what was to be her first of many birthdays. Horribly, however, her lifeless body was pulled from the rubble of the Alfred Murrah building in Oklahoma City less than 24 hours later.

By now, we are too familiar with the unforgettable image of Baylee being carried away from the wreckage by firefighter Capt. Chris Fields. This image of Baylee's lifeless body being tenderly cradled by a firefighter was called by Governor Frank Keating ''a metaphor for what's happened here.'' Baylee was 1 of 19 children murdered by the terrorist bomb blast on April 19, 1995.

When some suggest that our decision to include habeas corpus reform in this bill is unrelated to the murder of children like Baylee or that our efforts are politically motivated, we mock the memory of Baylee Almon. Habeas corpus policies and procedures directly and forcefully impact victims. Our debate about habeas reform has traditionally focused on such issues as the rights of petitioning prisoners, federalism, and competency of counsel. But, for those who have buried murder victims, the continued, protracted appeals mean something else. John Collins, the father of a 19-year-old young woman who was brutally murdered in 1985, may have put it best when he testified before the Judiciary Committee in 1991:

> Extended habeas corpus proceedings mean no closure to our grief, no end to our mental and emotional suffering, no end to nightmares, and no relief from the leaden weights that remain lodged in our hearts. It means we continue to bleed.

Due to our current system of habeas corpus litigation, April 19, will not be the end of the victimization of those

who died in Oklahoma City. Long after the media stops covering the tragedy and elected officials stop meeting with the victims, those responsible for this cowardly act will probably be flaunting justice unless we act to pass habeas reform. The families of those who died will agonize for many, many years to come unless we act to pass true, meaningful habeas corpus reform.

For too long, the interests of the convicted murdered have outweighted the interests of the families of murder victims. For too long, habeas corpus has been viewed as a tangential issue to the more alluring issues of gun control and enhanced mandatory penalties. What is ironic is that for many of my colleagues on the other side of the aisle, it never seems to be the right time to pass habeas corpus reform.

The time has come to return some balance in the criminal justice system and nowhere is this more urgently needed than in the capital litigation area. We must recognize that the true concerns of justice, in the final analysis, must lie with those who support society and genuinely strive to uphold its law and not those who tear away at society, mock its laws, and murder innocent children like Baylee.

I am concerned about it, and I just think it is time to act. We should quit playing around with these problems. We have a chance of making a difference right now.

Let me just take a second here and read a letter from a woman who was at the press conference this morning. This is dated June 4, 1995.

Re: Dole-Specter-Hatch bill S. 735.

My husband of 34 years and the father of our three children, Tim, 24, Todd 22, and Kristi, 19, was a Director of Housing and Urban Development in Oklahoma City. We had only been in Oklahoma for 4 months, had purchased our home only 3 weeks before he was killed on April 19. Our lives were literally ''blown'' apart. He was a wonderful husband, father, son, brother, and human being, kind and caring to everyone and truly a person who believed in observing the laws of our land and also never forgetting how blessed we as Americans are to be Americans and to enjoy the many wonderful freedoms and opportunities available to us when we abide by our laws.

That is what I am asking for now: Swift and severe punishment of those responsible for this horrible act. Our President assured the people of Oklahoma and America this would be done. There should not be more consideration for the criminals than the victims. Under our Constitution, the rights of criminals have to be protected in deciding if they are guilty or innocent, but so do the rights of the victims need to be protected. Protecting criminals' rights does not give them the right of 20 years of appeals.

I am certain that if any one of you were in my shoes, (and I sincerely hope you never are) you would want nothing less than the death penalty—now—not years from now.

I pray with all my heart you will do whatever is necessary to enact legislation that will not allow continuous appeals. Joyce McCarthy, widow of James A. McCarthy, Edmond, OK.

That letter says it more poignantly than anything I could say. It is time to do habeas corpus reform. We tried for years. We did pass this bill through the Senate on the Hatch amendment a number of years ago. It passed overwhelmingly. There is no reason not to face this issue today.

Now, I have to say that I do believe that there are those who very sincerely oppose habeas corpus reform in this body. I think they are a distinct minority, and I think they oppose it mainly because they oppose the death penalty. They are deathly afraid that maybe somebody will be executed who was innocent.

They have no information to back them up on that. These cases are very carefully tried. Any person accused of murder and sentenced to death after this bill is enacted will have every one of that person's constitutional rights and privileges and liberties protected. We will still protect the civil liberties of the people. But the game is over on multiple frivolous vehicles. They have one trip up and it is extensive through the State court, and one through the Federal courts. Unless they can show new evidence, or the Supreme Court has made a case retroactive in nature, then that is the end of the appeals.

That is as it should be. It is time to face this problem. Is time to stand up and do what has to be done. There is a lot more to be said about it.

I was moved this morning in meeting these families and these people who lost their loved ones in Oklahoma City. I am proud to wear a set of ribbons which represents the State of Oklahoma, those who are missing and those who are dead, as a result of this terrible, horrific bomb.

I hope we can move ahead on this bill. We made some headway here today, but I would like to make a lot more before the day is over.

I yield the floor.

Mr. BIDEN. Mr. President, the majority leader today opened the session by criticizing the President and criticizing the Democrats for what he says are a flood of amendments that are holding up this bill. He said that if the Senate is not finished by tomorrow, we will pull the bill and go on to further matters.

Let me point out that in all the years that I have been here—and the Senator from Utah has been over here a few years less than I have—one of the things delaying action on the bill today is we are coming off of a recess of a week and half and the Members are not back in town yet. That is one of the reasons there is delay.

Let me first say, contrary to the majority leader's representations, we are not trying to delay this bill. Indeed, on the very same day we received the final version of the Republican bill—and we had started off, by the way, with the President's bill. The President introduced a bill, or had 3 Members introduce the bill on his behalf.

Senators KOHL, SPECTER, and myself met with the President at the White House. This was a bipartisan group, including the Republican leadership. We were under the impression that the President's bill would be the bill from which we worked.

The Republicans, as is their right, introduced their own bill. One of the problems is that we did not see that bill until toward the middle of the afternoon the day that we went out of here, I think, or maybe the day before we went out. People had not had a chance to read the bill.

Notwithstanding that, the very same day we received the bill, we agreed to a finite list of amendments. We did not wait around. Once we calmed everyone's concerns—we heard about terrorism, civil liberties, new actions, and everyone from folks who view the interests of the NRA as paramount, to folks who view the interests of the civil liberties community as paramount—everyone wanted to make sure they knew what was in that bill.

Notwithstanding that, we ended up with a finite list of amendments which we have now. No doubt that list would have been shorter from the beginning had the Democrats had any reasonable opportunity to review the Republican bill before it was brought to the floor.

Now, having worked hard over the recess, our staffs having worked hard, primarily, we have limited the number of amendments we need to offer from our side of the aisle, and effectively cut the list by more than half.

There is no evidence of any intent to delay the bill. And while talk of delay and the need for cloture motions may be good politics, it has nothing to do with the reality of the work before the Senate. The reality is that we are addressing an important topic that deserves serious—not token, but serious—consideration by this body.

That is, the threat of terrorism from both at home and abroad. That threat is real. Bombings at the World Trade Center 2 years ago and in Oklahoma City 2 months ago are proof positive of the need to strengthen our responses to this threat.

Does not this threat deserve more than 2 days of the Senate's time? It seems to me that while we all want to move forward, we should also want to make sure that we do the job right. The President has sent two strong terrorism proposals to the Congress this year in responding to two terrible bombings on American soil. His proposals contain many needed reforms to enable law enforcement to better investigate and prosecute terrorist acts.

The Judiciary Committee and its Terrorism Subcommittee held a number of extensive hearings on the President's proposal over the last 6 weeks. Many issues have been discussed, debated, and drafted into legislative language. The Republicans have put a bill together, drawn in large measure from the administration's proposal, and much of which is supported by both sides of the aisle.

Unfortunately, the Republicans fail to include in their bills several proposals to give law enforcement modest but

needed new authority to fight terrorism in the areas of wiretaps, taggants, and military assistance in cases of biological and chemical terrorist acts, just to name three.

There will be amendments to address these subjects, and the amendments are needed to make this bill a truly effective tool to fighting terrorism. Several of the amendments have been identified, and several of them have already been offered.

The suggestion that they are meant to delay this bill is an obvious attempt to shift focus from the fact that Republicans oppose strengthening the hand of law enforcement against terrorists, the way the President's proposal is opposed to any attempt to delay.

In addition, the Republicans included several provisions in their bill that some of Members believe are ill-drafted and are inappropriate as part of this bill. We have several amendments to modify these provisions, but this is a Republican bill.

Again, the amendments are identified and they have not and will not be offered to delay. They will be shortly offered. They will be voted on. They are not vehicles for delay.

Moreover, I note that the Republicans have identified a number of amendments as well. As I understood from the list before we went out last week, the Republican Members of the Republican Party suggested they had 32 amendments—32 amendments. Now, maybe some of those were in response to what they anticipate to be amendments from Democrats. Democrats have amendments that were put forward in anticipation of what they thought the Republicans were doing. Much of this, I think, will fall away.

Putting this in perspective, if there is delay going on—and there is not delay going on—32 out of 40-some amendments or 70, whatever the number was that were listed last week, are Republican amendments.

In all the talk of delay by Democrats over habeas corpus reform, the unanimous-consent agreement under which we are operating identifies 4 Democrat amendments on habeas corpus and 4 Republican amendments on habeas corpus.

We have all been around here long enough to know Senators do not agree to a unanimous consent agreement limiting the number of amendments that can be offered on a subject that is allegedly the reason for the delay on the bill.

There are four amendments offered by Democrats, four amendments offered by Republicans. I am sure we can get time agreements on all those amendments at some point along the way when they are proposed. That is it.

I might add, by the way, if my Republican friends had wanted to move on this terrorism bill quickly, all they had to do was leave habeas corpus off this. It would not have attracted all these other amendments. We could have put it on their crime bill. They have a crime bill they want to push. We have plenty of time for that, instead of dealing with this issue.

It is true that delay on death penalties being imposed could have a perverse effect, once we identify and convict the people responsible for the bombing in Oklahoma City. That is prospective, way down the road.

We will have Democrats—not me, but other Democrats—who will stand up here on the floor and argue that because we have not done more to deal with the ability of people to get explosives, because we have not dealt more restrictively with the people and the ability of people to get ahold of weapons, because we cannot deal with certain bullets that can penetrate vests, that kill police officers, because they have not done that, they hamper our ability to deal with terrorist acts. That is true.

I plead with my Democrat and Republican friends, keep that stuff off this bill. Move forward on the essential elements of what the President said and what we all agree is needed to enable the FBI and the law enforcement agencies, federally, to be able to have the manpower as well as additional legal authority to both infiltrate, identify, arrest, prevent—hopefully—prevent future terrorist acts, whether they are domestic or foreign inspired.

That is not where we are. No matter how much it made sense to do it that way, it does not make a lot of sense for me to spend much more time talking about it other than to put in perspective what has happened here. We could have finished this bill a long time ago.

The fact of the matter is that a clear decision was made to take a very important part of the Republican crime bill, their essential elimination of Federal habeas corpus, and drop it on this bill.

We could probably settle this whole habeas corpus matter very quickly, the Senator from Utah and I. The only effect habeas corpus can possibly have in this bill is Federal habeas corpus. We have an amendment to limit their proposal to Federal habeas corpus cases. Let us go ahead and do that and drop all Federal habeas corpus amendments, vote on that one.

That is the only thing that is arguably related to Oklahoma City. Nothing else has anything to do with Oklahoma City, zero, zero. Nothing else has anything to do with this legislation. This is Federal legislation dealing with terrorist acts. That is Federal court. That is Federal prosecutors. That is a Federal conviction. So let us deal with Federal habeas corpus, not State habeas corpus.

This is a sham. I think we should change habeas corpus. I have been trying to change habeas corpus, differently than my friend from Utah has, for the last 8 years. We have battled over it, and it is a legitimate and serious, intellectual, political, and criminal justice issue but it has not a darned thing to do with this. So if we want to end all the delay—and there is no delay in terms other than time consuming on each of the amendments—let us just have the debate on that issue. That applies to this legislation. None of the rest does.

The point I want to make here, and I am probably overmaking it, is that there is no delay. There is no delay. We have agreed to the amendment. We have limited the number of amendments that can be brought up. We could further eliminate a lot of those amendments, I am sure, if we could agree on focusing on international and domestic terrorism and we could move on. But one thing for certain, this issue warrants serious consideration—serious consideration. I note the Republicans do not think their 32 amendments are frivolous. Now I doubt any of these amendments, Democrat or Republican, are designed as delaying tactics. I expect we can work many of them out and we can proceed on the rest. But I believe very strongly that our job involves offering relevant amendments to make the bill better and debating them fully and reasonably. Again, terrorism is not a trivial matter, as we all know. The issue is as vital as it is complicated.

Let me just give one example how complicated it is. I will bet that 90 percent of the American people would have guessed that when JOE LIEBERMAN, Senator LIEBERMAN of Connecticut, and I brought an amendment to the floor at the request of the President last week that said we want to give the FBI the same power to use wiretapping devices and wiretapping under the circumstances that we presently allow them to investigate organized crime to organized terrorist threats, I will bet 90 percent of the American people would have thought everybody in this floor would vote for that—especially the Republicans. They talk about law and order all the time, like Democrats do these days. And what happened? We voted on it and it lost. I offer that as a simple example of what is so complicated about this issue. People are beginning to understand when we deal with people's constitutional rights and the fourth amendment that maybe it is better to err on the side of being very cautious in the power we give the police.

I have always been one to be very cautious. But I thought, since we had the ability to do to organized crime what was proposed by Senator LIEBERMAN and in the President's bill, we ought to be able to do that with terrorists. But, guess what, an overwhelming majority of my Republicans friends did not think that made sense. I do not criticize them for that point of view. I just offer it to point out how complicated it is. I bet they have trouble explaining that back home. I do not suggest that their action was wrong or had any motivation other than they have a heightened sense of concern about the use of wiretaps. I respect that.

But guess what, this is not as simple as the majority leader makes it sound. If it were simple, that would have passed like a hot knife through butter here. But it did not. If we could understand how a majority of Republicans do not think we should be able to go after terrorists like we do the mob, then we ought to be able to understand that this is a complicated issue. It is important to get the bill right. Again, terrorism is not a trivial matter. It is vital, as vital as it is complicated. And we have to give law enforcement the tools it needs, even while we maintain protecting our constitutional rights.

Now, look, just to give an example, we are going to have an amendment here shortly that is another wiretap amendment. I will give this as just one example. That wiretap amendment, if it passes, will allow the Attorney General, the Federal Government, to be able to do roving wiretaps. That is the second amendment. That says, if you go to a judge and say, ''Judge, we have probable cause to believe John Doe is committing or committed a felony under the existing title 18 of the United States Code that allows us to ask for a wiretap and we want to tap John Doe's phone,'' if the court concludes there is probable cause, then in fact what we do is we go along and we say: All right, the judge says that he will allow a wiretap. Generally what happens is you get a wiretap for a specific phone in John Doe's office or John Doe's home. But lots of times what has happened is that John Doe may figure he may be being tapped because he knows he is doing something wrong. He knows he is trying to avoid detection. So he may walk to the corner phone booth and use the corner phone booth all the time. Or he may go use the phone in his sister's home.

Right now the current authority for what are known as roving or multipoint wiretaps, or wiretap orders—a provision was proposed by the President, but not included in the Republican substitute, that would allow this kind of multipoint order, multipoint wiretap to be used. Multipoint wiretaps allow law enforcement officers to obtain a judicial order to intercept the communications of a particular person, not just for one specific phone as with most wiretap orders, but on any phone that a person may use.

A recent prosecution will help illustrate how the multipoint wiretaps work. In this particular case involving one of the world's biggest international drug traffickers, agents determined that a courier was contacting his bosses by using a number of randomly chosen public phones around his home, public phones outside his home. A multipoint wiretap was obtained and up to 25 phones were identified to prepare for the chance that the target would use one of these phones. Any time he used one of those phones the agents were able to initiate a wiretap. Interceptions obtained in this way led to 53 Federal indictments and 19 tons of cocaine that were seized.

The wiretap on his phone would not have yielded much at all, but they identified all the phones around this guy's neighborhood because they watched him. They watched the pattern. He would walk out of his house and go to a telephone and use that phone. The next time he would use one two streets down from his home, and then four streets, and across the street, and in the drug store across the street. So they got an order for a multipoint wiretap. And they were right. They got the order through a judge.

Under the current law the Government can get a multipoint wiretap order only if it can show that the defendant is intending to thwart surveillance, usually by switching from phone to phone. The amendment the President wants, and Senator LIEBERMAN will propose on his behalf, would allow a multipoint wiretap where the defendant's conduct has the effect of thwarting surveillance regardless of whether or not the Government can prove the defendant's intent. Keep in mind they already have a guy they identified as the subject of a legitimate wiretap in his own home. And there is probable cause to believe this guy is doing something bad that exists as a crime under the law that you can get a wiretap for.

Mr. HATCH. Will the Senator yield on that point?

Mr. BIDEN. I will be happy to.

Mr. HATCH. Actually, I think the amendment the Senator is talking about is a good amendment. We have some on our side who have some troubles with it, but I probably am going to support this amendment because, let us be honest about it, all they are saying is they are going to follow the criminal. That is all this amendment means. The President is right on this, in my opinion, in that sense.

The original amendment written in the President's bill is not as good as this one, as I understand. We have even worked with my colleague on the language on it. I am going to talk to our side and see if there is some way we can get them to accept that amendment. But there are people who are so afraid of the Government right now—polls show somewhere around 40 percent of the people are afraid of their Government. That is pathetic. And part of the reason is because of what happened in Waco, because of what happened at Ruby Ridge, and a whole variety of other reasons, because the Federal Government has been too intrusive in all of our lives.

But I think the distinguished Senator from Delaware and I, working together, might be able to get this done because I think he makes a tremendous point. So did the President. With what the President wants to do, the problem was the roving ban semantically had implications that frightened people even more. But all the distinguished Senator from Delaware, as I understand it, is trying to do for and on behalf of the President and others is say that, if you have a criminal who is going from phone to phone, you can follow the criminal. I personally do not see anything wrong with that. I see some great value in doing exactly that.

Once again, I give the Senator from Delaware credit for being one of the astute leaders in criminal law. We agree on a lot more than we disagree on. Frankly, where we disagree—and there are acceptable and good arguments on both sides. I appreciate the way he is approaching this. I want to read the language. But I personally feel pretty strongly that this amendment ought to be supported by both sides. I did not mean to take so much of the time.

Mr. BIDEN. That is fine. Mr. President, I am delighted for the intervention. As I said at the outset of my discussion of this, the chairman was occupied with the staff for a moment. At the time, I said that I was confident he and I could work this out. I am confident we can work out most of this. The reason I raise this is an illustration of the larger point I am making; that is, there is no attempt to delay anything here. This provision was not included in the Republican bill. I think it is a very important provision.

Mr. HATCH. Will the Senator yield?

Mr. BIDEN. Yes.

Mr. HATCH. I do not think there is any attempt on the part of my friend and colleague from Delaware to delay. But by his own comments today he indicated that if we could get right off the habeas problem, we would not have the problems, we probably would not have 68 Democrat amendments. My personal belief is that we have to face that problem one way or the other.

The distinguished Senator from Delaware has some well-intentioned amendments in this area. I have to fight against them. But at least he is willing to face this issue. It is always easier to take controversial matters and not deal with them. But in this case, I think we have to do it. It is the only thing that really will make a difference with regard to Oklahoma City.

I call my colleague's attention, because of his comments earlier in the day where he said, if we did Federal habeas, that is all that needs to be done here. I call his attention to Robert H. Mason's letter dated May 24, 1995. He is district attorney for Oklahoma County, the district in which this occurred, where he points out that if you did just Federal habeas, it would not solve the problem because there were people who were not Federal workers, who were not in the building at the time, who were also killed and maimed. He intends to bring prosecutions in the State courts and to have swift justice in those cases also, which would require full habeas corpus reform like we have.

I respect my colleague. He knows that. We have been together on too many occasions. We have fought battles together, and we have fought them against each other. There are very few

people who understand these criminal law ramifications as well as my friend from Delaware. But I would really urge him to help us on this habeas corpus reform because I really believe it is something that has to be faced, it is something we need to do, and I think we can do it the way it is written in a way that protects the civil liberties and rights of those who are accused.

I apologize for again interrupting and taking time.

Mr. BIDEN. Not at all. Mr. President, I welcome—not interruptions—I welcome this colloquy and conversation. I know that there is an understanding that there will be no votes until 5 o'clock. So the likelihood of anybody other than the most stalwart of the Members of the Senate—I see the distinguished Senator from West Virginia and the distinguished Senator from North Carolina here—other than a few, there are going to be a lot of folks making their way back from the west coast and the Midwest on airplanes. So the likelihood of anything happening of consequence between now and the time that it was announced there would be a vote is de minimis. So I welcome the discussion.

Let me just again, not by way of argumentation but illustration of the confusion surrounding the legislation—understandable confusion. Even if the Republican bill had not been introduced, had the President's bill been introduced and nothing else, there would be confusion surrounding it. I do not mean this in a pejorative way.

The letter from the district attorney, as I understand it, from Oklahoma County, the county in which Oklahoma City is—I have not read it yet, but the fact of his rationale of why they need full habeas corpus, to have State habeas corpus included, is because there were non-Federal workers killed—understandably, he misunderstands the bill. It does not matter who is killed in the building. It is a Federal crime. That is what we are establishing. It is a Federal crime. A foreign national could be killed in the building, anyone, under current law, killed in a Federal building that is blown up, it is a Federal crime. It is also a State crime as well. It can be a State crime as well. But it is a Federal crime.

So the point raised by the distinguished—again, I am not criticizing the district attorney or the prosecutor in that county. I doubt whether he has had a chance to review the existing Federal law. But at any rate, the larger point here is this: I am ready, willing, anxious and, hopefully will be able to demonstrate, ''able'' to debate this habeas corpus issue. The reason why I did not want habeas corpus introduced into this issue is because I did not want to also get into a debate on guns in this issue. I did not want to debate militia and NRA and ACLU and all of these things.

Look, I am fearful that, although things have calmed down a little bit, if you listen to the rhetoric from Democrats and Republicans on these issues, you would assume that everyone who joined a militia—by the way, we should not use that phrase. They are not militia. There is no militia under the Constitution. But anyone who joins these groups who organize themselves and call themselves militia, on the one hand you have everybody making them patriots; on the other hand, all a bunch of thugs, depending on who speaks to it. The same with the NRA—the NRA puts out an ill-advised letter, and all of sudden everyone in the NRA is a ''thug'', a ''bum.'' The vast majority of NRA members in my State, the overwhelming number of NRA members are honest, decent citizens. They join the NRA because that is the outfit that taught them how to use a gun when they were a Boy Scout, how to fire their first rifle, took them to the firing range.

I am going to oppose the amendment of Senator LAUTENBERG. I support the use of that $25 million in funds allowing ammunition to be made available to teach people how to learn to use weapons. That is a healthy thing. That is not a bad thing. Half of the people who join the NRA in my State join for the insurance that is offered by the NRA. The NRA, the members of the NRA, are good, God-fearing people; some of them probably good atheists; they are good everything. The fact they join the NRA is not because it is a bad organization.

But what is going to happen here before this debate is over is we start talking about guns. They are either all going to be superpatriots or they are all going to be a bunch of thugs. I think that is a useless debate to have now when what the President says he needs, we all know he needs, is he needs more agents. He needs more money. He needs more authority.

So to finish the point—and I will be happy to yield—before I finish my statement, my reluctance about getting into a debate on habeas corpus is that we who have been around here even a year all know that is what we refer to in the jargon as a ''hot-button issue.'' Once you mention habeas corpus, you bring out everything, left and right and center. It engages almost a religious debate. It takes on proportions like striker replacement. I mean it brings out everyone's deeply-held feelings.

I predicted as soon as habeas corpus was put on this bill that there would be 1, 2, 5, 10 amendments on guns. I suspect my friends would acknowledge that, if the Democrats had decided to introduce a terrorism bill that was loaded up with gun amendments, they would say, ''Wait a minute. What are you doing that for? You are just trying to delay action on this thing. Are you just trying to raise everyone's hackles? Are you just trying to get into sort of a debate that has nothing to do with the added responsibility and authority that the President wants and has?''

That is the only point I am making about habeas corpus. But it is done. The reason I even mentioned it now is to explain what I think has been already demonstrated by the short colloquy we have had thus far that Senator DOLE is wrong. This has nothing to do with the intent to delay.

The introduction of habeas complicated—did not delay—complicated action on this bill. Deletion of more intrusive authority on the part of the FBI complicated what already was a difficult debate requiring additional amendments. Additions of some legislation I support, and some I do not relative to firearms complicated consideration of this core legislation.

That is the only broad point I wish to make. That does not add up to delay. That adds up to an additional consumption of time out of necessity. It is necessary to use more time to resolve those complicated problems.

I daresay that if, in fact, my Republican colleagues thought that any one of these gun amendments was likely to pass, there would be, as there was in the past, extended debate. Just like I worried and thought—but is not going to happen now—that, if they raised habeas corpus, there would be extended debate. Neither is going to happen. I presume the reason it is not going to happen is because they have the votes. It always makes things go quicker when you have the votes. I remember the good old days when we used to have the votes. We do not have the votes anymore, my team. So we understand the likely outcome on most of this.

But this is not an attempt to delay. That is the only point I wish to make again to my distinguished friend, the Republican leader from Kansas, who on the Sunday talk show—I think it was Meet the Press, I am not certain which one it was—and today directly stated that this was a Democratic effort to delay.

The other side of this is that I am going to have, as we say, ''clean hands'' in this matter. The administration is putting pressure on the Republican leader asking, ''Why did you not get my bill?'' Why did you not get it done? Why do we not have this done? I think part of that also is done for political reasons.

And so I just hope that we in this body, once folks fly back into town here and we start debating on the amendments, can agree where we can agree, as the Senator from Utah and I at least think we can agree on the so-called multipoint wiretapping that the President wants made available to him, or made available to Federal agencies, and I hope we can even go back and revisit the, I think, ill-advised vote defeating the Lieberman amendment on wiretapping because I think once people took a closer look at it and took off our sort of political blinders here, they would see what was being asked for had nothing to do with anything other than what we now allow under our law and have to deal with the Mafia. Why

should the terrorist organizations have any more protection than the Mafia? I do not understand that. And I do not think, in fairness to those who voted against it, they fully understood what the amendment meant.

Again, terrorism is no trivial matter. If it takes a week, then it is time well spent, in my view, to arrive at a serious, significant piece of legislation that gives additional tools to the Government without infringing upon any of the civil liberties of the American people and diminishes the prospects that domestic or foreign terrorists will be able to succeed in repeating what was done at the World Trade Center and what was done in Oklahoma City.

So I do not consider this a waste of time. The telecommunications bill is an important bill, but I imagine, if you said to the American people, we can do one of two things for you: We can pass a bill that will enhance and make better the way in which the telecommunications industry functions in America and we can do that right away, or we can pass a bill that significantly strengthens the United States ability to deal with terrorists and to prevent terrorist acts, which do you want? My guess is they would pick—I do not know what they would pick. I would pick doing something about terrorism.

So in my view, even if it takes the remainder of the week to work our way through these amendments—and I predict it will not, but even if it did, it would not be wrong nor unreasonable. The goal here is we must get the best possible bill that we can. We owe no less to the American people. We owe no less to the people in Oklahoma City. We owe no less to ourselves. We owe more, much more, to the memory of those who have lost their lives at the hands of a madman or mad men and women in the unthinkable moment of insanity that we witnessed now well over a month ago.

And so I look forward, once we have a quorum assembled here in Washington—and again, I am not being critical of anyone who is not here now. If you represent the State of Utah or the State of California or the State of Washington and you went home over the recess, it is difficult to get back here early in the day and still meet your commitments without leaving a day earlier.

And so I am confident we can move with some dispatch once we get underway. I just plead with my colleagues on both sides of the aisle and on both sides of the various issues that will be raised here that we should not make the same mistake the authors of the NRA letter made. They figured out they made a mistake and they retracted what they said. We are going to have a tendency, as this debate heats up, to say some fairly outrageous things, some of which may even be true. But I do not think this is the circumstance under which we should do it.

I say to the Presiding Officer, I really do believe that we owe it to the people who have been victimized thus far by a foreign and a domestic terrorist act to act with dispatch, in a slightly dispassionate way, to come up with hard-nosed, serious efforts to enable the Federal Government to legitimately fulfill its primary role of protecting the American people under these circumstances from these kinds of actions. So I will try my best to follow my own advice as this debate goes forward and suggest that to vilify any organization, right or left, to vilify individuals will not get us very far. What we should be doing is vindicating, vindicating those who have already suffered greatly in an attempt to make sure that we do not have to stand on the floor of the Senate again and deal with a similar circumstance.

The President has basically asked for two things. The first thing he said was give me more people. Give me more FBI agents. Give me more people to do this job. We should do that. We should do that, A, because he is right and, B, because even those who might want to point out that the last President and this President cut people for a while, they did not add as rapidly as they should have—well, for whatever the reason, let us not argue about that. He wants more people. We should give him more people—him and whomever follow-on Presidents will be.

Second, he said I need some additional authority. The authority I would like to have as the chief law enforcement officer for the United States of America, as the Chief Executive to give to the law enforcement agencies in this country the ability to do some things other nations have done with great success, that have diminished the ability to make these god-awful bombs, give the authority to tag the elements of these explosives so that when they blow up, you can identify from whence they came, where they were purchased and, hopefully, who purchased them to solve the crime. They are called taggants. We will debate that. There are legitimate reasons to debate it. But I think it is a legitimate request on the part of the President.

The President also says I need some additional authority to deal with this new emerging problem of terrorism on American soil, and it is authority that I want expanded for wiretapping in certain circumstances under which they are expanded. I think he should be given that authority, or at least we should debate it and make that decision as a body.

I think we should focus on the expanded authority he says he needs, and we should focus on the expanded resources he is requesting, and do our job for the American people and do it, as I said, hopefully—hopefully—by demonstrating to them that we can do something of consequence that is not rooted in political motivation, something of consequence on which we can agree. And, my Lord, if we cannot agree as a body, Democrats and Republicans, that we should give more authority to deal with terrorists in this country, then I am not sure on what we are likely to agree.

So I look forward to a reasoned, a serious, and hopefully an unemotional debate on these issues, and a resolution in the near term so that we can send to the President of the United States, after a conference with the House, a piece of legislation that is worthy of his signature.

I thank the Senate for listening, and I see that Senator EXON and others are in the Chamber. I would be happy to yield the floor for the time being.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I congratulate the managers of this bill, the Senator from Delaware and the Senator from Utah, both very good friends of mine. I have the utmost faith and confidence in their abilities. I recognize they do not always agree. But I believe that under the leadership of these two individuals, who have been foremost in the Judiciary Committee for a long, long time, we certainly should be able to come up with some workable arrangement to dispose of the terrorist bill which the President sent us.

As I brought out when we last met here 10 days ago, when the majority leader and the minority leader were debating the fact of how fast we could move this bill ahead—we were going to take it up today, and the majority leader said he wanted to complete work on it on Tuesday—for the life of me, I do not know why Tuesday is such a magical date. I simply say there were supposedly some 50 or 60 amendments that were going to be offered, or proposed to be offered by Members on both sides of the aisle. We also remember that in the last week we met here, we had some 55 or 60 amendments to the budget bill. We finally got down to work and completed our deliberations and had our votes in a matter of, I believe, 3 days.

As important as I think the budget debate was, as important as I think the ever-increasing deficit is, as alarmed as I am about the ever-increasing national debt and the cost to the taxpayers for the interest on that national debt, I do not believe there is anything more important to the people of United States of America today than terrorism.

Terrorism is not like the balanced budget that I hoped we could get to a few years ago down the road. It is with us today. It was demonstrated in Oklahoma City very vividly most recently. I would simply like to ask my colleagues, if I could get their attention, to explain to this Senator why is it that we cannot make some kind of a good-faith effort by the two leaders of the Judiciary Committee, supported by the majority leader and the minority leader, to come to some kind of an understanding about how many amendments we are going to have, and about

how long that is going to take. I would think that if we would try to stay away from the filibuster and eventually limit debate to 15 minutes a side for most of these amendments, clearly that would give us an opportunity, in this Senator's opinion, to come forth and let the Senate express its will by majority vote on this tremendously important amendment that has to do with terrorism. And I assure all of my colleagues—and they know it full well—that terrorism is unfortunately alive and well in America today. I believe that the people of the United States expect us to stand up and do something about it, not in a foot race fashion, but in an expedited process of some kind, to have everyone have a chance, as is customary in the Senate, to work their will and maybe offer amendments.

This Senator has no amendments to the bill. That cuts us down to 99 other Senators that may have amendments. I simply say to the managers that this Senator wishes to cooperate with them, and if they would put out an appeal and if the majority leader and minority leader would join in that, I would think that maybe we can focus on this important piece of legislation that the President has set up. We do not have to approve it exactly like the President wanted it. We can change it dramatically in any fashion we see fit by a majority vote here.

I simply feel if we can put out this appeal, certainly the majority party, the Republicans, have demonstrated that they march basically in lockstep on most of these matters. The Republicans, it seems to me, have the majority and have the responsibility to either vote up or down on any amendments that could be offered from either side. I am simply appealing for some expeditious action on this tremendously important piece of legislation. If we have to take until Tuesday, Wednesday, Thursday, Friday, or even into next week, and if that is necessary, I do not think there is anything more important right now than this bill that is before us.

I salute the President for addressing terrorism. A failure of respect for law and order is rampant in our society today. Certainly, the police, the prosecutors, the judicial system we depend on to handle these matters for us, need strengthening, they need additional tools. I believe that the bill suggested to us by the President of the United States goes a long way into helping these people that need help today with the ever-increasing threat of terrorism.

So I simply pose a question for the managers of the bill. At their first opportunity, I ask them to respond as to whether there have been efforts made and are efforts being made now before the vote—as I understand it, there is a vote scheduled for 6 p.m. this evening. I would certainly be willing to remain here until midnight or 2 or 3 o'clock in the morning to take up or debate the reason or lack thereof of many of the amendments that I understand are to be offered.

I hope that we will not do what the majority leader had indicated over the weekend—that he would pull the bill down on Tuesday—tomorrow—unless we complete action. I feel, though, that the majority leader is not irresponsible in asking for some time agreements, some way to limit the number of amendments that I think could be constructively moved forward, if it is the will of the majority of this body.

I have posed a question, and I will await the response of the managers of the bill at their first opportunity.

Mr. President, I yield the floor and 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. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I have listened to my distinguished colleague from Delaware and my distinguished colleague from Nebraska, and I appreciate both of their remarks.

With all due respect, I have to point out to my distinguished friend from Delaware that most all of the language in this bill was found in the substitute and it came from S. 3, introduced the first day of this session and S. 390, introduced several months ago. We have had several hearings in the full committee and two in the subcommittee. Thus, the language in this bill is well known.

Second, of the 32 Republican amendments, 12 have either been offered or have gone away. I suspect most of the others will as well. I fully expect that many of the remaining Republican amendments will also disappear in short order, once we move pretty quickly here.

What I find troubling, however, is the suggestion that habeas corpus should be dropped from the bill. The President—a Democrat, I might add—called for habeas corpus reform in his ''60 Minutes'' interview. His instincts were right. He knows this is the time to try to get habeas corpus reform and that it will make some difference to the victims and survivors of the Oklahoma City incident. In fact, it is the only thing we can do in this bill that will really make any difference to them. They have called for this.

As I wear this ribbon in their honor symbolizing the four strands—Oklahoma, hope, those who could not be found, and those who are dead—I have to say that I feel very deeply that we need to do this.

So in addition to the President, who has called for habeas corpus reform—but, of course, he has been riddled by those on the liberal side of his fence for having called for it, and has thus been somewhat muted ever since. I might mention there are other Democrats that are very strong for this habeas corpus provision of the bill. The Democratic attorney general of the State of Oklahoma is one of our strongest supporters. He has called for habeas corpus reform in the form this bill has it. The Democratic district attorney of Oklahoma, Robert H. Macy, has called for habeas corpus reform. Add to this a bipartisan letter from the State attorneys general and the State district attorneys.

Mr. President, they also have called for habeas corpus reform. You have a pretty good idea that this is a bipartisan appeal. It is a bipartisan reform.

I just wish that my distinguished friend from Delaware had been with me 2 weeks ago when I talked to these survivors and victims and family members. Just this morning, I have met those people whose lives have been shattered by the Oklahoma City bombing. Interestingly enough, they have all called for habeas corpus reform in the form that this bill has it.

I think it is important that we continue to fight for this aspect of the bill. It is about time. We have argued about it for years. We have a chance of debating it at this particular time, and we should do so.

I have to say that I was also interested in Senator BIDEN's comments that these are Federal crimes. Well, I am not so sure they are with regard to the State citizens who were not Federal employees who were outside of the building at the time. This bill will not apply retroactively and could not be applied retroactively. So those murderers are going to have to be prosecuted in State court. If there is no habeas corpus reform applying to the State courts, we will continue to live with the long, incessant delays and appeals that have gummed up this system for years.

If we just enact a law that expands Federal jurisdiction over only Federal employees, that would not cover those nonfederal employees who were killed outside of the building. It could not be applied to those cases against the Oklahoma killers. To do so would be a clear violation. If we tried to apply Federal law to this, it would be a clear violation of the constitutional provision of the ex post facto laws. That is the way it appears to me.

This body needs to understand that habeas corpus reform, both State and Federal, is the only thing we can enact that will directly affect the Oklahoma case.

I might mention, also, that rather than exploiting the devastation of Oklahoma City, I believe that we are protecting the families of the victims from additional unwarranted victimization.

Comprehensive habeas corpus reform, as I have said before, is the only legislation Congress can pass as part of a terrorism bill that will have a direct affect on the Oklahoma City bombing. It is the one thing Congress can pass to ensure President Clinton's promise that swift justice will be kept.

President Clinton, recognizing this fact during his April 23, 1995, ''60 Minutes'' appearance, showed that he understood this. His instincts were right when, in response to a question about whether those responsible would actually be executed without the adoption of habeas reform, he said:

> It may not . . . happen but the Congress has the opportunity this year to reform the habeas corpus proceedings, and I hope they will do so.

The claim that habeas corpus reform is tangential or unrelated to fighting terrorism is ludicrous. Indeed, habeas corpus reform has far more to do with combating terrorism than many of the proposals contained in the administration's own antiterrorism package, such as the proposals to enhancing FBI access to telephone billing records, and to loosen standards for use of wiretaps in felony cases.

Although most capital cases are State cases and the State of Oklahoma could still prosecute this case, our habeas reform proposal would apply to Federal death penalty cases as well. It would directly affect the Government's prosecution of the Oklahoma bombing case.

Indeed, several people were killed just outside the Oklahoma Federal building. The terrorists who destroyed the Federal building could thus be tried in State court for the murder of those citizens.

The district attorney for Oklahoma City and Oklahoma County is planning those prosecutions. The progress of this bill demonstrates the relationship of habeas reform to the terrorist bombing.

No. 1, it would place a 1-year limit for the filing of a habeas petition on all death row inmates, State and Federal inmates. No. 2, it would limit condemned killers convicted in State and Federal courts to one habeas corpus petition where, under current law, there is currently no limit to the number of petitions he or she may file. No. 3, it requires the Federal courts, once a petition is filed, to complete the judicial action within a required specified time period.

Clearly, by passing these provisions, we ensure that those responsible for killing scores of U.S. citizens will be given the swift penalty that we in society exact upon them.

Now, one last thing. One reason we brought habeas corpus reform here is not just because it is the right thing to do. It is the right thing to do with regard to keeping off gun amendments. We have asked people on our side to not get involved in any gun fights today. If there has to be a gun fight, we should do it over the crime bill that we will bring up in the future. We should keep this bill clean and decent. I would caution my colleagues on the other side, we should not try to make this a gun issue.

There is no reason to get into that debate, when we are trying to pass basically what the President has said he must have, what the Justice Department has said it must have, what the FBI Director has said he must have; that is, legislation that could really give some teeth to law enforcement in the area of antiterrorist activities.

I think we should concentrate on that goal. We should not get involved in extraneous debates. We ought to pass this bill as quickly and as promptly as we can. If we have to fight it out over habeas corpus reform, we should do it.

I think the distinguished Senator from Delaware has 67 amendments on that. Fine, bring them up. We will fight them out and see what happens. I can live with almost anything if we can get a bill passed that will really make a difference in not only all of our lives, but the people specifically in Oklahoma City whose lives have been devastated by what happened there. I think passing this bill will be as good a memorialization for those who have died as anything we in the U.S. Congress can do.

I cannot imagine why any Member would fight this bill when we have worked our guts out to work with our President, to work with the Justice Department, the FBI, and others. And this will beef up law enforcement as it should be beefed up, not only from the law enforceability standpoint, but from a law enforcement personnel standpoint. It is long overdue. I agree with the distinguished Senator from Delaware.

In the last 2 years, the FBI and other law enforcement agencies have been cut back rather than beefed up. Now the President realizes that we have to change course and beef them up. There is about $1.8 billion in this bill that will take care of strengthening our law enforcement with regard to antiterrorist activities and other activities that are long overdue, in my eyes.

I have been complaining about this for quite a while. I have to admit, I think during the Reagan and Bush years, we could have done a better job of beefing up the FBI and other law enforcement agencies ourselves. Now is the time to face these issues. I think we should do so.

We have a number of stacked amendments. The bill is currently open for any other amendments that any Member might file. I hope that our colleagues will bring their amendments to the floor and debate them. We still have 2½ hours before we begin voting. I would like to resolve as many of them as we can, and stack as many amendments as we can for voting.

I am hopeful that we can get colleagues to withdraw amendments that really do not belong on this bill, and to reduce the number of amendments we can have so that we can pass this bill by tomorrow evening, if we can, or at least within a relatively short time.

I understand the majority leader's pressures. There are all kinds of important pieces of legislation that must be brought before the U.S. Senate over the next few weeks and months. He has not had the time to devote excessively to any particular bill. This is one bill that has to pass. We will pass it. I hope that all Members will cooperate in the process.

I hope our Senators will bring their amendments to the floor and we can move from there. 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. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I came to the floor this afternoon to stand in support of the Dole-Hatch substitute to Senate bill 735 that deals with necessary and appropriate redefining of our laws in relation to terrorist activities or terrorist type activities in this country. But in coming to the floor this afternoon to speak, I also wanted to speak very briefly on the amendment that is pending and will be voted on this afternoon offered by the Senator from California on the issue of taggants.

The legislation before us deals with taggants, and the question is then, if it does and does so appropriately, why will the Senator from California offer something that is considerably different? Is it a new idea? Not at all. In fact, it is really quite an old idea that the Congress has looked into before over the years to attempt to identify or cause to be identified explosive material so that when they are inappropriately used or misused they can be identified and traced. To my knowledge no one in this country has objection to that concept. But the word ''concept'' is what is key in this debate.

It is a concept. And there have been studies produced that would argue that, while it is well intended, it may be at least at this point in time scientifically and technologically impossible to get to the point of putting in explosive materials, that are so designed to develop to do certain things, an identifiable marker that would still cause them to perform as they were tested and manufactured to perform. In fact, the concern is that it might cause them to perform in an inappropriate way and cause harm to the individual who was using them in a legitimate, legal, and responsible fashion.

That is, of course, exactly what the Senate bill 735 substitute recognizes when it proposes that we study this issue and try to bring the community of science and technology together to see whether in fact we can produce an identifiable marker, if you will, within an explosive material that tags it, that identifies it, and that would allow it to be used.

There was something else said by the Senator from California this morning, that at least frustrated me, which was her very open and direct statement that the NRA opposed it, the National Rifle Association. I thought it was important that the record be straight, that, in fact, the record be factual.

The NRA does not oppose this provision of Senate bill 735. What the NRA, as a responsible representative of a variety of people who use gunpowders for legitimate reasons, is suggesting is that, if you do not do it right and you do it wrong, you could cause damage to a lot of innocent people and produce unaffordable costs that do not make a lot of sense.

Let me read to you on the record testimony given before the Judiciary Committee in April of 2 years ago on this issue. Point one proves that is an old idea whose time may not have come yet because we do not have the science and technology to allow it to come; and, second, the NRA never did nor does it now have an official position on the issue.

Let me quote from that testimony.

''The National Rifle Association does not take an official position concerning the licensing, manufacture and restrictions placed upon commercial high explosives, for that is not an area within our field of interest. However, we would be derelict in our responsibilities to America's gun owners and as citizens if we did not point out to this committee''—meaning the Judiciary Committee of the Senate—''the basic flaws and fallacies of the taggants technology.''

''An important point that must be made to the committee is that tagging explosives is not a new idea. In fact, the Congress studied and rejected the concepts involving identification and detection taggants in the latter 1970's and early 1980's. The premise behind that experience has been restricted in the aftermath of the bombing''—this was the World Trade Center hearings that emanated out of that horrible explosion—''that law enforcement officers should be assisted in their investigation of tagging explosives. But the facilitation that was to be realized is not available.''

In other words, the technology, the availability of the science to do what might be the right thing to do simply does not exist. I ask unanimous consent that the entirety of that testimony be printed in the RECORD.

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

TESTIMONY OF THE INSTITUTE FOR LEGISLATIVE ACTION OF THE NATIONAL RIFLE ASSOCIATION

SUBMITTED TO THE JUDICIARY COMMITTEE OF THE U.S. SENATE, APRIL 22, 1993

The Institute for Legislative Action of the National Rifle Association (NRA) would like to thank the Senate Judiciary Committee for the opportunity to submit testimony regarding the issue of explosives tagging.

It may surprise the Committee to see the NRA testify on what many consider purely an explosives matter. The fact is, however, that tagging affects not only explosives, but also propellant powders used by the over three million members of the National Rifle Association and millions of sportsmen throughout the country.

Current legislative proposals would affect all powder, whether it be blackpowder used by antique and reproduction firearms enthusiasts, or smokeless powder used in modern firearms ammunition and by shooters who reload their own ammunition. While section 845 (a)(5) of Chapter 40 exempts commercial sporting grade blackpowder in quantities of fifty pounds or less, all sporting grade blackpowder would have to be tagged, since blackpowder is manufactured in larger quantity lots. If propellant powders are going to be covered in any legislative mandate that requires taggants be utilized, then this becomes more than an explosives control matter. It is a matter of concern to all gunowners.

Explosives tagging to register individual lots of explosives is an idea that sounds wonderful, but like so many wonderful-sounding ideas, it will not work. From a practical perspective, explosives taggants simply will have no significant effect upon terrorist bombers. The only major effect of such a proposal will be to increase the paperwork required by manufacturers and dealers in explosives and propellants; increase the control exercised by BATF over their activities; and to significantly increase the cost to taxpayers and consumers.

The National Rifle Association does not take an official position concerning the licensing, manufacture, and restrictions placed upon commercial high explosives, for that is not an area within our field of interest. However, we would be derelict in our responsibilities to America's gun owners and as citizens if we did not point out to this Committee the basic flaws and fallacies of taggants technology.

An important point that must be made to the Committee is that tagging explosives is not a new idea. In fact, the Congress studied and rejected the concepts involving identification and detection taggants in the latter 1970s and early 1980s. The premise behind that experience has been resurrected in the aftermath of the bombing of the World Trade Center—that law enforcement officials could be assisted in their investigations by tagging explosives. But the facilitation that was to be realized is now available to BATF and other law enforcement agencies without the use of taggants.

Identification taggants were first proposed as a means of pinpointing exactly what type of explosive had been used in a bombing. Detection taggants were intended to provide a means of ''sniffing'' explosives that may be contained in a package prior to detonation. But technology has surpassed those premises. We now possess, and the federal government now uses, machinery that can detect, or ''sniff'' the nitrates in explosives. Additionally, other technologies allow law enforcement officials to ''sniff'' a bomb scene and determine what explosives were employed.

If it be the intent of Congress to place additional controls upon commercial explosives, so be it; but Congress should realize that explosives used in terrorist bombings are not necessarily commercial explosives. Any objective analysis would have to conclude, as they have in the past, that terrorist bombings are quite unlikely to be significantly affected by any proposed new requirements of this nature. Let us examine the facts surrounding the incident that served as an impetus for these hearings, the bombing of the World Trade Center in New York City, and what is perhaps the greatest fallacy behind proposal of explosives tagging—that investigations would have been facilitated by the inclusion of taggants in explosives materials.

According to the New York Times, the bomb was constructed using urea, nitric acid, and sulfuric acid, all chemicals that are ''inexpensive and widely available at chemical companies, laboratory supply stores or even garden centers. They can be bought in bulk for less than $210 a ton.'' (March 11, 1993) Yet there has been no suggestion by BATF or any other government agency to place taggants in these products, or more importantly, in prilled ammonium nitrate for the simple reason that there is no difference between commercial ammonium nitrate used for blasting and the far greater amounts of ammonium nitrate used as a fertilizer. The fact is that there are no components of the bomb used in the World Trade Center bombing that would have been detected or identified had this proposal been in force.

One of the most easily made explosive devices is the mixing of ammonium nitrate, or fertilizer, with a fuel oil, even though it is currently prohibited by law. The resulting explosive, commonly known as ANFO, would require a high explosive booster charge, and that booster charge, if obtained commercially, would be tagged under this concept. But, ammonium nitrate may be illegally mixed with a fuel which is itself an explosive, such as gasoline, or nitromethane, the choice among high performance race car drivers as a ''speed fuel'', both of which are technically classified as explosives in standard reference books. If ammonium nitrate and gasoline are combined, the result is a powerful and easily detonated explosive—an explosive that does not require a tagged booster charge. In fact, ammonium nitrate and gasoline may be easily and reliably detonated by a booster charge consisting of the same ammonium nitrate/gasoline ingredients inserted in a pipe or similar container and initiated by nothing more exotic than a conventional firecracker.

An explosive consists merely of an oxidizer, which may either be a chemical which during burning produces large amounts of oxygen, or simply oxygen in the air, combined with a fuel. As a case in point, a standard U.S. Army manual lists as a special charge for use in flattening large buildings an explosive which every Member of the Committee has in his home—household flour. The flour is the fuel; oxygen in the air is the oxidizer. Even blackpowder can be manufactured with relative ease using common ingredients in any kitchen in the country. Additional ''recipes'' can be found in other widely available pamphlets and brochures.

The reason that it is difficult, if not altogether impossible, to control terrorist bombers by controlling commercial explosives is that the terrorist bomber is not limited to the use of commercial explosives. It is certain that most, if not all, terrorist groups have the ability to make extremely damaging explosives, while easily circumventing the provisions of any technologically feasible legislation. There is no reason to assume that taggants in smokeless and blackpowder would have any effect in controlling terrorist attacks. Information concerning explosives is readily available—and access to that information is impossible to control.

There are five basic problems confronting the terrorist bomber: he needs (1) a material which is easy to acquire, (2) safe to prepare, (3) not easily detectable in case of search by police, (4) capable of being detonated after he is well clear of the area, and (5) capable of highly explosive effect. One type of bomb which easily meets these criteria consists of nothing but a container of butane, such as

used to fuel home workshop torches, gas lights and similar devices, or even a small container used for filling butane cigarette lighters, and an ordinary candle.

A bomber can, with relatively complete impunity, carry those ingredients almost anywhere. And upon obtaining egress to his chosen target site, he can enter an interior restroom or storeroom and quickly produce a time bomb by lighting the candle in one corner of the room, then venting the butane bottle in another corner. The gas-air ratio is so broad, that an explosion is certain to result when the gas reaches the candle's flame. If such a bomb were placed in a central room without windows, thereby confining the explosive force, a large building could be destroyed. In effect, this type of gas bomb duplicates the horrendous damage caused by an explosion of leaking natural gas, with which all of us are familiar.

Certainly, a bomb of sorts may be fashioned using either smokeless or blackpowder propellant. However, to make an effective bomb with these substances is far more difficult and requires a more sophisticated knowledge of the intricacies of explosive mechanics. Anyone possessing such knowledge could, with equal ease, make a cheaper, far more efficient, bomb from a myriad of other substances.

According to the BATF, black and smokeless powders each comprised 16 percent of criminal bombings in 1991. More than fifteen years ago, in BATF's own testimony before the Subcommittee on Criminal Laws and Procedures of this Committee on September 12, 1977, Mr. Atley Peterson stated, ''because they (black and smokeless powders) produce a low-order explosion, loss of life, injuries and property damage are small.''

Using BATF's statistics, it seems apparent that black and smokeless powder are not a major part of the bombing problem. And, looking again to the issue of the relative ease and rudimentary knowledge required to make ''kitchen counter'' blackpowder, it is unlikely that all incidents involve commercially manufactured sporting grade blackpowder. Undoubtedly, many blackpowder incidents could be traced to homemade powder or non-sporting grade powder such as fireworks or blasting powder, or even kitchen matches, when simply cutting off the heads. Interestingly enough, much blasting grade blackpowder is manufactured for military use. Military explosives were in the past exempt from legislative measures, although there are frequent reports of military explosive thefts.

An important aspect of this concept is its feasibility. According to the report ''Taggants in Explosives'' (OTA–ISC–116), produced as a result of the Congressional interest in taggants in the latter 1970s, no reliable method for tagging smokeless powder has been developed, and blackpowder tagging has only been tested with regard to its effects on the grade of blackpowder used for blasting. There is no documented evidence that a single round of tagged powder has been fired from a muzzle-loading firearm. A problem with the compatibility of smokeless powder and taggants was also identified, calling into question the safety of taggants for the thousands of handloaders using powder in ½, 1 or 2 lb. cans and the millions of people owning modern ammunition for their firearms.

An estimated five million pounds of smokeless and blackpowder propellants are sold to shooters each year, representing perhaps six million individual cans of powder. Giving BATF every conceivable benefit of the doubt, we are talking about a negligible amount of legally manufactured and obtained smokeless and blackpowder being involved in an ''explosives incident'' in which tagging might be of some benefit to the investigators.

The FY 1991 arrest figures for explosives incidents as provided by BATF is 177, and the number of actual and attempted explosives incentives was 1,965, giving an arrest rate of 9%. A 1978 BATF cost/benefit analysis projects a 1.5 fold increase in arrests if tagging is mandated, then arrest rates would go to 13.5%—a 4.5% increase. Out of the 589 black and smokeless powder devices recorded in 1991, current arrests must total 53 cases. Tagging would, according to BATF projections, increase this to 80 total arrests. This is an increase of only 27 cases a year.

The same study estimated that the then annual taxpayer cost of identification tagging at $10 million dollars, and detection tagging at $9.4 million dollars. Using Bureau of Labor Statistics calculations of the Consumer Price Index to account for inflation, the same estimates today would be $22.65 million and $21.29 million respectively. Using these figures, taxpayers would pay $43.94 million dollars just to arrest 27 more persons. With a projected $22.65 million dollar annual cost, again from the fifteen year old estimations and accounting for inflation, to be absorbed by ammunition and powder consumers, the estimated total cost of the program would be some $66.59 million. For that additional taxpayer and consumer burden, the projected 27 additional arrests would cost an average of $2.5 million dollars each. In fact, BATF's own cost/benefit analysis indicated that this program cannot be justified. BATF stated in the 1970s, with reference to the detection tagging program, ''at present it is impossible to estimate the effectiveness of tagged or untagged detection with any degree of accuracy. Within this large uncertainty, both tagged and untagged detection appear to be, at best, of borderline economic viability.''

The BATF-commissioned study succinctly stated that, ''Ideally, the problem of control would be greatly simplified if every ounce of explosive, legally manufactured and legally used, could be completely accounted for.'' But, the study's determination in favor of identification tagging is based upon mere hypothesis, nothing more. Quite simply, BATF does not know if taggants would be effective in apprehending or deterring bombers.

Even ignoring the concerns now before this Committee—the illegal manufacture and use of explosives—the sheer burden of tracing every ounce of legal explosives to the purchaser, and the minutely detailed records which would have to be kept by the manufacturers, distributors, wholesalers and retailers is staggering. If propellant powders are tagged, this will drastically increase, and in many cases duplicate, the paperwork and records already being kept by federal firearms licensees. And how are we to trace explosives beyond the first non-dealer purchase?

In the past, BATF has stated that ammunition recordkeeping was a waste of resources, as ammunition tracing has never solved a crime—the volume of records is just too large. If propellant powders are tagged, every packaged quantity, no matter how small, whether one can of black or smokeless powder, or one box of ammunition, would have to be referenced to manufacturer and lot number. But this recordkeeping would simply do no good at all. One numbered lot of powder can yield several thousand individual cans of powder and literally thousands of boxes of ammunition. Even with detailed records, tracing the end user would be like looking for the proverbial ''needle in a haystack.''

Obviously, what the Congress and the American people really want is a means to apprehend and punish those who use explosives in an illegal fashion. It is assumed that this threat of punishment will serve as an effective deterrent, thereby decreasing the number of bombings. Yet, in view of the flimsy evidence presented by the supporters of the tagging program in the past, Congress is considering an unknown quantity, which will have a questionable impact on bombings and an undetermined ballistic effect on propellant powders, not to mention the suspect safety of taggants on handlers and end users. In fact, the only thing that seems sure about this program is that if black and smokeless powder are tagged, it will impose a mammoth recordkeeping burden on small businessmen and drive up the cost of supplies for sportsmen. As usual, the terrorist will blithely ignore the law and the criminal circumvent it—for they are, by definition, people who disobey the law. The law-abiding citizen will once again be the only one affected by the implementation of this concept. That is why the National Rifle Association oppose the concept of tagging, specifically propellant powders, and urges the Committee to reject this concept as ill-conceived. The benefits of doing otherwise are dubious at best, but the costs, in dollars and to the small businessman handler are all too real.

We thank you for the opportunity to submit testimony to this Committee.

Mr. CRAIG. Mr. President, so why the amendment? Why not stay with the substitute bill? If this Congress wants to get the industry that manufactures explosives to a point in science and technology where we could identify the explosive itself, why not pursue it in the way that Senate bill 735 suggested? Or is there another reason to pursue it in a way that the Senator from California has pursued it; that is, do it now and study it later? That is a bit of a strange way to approach something that, if done wrong or if caused by Government and forced to be done without the proper basis of understanding to be done wrong, could create the kind of damage that could occur if this were the case.

So let us today vote to table the amendment of the Senator from California and stay with the substitute bill which does recognize the importance of developing the science and technology for taggants. I support that. And I hope we can get there.

But the record now shows that the National Rifle Association does not oppose taggants, and it never has. It most assuredly supports the science and the technology that could lead us to that. What it is officially on the record as opposing is the amendment of the Senator from California because it simply believes it is too premature. It might well be risky to the science and the technology involved.

This Senate I think in a responsible way wants to do it right. The right way is the Senate bill that has been appropriately heard with the appropriate technology, or the record for technology built into it.

With that in mind, I hope as we vote this afternoon on the tabling motion that we would support the committee and the chairman, and the text of Senate bill 735.

I yield the remainder of my time.

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. CRAIG assumed the chair.)

Mr. BROWN. 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. 1207 TO AMENDMENT NO. 1199

Mr. BROWN. Mr. President, earlier today, the distinguished Senator from Utah was kind enough to propose for me an amendment to the bill. That particular amendment was designed to extend the sanctions that we now have in place against Iran to all countries designated as terrorist countries by our Secretary of State.

Let me add that it is not my intention with this legislation to restrict the President or the Secretary of State. And included in the amendment is a very extensive waiver provision so that while we would have on our books a provision for adding these sanctions against other countries that have been designated as terrorist countries, it would not necessarily require the implementation of these sanctions, but it would require the waiver of them in the event a terrorist country is so designated. That waiver is quite broad and gives the President a great deal of discretion. The President, if he so determines for national security interests or even humanitarian reasons, may waive the action. But what it does do, Mr. President, it gives some consistency to our action. It puts countries that would contemplate using state terrorism on notice that this country is serious, that there are sanctions, that those sanctions are broad and significant, as in the sanctions the President has applied against Iran.

It also will put them on notice that while these sanctions come with being designated a terrorist country, it is possible, if they work with our President and with the Secretary of State, they can work their way out of it.

Mr. President, I think this is an important amendment because what it says is we are going to be consistent. If a country chooses to adopt these kinds of terrorist policies, we ought to at least make sure that when we designate a nation as a terrorist country there are some sanctions involved.

The final version of the amendment differs slightly from the provision that was introduced earlier today. The waiver provision, to be specific, is different in the final version of the amendment. It simply makes clear that there are very wide discretions on the part of the President. And I would ask unanimous consent that the final version of the Brown amendment be entered into the RECORD at this point and substituted for the original amendment.

Mr. BIDEN. Mr. President, reserving the right to object, does the Senator have a copy of that so I can take a quick look at it?

Mr. BROWN. I do. I would be glad to——

Mr. BIDEN. I would like to suggest maybe we could have a short quorum call. I do not want to object. I do not think I will object, but if the Senator would allow——

Mr. BROWN. Mr. President, I will withhold my unanimous consent request until the distinguished Senator from Delaware has had an opportunity to review the amendment, and I would at this point note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. 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. 1209 TO AMENDMENT NO. 1199

(Purpose: To prohibit the distribution of information on the making of explosive materials with intent or knowledge that such information will be used for a criminal purpose)

Mrs. FEINSTEIN. Mr. President, I would like to send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 1209 to amendment No. 1199:

At the appropriate place in the amendment, insert the following section:

SEC. ——. 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 section:

''(1) 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 likely 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 section (a) as subsection (a)(1) and by adding the following new subsection:

''(a)(2) Any person who violates subsection (1) of section 842 of this chapter shall be fined under this title or imprisoned not more than twenty years, or both.''

Mr. BIDEN. Will the Senator yield for 30 seconds?

Mrs. FEINSTEIN. Yes.

Mr. BIDEN. Mr. President, I had asked that a quorum call be put into effect to determine whether or not I could agree with the unanimous consent request by the Senator from Colorado. I would just ask the Senator from California, when we conclude that, if I would be able to interrupt her to allow the Senator from Colorado to amend his amendment.

I do not seek that now, but I would like that so the Senator from Colorado does not think I have put this off for a couple hours.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I am happy to, or I am happy to wait. I am trying to use the time usefully.

Mr. BIDEN. I would encourage the Senator to proceed. I would ask her permission, when we work this out, whether I could interrupt her at that point.

Mrs. FEINSTEIN. Absolutely. I would be delighted. I thank the Senator.

Mr. BIDEN. I thank the Chair and I thank the Senator.

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment to address what I believe is a rather surprising problem in our society, and that is the distribution of bombmaking information for criminal purposes. This amendment is simple, and I think this cartoon in USA Today really describes what the situation is.

Here is a youngster sitting in front of his computer learning how to put together a bomb. Here is the mother on the phone saying, ''History, astronomy, science, Bobby is learning so much on the internet.''

This amendment would prohibit the teaching of how to make a bomb if a person intends or knows that the bomb will be used for a criminal purpose. Additionally, the amendment would prohibit the distribution of information on how to put together a bomb if a person intends or knows that the bomb will be used for a criminal purpose.

The penalty for violation of this law would be a maximum of 20 years in prison, a fine of $250,000, or both.

Now, you might ask, how is that possible? How would anybody do this? I think the next chart I will put up will show clearly how it is possible and what people today are doing.

Let me show you this. This is from the internet, entitled ''Stuff You Are Not Supposed to Know About.'' It advertises the Terrorist Handbook. It says,

Whether you are planning to blow up the World Trade Center, or merely explode a few small devices on the White House lawn, the Terrorist Handbook is an invaluable guide to having a good time. Where else can you get such wonderful ideas about how to use up all that extra ammonium triiodide left over from last year's revolution?

Well, that is just part of it. What that then leads to is a whole series of recipes on how to put together a bomb aimed at killing, injuring, or destroying property. The handbook goes on to give a step-by-step instruction on what to do. Let me quote from a section on acquiring chemicals:

The best place to steal chemicals is a college. Many State schools have all of their chemicals out on the shelves in the labs and more in their chemical stockrooms. Evening is the best time to enter a lab building, as there are the least number of people in the building. Of course, if none of these methods are successful, there is always section 2.11.

And it then tells how to pick a lock to get into the chem lab. It tells how to dress to look like a student. It tells where the shelves are that the chemicals are on. The handbook lists various explosive recipes, using black powders, nitroglycerin, dynamite, TNT, and ammonium nitrate. It provides explicit instructions for making pipe bombs, book bombs, light bulb bombs, glass container bombs and phone bombs, just to name a few.

Now, I have heard people say, oh, but the Encyclopedia Britannica has eight pages on explosives, and nobody criticizes that. Well, I have read the eight pages on explosives, and it does not say how to make a toilet paper roll booby trap. What legitimate purpose is there for a toilet paper roll booby trap other than to kill somebody? You do not blast out the stump of a tree. You do not need it for mining. You need it for no civilian or military purpose other than to kill. Or a vacuum cleaner booby trap. Again, no civilian or military purpose, no blasting out of tree trunks, no mining use. A traffic cone booby trap. A video alarm booby trap. A washing powder box booby trap. How to develop this thing in a bottle or a box of soap powder.

Light bulb bombs. The Terrorist Handbook describes, ''an automatic reaction to walking into a dark room is to turn on the light. This can be fatal if a light bulb bomb has been placed in the overhead light socket. A light bulb bomb is surprisingly easy to make. It also comes with its own initiator, an electric ignition system.'' And then it goes into detailed instructions and diagrams of how to put one together.

I am not going to repeat those on the floor of the U.S. Senate. But I can assure you that the Terrorist Handbook provides these step-by-step instructions.

One of the more appalling descriptions of bombmaking involves a baby food bomb. The following information was taken from the bulletin board, computer bulletin board off the internet. Baby food bombs. ''These simple, powerful bombs are not very well known, even though all of the material can be easily obtained by anyone, including minors. These things are so''—and then there is a four-letter word—''powerful, that they can destroy a car. Here is how they work.''

Then it tells how they work. It says,

> Go to the Sports Authority or Herman's sports shop and buy shotgun shells. At the Sports Authority that I go to, you can actually buy shotgun shells without a parent or adult. They do not keep it behind a little glass counter or anything like that. It is $2.96 for 25 shells.

The computer bulletin board posting then provides instructions on how to assemble and detonate the bomb. It concludes with these words:

> If the explosion doesn't get them, the glass will. If the glass doesn't get them, then the nails will.

I do not think our first amendment, or the framers of the Constitution, want to protect the freedom of speech for criminal purposes. Clearly, these bombs are there for one reason and one reason only and that is a criminal purpose.

Let me give you another example that came through on April 23 of this year on the internet.

> Are you interested in receiving information detailing the components and materials needed to construct a bomb identical to the one used in Oklahoma? The information specifically details the construction, deployment and detonation of high-powered explosives. It also includes complete details of the bomb used in Oklahoma City, how it was used and it could have been better.

Another examples comes from April 25 on the internet. I will quote it:

> I want to make bombs and kill evil Zionist people in the Government. Teach me, give me test files. Feed my wisdom, O Great One.

That was April 25 on the internet.

The forward to the book ''Death by Deception: Advanced Improvised Booby Traps'' states:

> Terrorists, IEDs [improvised explosive devices] come in many shapes and forms, but these bombs, mines, and booby traps all have one thing in common: they will cripple or kill you if you happen to be in the wrong place at the wrong time.
>
> In this sequel to his best-selling book ''Deathtrap,'' Jo Jo Gonzales reveals more improvised booby-trap designs. Discover how these death-dealing devices can be constructed from such outwardly innocuous objects as computer modems, hand-held radios, toilet-paper dispensers, shower heads, talking teddy bears, and traffic cones. Detailed instructions, schematic diagrams, and typical deployment techniques for dozens of such contraptions are provided.

Now, none of this is for use in any constructive civilian or military project. All of them are used for criminal purposes.

Other titles of books that teach people how to make bombs include: ''The Guerrilla's Arsenal: Advanced Techniques for Making Explosives and Time-Delay Bombs''; ''The Advanced Anarchist Arsenal: Recipes for Improvised Incendiaries and Explosives.''

Well, there are those who would say this is just a simple first amendment exploration. Do not worry about it. People are just curious.

Well, let me tell you that on Friday, Orange County bomb squad Sgt. Charlie Stump told me that a 14-year-old was in his garage making a pipe bomb with an 11- and 12-year-old watching him do it. The information to make this pipe bomb came from the Improvised Munitions Black Book, which can be obtained in any gunshop through the Paladin Press mail order outlets. So this youngster blew himself up, and right next to him was the handbook that he used.

Another example. In Mission Viejo, a 20-year-old junior college student went into the so-called survivalist movement and accidentally set off his own bomb and killed himself. Again, the manual was sitting right next to him.

So, according to the sergeant, these books tell you in vivid detail how to make bombs, how to kill people, how to destroy cars, how to destroy trains—whatever type of destruction you want to do, these books will tell you how to do it.

The purpose of this amendment is to say that if you know or intend this will be used in a criminal way, you have committed a Federal criminal offense by putting out this information.

Other examples include the following:

One of the 1993 World Trade Center bombers was arrested with manuals in hand.

In 1989, four Bethesda teenage boys were killed when a homemade pipe bomb subsequently went off. They were following instructions from another manual.

In 1987, a California teenager blew himself up with homemade bombs. The ''Improvised Munitions Black Book'' was found nearby.

Enough is enough. Common sense should tell us that the first amendment does not give someone the right to teach others how to kill people. The right to free speech in the first amendment is not absolute, and there are several well-known exceptions to the first amendment which limit free speech.

These include obscenity; child pornography; clear and present dangers; commercial speech; defamation; speech harmful to children; time, place, and manner restrictions; incidental restrictions; and radio and television broadcasting.

I do not for 1 minute believe that anyone writing the Constitution of the United States some 200 years ago wanted to see the first amendment used to directly aid one in how to learn to injure and kill others.

I believe that the distribution of information on bombmaking, if we know that information will be used for a criminal purpose, should be illegal.

At a recent hearing of the Judiciary Committee, I asked FBI Director Louis Freeh if anyone has a first amendment right to teach someone how to build a bomb in this country. He replied that it is a very important debate that very few people have reviewed. He suggested that it is a question that should be taken up by Congress. That is what we are doing this very day.

My amendment is specifically aimed at preventing and punishing the distribution of material that will be used to commit serious crimes external to the distribution itself, and only when there is intent or knowledge that the information will be used for a criminal purpose.

In other words, it is not aimed at suppressing contents per se, or fashioned as a prior restraint. Its purpose is addressing the facilitation of unlawful criminal conduct.

Now, we will talk for a moment about current law. There currently is a Federal law on the books that is similar to my proposed amendment. Title 18, section 231(a)(1) of the Criminal Code states:

> Whoever teaches or demonstrates to any other person the use, application, or making

of any firearm or explosive or incendiary device . . . knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder . . . shall be fined under this title or imprisoned not more than 5 years, or both.

At least 18 States have similar bombmaking laws on the books, including Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Louisiana, Michigan, Missouri, Nebraska, New Jersey, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, and Virginia.

I know that concerns have been raised by some civil libertarians and others about the constitutionality of my amendment, because it in essence takes this section which I have just read of the code and says if you, additionally, distribute that information with the knowledge or intent that it will be used for a criminal act, then you are guilty of a Federal violation.

So if you read information that is within a terrorist handbook, where the beginning page of the handbook says, ''Whether you are planning to blow up the World Trade Center, or merely explode a few small devices on the White House lawn, this is the information you should have,'' that clearly sets, in my view, the purpose and intent of providing the information.

The current law, section 231 of title 18, has already been used to prosecute several criminals. It has been constitutionally upheld by the courts. In the United States versus Featherston, 1972, the Fifth Circuit Court of Appeals held that the statute ''is not unconstitutionally vague'' and affirmed the convictions of two defendants who were prosecuted under the law.

The fifth circuit wrote:

. . . the statute does not cover mere inadvertent conduct. It requires those prosecuted to have acted with intent or knowledge that the information disseminated would be used in the furtherance of a civil disorder.

I know, though, that the true test of the amendment's constitutionality will be if and when it comes before the courts. And, I welcome that opportunity.

The last time the Supreme Court directly dealt with the issue of freedom of speech restrictions was over 20 years ago, in Brandenburg versus Ohio, 1969. As I understand it, this case involved a Ku Klux Klan leader's right to advocate destruction of property and other violence as a means of obtaining political reform. I think it may be time, especially in light of Oklahoma City and the World Trade Center bombings, for the Supreme Court to deal with this issue again.

In today's day and age, when violent crimes, bombings, and terrorist attacks are becoming too frequent—2,900 bombings a year, 541 in California alone in the year 1993—and when technology allows for the distribution of bombmaking material over computers to millions of people across the country in a matter of seconds, I believe that some restrictions on speech are appropriate.

Specifically, I believe that restricting the availability of bombmaking information for criminal purposes, if there is intent or knowledge that the information will be used for a criminal purpose, is both appropriate and required in today's day and age.

As Wisconsin District Judge Robert Warren wrote in the Progressive case dealing with the publication of information on how to build an atomic bomb:

What is involved here is information dealing with the most destructive weapon in the history of mankind, information of sufficient destructive potential to nullify the right to free speech and to endanger the right to life itself . . . . While it may be true in the long run, as Patrick Henry instructs us, that one would prefer death to life without liberty, nonetheless, in the short run, one cannot enjoy the freedom of speech or the freedom of the press unless one first enjoys the freedom to live.

I could not agree more with Judge Warren.

Enough is enough. I do not believe the first amendment gives anyone the right to teach someone how to kill other people or provide certain information that will be used to commit a crime. Even our most precious rights must pass the test of common sense.

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

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

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

Mr. BIDEN. Mr. President, I rise to speak to the Feinstein amendment and suggest that what the Senator from California has raised here, paraphrasing director Freeh, is a debate that we should be having.

I do not think there are many people, and I do not think there are any people here in this body, who would suggest that the examples the Senator has given are examples we should not be concerned with. As evidenced by the Senator's comments, she also is mindful that although there are exceptions to the first amendment they are few, and we should, in drafting legislation, keep the first amendment in mind.

It is in that regard that I rise to discuss very briefly, the case of the United States versus Featherston, the fifth circuit case that the Senator mentioned. In that case, the court upheld a conviction of two leaders of a militia group who showed their followers how to make explosives. The purpose of the demonstration they put on was to prepare the group for the coming revolution.

Now, the statute at issue makes it a crime to teach someone how to make a bomb, knowing, intending or having reason to know that the bomb will be unlawfully used in a civil disorder as defined as a public act of violence involving three or more people.

In upholding the statute's constitutionality, however, the court read the language in the statute more narrowly than the language appears on its face. The court found the statute requires—this is the fifth circuit speaking—that those prosecuted have acted with ''intent or knowledge'' that the information would be used to further a civil disorder.

Now, the Senator has adjusted the language in her amendment in order to strike a much broader intent standard that she had originally proposed. The original language she had said, ''a person intends, knows or reasonably should know that such explosive material or information will be used. . . .'' She has amended that to say that if the person ''intends or knows''—let me get the exact language here. I beg the Chair's pardon. The language now reads, ''intends or knows that such explosive material or information will likely be used for. . . .''

I would respectfully suggest that language does not meet the fifth circuit standard requiring intent or knowledge.

I see the Senator is understandably occupied at the moment with the chairman of the committee, discussing this amendment, but at an appropriate point I am going to ask the Senator whether she would be willing to further amend her language to comport with what at least I believe the fifth circuit's minimal requirements are, and that is to say that if the person ''intends or knows that such explosive material or information will be used.'' Put it another way, drop the word ''likely.''

Mrs. FEINSTEIN. May I respond?

Mr. BIDEN. Please.

Mrs. FEINSTEIN. The answer to the question is yes. I was just talking to the committee chairman, the floor manager on this subject.

Mr. BIDEN. I compliment the Senator for that.

Mrs. FEINSTEIN. I will be happy to.

Mr. BIDEN. I suggest that would put it in line with what she intends and what the court found.

Mrs. FEINSTEIN. Mr. President, may I move to amend?

Mr. HATCH. May I ask the Senator to withhold for 1 minute?

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I appreciate the Senator's willingness to take out the prior notification and the word ''likely'' in her response to the distinguished Senator from Delaware. But if she would also modify and take out ''or knows,'' in other words if such person ''intends'' and take out ''or knows.'' I will tell her why that is important.

There are a lot of explosives manufacturers and personnel who do teach others how to make explosives and how to use them legitimately, for legitimate purposes, mining and others. There are a lot of slurry manufacturers

in my State. In fact, the chief for slurry underground explosives happens to be the founder of the IRECO Chemical Corp. in my home State. If you put ''or knows'' in there, what we are concerned about is if they teach a university class or teach other people in their business or teach other people, in seminars, about how to do slurry explosives or some other type of explosives, they could, under this provision, be indicted or prosecuted.

I really believe the distinguished Senator does a great favor if she says that the person ''intends that such explosive materials or information will be used for. . . .'' I think that is the fair way to do it. It is one way of alleviating these difficult legal questions that really make it very difficult for people who are in the explosives business to even talk about the business.

If the Senator could do that, I will be willing to accept this amendment.

Mrs. FEINSTEIN. If I may respond, and perhaps the Senator from Delaware, because I think this is a useful discussion. I would like to respond to the Senator from Utah.

What concerns me is somebody writes a terrorist handbook. We have that case. And they tell somebody how to steal; how, in detail, to put together, let us say, a light bulb bomb.

You come to them and say, ''You violated a criminal law.''

They say, ''I did not intend this to be used for crime.''

Then the comeback is, ''You should know it is going to be used for crime because that is the only purpose for a light bulb bomb. It is the only purpose for a toilet paper bomb, for a candy box bomb.''

Mr. BIDEN. Will the Senator yield?

Mrs. FEINSTEIN. I will right away, in just 1 second.

What the Senator from Utah is saying is the explosive company that makes the explosive does not intend—that is clear—that it be used for criminal purposes. I agree. The intention of this is not to get at the explosive company. The intention is to get at the person who misuses or mispackages, and who does it all for the purposes of committing a criminal act.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, if I may—and I thank the Senator for her invitation for me to speak to this as well—we have three slightly different points of view here. Let me make clear what I would like to see avoided and what I would like to see accomplished. Using specific examples and hypotheticals is not always the best way to do it, but it seems to be the only way I have available to me to do it at this moment.

None of us wants to have the publishers of World Book Encyclopedia indicted because they, in their World Book, tell you how you can make a bomb. You can go to a public library and you can find out how to build a nuclear device. It is a lot more complicated than building a light bulb bomb, but you can find that out.

The purpose, the knowledge or intention of the publisher of World Book Encyclopedia or any other publication is in all probability not the same purpose as that of the publisher of the Terrorist Handbook. But for the purpose of Lady Justice, blindfolded, weighing her scales, it is hard to tell the difference sometimes, other than looking at the person or the organization that is publishing the material, to determine their intent. And we do not want courts getting into that kind of business. I do not think the presiding officer wants that to happen, nor do I, nor do I think anyone does, although I sure would like to be able to capture those folks who issued that handbook.

So the Senator has narrowed her language, I think appropriately, to say ''know or intends.''

Let me tell you why I think ''know'' makes sense to be in there. If, for example, that gruesome example that the Senator gave from the internet, where somebody puts on a bulletin board how to make a terrorist device, a bomb, and then someone writes back and says, ''O Great One,'' I am paraphrasing, ''I want to kill Zionists in the Government. Tell me more. Feed me.'' Or whatever the terminology was.

The original publication of that information on the bulletin board on the internet may or may not meet the standard of having known the information was going to be used for a criminal purpose, or may or may not meet the standard of having intended that it be used. But it seems to me it is pretty clear that when that idiot writes back or punches in his code and name and says, ''O Great One, I want to kill people, tell me more,'' if the original person who put the information up on the bulletin board said, ''All right, Swami, here it comes. If you really want to get Zionists, here is how to do it,'' it seems to me at that point the person knows that the information he or she is disseminating is intended for a criminal purpose.

The Senator from California said there are some stores, some retail outlets that sell the handbook. Or you can write away to get the handbook. If I walk in to you and you are selling the handbook, you have the handbook and I say, ''Ma'am, I would like to buy a handbook that would teach me how to—do you see the cop down there in the corner? I want to put a pipe bomb in that trash can where he stands every morning from 8:30 to 9. I want to blow that SOB up.''

And you say, ''I have just the thing for you,'' and you walk over and you hand him the handbook, it seems to me you knew the information that is available to you to do something terrible, kill that policeman standing at the corner. It would be awfully hard to prove, though, that, if you sold that handbook to me, you intended for me to kill that policeman. You could know I was going to use it to kill someone without having intended for me to kill someone. Are you with me?

So my concern is, if it gets even narrowed further to say only ''intends the information to be used in a criminal enterprise or criminal act,'' then it is so narrow that you are not going to catch in that net people who I think we should catch.

I have been, for the last 23 years, always listed as one of the two or three or four people most protective of the first amendment. You know, all these rating organizations that rate us whether we are conservative, liberal, good, bad, or indifferent? I am always, along with Senator LEAHY and a few others, listed here as one of the staunchest defenders of the first amendment.

So I am not looking to broaden the net the Senator wishes to cast. But it seems to me if you narrow it so much so that you only use the word ''intend,'' you do not get the circumstance where I know that the information I have at my disposal as to how to build a light bulb bomb or any other kind of bomb, I know why you are seeking the information. You have told me. You tell me, ''I want to know how to make a bomb out of Gerber's baby peaches. I want to know how to do that. Teach me, oh Great One.'' You say, ''I've got just the answer for you. Here is how you do it.''

It seems to me that does fall beyond the purview of first amendment protection. It seems to me it is narrow enough and specific enough that it warrants to be made unlawful. And it seems to me that it is not at all inconsistent with what the fifth circuit and other courts have said relative to the standard required on the part of the person disseminating the information.

So in truth, you might also be able to get that very person on a conspiracy charge. You might not even need this statute. My friend, who is truly—we use this phrase too frequently around here, and it does not always apply, but in this case it does. My friend, who is learned in the law could stand and say, ''Well, all right, Joe. I am not trying to eliminate the ability to nail the person who is knowingly participating in an unlawful activity. We can already do that under a conspiracy statute.'' Practically, that is true. But I would argue that including the word ''knows'' as well as ''intends'' here does no damage to the first amendment, and makes the case if not easier, equally as able to be pursued as a conspiracy theory would be. This is more direct.

So my friend from Utah and I have been, the first 15 years of our working together, not always on the same side of these civil liberties arguments. And it is truly—I mean this sincerely—a pleasure to be on the same side of these arguments with him these days. I do not by that in any way imply a change in his motivation at all. I think things have changed, and as the troubles in society, the maturation process, has

taken place, and we all are seeing different applications of old principles to new problems. So I am not being facetious when I say I welcome it. But I respectfully disagree with him here.

I will not object to the Senator from California taking out the word ''knows.'' But I would suggest that her test, her intended purpose, is best served by saying if the person intends or knows that such explosive material or information will be used for or in furtherance of an activity that constitutes a criminal, a Federal criminal offense, or a criminal purpose affecting interstate commerce, I think keeping only two words ''intends'' or ''knows'' is totally appropriate, and I would support that.

But it is obviously her amendment. If she is persuaded by the reasoning of the Senator from Utah, I will not object to it.

I thank the Chair. I yield the floor.

Mrs. FEINSTEIN. If I may, Mr. President, I would like to amend the amendment by removing the word ''likely.'' So that the amendment reads:

Information pertaining to, in whole or in part, the manufacture of explosive materials, if the person intends and 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.

The PRESIDING OFFICER. Will the Senator send her modification to the desk?

Is there objection to the modification?

Mr. HATCH. May I see the modification?

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. If I could have the attention of the distinguished Senator from California, the way she has written it is different than the way she read it. It says if the person ''intends or knows.'' But if the Senator will read it ''intends and knows,'' I will go along with it.

Mrs. FEINSTEIN. I meant ''or.'' I beg your pardon.

Mr. HATCH. Could the Senator change the ''or'' to an ''and''?

Mrs. FEINSTEIN. I did not mean to. Did I?

Mr. HATCH. Yes.

Mrs. FEINSTEIN. I will change it to ''intends or knows.''

Mr. HATCH. If I can just respond to the distinguished Senator from California, I would prefer ''intends and knows'' rather than ''intends or knows'' because I believe that can lead to some mischief in the criminal law. On the other hand, this was a narrow interpretation. I agree with the distinguished Senator from Delaware. I am not sure that you can catch them on a conspiracy statute in this area. I do not remember the law with regard to the explosives. But whether that is so or not, as I understand it, the word likely will be stricken in the amendment.

Mrs. FEINSTEIN. That is correct.

Mr. HATCH. Then I am prepared to accept the amendment.

Mr. BIDEN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object, is the language ''and'' or is it ''or''? If it is ''or,'' I have no objection.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. HATCH. I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1209), as modified, is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . 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 section:

''(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 section (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.''

Mr. HATCH. Mr. President, with that modification, I am prepared to accept the amendment, if the distinguished Senator from Delaware is likewise.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. For clarification purposes, and I think I will accept it, I want to read the entire amendment. It will take me one moment. It says:

Section (a) reads, ''Section 842 of title 18, United States Code, is amended by adding at the end the following new section:

Subsection 1.

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 material 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.

Subsection B.

Section 844 of title 18, United States Code, is amended by designating section (a) as subsection (a)(1), and by adding the following new subsection:

(a)(1), any person who violates subsection (1) of section 842 of this chapter shall be fined under this title or imprisoned not more than 20 years, or both.

That is the end of the amendment. Is that correct?

Mrs. FEINSTEIN. The ''1'' is an ''l''. It is a lower case.

Mr. BIDEN. I beg your pardon. In the last paragraph?

Mrs. FEINSTEIN. In the first paragraph and the last.

Mr. BIDEN. I beg your pardon. It is ''l'', and not ''1.''

So it will read, the following new section ''l'', ''It shall be unlawful for any person to teach or demonstrate the making of explosive material or to distribute by any means information pertaining to'', et cetera. Then at the bottom paragraph, it reads ''Any person who violates subsection l of this section.'' Then that is how it reads, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. BIDEN. Mr. President, I am sorry to do this to you. But also in the third paragraph, it reads:

Section (a) as subsection (a)(l) and by adding the following new subsection.

So, in other words, the three places where I thought it was a ''1'' it is not a ''1.'' It is an ''l.''

So that being the case, that is the only correction of me, not of the amendment, I have no objection. We accept the amendment as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1209), as modified, was agreed to.

Mr. BIDEN. Mr. President, let me say that the Senator from California never ceases to amaze me. I say that with genuine respect. When she zeroed in on this problem when Senator KENNEDY came to the hearing and presented a 60-, 70-, 80-page document—I forget how long it was—of information that the staff had pulled off the Internet for him on how to do these things, one of the things that I admire most about her is her incredible common sense.

I remember her sitting there looking at us and saying, ''You mean you can do this? I mean, why are we allowing this?'' All of us who were supposedly hopefully good lawyers all looked and said, ''First amendment problem, Senator.'' And we all did say that. We all knew because of our reverence for the first amendment. Those of us who are conservative, liberal, and moderate alike all said, ''First amendment problem.'' We all kind of went on to other things.

As she always does, she went back to her office, and I am sure she turned to that able staff member next to her and said, ''Wait a minute, there has to be a way to do this. There has to be an answer to this.'' As usual, her instinct is almost always right. And when I have dealt with her, it has been unerring. Not being a lawyer, she went out and got some fine lawyers and said, ''How can I write this thing because I, DIANNE FEINSTEIN, don't want to amend the first amendment either, but I do want to deal with this foolishness.''

She did it. I compliment her. And remind me, if I ever forget, never to underestimate her. She always gets it done. We are all better for it. I again congratulate her.

We have no other amendment on the floor at the moment. What I would like to do, unless someone wishes to bring up an amendment, I would like to because I was not here when the Senator from California spoke on her first amendment, the taggants amendment, and I would like to take a moment.

AMENDMENT NO. 1202

If anyone has any other thing to bring up, I would be happy to yield. I rise at this moment to support the amendment of my friend from California on taggants, if I may, because we are going to be voting on that I think around 6 o'clock.

One area we did not address in the legislation before us was the issue of taggants. The President wanted to see it addressed, and I did as well and spoke very briefly with my friend from California and encouraged her to move the amendment on taggants.

I feel it is very important in the battle against terrorism to enhance our ability to identify, following detonation, the source or origin of the explosives used in an act of violence against our fellow Americans. Key Federal law enforcement officials recognize that to provide for enhanced tracing capabilities is a logical and, I would argue, overdue response. The administration included a tracing provision in their antiterrorism proposal, and it was section 803 of S. 761.

Now, I want to make it clear to those of our colleagues who may be listening in their offices, I am not inadvertently substituting the word ''tracing'' for ''taggant'' because that is what this is all about. We want to be able to trace the manufacture of the material used, not for purposes of prosecuting the manufacturer, unless the manufacturer violated the law intentionally in to whom they sold the material, but in order to be able to trace the person who purchased the material which would enhance our ability to find out who detonated the bomb.

The provision authorizes the Secretary of Treasury to promulgate regulations requiring taggants to be added to explosive materials. Now, the Republican bill, however, omits this key provision. Instead, the Republican bill calls for no action, only more study. I would also note that not only does the Republican bill choose study over action but, even worse, their bill calls on the Justice Department to study this issue.

Now, we all know that jurisdiction over these issues and the real expertise related thereto is in the Treasury Department. Let us not duplicate effort. Let us not duplicate bureaucracy. Let us think of the taxpayers, not the pet peeves of some special interest group because they do not like the Treasury Department. The Treasury Department is the outfit that has been dealing with this issue and explosives for time immemorial. The Justice Department is not. It does not have the expertise. So I would suggest that is not the place we should look.

Now, taggants are tiny plastic, as they are referred, sandwiches with different color stripes that are added to explosives during the manufacturing process. Because these taggants are left after the explosion, they can be used to identify the source of an explosion. And that is the source of the material—where it was purchased. In other words, these identifiers, these little plastic sandwiches, as they are called, different colored stripes are put into the explosive when it is being manufactured, legitimately manufactured. We are not talking about some back-room operation. These are legitimate explosives. These are legitimate materials made by legitimate companies for legitimate purposes. You add at the time of their manufacture these little colored strips so that when the explosion goes off, you are able to go into the area where the explosion took place and by use of detection means find these taggants.

These taggants—this is my phrase; I have never heard anyone else use this—are a little bit like that little bar code on the bottom of everything you buy in the grocery store. The checker just runs it through a scanner. They can identify what stock it was, what date it was made, where it came from, what part of the store it was in, how much it cost.

It is the same principle here. We want to be able to essentially run the residue of that explosive material through a scanner, in effect. And you are able to say OK, the material used in this bomb was manufactured at such and such a time, such and such a batch, et cetera, and work your way back with the intention of not going after the manufacturer but going after the person who purchased it.

Now, it may be the person legitimately purchased it, and we find out it was purchased for a construction operation and it was put in, properly stored in a locked vault and that you find out the vault was not broken into but that on the job it turned out a couple pieces were missing. Well, then you have the investigative tool to narrow it down. Maybe then you look at the people who took the explosive out and were legitimately working on the job. Maybe it turns out to be one of them. It was not them. They may say, well, it was only 20 minutes it was not here. And there was a guy wearing a red cap that came by. It is investigative work. It merely gives, but significantly gives, an opportunity to law enforcement agencies to begin to trace, backtrack, until hopefully you find the person who was the person who purchased and used this material.

Now, to use a practical example of how even small pieces of evidence are vital, consider that the vehicle identification number on the exploded remains of a rental truck that was used to blow up the Federal Building in Oklahoma City was the critical piece of evidence that gave Federal law enforcement a critical lead on the bombing suspects.

There was a taggant in effect on that vehicle in an ID number on it. Where would we be if we had not required an ID number on that vehicle? We would be nowhere. You would not have been able to go back to find out from where that vehicle was rented, who walked in and rented it, what they looked like, what their description was and then trace it back to the guy who gets arrested almost incidentally on a highway going out of Oklahoma City the day of the bombing.

Very important material, a tiny little thing. You would say, well, wait a minute. That truck was blown to smithereens. This just goes to show you the investigative capability of the people there. The axle—I believe it was an axle—on which this identification number existed was found. They knew to go and look at that ID number.

Once they found it, they could begin the tracing process. In fact, it was the employees of the rental agency they traced this back to who provided much of the information necessary to create the composite sketch of the suspect initially known as John Doe 1, whom we now know as Timothy McVeigh.

Now, taggants work much in the same way. The taggants would give an indication where the explosives were purchased. Not only does that lead law enforcement to a sales clerk who might have provided a description of the terrorist, but this information may also be key, and perhaps the only physical evidence that a prosecutor can use, to nail the defendant to the crime. If there were taggants in the explosives that were used, you would be able to do the same thing—and they were recovered. You might be able to go back and find where the material that blew up the—and that was fertilizer added with some chemicals and the like. You may be able to go back and find out where that fertilizer was sold and you may find the very same thing. The clerk says I remember selling that fertilizer to the following person, and you do a composite sketch. Again, it is a strong piece of evidence.

Now, my colleagues on the other side of the aisle will argue that we should study this issue more closely. But that means only one thing: More needless delay. The potential effect of taggants has been highlighted in a study that was conducted in the late 1970's when the ATF seeded a very small portion of explosives, 10,000 pounds, with taggants.

We had this debate, I might add, when I first came to the Senate in the 1970's, and we were told, no, it may be a destabilizing element in the manufacture of the material; it may be used for purposes on the part of law enforcement to do bad things, et cetera. But we agreed that Alcohol, Tobacco, and

Firearms could do an experiment. So they went to a manufacturing site, and they tagged 10,000 pounds of explosives. They put in one of these little colored strips, these sandwiches.

Now, despite this relatively small amount—and that probably represented less than—I will not even guess—one one-hundredth percent of all the explosives sold that year. It was infinitesimally small in this little experiment compared to the universe of all explosives sold that year. For example, my staff is telling me 4 billion pounds of explosives are sold per year—4 billion pounds. This was 10,000 pounds that was tagged as an experiment. Now, notwithstanding that, that one experiment back in 1978—and the Senator from California knows this—was very instrumental and effective in helping solve a bombing incident in the State of Maryland. Now, the idea that we did this one experiment—and it was just pure luck, I suspect, that that 10,000 pounds was purchased. But what happened was there was a car bombing, and but for the fact that the explosive used was part of that 10,000-pound batch that was the only batch out of four billion pounds sold that year, the perpetrator of the act was unlucky enough to purchase something from that batch. And that was the thing that led to the identification and conviction of that individual, with little or no possibility of their ever having found him but for the taggants.

I suggest that the study by the Office of Technology Assessment on taggants is also a key source of the safety and efficacy of taggants. There was this experiment and the study by the Office of Technology Assessment. The Office of Technology Assessment found that ''identification taggants would facilitate the investigation of almost all significant criminal bombings in which commercial explosives were used.''

Now, safety tests performed by the Office of Technology Assessment found taggants to be compatible with the explosives covered by this amendment. By compatible, I mean they did not diminish the efficacy of the explosives, No. 1. So it blew up just as big as it would have blown up without the taggant. It did not diminish its capacity.

Second, it did nothing to destabilize the explosive. It made it no more or less dangerous to deal with that explosive. One of the arguments we will hear used is that if you add these taggants, they will have the effect of destabilizing this explosive material, making it more dangerous to handle. There is no evidence of that, according to the Office of Technology Assessment.

Third, they also found that it did not, in any way, affect the manufacturer of that material. That is, placing the taggants in the material as it is manufactured did not diminish safety in the production of that material.

For 15 years, law enforcement in Switzerland have recognized taggants as an important piece of the puzzle in solving crimes involving illegally used explosives. Under this amendment, the Secretary of the Treasury will determine how we can best utilize this technology. Then we will move forward and use the taggants after that assessment has been made by the Secretary of the Treasury. And that is key. We should move forward in this area now, and we should do so without further delay.

Now, a study on common and precursor chemicals, another aspect of the amendment I want to touch on briefly, is the requirement that the Secretary of the Treasury study and make recommendations regarding: First, the ability and feasibility of rendering inert those common chemicals used to manufacture explosive materials and, second, the ability to impose controls on those precursor chemicals used to manufacture explosive materials.

Let me make it clear, this is a separate issue. There are two issues here that the Senator from California has pursued that were in the President's legislation. One, this notion of, in effect, seeding an explosive with a color-stripped material so that when the explosive goes off, you can find the material and trace back the place where it was manufactured and sold. That is the taggant.

Now, there is a second issue, and that is chemicals which are sold—I will use this phrase—over the counter. These are chemicals you can go and buy, but they can be used for destructive purposes, although their intention is for constructive purposes. Fertilizer is to help things grow, not kill things or kill people.

Now, I said this before, and I say it to my friend from California here. I was at a conference with a group of U.S. Senators, Congresspersons, and officials from the United Nations the day this god-awful explosion in Oklahoma occurred, and we literally interrupted the conference. One of the conferees was Gen. Michael Rose, a general in the British Army, who was the UNPROFOR Commander of Forces in Bosnia up until about 3 months ago. General Rose and I were sitting next to one another discussing the situation in Bosnia. What happened was that we adjourned when we heard this horrible news and went to the nearest television. The first scene all of us saw—a dozen of us Congressmen, Senators and generals—was a visual image of the Federal building and the confusion surrounding it. You could see how the Federal building was not only blown up, but it looked like it was cut away in the front. I was sitting next to General Rose. I could not hear what was on the television in this hotel lobby. We just saw the picture. He looked at me and he said, ''That bomb is a fertilizer bomb. That is what destroyed that building.'' My staffer reminded me that he looked and he said, ''That is an ANFO bomb.'' I wondered, what in the devil is he talking about? How does he know this? All we can see is this picture on television. He had not heard any more about this than I did. We just walked out of this conference. He went on to explain to me how when ammonium nitrate is added to fertilizer in a certain formula and way, it produces an explosion whose fingerprints or characteristics are like the one we saw. I was amazed. I was complimenting him, because about 3 minutes later a reporter comes on and says, ''We have just learned that this was a fertilizer bomb.'' I did not know how he knew this. He went on to explain to us that it was his experience when he was a commander in Northern Ireland with the use of fertilizer bombs by the IRA. He went on to point out that England had changed the law relative to the sale of fertilizer to Ireland and the type of fertilizer and the amount of nitrate that could be in the fertilizer, and he went on and on about it. And he said something fascinating. He said that it has had three interesting effects. First, the environment is cleaner. There is not as much nitrates left over in the environment when it is applied to the soil. The water is cleaner and the bombs are fewer.

So that is when I became interested in how do you take these materials that seem to me to be totally innocent in terms of the ability to cause damage and render them inert—inert in the sense that they can only do the thing for which they were manufactured, which is to help things grow, as opposed to kill people. One of the ways to do that is to look at it and study it and make recommendations regarding the feasibility of adding materials to the manufacture of these chemicals and precursor chemicals that will not diminish the effectiveness of the chemical but render them incapable of generating the explosion.

The purpose of this provision is very simple, and it should be clear to every American in the wake of the Oklahoma City tragedy. What has become evident in the past weeks is that in America today, nearly anyone, as our friend from California has pointed out, can acquire the ingredients, all of which have other legitimate uses, and build a bomb.

The bomb in Oklahoma was a mixture of ammonium nitrate fertilizer and diesel fuel. Ammonium nitrate can be purchased at almost any garden supply or hardware store, and when mixed with a fuel, it can be classified as a high explosive. One way to desensitize ammonium nitrate while still preserving its effectiveness for its intended use would be to mix a nonexplosive chemical such as lime, calcium carbonate, into the product, to render it inefficient for use as an explosive.

Now, I think it makes overwhelming sense to suggest that a feasibility study be done and recommendations made as to whether or not, for example, lime can be added to ammonium nitrate, allowing the fertilizer to be as potent as it was before for the purposes of encouraging growth in the soil, yet rendering it incapable of being used as

a bomb when mixed with a fuel supply. This type of desensitizing is currently employed in England, as I said.

Let me be clear, all this amendment does with regard to this point, all it does is require the Secretary to study the feasibility of such a policy being implemented in the United States.

It is an unfortunate reality that individuals would take seemingly harmless—I might add, legal—products and devices and turn them into weapons capable of exacting the devastation and loss of life that we all saw in Oklahoma City. However unfortunate that may be, it is a reality nonetheless. The amendment of my friend from California is an effort to curtail the availability of products which can be used in this manner.

Mr. President, I would like to make as a concluding point that I understand negotiations between Senator FEINSTEIN and other interested parties on the other side are proceeding. Of course, I hope these discussions will be successful, but I strongly urge that the Senator from California not relent on the two essential aspects of her amendment.

One, the taggants be able to be placed, by recommendation from the Secretary of Treasury, in explosives; and, two, that the study be undertaken that would determine whether there are ways that we can feasibly render inert the destructive capability of otherwise totally constructive precursor chemicals.

I see the Senator from California is on the floor and seeking recognition. I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to thank the Senator from Delaware for that very eloquent exposition on taggants.

I must say that it never ceases to amaze me, because outside people are saying they are for legislation to begin to tag explosives where safe and not adding to the volatility. Yet once again, I must tell the Senator, the lobbying of those special interests is starting up again to, one by one, move Senators off of this legislation.

This led me to get a little bit of the history of taggants before this body. While the Senator has been here for a long time, I am a relative newcomer, 2½ years, and I did not realize this issue has been raised now for 22 years before this body. It might be interesting to go back into a little bit of the history.

It actually began in 1973 when Congress asked ATF to look into possible methods of fighting terrorists in criminal bombings. That year, ATF and the FAA established an ad hoc committee on explosives seeding. That same year, ATF formed an inner agency advisory committee on explosives tagging.

Also in 1973, the Law Enforcement Assistance Administration, which we knew as LEAA, sponsored a study by Lawrence Livermore Lab, managed by Aerospace Corporation, to study the feasibility of identification tagging of explosives.

Several companies, including 3M and Westinghouse, began taggant development. By 1976, this was far enough advanced to be the subject of the pilot tagging program developed by aerospace under the contract with the Bureau of Mines. The results seemed positive, in 1977, with the Omnibus Antiterrorism Act.

Mr. President, was the Senator here in 1977?

Mr. BIDEN. Mr. President, yes, I was here. I was also here in 1973, unfortunately. I have been here, and I have been interested in this issue since then. That is why I am so happy the Senator is pushing it.

Mrs. FEINSTEIN. Mr. President, it is interesting to see, because in 1977 Senators Abe Ribicoff and Jake Javits presented language mandating the introduction of explosive tagging over a period of time.

During consideration of the bill, the National Rifle Association—who somebody has just said is for taggants—opposed the inclusion in the program of black and smokeless powders used by some hunters to hand-load antique rifles. The National Rifle Association was successful at the committee level at deleting the requirement that these powders be tagged.

Nonetheless, the requirement that other types of explosives be tagged was left intact. The bill never reached the Senate floor.

In the 96th Congress, the antiterrorism legislation was reintroduced with provisions for gradually phasing in identification tagging over a 2½-year period. The legislation was considered in the House by the Aviation Subcommittee of the Commerce Committee.

It was supported by the Airline Pilots Association and the Airline Transport Association. The House Members and Glenn Anderson, the subcommittee chair, wanted to wait for action on the subject in the Senate before taking the issue up in the House.

The Senate Governmental Affairs Committee marked it up on May 7, 1979. The only controversial aspect of this Omnibus Antiterrorism Act, Senate bill 333, was explosive tagging. Again, the NRA and the Institute of Makers of Explosives lobbied hard to kill the entire program and made wild accusations about the cost, safety, utility, and burdensomeness of taggants.

So the principal supporters, Ribicoff and Javits, and the principal opponent, who was Senator STEVENS at the time, agreed to postpone committee consideration pending an examination of taggants by the congressional Office of Technology Assessments.

That was the report I held up this morning. OTA was not to conduct original research, but rather was supposed to review existing data and report its findings back to the Governmental Affairs Committee no later than August 6, 1979.

OTA went out. They established a staff drawn from science foundations, Lawrence Livermore Lab, to carry out the proposal. They also formed an advisory committee composed of representatives from the law enforcement community, the explosives industry, and the gun lobby to provide input. It is my understanding that one of the explosive industry members was later indicted for selling explosive materials to Libyan terrorists.

Despite the efforts on the part of OTA to comply with the August 6 deadline, it soon became apparent that the deadline could not be met. So a new deadline was set for Thanksgiving. In the interim, American hostages were seized in Iran and the Senate decided to postpone consideration of the underlying bill until the situation was clarified.

This gave OTA more time to develop its report, which was finally released on April 28, 1980. That is the report I mentioned this morning.

At this point, the National Rifle Association, I am told, hired lobbyists to lobby against the bill. I am told that the people hired were paid more than $250,000 for the effort to defeat this. They were successful in getting several trade associations in the construction industry, including the Crushed Stone Association, to launch campaigns against the bill on the theory that taggants would increase the cost of explosives by more than 100 percent. In fact, the estimate is less than 10 percent. I read those figures into the RECORD this morning.

By the date of the markup, it became clear that the Javits-Ribicoff approach would not win. Senator GLENN offered a compromise. That did not go ahead. The committee vote was 8–7 in favor of an Eagleton motion, who was an opponent of taggants. And on and on and on it goes.

Now here we are with a massive incident in the United States—two of them—the World Trade Center and the building in Oklahoma City. And now, today, this afternoon, the phones are heating up. Senators that I thought would be for this are calling. They are now getting the agriculture communities involved, saying they do not want a study. Just the study on ammonium nitrate, the fertilizer that blew up the building and killed 168 people, we were being told we should not study it.

I cannot believe it. It is unbelievable to me that anyone could oppose a study to see if fertilizers can be made inert so they will not detonate it.

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

Mrs. FEINSTEIN. I will yield.

Mr. BIDEN. I do not mean yield to the issue, but yield temporarily on the floor.

Let me ask the Senator somewhat of a rhetorical question. She points out

accurately, my recollection, because I was here during the entirety of what she spoke of. From my perspective, her historical analysis is accurate. I remember at the time being dumbfounded, quite frankly, that the chemical industry, a large chemical industry in Delaware, and others would not push hard for these actions to be taken. I mean, I just assumed, naively, that this would be something everybody would be for.

There is one argument that can be made in opposition to what we are trying to do and I think we should state it. That OTA study, Office of Technology Assessment study, said that there was only one possible exception to the circumstance under which adding a taggant might diminish the safety, and that was with regard to smokeless powder.

The Senator pointed out that back as early as 1973, the NRA pointed out that they were concerned about people who were muzzle loading antique guns and using smokeless powder to put them in a position to be able to use the guns. Probably we could have settled that matter then but it turned out that, whether the NRA was concerned about that or not—and I will not make a judgment about that—it ended up being the initial device used, the wedge used to block anything from happening.

It is my understanding from my discussions with the White House, with the Justice Department, my staff and others, that when I introduced the President's bill, when Senators KOHL and SPECTER and I introduced the President's bill containing this provision, that we did not intend—the White House did not intend, the Justice Department did not intend—to include within the definition of explosive, smokeless powder. The ATF indicates that they do not include that in their definition of explosives. And I would think that—I would like to ask the Senator whether this is not her understanding as well, that we would be willing to make it very clear in the record that our definition—your definition of explosives does not include smokeless powder.

Mrs. FEINSTEIN. I would be prepared to do that, Senator. It is my understanding this affects gels, slurries, dynamite, emulsions and cast boosters, and black powder. But it does not include smokeless powder.

Mr. BIDEN. As further evidence that we are not just arriving at this as a means of a compromise, it was never our intention to include smokeless powder. I would read from, as further evidence of that although we did not make it absolutely clear, I would read page 2 of the amendment, subsection (e), the bottom, second-to-the-last-line of the page.

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 material for their intended lawful use, adversely affect the safety of the explosives, or have substantially adverse effects on the environment.

So we thought that we were dealing with this red herring by having the section requiring that the decision would have to be made that the tracer elements, the taggants, would not adversely affect the safety of the explosives.

Since OTA indicated that there was a possibility of that with regard to smokeless powder, we did not intend that to be covered. But I would suggest—I know my friend from California who is leading this effort has probably had some discussions already with the majority staff and others about this. I hope we can reach a resolution on it. And I sincerely hope, coming from a State where agriculture is our single largest industry in terms of dollars and effect on the economy, and where fertilizers are used a good deal—hope no one would be fearful of explaining to the agricultural community that they supported a study to determine this. I cannot imagine the farmers in my State, very conservative, hard-working folks, would be opposed to a study being conducted to determine whether or not ammonium nitrate could have an element added to it that would not in any way diminish its efficacy on the land but would diminish its efficacy as an explosive component.

I might point out—I might ask it, actually, in terms of a question. Is it the sponsor's intention that this merely be a study relative to means to render inert these components, precursors that can be used as bombs? And that if the study concludes that the only way it could be done would be to diminish the capacity of ammonium nitrate to do its job on the field, that we would not move forward? This is merely a study, is it not?

Mrs. FEINSTEIN. The Senator from Delaware is 100 percent correct.

I might say, coming from a State that has a $18 billion agricultural industry, I called up to see if we have had any phone calls at all from Agriculture, Farm Bureau, anybody else. The answer is no.

I would hazard a guess, knowing the agricultural community of California, that they would not object to a study. So I think this is probably a very targeted lobbying drive at the present time.

Mr. BIDEN. Mr. President, I hope we follow the advice of the Senator. We know this is the right thing to do. We know this is the right thing to do.

We know it is, as a minimum, worthy of scientific study to determine whether this can be done with efficacy. And we also know—I do not fully understand, frankly—we also know there are certain interests that do not want that to happen. Because they are fearful—the only thing I can conclude, Senator, is they are fearful that the study will come forward and say, "Guess what? You can do this without in any way diminishing the effectiveness of fertilizers used for agriculture."

Because, obviously, if the study is going to come back and say you cannot do this without diminishing significantly the capacity of the fertilizer to function, that cannot worry them because if that is the case we are not going to do it. There is no way that would get done here.

So I always am confused by this response. I was confused in 1973 about why people responded the way they did. I hope we will not let interests that I do not fully understand sidetrack even a study. I might point out, by the way, with regard to taggants, originally the people who are now opposing the Senator's language and the President's language were opposed to even a study before. Now they are for a study. I hope we can just bypass—not have to go through another 10 years before we get to the point where they see their way clear, suggesting we can even look at a study.

Mrs. FEINSTEIN. If the Senator will yield?

Mr. BIDEN. I will be happy to.

Mrs. FEINSTEIN. I have here an amended amendment that may solve the problem. There are some technical amendments which I can read. But the one that deals right now with the situation that my colleague is referring to, smokeless or black powder would be as follows.

At the end of subsection (c)(1) insert the following:

For purposes of this subsection, explosive material does not include smokeless or black powder manufactured for uses set forth in section 845(a)(4)(5) of this chapter.

Which is "Small Arms Ammunition and Components Thereof." That is the exception, just for small arms ammunition and components thereof.

Mr. BIDEN. I say to the Senator from California that is probably broader than we have to make it, but I would agree with her that that is worth doing to allay the concerns and fears of our friends who think somehow there is some nefarious objective here that is not obvious on its face.

The Senator from——

Mrs. FEINSTEIN. If the Senator will yield? We believe it is already exempted. This is a restatement of that.

Mr. BIDEN. Again, I would have no objection. But I suggest the Senator withhold modifying that because the Senator from Utah was required—he has been on the floor the whole day. He said he had to leave for 15 minutes. And would I not take any action in his absence. So I suggest, and maybe the Senator's staff has already done this, make that language available to Senator HATCH's staff. Hopefully he can agree to that.

But I ask her to withhold modifying her amendment which would require unanimous consent until he returns to the floor and has had a chance to look at it.

Mr. President, while the Senator from California is doing that, I will repeat that in both instances, in the instance of requiring tracers and studying the capability of rendering products which do not have a destructive purpose but are able to be used for destructive purposes, to render them inert—that is incapable of being used for destructive purposes—that in both instances we are very concerned about safety. We do not want at any point here, in attempting to create, eliminate, diminish the possibility of one bad thing happening, to raise safety concerns. So for those explosives with potential—and I want to stress potential—safety concerns, the Secretary of Treasury can account for those concerns by establishing regulations. The point of this amendment is to improve the safety of Americans. But it will not be done by risking the safety of manufacturers or people who lawfully use explosives. This amendment accounts for those concerns and addresses the underlying concern with illicit use of explosives.

I stress again the action just suggested by the Senator from California is further evidence of the fact that we are in no way suggesting an amendment that would diminish the safety of anyone, the manufacturer or the person who lawfully uses those materials. I further note as it relates to precursor chemicals, we are not in any way suggesting that any change be made prior to a full-blown study. And the purpose of that study is to determine whether or not we can be assured that we can render these precursor chemicals inert, without affecting their ability to be used effectively as designed for the purpose for which they are manufactured in the first instance.

So I hope that when we get to this amendment that no one will be dissuaded from voting for it. And I say to representatives of the NRA who are listening that it is not our intention in any way to make anything unsafe for hunters, to in any way diminish or limit any right of any gun owner in America, to in any way put any gun owner in America in any jeopardy whatsoever. This is not a slippery slope. This is not the camel's nose under the tent. This is not all those other things that are always stated when in fact we do anything at all that impacts in any way upon firearms, ammunition, or explosive material.

There is no subagenda here. It is very simple. We want to track down the bad guys who use explosives the wrong way for criminal purposes, and we want to take that material that is sold over the counter for purposes totally unrelated to criminal activity or for explosive capability and determine whether or not, after scientists study the issue, we can safely render that explosive capability inert, render it incapable being used in an explosive compound, and in doing so in no way diminish the purpose, the efficacy of the material for which it was manufactured in the first place.

Mr. KENNEDY. I urge the Senate to support the Feinstein amendment to require that explosives be manufactured with identifying chemical markers.

These markers, called taggants, are an essential tool for law enforcement officials in the difficult effort to apprehend terrorists who use bombs. The President has asked us to include this provision in the pending bill, and we should comply with his request.

Explosives are the weapon of choice for any criminal who wishes to kill and maim human beings indiscriminately. Nothing demonstrates this more starkly than the tragedy in Oklahoma City, in which 168 people were killed by a bomb in a parked truck outside the building. The perpetrators of this atrocious crime caused more death and destruction with an explosive device than they could ever have accomplished with even the most lethal firearm.

But Oklahoma City is just the tip of the iceberg. Because of their destructive capacity, explosive devices have been used repeatedly to perpetrate terrorist acts:

On February 26, 1993, Islamic extremists used a 1,200-pound bomb to devastate several levels of one of the World Trade Center Buildings in New York City. Six people were killed, and over a thousand were injured.

Explosives caused seven airline crashes between 1982 and 1989, including Pan Am flight 103, in which 270 people, many of them Americans, were killed over Lockerbie, Scotland. Seven Americans also died in a 1989 plane crash in Africa caused by an explosive device.

In 1993, bomb attacks occurred in every one of the 50 States, as well as in the District of Columbia, Guam, and Puerto Rico. In Massachusetts, there were 16 illegal explosive incidents that year, and 11 of those bombs detonated before authorities could disable them. In the decade between 1984 and 1993, Massachusetts had a total of 141 bombings and 27 attempted bombings. Four people were killed, and 28 were injured during that period.

Nationwide, 632 people were killed by bombs between 1989 and 1991.

Of course, bombings are not always intended to result in largescale destruction. Explosives are sometimes employed in criminal attacks against specific individuals, as in the case of the assassination of Federal Judge Robert Vance several years ago. And since 1978, the so-called Unabomber has killed 3 and injured 23 people with deadly letter bombs delivered through the mail to his victims' homes and offices. In 1993 alone, the postal service detected 10 bombs in apparently unrelated incidents.

The perpetrators of these crimes often evade capture and conviction, in part because of the difficulty that law enforcement officials face in tracing the origin of explosive devices and components. As the Office of Technology Assessment has noted, ''bombings are particularly difficult crimes for law enforcement agencies to handle as the bomber is not usually near the scene of the crime, the physical evidence is destroyed or damaged by the detonation, and the materials necessary to fabricate even a quite catastrophic bomb are easily obtainable.''

But cutting-edge technology offers two ways to assist law enforcement in the difficult task of apprehending terrorists. First, there are means to detect explosives when they pass through airports and other secure areas. And second, explosives can be manufactured with chemical taggants that help investigators trace the source of the material after the explosion has occurred.

The pending bill advances the first of these two technologies by requiring that explosives be manufactured with detection agents that will trigger detection devices at security checkpoints. This requirement implements an international convention, and I commend the chairman of the Judiciary Committee for including this provision in his substitute.

But the pending bill does not include the second of these two technologies, and the Feinstein amendment would include it. It would give the Secretary of the Treasury needed authority to require manufacturers of explosive materials to include taggants in their products. Experts within Federal law enforcement say that the technology is feasible and appropriate, and President Clinton has asked Congress to give the Treasury Department this enhanced authority.

The use of taggants has proved to be a highly effective law enforcement tool in Switzerland, where the government has already implemented the requirement we are now debating. Swiss law enforcement agencies credit taggants with helping them to identify the source of the explosive in 566 bombing incidents over a 10-year period. The Swiss were able to apprehend a greater number of bombing suspects over this period by taking advantage of this new technology.

This amendment provides law enforcement with a needed technique to trace the origin of bombs and arrest and convict the criminals who use them.

I commend the Senator from California for her amendment and I urge its adoption.

Mr. LEVIN. Mr. President, I support the Feinstein amendment to require the tagging of explosive materials to help law enforcement officials investigate and prevent terrorist bombings.

The Hatch substitute amendment contains a very narrow provision that would require the use of taggants in only one narrow category of explosive materials—plastic explosives. This is a mistake. I am convinced that we have the technology available today to introduce taggants in a wide range of explosive materials.

In fact, the Congressional Research Service has informed me that Switzerland had required the inclusion of

taggants in explosive materials since at least 1980, when that country's regulation on explosives was enacted. That law provides, in relevant part:

[Each] explosive must contain a tagging substance that permits the reliable tracing of the origin [of the explosive] even after the explosion. The tagging substance requires the approval of the Central Office [of the Federal Prosecutor] which must consider changing circumstances.

The New York Times recently reported that a Minneapolis company is already in the business of manufacturing taggants, which it sells primarily to Switzerland. According to the New York Times, the Swiss police have used these taggants to trace explosives in more than 500 bombings and explosives seizure cases over the last 12 years.

Mr. President, the technology needed to introduce taggants into explosive materials is neither new nor experimental. We have had the technology available to us for more than 15 years. As long ago as 1980, the Senate Governmental Affairs Committee considered a provision to require the use of taggants as part of the Omnibus Antiterrorism Act. Unfortunately, the provision was dropped in committee, by an 8 to 7 vote.

At that time, Assistant Secretary of the Treasury Richard Davis testified that technology was already available or would soon be available to tag a wide range of explosive materials. Mr. Davis provided the following timetable: Black powder, October 1979; smokeless powder, July 1981; dynamites, water gels and slurries, June 1979; fuse and detonating cord, November 1979; detonators, June 1981, label method, October 1981 (double plug method).

In fact, the use of taggants during the testing and research period preceding action on the bill produced an arrest and conviction in Maryland. As Senators Javits and Percy explained in the committee report:

In a May 1979 bombing in Spring Point, Maryland in which one man was killed and another injured, investigators searched through the debris and found the explosive used contained taggants as part of a pilot program. The taggants led police to a West Virginia explosives retailer, where they developed a list of suspects. One of those suspects knew the victim, providing a direct link in the chain of evidence. In December 1979, a Baltimore jury convicted James McFillin as being guilty of manslaughter. It was the first time a court had admitted the taggants as evidence. So, there should be no question in anyone's mind that taggants work.

Mr. President, the opponents of this amendment claim that more study is needed before taggants can be used. That is a needless delay. Taggants have been tested in this country and—even in the limited test—led to an arrest and conviction. They have been required in Switzerland for more than 12 years, and have proved helpful in hundreds of bombing and explosives cases over that period.

Taggants are a proven technology which can significantly assist law enforcement officials in detecting and deterring terrorist acts. We should not repeat the mistake we made when we deferred action on this provision in 1980. We should act now, by adopting the Feinstein amendment.

Mr. BIDEN. I note that no one else is seeking recognition. The hour of 6 o'clock is approaching.

Parliamentary inquiry: Is there a time set for the first vote at this moment?

The PRESIDING OFFICER. Yes. By unanimous consent, the time has been set for 6 o'clock.

Mr. BIDEN. The first vote will be on what issue, Mr. President?

The PRESIDING OFFICER. The motion to table the amendment No. 1202.

Mr. BIDEN. Amendment 1202 is the taggant amendment of the Senator from California.

The PRESIDING OFFICER. The amendment of the Senator from California.

Mr. BIDEN. I thank the Chair.

Again, I sincerely hope we do not have to wait for another bombing, another horrendous loss of life, even another day before this body will act on an issue that we have debated and discussed since 1973, the first year that I came here. There is no hidden purpose in this amendment, none whatsoever.

For the life of me, I cannot understand how anyone would be against this amendment.

I yield the floor at this time.

Mrs. FEINSTEIN. If I may, Mr. President, say to the Senator from Delaware, we are prepared to move a modification to the amendment. We require unanimous consent to be able to do so. I am hopeful that will be forthcoming.

Mr. BIDEN. Mr. President, the majority staff tells me that they are checking with Senator HATCH, who is just off the floor, occupied in another matter at the moment. Also, there is a need in order to get unanimous consent to amend the Senator's amendment. There are two other individuals I am told on the Republican side who are being asked to check off. If we are not able to get them prior to 6 o'clock, I will ask unanimous consent the vote be postponed for 5 minutes. I will not do that now. Hopefully we will find that out—to give us an opportunity to determine whether or not there will be agreement. I hope there will be no disagreement on the Senator's amendment because it makes crystal clear we are not intending to deal with small arms, we are not intending to deal with those folks who are the stated reason for concern on the part of those who are opposing this amendment.

Mrs. FEINSTEIN. If I might include in the RECORD at this time perhaps, if the Senator will yield, the Federal Register, volume 60, No. 80, Department of the Treasury. This is a listing of those explosive materials that we are dealing with precisely. So that will be in the RECORD.

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

COMMERCE IN EXPLOSIVES; LIST OF EXPLOSIVE MATERIALS

Pursuant to the provisions of Section 841(d) of Title 18, United States Code, and 27 CFR 55.23, the Director, Bureau of Alcohol, Tobacco and Firearms, must publish and revise at least annually in the Federal Register a list of explosives determined to be within the coverage of 18 U.S.C. Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials. This chapter covers not only explosives, but also blasting agents and detonators, all of which are defined as explosive materials in section 841(c) of Title 18, United States Code. Accordingly, the following is the 1995 List of Explosive Materials subject to regulation under 18 U.S.C. Chapter 40, which includes both the list of explosives (including detonators) required to be published in the Federal Register and blasting agents. The list is intended to also include any and all mixtures containing any of the materials in the list. Materials constituting blasting agents are marked by an asterisk. While the list is comprehensive, it is not all inclusive. The fact that an explosive material may not be on the list does not mean that it is not within the coverage of the law if it otherwise meets the statutory definitions in section 841 of Title 18, United States Code. Explosive materials are listed alphabetically by their common names followed by chemical names and synonyms in brackets. This revised list supersedes the List of Explosive Materials dated January 7, 1994, (59 FR 1056) and will be effective as of the date of publication in the Federal Register.

Acetylides of heavy metals.
Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatex.
Amatol.
Ammonal.
Ammonium nitrate explosive mixtures (cap sensitive).
*Ammonium nitrate explosive mixtures (non cap sensitive)
Aromatic nitro-compound explosive mixtures.
Ammonium perchlorate explosive mixtures.
Ammonium perchlorate composite propellant:
Ammonium picrate [picrate of ammonia, Explosive D].
Ammonium salt lattice with isomorphously substituted inorganic salts.
*ANFO [ammonium nitrate-fuel oil].
Baratol.
Baronol.
BEAF [1,2-bis(2,2-difluoro-2-nitroacetoxyethane)].
Black powder.
Black powder based explosive mixtures.
*Blasting agents, nitro-carbo-nitrates, including non cap sensitive slurry and water-gel explosives.
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC [(bis (trinitroethyl) carbonate].
Bulk salutes.
BTNEN [(bis (trinitroethyl) nitramine].
BTTN (1,2,4 butanetriol trinitrate.
Butyl tetryl.
Calcium nitrate explosive mixtures.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Composition A and variations.
Composition B and variations.
Composition C and variations.
Copper acetylide.
Cyanuric triazide.
Cyclotrimethylenetrinitramine [RDX].
Cyclotetramethylenetetranitramine [HMX].
Cyclonite [RDX].
Cyclotol.

DATB [diaminotrinitrobenzene].
DDNP [diazodinitrophenol].
DEGDN [diethyleneglycol dinitrate].
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine [glycerol dinitrate].
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
DIPAM.
Dipicryl sulfone.
Dipicrylamine.
Display fireworks.
DNDP [dinitropentano nitrile].
DNPA [2,2-dinitropropyl acrylate].
Dynamite.
EDDN [ethylene diamine dinitrate].
EDNA.
Ednatol.
EDNP [ethyl 4,4-dinitropeotanoate].
Erythritol tetranitrate explosives.
Esters of nitro-substituted alcohols.
EGDN [ethylene glycol dinitrate].
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive mixtures containing tetranitromethane (nitroform).
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive liquids.
Explosive powders.
Flash powder.
Fulminate of mercury.
Fulminate of silver.
Fulminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.
Gelatinized nitrocellulose.
Gem-dinitro aliphatic explosive mixtures.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.
Heavy metal azides.
Hexanite.
Hexanitrodiphenylamine.
Hexanitrostilbene.
Hexogen (RDX).
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMX [cyclo-1,3,5,7-tetramethylene 2,4,6,8-tetranitramine; Octogen]. Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.
Igniter cord.
Igniters.
Initiating tube systems.
KDNBF [potassium dinitrobenzo-furoxane].
Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts, explosive.
Lead styphnate [styphnate of lead, lead trinitroresorcinate].
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen explosives.
Magnesium ophorite explosives.
Mannitol hexanitrate.
MDNP [methyl 4,4-dinitropentanoate].
MEAN [monoethanolamine nitrate].
Mercuric fulminate.
Mercury occalate.
Mercury tartrate.
Metriol trinitrate.
Minol-Z [40% TNT, 40% ammonium nitrate, 20% aluminum].
MMAN [monomethylamine nitrate]; methylamine nitrate.
Mononitrotoluene-nitroglycerin mixture.
Monopropellants.
NIBTN [nitroisobutametriol trinitrate].
Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated polyhydric alcohol explosives.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatin explosive.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerine [NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine].
Nitroglycide.
Nitroglycol (ethylene glycol dinitrate, EGDN).
Nitroguanidine explosives.
Nitroparaffins Explosive Grade and ammonium nitrate mixtures.
Nitronium perchlorate propellant mixtures.
Nitrostarch.
Nitro-substituted carboxylic acids.
Nitrourea.
Octogen [HMX].
Octol [75 percent HMX, 25 percent TNT].
Organic amine nitrates.
Organic nitramines.
PBX [RDX and plasticizer].
Pellet powder.
Penthrinite composition.
Pentolite.
Perchlorate explosive mixtures.
Peroxide based explosive mixtures.
PETN [nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol tetranitrate].
Picramic acid and its salts.
Picrainide.
Picrate of potassium explosive mixture.
Picratol.
Picric acid (manufactured as an explosive).
Picryl chloride.
Picryl fluoride.
PLX [95% nitromethane, 5% ethylenediamine].
Polynitro aliphatic compounds.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium nitrate explosive mixtures.
Potassium nitroaminotetrazole.
Pyrotechnic compositions.
PYX (2,8-bis(picrylamino))-3,5-dinitropyridine.
RDX [cyclonite, hexogen, T4, cyclo-1,3,5,-trimethylene-2,4,5,-trinitramine; hexahydro-1,3,5-trinitro S-triazine].
Safety fuse.
Salutes, (bulk).
Salts of organic amino sulfonic acid explosive mixture.
Silver acetylide.
Silver azide.
Silver fulminate.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent fuel and sensitizer (cap sensitive).
Smokeless powder.
Sodstol.
Sodium amatol.
Sodium azide explosive mixture.
Sodium dinitro-ortho-cresolate.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Special fireworks.
Squibs.
Styphnic acid explosives.
Tacot (tetranitro-2-3,5,6-dibenzo-1,3a,4,6a-tetrazapentalene).
TATB (triaminotrinitrobenzene).
TEGDN [triethylene glycol dinitrate].
Tetrazene [tetracene, tetrazine,] (5-tetrazolyl)-4-guanyl tetrazene hydrate).
Tetranitrocarbazole.
Tetryl [2,4,6 tetranitro-N-methylaniline].
Tetrytol.
Thickened inorganic oxidizer, salt slurried explosive mixture.
TMETN (trimethylolethane trinitrate).
TNEF [trinitroethyl formal].
TNEOC [trinitroethylothocarbonate].
TNEOF [trinitroethylothoformate].
TNT [trinitrotoluene, trotyl, trilte, triton].
Torpax.
Tridite.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.
Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzoic acid.
Trinitrocresol.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophloroglucinol.
Trinitroresorcinol.
Tritonal.
Urea nitrate
Water bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).
Water-in-oil emulsion explosive compositions.
Xanthamonas hydrophilic colloid explosive mixture.

Mr. BIDEN. 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. HATCH. 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. 1202, AS MODIFIED

Mr. HATCH. Mr. President, it is my understanding, and I ask the Senator from California if she desires to modify her amendment.

Mrs. FEINSTEIN. I do.

Mr. HATCH. I have no objection to modifying the amendment.

Mrs. FEINSTEIN. May I proceed to do so?

Mr. HATCH. That would be fine.

Mrs. FEINSTEIN. Is the Senator from Delaware present?

Mr. BIDEN. I have no objection.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification to the amendment?

Without objection, the amendment is so modified.

The amendment (No. 1202), as modified, is as follows:

On page 152, strike line 6 through line 17 on page 153, and insert the following:

SEC. . 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 legisation.

(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 (1) which reads as follows:

''(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)(5) of this chapter.''

(d) Section 844, of title 18, United States Code, is amended by inserting after ''(a) through (i)'' the phrase ''and (1).''.

(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.

Mr. BIDEN. 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. 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.

Mr. HATCH. I ask unanimous consent that my motion to table the modified Feinstein amendment be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the Feinstein amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1202, AS MODIFIED

The PRESIDING OFFICER. The question occurs on agreeing to amendment 1202, as modified, offered by the Senator from California [Mrs. FEINSTEIN]. The yeas and nays have been ordered. The clerk will call the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Oregon, [Mr. HATFIELD], the Senator from Vermont [Mr. JEFFORDS], the Senator from Indiana [Mr. LUGAR], and the Senator from Arkansas [Mr. MURKOWSKI] are necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Nebraska [Mr. KERREY], the Senator from Vermont [Mr. LEAHY], and the Senator from Washington [Mr. MURRAY] are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey, [Mr. BRADLEY] and the Senator from Vermont [Mr. LEAHY] would each vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—90

Abraham	Chafee	Feinstein
Akaka	Coats	Ford
Ashcroft	Cochran	Frist
Baucus	Cohen	Glenn
Bennett	Conrad	Gorton
Biden	Coverdell	Graham
Bingaman	Craig	Grams
Bond	D'Amato	Grassley
Boxer	Daschle	Gregg
Breaux	DeWine	Harkin
Brown	Dodd	Hatch
Bryan	Dole	Heflin
Bumpers	Domenici	Helms
Burns	Dorgan	Hollings
Byrd	Exon	Hutchison
Campbell	Feingold	Inhofe
Inouye	McConnell	Santorum
Johnston	Mikulski	Sarbanes
Kassebaum	Moseley-Braun	Shelby
Kempthorne	Moynihan	Simon
Kennedy	Nickles	Simpson
Kerry	Nunn	Smith
Kohl	Packwood	Snowe
Kyl	Pell	Specter
Lautenberg	Pressler	Stevens
Levin	Pryor	Thomas
Lieberman	Reid	Thompson
Lott	Robb	Thurmond
Mack	Rockefeller	Warner
McCain	Roth	Wellstone

NOT VOTING—10

Bradley	Jeffords	Murkowski
Faircloth	Kerrey	Murray
Gramm	Leahy	
Hatfield	Lugar	

So the amendment (No. 1202), as modified, was agreed to.

Mr. BIDEN. Mr. President, I move to lay that motion on the table.

Mr. HATCH. Mr. President, I move to reconsider the vote.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1207 WITHDRAWN

Mr. BROWN. Mr. President, I ask unanimous consent to withdraw my amendment.

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

So the amendment (No. 1207) was withdrawn.

Mr. HATCH. Mr. President, I understand we can accept a few of the amendments. Senator DOLE has informed Members that is the last vote of the day.

Mr. BIDEN. Mr. President, we are trying to clear additional amendments.

We are prepared to accept the Pressler amendment, renaming a Federal building in his State. We are seeing whether we can clear additional amendments.

While I have the floor, let me ask, the Senator from California, Senator BOXER, was prepared to go with her amendment tonight, but since that was the last vote, I would like to ask whether or not the chairman would object to her being the first amendment tomorrow?

Mr. HATCH. I have no objection to that. Why do we not schedule that right before the caucus meetings tomorrow?

Mrs. BOXER. Mr. President, that is perfect.

Mr. BIDEN. Mr. President, I would be prepared to move Senator PRESSLER's amendment regarding renaming the Federal building, if that is appropriate.

The PRESIDING OFFICER. There are two Pressler amendments.

Mr. BIDEN. Mr. President, I was referring to the Pressler amendment renaming a Federal building. It is amendment numbered 1204. However, I have just been informed by the chairman of the committee of jurisdiction that he would like an opportunity to look at that. Therefore, I withdraw my request to act on Pressler amendment numbered 1204.

What I am saying is we do not have an amendment to clear at the moment.

Mr. HATCH. Mr. President, I do not have any authority to set a vote on the

Boxer amendment. I think we have to look at the amendment and go from there. Hopefully, that can be the first vote, if we can work it out.

The PRESIDING OFFICER. The Chair would observe that the pending amendment is No. 1206, offered by the Senator from Utah on behalf of Senator SPECTER.

Mr. HATCH. As I understand it, maybe we can accept that amendment if it is permissible on the part of the minority.

Mr. BIDEN. Mr. President, there are two committee members that have a hold on this amendment. I am not sure it will not be able to be accepted, but I cannot clear it at this moment.

AMENDMENT NO. 1204

Mr. BIDEN. Mr. President, the Senator who had objected to moving to consider Pressler amendment numbered 1204 has now withdrawn his objection.

We, on the Democratic side, are prepared to accept Pressler amendment numbered 1204.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1204) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. BIDEN. Mr. President, I move to lay that motion on the table.

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

Mr. HATCH. Mr. President, I wonder if the distinguished Senator from Delaware is prepared to accept the Smith amendment, which appears to be a technical amendment.

Mr. BIDEN. Mr. President, at this moment, we are trying to clear the Smith amendment and several others. I am not in a position to clear any amendment at this moment. We are running that down right now.

If the Senator could withhold for a few minutes.

Mr. HATCH. 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. DOLE. Mr. President, I ask that the order for the quorum call be rescinded.

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

Mr. DOLE. Mr. President, the managers have been accepting some of these amendments. I would like to get some idea of how many are left.

We started off this morning with 99, and I do not know whether we are down to 90, 85, 25, or 10. There will be a cloture vote. If we cannot get consent to vote tomorrow, it will be early on Wednesday morning.

One way or the other, we are going to dispose of this bill. If people are not willing to offer their amendments, we cannot work them out—it is only 6:30 and we thought we would be here late tonight. Obviously, no one wants to stay.

The President says he wants the bill passed. But this is all he says, ''I want the bill passed.'' We need some action. Tomorrow we will have a full day. We are not going to dispose of the 99 amendments tomorrow or 85 or 75 amendments. We would be prepared to exchange lists. We have been able to eliminate many of ours. If the Democrats are willing to give what they have, we will know if we have a chance of completing this tomorrow. If not, I would like to move to the telecommunications bill.

We have accepted four or five minor amendments. That is about all we have gotten today. I am glad we accepted those rather than have 95–0 votes. Some of our colleagues returned today thinking there would be multiple votes. I obviously cannot manufacture votes, unless we just have Sergeant-at-Arms votes. I am not trying to punish anybody. We need to finish this bill, the President says so. Everybody says so.

How many amendments do we have left: 80? 50? 60? 100?

Mr. BIDEN. Mr. President, I say to the majority leader, I think we have about 20 amendments left. I expect that by midday tomorrow we will have fewer than that left.

I might point out to the majority leader that two of the four amendments accepted, when we met last, there was no possibility of them being accepted. They were two of the six major amendments that the Democratic side felt were essential to be included in the Republican core bill.

Although we did accept them and they turned out to be overwhelming votes—taggants—when I spoke this time before we adjourned, I said the taggant amendment and the amendment that the Senator from California had regarding the distribution of material on how to build explosive devices were two of the most contentious amendments, and they were so advertised at the time. They had been worked out through the cooperation of Senator HATCH and the Republican side. So I do not want the Senator, the leader, to think we have only been dealing with those things, with the easiest things on the list. The big items left on the list are some gun-related amendments and the habeas corpus amendments. We are ready to go at those starting first thing in the morning. I imagine we will be joined, for example, by the Senator from New Jersey, who has an amendment on doing away with the $25 million program the Defense Department makes available for ammunition for target practice. He is willing to agree to a half-hour on that amendment. I do not think we are going to take very much time on the remaining very controversial amendments.

I cannot say to the Senator what one or two people on either side may do based on what the final outcome of the habeas corpus vote is, or a gun vote is. I do not know. But I think disposing of the amendments will go relatively quickly and I think we will be able to get time agreements on almost all of them.

Several Senators addressed the Chair.

Mr. DOLE. Mr. President, let me just reply. We understand we have maybe five amendments. The Senator is saying he has, still, 20 on that side?

Mr. BIDEN. I ask my staff how many amendments we have on the Democratic side left?

I am told we have 15 to 20. We can give a closer estimate, but I suspect at least a third of those amendments are place holders that are not likely to be moved at all. But one thing for sure, the list is decreasing, not increasing.

I was asked by the Democratic leader if we thought we could finish this bill by tomorrow night. I believe we can finish it by tomorrow night, at least the amendments by tomorrow night. Hopefully we will not move into Wednesday on this legislation. I certainly want to move it. Thus far I have seen cooperation on both sides to move contentious amendments.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me commend the ranking member and chairman on the work they have done on the last couple of legislative days we have been on this bill. This is really just the second day we have been on the bill. As everyone recalls, this is not a piece of legislation that went through committee. We did not have the opportunity to review any of it in a committee. So even though the issue was subject to hearings, there was no specific hearing on this particular bill. We only had the opportunity to see it about a day prior to the time we recessed. Everyone now has, clearly, read the bill and had the opportunity to study it. So as a result, I think some of the amendments that were anticipated may no longer be required.

But this is not a simple bill. This is not a small matter. This is a far-reaching piece of legislation that deserves our consideration. I think, given that, it is all the more remarkable that perhaps in a period of the next 48 hours, maybe less than that, substantially less than that, we will be able to complete our work.

Senators have legitimate concerns that have to be addressed in the form of amendments. They will be addressed. They are cooperating on our side. As the ranking member said, I think there is a reasonable expectation we can bring that list down even more. People are cooperating, and I think together we can work this thing through and be finished certainly within the next couple of days at the latest.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I thank the Democratic leader. I hope that is an accurate assessment. We would like to finish the bill tomorrow night and start on telecommunications on

Wednesday. I made promises, in effect, to Senators PRESSLER and HOLLINGS that we would take it up. I am not certain we will even have five amendments offered. This is a bill the President wants very much. It would seem to me, on the other side, if they have 20 amendments, maybe they would be willing to forgo offering all those on this bill unless they relate to this bill or toughen this bill or somehow strengthen this bill.

It is important legislation, there is no question about it. Nobody knows how important it is any more than the Presiding Officer, Senator INHOFE, and Senator NICKLES, from Oklahoma. We want to look back on it a year from now and say we did the right thing, we just did not do something in the emotion of the moment that might infringe on somebody's constitutional rights a year from now or 10 years from now.

But I think there is basic agreement. As I just listen to the two managers here it seems to me Senator BIDEN and Senator HATCH have a pretty good grip on what they would like to accomplish. Hopefully we will work together tomorrow. Maybe we can get it done tomorrow night, late.

We did not quite get it done on Memorial Day but at least we made the effort. There is no way you can complete it with 97 amendments out there, 67 on that side and 30-some on this side. So we have it down to a total of 20. Maybe some of those are not—I do not say they are not serious amendments—maybe what we call around here, place holders.

It seems to me if we start fairly early tomorrow morning we can complete action on the bill tomorrow night.

Mr. BIDEN. I hope so.

Mr. DOLE. Is that possible?

Mr. BIDEN. Mr. President, I think that is true. Again, I do not think we are going to have trouble finishing the amendments. I think the outcome of the amendments may affect what one or two people on your side or one or two people on my side might end up doing. But my guess there as well is if we finish these amendments we will go to final passage and there will not be much in the way of that. But I cannot make a promise to the leader on that.

Mr. DOLE. Is there anything else to do this evening? Any other amendments that can be dealt with?

Mr. HATCH. I think it is better for us this evening to work on what we are going to do tomorrow, come in early and do our very best to finish this by tomorrow night. I really appreciate the good will on the part of the minority here to work with us and get this done. But I would like to finish it by tomorrow night if we can. If it means getting into the habeas amendments pretty early tomorrow, it means getting into the difficult amendments.

Hopefully, once we resolve those one way or the other, we can move ahead to final passage.

Mrs. BOXER. Will the Senator yield for a question? Shall the Senator be here prepared at 9:45 to offer the amendment? Can we perhaps incorporate that into a unanimous consent so we can make sure it is the business at hand?

Mr. BIDEN. Mr. President, I ask unanimous consent the first amendment tomorrow be the amendment of the Senator from California, Senator BOXER.

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

Mrs. BOXER. I thank my colleague.

Mr. HATCH. I suggest to my distinguished colleague from California, if she will work with us on the amendment it might not be as difficult as it might be. So I would like to chat with her and see what we can do.

Mrs. BOXER. I will be glad to do that.

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

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

EXTENDED USE OF MEDICARE SELECTED POLICIES

Mr. LOTT. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 483, the Medicare select bill.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 483) to amend title XVIII of the Social Security Act to permit Medicare select policies to be offered in all States, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LOTT. Mr. President, I move the Senate insist on the Senate amendment and agree to a conference on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees.

The motion was agreed to; and the Presiding Officer appointed Mr. PACKWOOD, Mr. DOLE, and Mr. MOYNIHAN conferees on the part of the Senate.

Mr. LOTT. Mr. President, I would like to note that this has been cleared with the leadership on the other side of the aisle. I do have a unanimous-consent request now.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 1045. An Act to amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council, and for other purposes.

REPORTS OF COMMITTEE

The following reports of committee were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs: Special report entitled ''Fourth Interim Report on United States Government Efforts to Combat Fraud and Abuse in the Insurance Industry: Problems in Blue Cross/Blue Shield Plans in West Virginia, Maryland, Washington, DC, New York, and Federal Contracts'' (Rept. 104–93).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs:

Robert F. Rider, of Delaware, to be a Governor of the United States Postal Service for the term expiring December 8, 2004.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DASCHLE:

S. 879. A bill to amend the Wild and Scenic Rivers Act to limit acquisition of land on the 39-mile headwaters segment of the Missouri River, Nebraska and South Dakota, designated as recreational river, to acquisition from willing sellers; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON:

S. 880. A bill to enhance fairness in compensating owners of patents used by the United States; to the Committee on the Judiciary.

By Mr. PRYOR (for himself and Mr. GRASSLEY):

S. 881. A bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes; to the Committee on Finance.

By Mr. PRESSLER (for himself and Mr. DASCHLE):

S. 882. A bill to designate the Federal building at 1314 LeMay Boulevard, Ellsworth Air Force Base, South Dakota, as the ''Cartney Koch McRaven Child Development Center,'' and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SPECTER (for himself and Mr. INHOFE):

S. Res. 128. A resolution prohibiting the use of United States Ground Forces in Bosnia-Hercegovina; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON:

S. 880. A bill to enhance fairness in compensating owners of patents used by the United States; to the Committee on the Judiciary.

LEGISLATION ENHANCING FAIRNESS IN THE COMPENSATION OF PATENT OWNERS

Mrs. HUTCHISON. Mr. President, I am introducing a bill today to provide fairness to our Nation's inventors. As the law is now written, inventors whose patents are taken for use by the Federal Government have only one recourse to obtain compensation—they are compelled by statute to bring a lawsuit against the Government. Under court interpretations, they are forced to bear all costs of the lawsuit, even when they win their case. This bill would permit patent holders whose claims are upheld to be reimbursed, as well, for their reasonable costs.

In 1982, when the U.S. Claims Court was created, the Congress made significant improvements in the existing law concerning claims against the Government. It did not, however, give consideration to the fairness of the existing statutes that require payment of compensation to persons whose patent rights are taken for national defense or other purposes. The Congress simply carried over the existing provisions of section 1498(a) of title 28, requiring ''reasonable and entire compensation'' for the taking of patent rights. Those provisions—fair on the surface—dated from the time of World War I. In the years since World War I, however, the statutory language has been applied by the courts in a manner that produces a serious inequity.

The problem arises most frequently in cases involving an inventor whose rights have been infringed by a defense contractor. In such a case, the statute provides that the inventor's only remedy is an action in the U.S. Claims Court against the Government—the beneficiary of the defense contractor's infringement—on the theory that, indirectly, the Government has taken the patent rights for public use.

The Government is authorized to take private property, for the benefit of the public, under the power of ''eminent domain.'' It may do so, however, only upon paying the ''just compensation'' required by the fifth amendment to the Constitution. The principle applies to the taking of intellectual property—like patents—as well as tangible property. Statutory application of this principle to the taking of patent rights is found in the part of section 1498(a) of Title 28 that provides:

> Whenever an invention . . . covered by a patent . . . is used . . . by . . . the United States without a license of the owner . . ., the owner's remedy shall be by action against the United States in the United States Claims Court for the recovery of his reasonable and entire compensation for such use. . . .

It might logically be supposed that the constitutional requirements of ''just compensation'' and the statutory requirements of ''reasonable and entire compensation'' would assure that an inventor will not suffer a loss when the Government takes his invention for public use. Unfortunately, logic and practice do not always keep pace with one another. The inventor does suffer loss—the costs of his lawsuit—and that loss can be significant.

The current situation may be summarized as follows: In order to obtain any compensation at all under section 1498, an inventor must initiate a lawsuit against the Government. After succeeding in such a suit, he becomes entitled to receive ''reasonable and entire compensation.'' But the inventor then finds that, under current court interpretations, he cannot recover any of the expenses, including the witnesses' travel costs and reasonable attorneys' fees, that he incurred as a result of having to pursue the civil action. The expenses are, in effect, deducted from that sum established to be fair compensation. In short, Government requires the victim of its taking to sue to recover his losses, forces him personally to bear all his costs in undertaking the suit, and leaves him with compensation that represents less than the true value of the property taken. This result is less than ''just'' and certainly is less than ''reasonable and entire.''

The courts have generally taken the position that if Congress had intended to include reimbursement of reasonable costs and attorneys' fees within the term ''reasonable and entire compensation'' it should have said so specifically.

That is what this bill does—it says so specifically. It would authorize expressly the recovery of reasonable costs by an inventor who is forced by statute to litigate against the Government in order to obtain compensation. It would permit the inventor to recover all his reasonable costs—including witnesses' fees and travel costs, attorneys' fees, charges by accountants and other experts, costs of employee time in reviewing records and otherwise preparing for the suit, court costs, and all related expenditures incurred as a result of bringing the lawsuit. The costs in each case would be scrutinized by the Claims Courts to assure that they were reasonable, of course, but to the extent they were reasonable they could be recovered.

This problem should have been corrected long ago—when it first became apparent that court interpretations would not permit inventors to obtain a complete recovery. To continue this inequity would be a serious disservice to some of our most productive inventors, and to some of our best companies in important industries. We need to be fair with those inventors and companies in order to encourage innovation and make our country more competitive. This bill would help assure the necessary fairness.

By Mr. PRYOR (for himself and Mr. GRASSLEY):

S. 881. A bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes; to the Committee on Finance.

CHURCH RETIREMENT BENEFITS SIMPLIFICATION ACT

Mr. PRYOR. Mr. President, I am pleased to introduce today the Church Retirement Benefits Simplification Act of 1995, legislation which I also introduced and held hearings on in the 101st, 102d, and 103d Congresses. This act provides much needed clarification of the rules that apply to church retirement and welfare benefit plans and brings consistency to those rules. In addition, the act resolves significant problems churches face in administering their retirement and welfare benefit programs under current law.

In developing this important legislation, we have worked closely with leaders of the pension boards of 30 mainline Protestant and Jewish denominations and a Catholic religious order. The employee benefit programs of these mainline denominations and order are among the oldest programs in our country. Several date from the 1700's, and their median age is in excess of 50 years. These programs provide retirement and welfare benefits for several hundred thousand clergy and lay workers employed by thousands of churches and church ministry organizations serving the spiritual needs of literally millions of members.

Church retirement benefits programs began in recognition of a denomination's mission to care for its church workers in their advanced years. Several church retirement and welfare benefit programs were initially formed to provide relief and benefits for retired, disabled, or impoverished ministers and families as particular cases of need were identified. As time passed, church denomination began to provide for the retirement needs of their ministers and lay workers on a current and

systematic basis. Today, church retirement and welfare benefit programs provide benefits for ministers and lay workers employed in all forms of pastoral, healing, teaching, and preaching ministries and missions, including, among others, local churches, seminaries, old-age homes, orphanages, mission societies, hospitals, universities, church camps and day care centers.

Mr. President, the goal of the act is to clarify the rules that apply to church employee benefit plans. Under current law, these rules are generally lengthy and complex and are, for the most part, designed for for-profit, commercial employers. Most denominations are composed of thousands of work units, each having only a few employees, and the budgets of these work units are marginal at best. These organizations rely almost completely on contributions from the offering plate to support their missions, including the salaries and retirement and welfare benefits of their ministers and lay workers. Unlike for-profit business entities, churches cannot pass operating costs on to customers by raising prices.

Churches are also much more loosely structured than most for-profit business organizations, and many denominations cannot impose requirements on their constituent parts. For example, hierarchically organized denominations may be able to control the provision of employee benefits to ministers and lay workers, while in congregational denominations, such control is typically more difficult.

In addition, churches are tax-exempt and, unlike for-profit business organizations, have no need for tax deductions. Churches and church ministry organizations therefore lack the incentive of for-profit employers to maximize either the amount of the employer's tax deduction or the amount of income which the highly compensated employees who control a for-profit business can shelter from current taxation through plan contributions and tax-free fringe or welfare benefits.

Mr. President, retirement and employee benefit tax laws do not always take the difference between churches and for-profit employers into account, with the result that churches have had to divert a significant amount of time and resources from their religious mission and ministries in attempting to identify and comply with rules that in many instances are unworkable or simply not needed for church employee benefit plans.

If the act becomes law, the reduction in administrative burdens and consequent savings in related costs now imposed on churches and church ministry organizations will outweigh any possible gain from an employee benefits policy perspective. Unlike the for-profit sector where cost savings result in a better bottom line for shareholders, savings in the church sector will find their way into missions and ministries that help people who need help.

A 1993 study by Independent Sector, a national membership organization composed of over 600 tax-exempt organizations and corporate philanthropy departments, indicated that approximately half the funds contributed to churches is used in service to others. Religious congregations are the primary voluntary service providers for neighborhoods. Ninety-two percent of religious congregations have one or more programs in human services. Three-fifths of religious congregations offer family counseling, and more than one-third—almost 40 percent—give means or shelter to the poor. Some 74 percent donate for international relief or missionary activity, and almost 90 percent sponsor hospices, health programs, hospitals, or provide for the disabled, retarded, or people in crises. The Independent Sector study indicated that in 1991 religious congregations made $6.6 billion in direct grants to other groups and gave $15.9 billion for education, human services and health programs. These figures are well beyond the giving of all U.S. foundations and corporations combined.

It is my view that the Congress should do everything possible to ensure that churches can continue to maximize their contributions toward these important missions and ministries, rather than paying for costs of complying with rules that are unworkable or not needed for church employee benefit plans.

The cornerstone of the act is a recodification of the rules applicable to church retirement plans so that all of such rules in the Internal Revenue Code are identified, simplified, and separated from the rules that apply to for-profit employers. Retirement plan issues unique to churches will thus not be inadvertently affected when Congress is considering future Code changes which are applicable to for-profit employers but not appropriate for churches.

The act would also ensure that church retirement plans, whether described in the new proposed section 401A—applicable only to those church section 401(a) plans that affirmatively decide to be subject to it—or section 403(b), are subject to the same coverage and related rules. In 1986, Congress determined that the section 403(b) plans of churches and so-called qualified church controlled organizations should not be subjected to coverage and related rules. The act would extend this same relief to church section 401(a) plans and would also eliminate the troublesome qualified church controlled organization approach in favor of a provision that only subjects church-related hospitals and universities to applicable coverage and related rules. The act, consistent with the law that now applies to church section 401(a) plans, would also clarify that the coverage rules that will apply to the section 403(b) programs of church-related hospitals and universities are those that were applicable prior to the enactment of the Employee Retirement Income Security Act of 1974.

The act also would resolve a number of other problems many church pension boards face under current law. For example, under present law there is a question as to whether self-employed ministers and chaplains who work for nonchurch employers are able to participate in their denomination's retirement and welfare benefit programs. The act would make it clear that such ministers may participate in such programs.

The act would also:

Make it clear that the portion of a retired minister's pension which is treated as parsonage allowance is not subject to Self Employment Contribution Act, or SECA, taxes;

For the first time, subject church plans to definite, objective vesting schedules;

Solve several church employer aggregation problems;

Provide relief that will result in better retirement income for foreign missionaries;

Simplify the required distribution rules that apply to church retirement plans;

Eliminate an unworkable requirement under the so-called section 403(b) catch-up contribution rules; and

Make relief granted under section 457 consistent with coverage relief proposed for church retirement and welfare benefit plans.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 881

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Church Retirement Benefits Simplification Act of 1995''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. NEW QUALIFICATION PROVISION FOR CHURCH PLANS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by adding after section 401 the following new section:

''SEC. 401A. QUALIFIED CHURCH PLAN.

''(a) GENERAL RULE.—For purposes of all Federal laws, including this title, a qualified church plan shall be treated as satisfying the requirements of section 401(a), and all references in (or pertaining to) this title and such laws to a plan described in section 401(a) shall include a qualified church plan. Except as otherwise provided in this section, no paragraph of section 401(a) shall apply to a qualified church plan.

''(b) DEFINITION OF QUALIFIED CHURCH PLAN.—A plan is a qualified church plan if such plan meets the following requirements:

''(1) CHURCH PLAN REQUIREMENT.—The plan is a church plan (within the meaning of section 414(e)), and the election provided by section 410(d) has not been made with respect to such plan.

''(2) EMPLOYEE CONTRIBUTIONS ARE NONFORFEITABLE.—An employee's rights in the employee's accrued benefit derived from the employee's own contributions are nonforfeitable.

''(3) VESTING REQUIREMENTS.—The plan satisfies the requirements of subparagraph (A) or (B).

''(A) 10-YEAR VESTING.—A plan satisfies the requirements of this paragraph if an employee who has at least 10 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

''(B) 5- TO 15-YEAR VESTING.—A plan satisfies the requirements of this paragraph if an employee who has completed at least 5 years of service has a nonforfeitable right to a percentage of the employee's accrued benefit derived from employer contributions which is not less than the percentage determined under the following table:

"Years of service	Nonforfeitable percentage
5	25
6	30
7	35
8	40
9	45
10	50
11	60
12	70
13	80
14	90
15 or more	100.

''(C) YEARS OF SERVICE.—For purposes of this paragraph, an employee's years of service shall be determined in accordance with any reasonable method selected by the plan administrator.

''(4) FUNDING REQUIREMENTS.—The plan meets the funding requirements of section 401(a)(7) as in effect on September 1, 1974.

''(5) ADDITIONAL REQUIREMENTS.—

''(A) The plan meets the requirements of paragraphs (1), (2), (8), (9), (16), (17), (25), (27), and (30) of section 401(a).

''(B) If the plan includes employees of an organization which is not a church, the plan meets the requirements of sections 401(a)(3) and 401(a)(6) (as in effect on September 1, 1974) and sections 401(a)(4), 401(a)(5), and 401(m).

For purposes of subparagraph (B), the plan administrator may elect to treat the portion of the plan maintained by any organization (or organizations) described in subparagraph (B) as a separate plan (or plans).

''(c) DEFINITIONS AND SPECIAL RULES.—

''(1) CHURCH.—For purposes of this section, the term 'church' means a church or a convention or association of churches, including an organization described in section 414(e)(3)(A) and an organization described in section 414(e)(3)(B)(ii), other than—

''(A) an organization described in section 170(b)(1)(A)(ii) above the secondary school level (other than a school for religious training), or

''(B) an organization described in section 170(b)(1)(A)(iii)—

''(i) which provides community service for inpatient medical care of the sick or injured (including obstetrical care); and

''(ii) not more than 50 percent of the total patient days of which during any year are customarily assignable to the categories of chronic convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental, and tuberculosis, and care for the aged.

''(2) SATISFACTION OF TRUST PROVISION.—A plan shall not fail to be described in this section merely because such plan is funded through an organization described in section 414(e)(3)(A) if—

''(A) such organization is subject to fiduciary requirements under applicable State law;

''(B) such organization is separately incorporated from the church or convention or association of churches which controls it or with which it is associated;

''(C) the assets which equitably belong to the plan are separately accounted for; and

''(D) under the plan, at any time prior to the satisfaction of all liabilities with respect to participants and their beneficiaries, such assets cannot be used for, or diverted to, purposes other than for the exclusive benefit of participants and their beneficiaries (except that this paragraph shall not be construed to preclude the use of plan assets to defray the reasonable costs associated with administering the plan and informing employees and employers of the availability of the plan).

''(3) CERTAIN SECTIONS APPLY.—Section 401 (b), (c), and (h) shall apply to a qualified church plan.

''(4) FAILURE OF ONE ORGANIZATION MAINTAINING PLAN NOT TO DISQUALIFY PLAN.—If one or more organizations maintaining a church plan fail to satisfy the requirements of subsection (b), such plan shall not be treated as failing to satisfy the requirements of this section with respect to other organizations maintaining such plan.

''(5) CERTAIN EMPLOYEES NOT CONSIDERED HIGHLY COMPENSATED AND EXCLUDED EMPLOYEES.—For purposes of this section, no employee shall be considered an officer, person whose principal duties consist in supervising the work of other employees, or highly compensated employee if such employee during the year or the preceding year received compensation from the employer of less than $50,000. For purposes of this section, there shall be excluded from consideration employees described in section 410(b)(3)(A). The Secretary shall adjust the $50,000 amount under this paragraph at the same time and in the same manner as under section 415(d).

''(6) TIME FOR DETERMINATION OF APPLICABLE LAW.—Except where otherwise specified, the determination of whether a plan meets the requirements of subsection (b) shall be made in accordance with the provisions of this title as in effect immediately following enactment of the Church Retirement Benefits Simplification Act of 1995.''

(b) EFFECT ON EXISTING PLANS.—A church plan (within the meaning of section 414(e) of the Internal Revenue Code of 1986) which is otherwise subject to the applicable requirements of section 401(a) of such Code and which has not made the election provided by section 410(d) of such Code shall not be subject to section 401A of such Code, and shall remain subject to the applicable requirements of section 401(a) of such Code, unless the board of directors or trustees of an organization described in section 414(e)(3)(A) of such Code, or other appropriate governing body responsible for maintaining the plan, adopts a resolution under which the church plan is made subject to section 401A of such Code.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall be effective for years beginning after December 31, 1994, except that the provisions of section 401A(b)(3) of the Internal Revenue Code of 1986 shall be effective for years beginning after December 31, 1996. No regulation or ruling under section 401(a) of such Code issued after December 31, 1994, shall apply to a qualified church plan described in section 401A of such Code unless such regulation or ruling is specifically made applicable by its terms to qualified church plans.

(2) PRIOR YEARS.—A church plan (within the meaning of section 414(e) of such Code) shall not be deemed to have failed to satisfy the applicable requirements of section 401(a) of such Code for any year beginning prior to January 1, 1995.

SEC. 3. RETIREMENT INCOME ACCOUNTS OF CHURCHES.

(a) IN GENERAL.—Section 403(b)(9) is amended to read as follows:

''(9) RETIREMENT INCOME ACCOUNTS PROVIDED BY CHURCHES, ETC.—

''(A) AMOUNTS PAID TREATED AS CONTRIBUTIONS.—For purposes of this title—

''(i) a retirement income account shall be treated as an annuity contract described in this subsection, and

''(ii) amounts paid by an employer described in paragraph (1)(A) or by a church or a convention or association of churches, including an organization described in section 414(e)(3)(A) or 414(e)(3)(B)(ii), to a retirement income account shall be treated as amounts contributed by the employer for an annuity contract for the employee on whose behalf such account is maintained.

''(B) RETIREMENT INCOME ACCOUNT.—For purposes of this paragraph, the term 'retirement income account' means a program established or maintained by a church, a convention or association of churches, including an organization described in section 414(e)(3)(A), to provide benefits under this subsection for an employee described in paragraph (1) or an individual described in paragraph (13)(F), or their beneficiaries.''

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall be effective for years beginning after December 31, 1994.

(2) PRIOR YEARS.—A church plan (within the meaning of section 414(e)) shall not be deemed to have failed to satisfy the applicable requirements of section 403(b) for any year beginning prior to January 1, 1995.

SEC. 4. CONTRACTS PURCHASED BY A CHURCH.

(a) CLARIFICATION OF APPLICABLE NONDISCRIMINATION REQUIREMENTS.—Subparagraph (D) of section 403(b)(1) is amended to read as follows:

''(D) except in the case of a contract purchased by a church, such contract is purchased under a plan which meets the nondiscrimination requirements of paragraph (12)(A), and''.

(b) CERTAIN COVERAGE RULES APPLY.—Subparagraph (B) of section 403(b)(12) is amended to read as follows:

''(B) CERTAIN REQUIREMENTS.—If a contract purchased by a church is purchased under a church plan (within the meaning of section 414(e)) by—

''(i) an organization described in section 170(b)(1)(A)(ii) above the secondary school level (other than a school for religious training), or

''(ii) an organization described in section 170(b)(1)(A)(iii)—

''(I) which provides community service for inpatient medical care of the sick or injured (including obstetrical care), and

''(II) no more than 50 percent of the total patient days of which during any year are customarily assignable to the categories of chronic convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental, and tuberculosis, and care for the aged,

the plan meets the requirements of sections 401(a)(3) and 401(a)(6), as in effect on September 1, 1974, and sections 401(a)(4), 401(a)(5), 401(a)(17), and 401(m).

For purposes of this subparagraph, the plan administrator may elect to treat the portion of the plan maintained by any organization (or organizations) described in this subparagraph as a separate plan (or plans).''

(c) SPECIAL RULES FOR CHURCHES.—Section 403(b) is amended by adding the following new paragraph at the end thereof:

''(13) DEFINITIONS AND SPECIAL RULES.—

''(A) CONTRACT PURCHASED BY A CHURCH.—For purposes of this subsection, the term 'contract purchased by a church' includes an annuity described in section 403(b)(1), a custodial account described in section 403(b)(7), and a retirement income account described in section 403(b)(9).

''(B) CHURCH.—For purposes of this subsection, the term 'church' means a church or a convention or association of churches, including an organization described in section 414(e)(3)(A) or section 414(e)(3)(B)(ii).

''(C) VESTING.—In the case of a contract purchased by a church under a church plan (within the meaning of section 414(e))—

''(i) sections 403(b)(1)(C) and 403(b)(6) shall not apply;

''(ii) such contract is not described in this subsection unless an employee's rights in the employee's accrued benefit under such contract which is attributable to contributions made pursuant to a salary reduction agreement are nonforfeitable; and

''(iii) such contract is not described in this subsection unless the plan satisfies the requirements of either of the following:

''(I) The plan provides that an employee who has at least 10 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

''(II) The plan provides that an employee who has completed at least 5 years of service has a nonforfeitable right to a percentage of the employee's accrued benefit derived from employer contributions which percentage is not less than the percentage determined under the following table:

''Years of service	Nonforfeitable percentage
5	25
6	30
7	35
8	40
9	45
10	50
11	60
12	70
13	80
14	90
15 or more	100.

For purposes of clause (iii), an employee's years of service shall be determined in accordance with any reasonable method selected by the plan administrator.

''(D) FAILURE OF ONE ORGANIZATION MAINTAINING PLAN NOT TO DISQUALIFY PLAN.—In the case of a contract purchased by a church under a church plan (within the meaning of section 414(e)), if one or more organizations maintaining the church plan fails to satisfy the requirements of this section, such plan shall not be treated as failing to satisfy the requirements of this section with respect to other organizations maintaining such plan.

''(E) CERTAIN EMPLOYEES NOT CONSIDERED HIGHLY COMPENSATED AND EXCLUDED EMPLOYEES.—For purposes of this subsection, no employee for whom a contract is purchased by a church shall be considered an officer, person whose principal duties consist in supervising the work of other employees, or highly compensated employee if such employee during the year or the preceding year received compensation from the employer of less than $50,000. For purposes of this subsection, there shall be excluded employees described in section 410(b)(3)(A). The Secretary shall adjust the $50,000 amount under this subparagraph at the same time and in the same manner as under section 415(d).

''(F) CERTAIN MINISTERS MAY PARTICIPATE.—For purposes of this subsection—

''(i) IN GENERAL.—The term 'employee' shall include a duly ordained, commissioned, or licensed minister of a church in the exercise of his or her ministry who is a self-employed individual (within the meaning of section 401(c)(1)(B)) or any duly ordained, commissioned, or licensed minister of a church in the exercise of his or her ministry who is employed by an organization other than an organization described in section 501(c)(3).

''(ii) TREATMENT AS EMPLOYER AND EMPLOYEE.—A self-employed minister described in clause (i) shall be treated as his or her own employer which is an organization described in section 501(c)(3) and which is exempt from tax under section 501(a). Such an employee who is employed by an organization other than an organization described in section 501(c)(3) shall be treated as employed by an organization described in section 501(c)(3) and which is exempt from tax under section 501(a).

''(iii) COMPENSATION.—In determining the compensation of a self-employed minister described in clause (i), the earned income (within the meaning of section 401(c)(2)) of such minister shall be substituted for 'the amount of compensation which is received from the employer' under paragraph (3).

In determining the years of service of a self-employed minister described in clause (i), the years (and portions of years) in which such minister was a self-employed individual (within the meaning of section 401(c)(1)(B)) shall be included for purposes of paragraph (4).

''(G) TIME FOR DETERMINATION OF APPLICABLE LAW.—Except where otherwise specified, the determination of whether a contract purchased by a church meets the requirements of this subsection shall be made in accordance with the provisions of this title as in effect immediately following enactment of the Church Retirement Benefits Simplification Act of 1993.''

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall be effective for years beginning after December 31, 1994, except that the provisions of section 403(b)(13)(C)(iii) of the Internal Revenue Code of 1986 shall be effective for years beginning after December 31, 1996. No regulation or ruling issued under section 401(a) or 403(b) of such Code after December 31, 1994, shall apply to a contract purchased by a church unless such regulation or ruling is specifically made applicable by its terms to such contracts. For purposes of applying the exclusion allowance of section 403(b)(2) of such Code and the limitations of section 415 of such Code, any contribution made after December 31, 1996, which is forfeitable pursuant to section 403(b)(13)(C) of such Code shall be treated as an amount contributed to the contract in the year for which such contribution is made and not in the year the contribution becomes nonforfeitable.

(2) PRIOR YEARS.—A church plan (within the meaning of section 414(e) of such Code) shall not be deemed to have failed to satisfy the applicable requirements of section 403(b) of such Code for any year beginning prior to January 1, 1995.

SEC. 5. CHANGE IN DISTRIBUTION REQUIREMENT FOR RETIREMENT INCOME ACCOUNTS.

(a) IN GENERAL.—Subparagraph (A) of section 403(b)(11) is amended by inserting ''or, in the case of a retirement income account described in paragraph (9), within the meaning of section 401(k)(2)'' after ''section 72(m)(7)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective for years beginning after December 31, 1988.

SEC. 6. REQUIRED BEGINNING DATE FOR DISTRIBUTIONS UNDER CHURCH PLANS.

(a) IN GENERAL.—Subparagraph (C) of section 401(a)(9) is amended by striking the last sentence and inserting the following new sentence: ''For purposes of this subparagraph, the term 'church plan' has the meaning given such term by section 414(e).''

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if included in the provision of the Tax Reform Act of 1986 to which such amendment relates.

SEC. 7. PARTICIPATION OF MINISTERS IN CHURCH PLANS.

(a) IN GENERAL.—Section 414 is amended by adding the following new subsection:

''(u) SPECIAL RULES FOR MINISTERS.—Notwithstanding any other provision of this title, if a duly ordained, commissioned, or licensed minister of a church in the exercise of his or her ministry participates in a church plan (within the meaning of section 414(e)), then—

''(1) such minister shall be excluded from consideration for purposes of applying sections 401(a)(3), 401(a)(4), and 401(a)(5), as in effect on September 1, 1974, and sections 401(a)(4), 401(a)(5), 401(a)(26), 401(k)(3), 401(m), 403(b)(1)(D) (including section 403(b)(12)), and 410 to any stock bonus, pension, profit-sharing, or annuity plan (including an annuity described in section 403(b) or a retirement income account described in section 403(b)(9)) described in this part. For purposes of this part, the church plan in which such minister participates shall be treated as a plan or contract meeting the requirements of section 401(a), 401A, or 403(b) (including section 403(b)(9)) with respect to such minister's participation; and

''(2) such minister shall be excluded from consideration for purposes of applying an applicable section to any plan providing benefits described in an applicable section.

For purposes of paragraph (2), the term 'applicable section' means section 79(d), section 105(h), paragraphs (1), (2), and (3) of section 120(c), section 125(b), section 127(b)(2), and paragraphs (2), (3), and (8) of section 129(d).''

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective for years beginning before, on, or after December 31, 1995.

SEC. 8. CERTAIN RULES AGGREGATING EMPLOYEES NOT TO APPLY TO CHURCHES, ETC.

(a) IN GENERAL.—Section 414 is amended by adding the following new subsection:

''(v) CERTAIN RULES AGGREGATING EMPLOYEES NOT TO APPLY TO CHURCHES, ETC.—

''(1) IN GENERAL.—If the election provided by paragraph (3) is made, for purposes of sections 401(a)(3), 401(a)(4), and 401(a)(5), as in effect on September 1, 1974, and sections 401(a)(4), 401(a)(5), 401(a)(17), 401(a)(26), 401(h), 401(m), 410(b), 411(d)(1), and 416, subsections (b), (c), (m), (o), and (t) of this section shall not apply to treat the employees of church-related organizations as employed by a single employer, except in the case of employees of church-related organizations which are not exempt from tax under section 501(a) and which have a common, immediate parent.

''(2) DEFINITION OF CHURCH-RELATED ORGANIZATION.—For purposes of this subsection, the term 'church-related organization' means a church or a convention or association of churches, an organization described in section 414(e)(3)(A), an organization described in section 414(e)(3)(B)(ii), or an organization the employees of which would be aggregated with the employees of such organizations but for the election provided by paragraph (3).

''(3) ELECTION TO DISAGGREGATE.—The provisions of this subsection shall apply if a

church-related organization makes an election for itself and other church-related organizations (in such form and manner as the Secretary may by regulations prescribe) on or before the last day of the first plan year beginning on or after January 1, 1998.''

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if included in the provisions of Public Law 93–406, Public Law 98–369, and Public Law 99–514 to which such amendment relates.

SEC. 9. SELF-EMPLOYED MINISTERS TREATED AS EMPLOYEES FOR PURPOSES OF CERTAIN WELFARE BENEFIT PLANS AND RETIREMENT INCOME ACCOUNTS.

(a) IN GENERAL.—Section 7701(a)(20) is amended to read as follows:

''(20) EMPLOYEE.—For the purpose of applying the provisions of section 79 with respect to group-term life insurance purchased for employees, for the purpose of applying the provisions of sections 104, 105, and 106 with respect to accident or health insurance or accident or health plans, for the purpose of applying the provisions of section 101(b) with respect to employees' death benefits, for the purpose of applying the provisions of subtitle A with respect to contributions to or under a stock bonus, pension, profit-sharing, or annuity plan, and with respect to distributions under such a plan, or by a trust forming part of such a plan, and for purposes of applying section 125 with respect to cafeteria plans, the term 'employee' shall include a duly ordained, commissioned, or licensed minister of a church in the exercise of his or her ministry who is a self-employed individual (within the meaning of section 401(c)(1)(B)) or a full-time life insurance salesman who is considered an employee for the purpose of chapter 21, or in the case of services performed before January 1, 1951, who would be considered an employee if his services were performed during 1951.''

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective for years beginning before, on, or after December 31, 1994.

SEC. 10. DEDUCTIONS FOR CONTRIBUTIONS BY CERTAIN MINISTERS TO RETIREMENT INCOME ACCOUNTS.

(a) IN GENERAL.—Section 404(a) is amended by adding the following new paragraph:

''(10) CONTRIBUTIONS BY CERTAIN MINISTERS TO RETIREMENT INCOME ACCOUNTS.—In case contributions are made by a minister described in section 403(b)(13)(F) to a retirement income account described in section 403(b)(9) and not by a person other than such minister, such contributions shall be treated as made to a trust which is exempt from tax under section 501(a) which is part of a plan which is described in section 401(a) and shall be deductible under this subsection to the extent such contributions do not exceed the exclusion allowance of such minister, determined under section 403(b)(2).''

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective for years beginning after December 31, 1994.

SEC. 11. MODIFICATION FOR CHURCH PLANS OF RULES FOR PLANS MAINTAINED BY MORE THAN ONE EMPLOYER.

(a) IN GENERAL.—Section 413(c) is amended by adding the following new paragraph:

''(8) CHURCH PLANS MAINTAINED BY MORE THAN ONE EMPLOYER.—A church plan (within the meaning of section 414(e)) maintained by more than one employer, and with respect to which the election provided by section 410(d) has not been made, which commingles assets solely for purposes of investment and pooling for mortality experience to provide to participants annuities computed with reference to the balance in the participants' accounts when such accounts become payable shall not be treated as a single plan maintained by more than one employer under this subsection. The rules provided by this paragraph shall apply for purposes of applying section 403(b)(12) to such church plan.''

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective for years beginning before, on, or after December 31, 1994.

SEC. 12. SECTION 457 NOT TO APPLY TO DEFERRED COMPENSATION OF A CHURCH.

(a) IN GENERAL.—Paragraph (13) of section 457(e) is amended to read as follows:

''(13) SPECIAL RULE FOR CHURCHES.—The term 'eligible employer' shall not include a church (within the meaning of section 401A(c)(1)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1978.

SEC. 13. CHURCH PLAN MODIFICATION TO SEPARATE ACCOUNT REQUIREMENT OF SECTION 401(h).

(a) EXCEPTION TO SEPARATE ACCOUNT REQUIREMENT.—Section 401(h) is amended by adding the following new sentence at the end thereof: ''Notwithstanding the preceding sentence, in the case of a pension or annuity plan that is a church plan (within the meaning of section 414(e)) which is maintained by more than one employer, paragraph (6) shall not apply to an employee who is a key employee for purposes of section 416 solely because such employee is described in section 416(i)(1)(A)(i) (relating to officers having an annual compensation greater than 150 percent of the amount in effect under section 415(c)(1)(A)).''

(b) APPLICATION OF SECTION 415(l).—Section 415(l)(1) is amended to read as follows:

''(1) IN GENERAL.—For purposes of this section, the following shall be treated as an annual addition to a defined contribution plan for purposes of subsection (c):

''(A) Contributions allocated to any individual medical account which is part of a pension or annuity plan.

''(B) The actuarially determined amount of prefunding for the insurance value of benefits which are—

''(i) described in section 401(h);

''(ii) paid under a pension or annuity plan that is a church plan (within the meaning of section 414(e));

''(iii) paid under a plan maintained by more than one employer; and

''(iv) payable solely to an employee who is a key employee for purposes of section 415 solely because such employee is described in section 416(i)(1)(A)(i) (relating to officers having an annual compensation greater than 150 percent of the amount in effect under section 415(c)(1)(A)), his spouse, or his dependents.

Subparagraph (B) of section (c)(1) shall not apply to any amount treated as an annual addition under the preceding sentence.''

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after March 31, 1984.

SEC. 14. RULE RELATING TO INVESTMENT IN CONTRACT NOT TO APPLY TO FOREIGN MISSIONARIES.

(a) IN GENERAL.—The last sentence of section 72(f) is amended to read as follows: ''The preceding sentence shall not apply to amounts which were contributed by the employer, as determined under regulations prescribed by the Secretary, to provide pension or annuity credits, to the extent such credits are attributable to services performed before January 1, 1963, and are provided pursuant to pension or annuity plan provisions in existence on March 12, 1962, and on that date applicable to such services, or to provide pension or annuity credits for foreign missionaries (within the meaning of section 403(b)(2)(D)(iii)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 15. REPEAL OF ELECTIVE DEFERRAL CATCH-UP LIMITATION FOR RETIREMENT INCOME ACCOUNTS.

(a) IN GENERAL.—Clause (iii) of section 402(g)(8)(A) is amended to read as follows:

''(iii) except in the case of elective deferrals under a retirement income account described in section 403(b)(9), the excess of $5,000 multiplied by the number of years of service of the employee with the qualified organization over the employer contributions described in paragraph (3) made by the organization on behalf of such employee for prior taxable years (determined in the manner prescribed by the Secretary).''

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if included in the provision of the Tax Reform Act of 1986 to which such amendment relates.

SEC. 16. CHURCH PLANS MAY ANNUITIZE BENEFITS.

(a) IN GENERAL.—A retirement income account described in section 403(b)(9) of the Internal Revenue Code of 1986, a church plan (within the meaning of section 414(e) of such Code) that is a plan described in section 401(a) or 401A of such Code, or an account which consists of qualifed voluntary employee contributions described in section 219(e)(2) of such Code (as in effect before the date of the enactment of the Tax Reform Act of 1986) and earnings thereon, shall not fail to be described in such sections merely because it pays benefits to participants (and their beneficiaries) from a pool of assets administered or funded by an organization described in section 414(e)(3)(A) of such Code, rather than through the purchase of annuities from an insurance company.

(b) EFFECTIVE DATE.—This provision shall be effective for years beginning before, on, or after December 31, 1994.

SEC. 17. CHURCH PLANS MAY INCREASE BENEFIT PAYMENTS.

(a) IN GENERAL.—A retirement income account described in section 403(b)(9) of the Internal Revenue Code of 1986, a church plan (within the meaning of section 414(e) of such Code) that is a plan described in section 401(a) or 401A of such Code, or an account which consists of qualified voluntary employee contributions described in section 219(e)(2) of such Code (as in effect before the date of the enactment of the Tax Reform Act of 1986) and earnings thereon, shall not fail to be described in such sections merely because it provides benefit payments to participants (and their beneficiaries)—

(1) to take into account the investment performance of the underlying assets or favorable interest or mortality experience, or

(2) that increase in an amount not in excess of 5 percent per year.

(b) EFFECTIVE DATE.—This provision shall be effective for years beginning before, on, or after December 31, 1994.

SEC. 18. RULES APPLICABLE TO SELF-INSURED MEDICAL REIMBURSEMENT PLANS NOT TO APPLY TO PLANS OF CHURCHES.

(a) IN GENERAL.—Section 105(h) is amended by adding the following new paragraph:

''(11) PLANS OF CHURCHES.—This subsection shall not apply to a plan maintained by a church (within the meaning of section 401A(c)(1)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective for years beginning before, on, or after December 31, 1994.

SEC. 19. RETIREMENT BENEFITS OF MINISTERS NOT SUBJECT TO TAX ON NET EARNINGS FROM SELF-EMPLOYMENT.

(a) IN GENERAL.—Section 1402(a)(8) (defining net earning from self-employment) is

amended by inserting '', but shall not include in such net earning from self-employment any retirement benefit received by such individual from a church plan (as defined in section 414(e))'' before the semicolon at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning before, on, or after December 31, 1994.

By Mr. PRESSLER (for himself and Mr. DASCHLE):

S. 882. A bill to designate the Federal building at 1314 LeMay Boulevard, Ellsworth Air Force Base, SD, as the ''Cartney Koch McRaven Child Development Center'', and for other purposes; to the Committee on Environment and Public Works.

CARTNEY KOCH MCRAVEN CHILD DEVELOPMENT CENTER

Mr. PRESSLER. Mr. President, I am proud to introduce legislation today along with my South Dakota colleague, Senator DASCHLE to designate the child development center at Ellsworth Air Force Base in South Dakota as the Cartney Koch McRaven Child Development Center.

It was just slightly more than a month ago that terrorist thugs bombed the Alfred P. Murrah Federal Building in Oklahoma City. Among the victims inside was Cartney Koch McRaven. Stationed at Tinker Air Force Base and having just been married the previous weekend, Cartney was in the Murrah Federal Building to register her new married name on Federal documents. Tragically, her life was cut short by the savagery of domestic terrorism.

It is only fitting that we honor Cartney at Ellsworth Air Force Base. Spearfish was her home. And she chose to begin her adult life by joining the Air Force and serving her country. And serve she did, with honor, with devotion, with dignity.

It is even more fitting that her name appear on the child development center at Ellsworth. Airman First Class Cartney Koch McRaven served in Haiti, where the stark poverty had an enormous impact on her. Cartney's heart went out to the children of Haiti. She devoted her time in Haiti to an orphanage, offering a warm smile and a kind, loving word to young faces. The mission of our Armed Forces in Haiti was to ensure peace and offer hope to the people of Haiti—young and old. Cartney took her mission to heart.

Even her family honored Cartney's commitment to young people by urging that donations be made in Cartney's memory to the orphanage in Haiti.

But we do more than honor a person. We honor the values she personified and practiced in her daily life. The values of service, of duty, of compassion and caring for the underprivileged young—values that are at the core of South Dakota and of America.

It is my hope that by passing this legislation, Cartney Koch McRaven forever will be remembered as a symbol of these core values and an inspiration to the young people in South Dakota and America to honor and serve their family, community, and country.

Mr. President, I ask unanimous consent that the text of this legislation introduced today by myself and Senator Daschle appear in the appropriate place in the RECORD.

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

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

SECTION 1. DESIGNATION OF CARTNEY KOCH MCRAVEN CHILD DEVELOPMENT CENTER.

(a) 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''.

(b) REPLACEMENT BUILDING.—If, after the date of enactment of this Act, a new Federal building is built at the location described in subsection (a) to replace the building described in the subsection, the new Federal building shall be known and designated as the ''Cartney Koch McRaven Child Development Center''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to a Federal building referred to in section 1 shall be deemed to be a reference to the ''Cartney Koch McRaven Child Development Center''.

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the names of the Senator from New Mexico [Mr. DOMENICI] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 254

At the request of Mr. LOTT, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the U.S. merchant marine during World War II.

S. 327

At the request of Mr. HATCH, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 397

At the request of Mr. MCCAIN, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 397, a bill to benefit crime victims by improving enforcement of sentences imposing fines and special assessments, and for other purposes.

S. 426

At the request of Mr. SARBANES, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Colorado [Mr. CAMPBELL], the Senator from Wisconsin [Mr. KOHL], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from New Mexico [Mr. BINGAMAN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 579

At the request of Mr. BREAUX, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 579, a bill to amend the JOBS program in title IV of the Social Security Act to provide for a job placement voucher program, and for other purposes.

S. 628

At the request of Mr. KYL, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 628, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 667

At the request of Mr. BRYAN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 667, a bill to amend the Securities Exchange Act of 1934 in order to reform the conduct of private securities litigation, to provide for financial fraud detection and disclosure, and for other purposes.

S. 770

At the request of Mr. DOLE, the names of the Senator from Virginia [Mr. ROBB] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 771

At the request of Mr. PRYOR, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 771, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 830

At the request of Mr. SPECTER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 830, a bill to amend title 18, United States Code, with respect to fraud and false statements.

S. 867

At the request of Mr. COCHRAN, the names of the Senator from Oklahoma [Mr. INHOFE], the Senator from North Carolina [Mr. HELMS], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 867, a bill to amend the Internal Revenue Code of 1986 to revise the estate and gift tax in order to preserve American family enterprises, and for other purposes.

S. 878

At the request of Mr. COCHRAN, the name of the Senator from Indiana [Mr.

COATS] was added as a cosponsor of S. 878, a bill to amend the Internal Revenue Code of 1986 to reduce mandatory premiums to the United Mine Workers of America Combined Benefit Fund by certain surplus amounts in the fund, and for other purposes.

SENATE JOINT RESOLUTION 31

At the request of Mr. HATCH, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

SENATE JOINT RESOLUTION 34

At the request of Mr. SMITH, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of Senate Joint Resolution 34, a joint resolution prohibiting funds for diplomatic relations and most-favored-nation trading status with the Socialist Republic of Vietnam unless the President certifies to Congress that Vietnamese officials are being fully cooperative and forthcoming with efforts to account for the 2,205 Americans still missing and otherwise unaccounted for from the Vietnam war, as determined on the basis of all information available to the United States Government, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

SENATE RESOLUTION 128—RELATIVE TO BOSNIA-HERCEGOVINA

Mr. SPECTER (for himself and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 128

Whereas Article I, Section 8 of the United States Constitution provides that Congress shall have the sole power to declare war;

Whereas the Senate adopted S. Res. 330 on August 11, 1992, which stated that it was the sense of the Senate that no United States military personnel shall be introduced into combat or potential combat situations without clearly defined objectives and sufficient resources to achieve those objectives: Now, therefore, be it

Resolved, That the President is not authorized to use the United States Ground Forces in Bosnia-Hercegovina unless—

(1) the use of United States ground forces in Bosnia-Hercegovina is authorized in advance by Congress; or

(2) the deployment of forces of the United States ground forces into Bosnia-Hercegovina is vital to the national security interests of the United States (including the protection of American citizens in Bosnia-Hercegovina), there is not sufficient time to seek and receive Congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than 48 hours after the initiation of the deployment.

Mr. SPECTER. Mr. President, I have sought recognition to submit a resolution which would prohibit the President from using ground forces in Bosnia without prior consent of the Congress because, in my view, there is ample time for the Congress of the United States to deliberate on this matter and to make a decision. And such a resolution, I submit, is necessary as a constitutional matter to preserve the constitutional prerogatives of the Congress and really to stop further erosion by the executive branch.

The events of the past week in Bosnia and Herzegovina have been very, very disturbing, as they have been for the better part of 2 to 3 years now. As I have said on the floor of the U.S. Senate in the past, it is my view that the mission of the U.N. peacekeepers was realistically Mission Impossible because there was no peace to keep. In the past I have supported the resolutions and the amendments on the floor of the U.S. Senate to lift the arms embargo so that the Bosnian Moslems could defend themselves in accordance with article 51 of the U.N. Charter.

We have had the position taken by the President in a speech last week at the Air Force Academy where he has said that U.S. forces would be used to relocate U.N. peacekeepers, sent on a temporary basis. But we know, as a practical matter, what happens when there is temporary action taken.

There has been consistent analysis of the terrain in Bosnia, and fighting of a ground war there is on absolute marsh and swamp, and we are realistically unable to undertake that without assurances that it is to be done on a limited basis.

It is my view that, before there ought to be an entry by the United States of our own ground forces, we ought to have an exit plan as well; that, realistically viewed, the United States does not have vital national interests at stake there on this state of the record; that before even consideration ought to be given there ought to be a comprehensive plan; and that there ought to be a detailed statement as to what the European participation would be because it is much more in their interest than ours. These matters ought to be submitted—Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order.

Mr. SPECTER. There ought to be a comprehensive plan, we ought to know exactly what has happened, and the matter ought to be deliberated upon and voted upon by the Congress of the United States.

We have seen an erosion of constitutional authority of the U.S. Congress as the sole agent which is authorized to involve the United States in war. We fought a war in Korea without constitutional authorization. We fought a war in Vietnam without constitutional authorization. And these matters ought to come to the Congress unless there is an emergency, and on the face of the resolution which I have proposed the President could use the deployment of forces if there is a situation ''vital to the national security interests of the United States, including the protection of American citizens in Bosnia and Herzegovina where there is not sufficient time to seek and receive congressional authorization,'' and then the President report as soon as practical to the Congress of the United States.

When the use of force was authorized in the Gulf, that was done only after the matter was brought to the floor of the U.S. Congress, the U.S. Senate. We had extensive debate going on on this floor on January 10, 11, and 12, 1991 when there was a resolution passed by the Senate authorizing the use of force by a 52-to-47 vote, and a similar resolution of authorization was passed by the House of Representatives.

But until and unless the Congress makes that decision reflecting the will of the American people, it is my view that there ought not to be the use of ground forces in Bosnia.

AMENDMENTS SUBMITTED

COMPREHENSIVE TERRORISM PREVENTION ACT

FEINSTEIN AMENDMENT NO. 1202

Mrs. FEINSTEIN proposed an amendment to amendment No. 1199, proposed by Mr. HATCH, to the bill (S. 735) to prevent and punish acts of terrorism, and for other purposes; as follows:

On page 152, strike line 6 through line 17 on page 153, and insert the following:

SEC. . 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 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 sum 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) 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.''.

(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 18 months after the enactment of this Act, 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, 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.

SMITH AMENDMENT NO. 1203

Mr. HATCH (for Mr. SMITH) proposed an amendment to amendment No. 1199 proposed by Mr. HATCH, to the bill, S. 735, supra; as follows:

On page 12, line 6, strike ''25 years.'' and insert the following: ''25 years; provided, however, that the damages to property that were caused, or would have been caused if any object of the conspiracy had been accomplished, must exceed, or must be reasonably estimated to exceed, $25,000.''

On page 7, at the end of line 17, add the following: ''provided, however, that the damages to property must exceed $25,000;''

PRESSLER (AND DASCHLE) AMENDMENTS NOS. 1204–1205

Mr. HATCH (for Mr. PRESSLER for himself and Mr. DASCHLE) proposed two amendments to amendment no. 1199 proposed by Mr. HATCH, to the bill, S. 735, supra; as follows:

AMENDMENT NO. 1204

At the appropriate place, insert the following:

SEC. . 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 decribed 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''.

AMENDMENT NO. 1205

At the appropriate place, insert the following:

SEC. . FALSE IDENTIFICATION OF DOCUMENTS.

(a) MINIMUM NUMBER OF DOCUMENTS FOR CERTAIN OFFENSE.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by striking ''five'' and inserting ''3''; and

(2) in subsection (b)(1)(B), by striking ''five'' and inserting ''3''.

(b) REQUIRED VERIFICATION OF MAILED IDENTIFICATION DOCUMENTS.—

(1) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by adding at the end the following:

§ 1739. Verification of identification documents

''(a) Whoever knowingly sends through the mails any unverified information document purporting to be that of the individual named in the document, when in fact the identify of the individual is not as the document purports, shall be fined under this title or imprisoned not more than 1 year, or both.

''(b) As used in this section—

''(1) the term 'unverified', with respect to an identification document, means that the sender has not personally viewed a certification or other written communication confirming the identity of the individual in the document from—

''(A) a governmental entity within the United States or any of its territories or possessions; or

''(B) a duly licensed physician, hospital, or medical clinic within the United States;

''(2) the term 'identification document' means a card, certificate, or paper intended to be used primarily to identify an individual; and

''(3) the term 'identity' means personal characteristics of an individual, including age and nationality.''

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 83 of title 18, United States Code, is amended by adding at the end the following new item:

''1739. Verification of identification documents.''.

(c) CONFORMING AMENDMENT.—Section 3001(a) of title 39, United States Code, is amended by striking ''or 1738'' and inserting ''1738, or 1739''.

SPECTER AMENDMENT NO. 1206

Mr. HATCH (for Mr. SPECTER) proposed an amendment to amendment No. 1199 proposed by Mr. HATCH, to the bill, S. 735, supra; as follows:

On page 22, between lines 18 and 19 insert the following:

''(b) ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVES DETECTION DEVICES AND OTHER SOPHISTICATED COUNTERTERRORISM TECHNOLOGY.—Subject to section 575(b), up to $10,000,000 in assistance in any fiscal year may be provided to procure explosives detection devices or other sophisticated counterterrorism technology to any country facing an imminent danger of terrorist attacks that threaten the national interests of the United States or put United States nationals at risk.''.

On page 22, line 19, strike ''(b)'' and insert ''(c)''.

BROWN AMENDMENT NO. 1207

Mr. HATCH (for Mr. BROWN) proposed an amendment to amendment no. 1199 proposed by Mr. HATCH, to the bill, S. 735, supra; as follows:

At the appropriate place in the Hatch substitute, add the following new section—

''SEC. . SANCTIONS AGAINST TERRORIST COUNTRIES.

(a) PROHIBITION.—In conjunction with a determination by the Secretary of State that a nation is a state sponsor of international terrorism pursuant to 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), the Secretary of State, in consultation with the Secretary of Commerce, shall issue regulations prohibiting the following—

(1) The importation into the United States, or the financing of such importation, of any goods or services originating in a terrorist country, other than publications or materials imported for news publications or news broadcast dissemination;

(2) Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702 (b)), the exportation from the United States to a terrorist country, the government of a terrorist country, or to any entity controlled by the government of a terrorist country, or the financing of such exportation, of any goods, technology (including technical data or other information subject to the Export Administration Act Regulations, 15 CFR Parts 768–799(1994)) or services;

(3) The reexportation to such terrorist country, its government, or to any entity owned or controlled by the government of the terrorist country, or any goods or technology (including technical data or other information) exported from the United States, the exportation of which is subject to export license application requirements under any U.S. regulations in effect immediately prior to the enactment of this Act, unless, for goods, they have been (i) substantially transformed outside the U.S., or (ii) incorporated into another product outside the United States and constitutes less than 10 percent by value of that product exported from a third country;

(4) except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)), any transaction, including purchase, sale, transportation, swap, financing, or brokering transactions, or United States person relating to goods or services originating from a terrorist country or owned or controlled by the government of a terrorist country;

(5) Any new investment by a United States person in a terrorist country or in property (including entities) owned or controlled by the government of a terrorist country;

(6) The approval or facilitation by a United States person or entry into or performance by an entity owned or controlled by a United States person of a transaction or contract:

(A) prohibited as to United States persons by subsection (3), (4) or (5) or

(B) relating to the financing of activities prohibited as to United States persons by those subsections, or of a guaranty of another person's performance of such transaction or contract; and

(7) Any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempting to violate, any of the prohibitions set forth in this section.

(b) DEFINITIONS.—For the purposes of this section:

(1) the term ''person'' means an individual or entity;

(2) the term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization;

(3) the term ''United States person'' means any U.S. citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States;

(4) the term ''terrorist country'' means a country the government of which the Secretary of State has determined is a terrorist government for the purposes of 69(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) and includes the territory of the country and any other territory or marine area, including the exclusive economic zone and continental shelf, over which the government of the terrorist country claims sovereignty, sovereign rights, or jurisdiction, provided that the government of the terrorist country exercises partial or total de facto control over the area or derives a benefit from the economic activity in the area pursuant to international arrangements; and

(5) the term ''new investment'' means—

(A) a commitment or contribution of funds or other assets, or

(B) a loan or other extension of credit;

(6) the term ''appropriate committees of Congress'' means—

(A) the Banking and Financial Services Committee, the Ways and Means Committee and the International Relations Committee of the House of Representatives;

(B) the Banking, Housing, and Urban Affairs Committee, the Finance Committee and the Foreign Relations Committee of the Senate.

(c) EXPORT/RE-EXPORT.—The Secretary of the Treasury may not authorize the exportation or reexportation to a terrorist country, the government of a terrorist country, or an entity owned or controlled by the government of a terrorist country or any goods, technology, or services subject to export license application requirements of another agency of the United States government, if authorization of the exportation or reexportation by that agency would be prohibited by law.

(d) RIGHTS AND BENEFITS.—Nothing contained in this section shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(e) WAIVER.—The President may waive the prohibitions described in subsection (a) of this section for a country for successive 180 day periods if—

(1) the President determines that national security interests or humanitarian reasons justify a waiver; and

(2) at least 15 days before the waiver takes effect, the President consults with appropriate committees of Congress regarding the proposed waiver and submits a report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate containing—

(A) the name of the recipient country;

(B) a description of the national security interests or humanitarian reasons which require a waiver;

(C) the type and amount of and the justification for the assistance to be provided pursuant to the waiver; and

(D) the period of time during which such waiver will be effective.

The waiver authority granted in this subsection may not be used to provide any assistance which is also prohibited by section 40 of the Arms Control Export Control Act.''

KERREY (AND OTHERS) AMENDMENT NO. 1208

(Ordered to lie on the table.)

Mr. KERREY (for himself, Mr. D'AMATO and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. HATCH, to the bill, S. 735, supra; as follows:

At the appropriate place in the pending substitute amendment No. 1199, insert the following:

SEC. . 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 counter-terrorism 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.

FEINSTEIN AMENDMENT NO. 1209

Mrs. FEINSTEIN proposed an amendment to amendment No. 1199, proposed by Mr. HATCH, to the bill, S. 735, supra; as follows:

At the appropriate place in the amendment, insert the following new section:

SEC. . 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 section:

''(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 likely 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 section (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.''

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Thursday, June 8, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on S. 436, a bill to improve the economic conditions and supply of housing in native American communities by creating the Native American Financial Services Organization, and for other purposes.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

ADDITIONAL STATEMENTS

TRIBUTE TO COL. RAYMOND W. O'KEEFE, U.S. ARMY

• Ms. SNOWE. Mr. President, today I would like to congratulate Col. Raymond W. O'Keefe, a native son of Maine, who retired from the U.S. Army on June 1, 1995, after a distinguished career of faithful service to our Nation spanning 26 years. Throughout those 26 years of service, Ray O'Keefe exemplified the true spirit of the United States cavalryman: ''honor was his guide, resourcefulness his strength, and a passion for duty was his chief characteristic.''

Colonel O'Keefe was commissioned through the Reserve Officers' Training Corps as a second lieutenant in the Regular Army following his graduation from the University of Maine at Orono in June 1969. Over the course of his career, Colonel O'Keefe served in a variety of challenging troop and staff assignments in the United States, Germany, Korea, and Vietnam. Following completion of the Armor Officer's Basic Course at Fort Knox, then-Lieutenant O'Keefe reported for duty with the 1st Squadron, 17th Cavalry, assigned to the elite 82nd Airborne Division, at Fort Bragg, NC. Lieutenant O'Keefe practiced his craft and honed his skills while serving in a variety of positions at the troop level.

He arrived in Pleiku, in the Central Highlands of Vietnam, in December of 1971, and assumed command of D Troop, 17th Cavalry. the Ia Drang Valley, sight of one of the first large battles of the war, was only thirty miles distant. One of the last major fights of the war, the Easter Offensive in March,

1972, involved this same area, and Ray O'Keefe was there.

His next assignment brought him to a post well-known in the annals of cavalry lore—Fort Riley, KS—the birthplace of the famous 7th Cavalry Regiment. Already an experienced combat veteran, Ray served with distinction as a troop commander and operations officer with the 1st Squadron, 4th Cavalry, refining his skills, coaching, and teaching the cavalrymen and officers entrusted to his care.

Obviously, Ray O'Keefe stood out from his peers, for as an armor officer he was selected to attend Infantry Officers Advanced Course at the U.S. Army Infantry School. Selection to an advanced course of another branch is an indication that an officer has mastered his basic branch skills and is being groomed for positions of much greater responsibility. His follow-on assignment as a staff plans officer with the Joint Personnel Staff at Headquarters, 8th U.S. Army, in Yong San, Korea, underscored the high regard in which he was held by his superiors. The assignment provided Ray valuable experience working with senior officers and those of the other Services and would serve him well in future assignments.

Following promotion to major ahead of his peers, and with a Master of Science degree in Educational Administration in hand, Ray O'Keefe returned to New England. Assigned as the Assistant Professor of Military Science at the University of New Hampshire, he excelled as an instructor of young men and women. Those entrusted with attracting and developing our Army's future leaders have a particularly important responsibility. Ray O'Keefe truly understood this responsibility and more than met the challenge.

As a field grade officer, Ray continued with his service in a series of increasingly challenging assignments, this time in Germany. The cold war was at its height, and deterrence was the keystone of our defense policy. Trained and ready, Army forces provided NATO's first line of defense in Europe against the Warsaw Pact. Serving 1 year as executive officer of the 4th Battalion, 64th Armor, in Aschaffenburg, followed by almost 3 years on the Operations and Plans staff of the 3rd Infantry Division in Wurzburg, then-Major O'Keefe was instrumental in successfully bringing the M1 Abrams main battle tank to the division. Personally selected by the commanding general as chief of training for the division, Ray soon became the recognized expert in Europe on fielding and training for the M1 tank.

Battalion command is a challenge reserved for only the Army's most capable and most promising officers. In June of 1984, then-Lieutenant Colonel O'Keefe's demonstrated performance and potential resulted in his selection to command the 3rd Squadron, 7th Cavalry, a unit rich tradition. From its battalion colors fly streamers emblazoned with names we associate with gallantry, courage, sacrifice: Little Big Horn, Leyte, Korea. Equipped with tanks, helicopters, armored personnel carriers, and artillery, the division cavalry squadron is perhaps one of the most lethal fighting organizations within the Army and one of the most challenging to effectively command. Its mission was one of the cold war's most difficult and sensitive—patrolling the border between freedom and tyranny in Europe. Under Ray O'Keefe's expert hand, the troopers of the 3rd Squadron patrolled the intra-German border 24 hours a day, 7 days a week. Tough, realistic training and competent, confident leadership were rewarded in 1985 when the 3rd Squadron captured the prestigious Flynn Cup, awarded to the best border squadron in the VII Corps. Through sustained superior performance, Ray O'Keefe proved he had what it took to command and care for 1,200 soldiers and their families.

The Joint Staff provided Ray O'Keefe another opportunity to excel. Assigned as Chief of the Operations, Training, and Exercise Branch in the National Military Command Center, he played a key role in every world crisis for almost 2 years. Colonel O'Keefe developed and wrote the required operational concept for what was to become the automated Crisis Management System, now the heart of the Joint Chiefs of Staff crisis management response. The impact of this contribution to our Nation cannot be overstated.

Colonel O'Keefe culminated his service as Chief, Congressional Activities Division, Office of the Chief of Staff, U.S. Army. In this capacity, Ray once again set the standard preparing senior Army leadership for their personal interactions with Congress, including confirmations, congressional testimony, and meetings with Members of Congress. Ray also supervised preparation and publication of the Army's annual Posture Statement and Focus periodical. Both General Sullivan and Secretary West have come to rely on Ray O'Keefe's sound judgment, keen insight, and sage advice. In this assignment, as in all the others throughout his career, Ray has been in the vanguard working to ensure that America's Army maintains, the warrior's edge.

Col. Raymond W. O'Keefe is indeed the quintessential leader. His selfless service, commitment to excellence, and caring professionalism have continually provided inspiration to those with whom he has served. This exceptional officer truly personifies those traits of courage, competency, and integrity that our Nation has come to expect from our Army officers. When he was needed, he was there. He has served our Nation well, and our heartfelt appreciation and best wishes for continued success go with him.●

THE BUDGET RESOLUTION FOR FISCAL YEAR 1996

● Mrs. MURRAY. Mr. President, I was forced to cast my vote against the budget resolution for the upcoming fiscal year.

As a member of the Budget Committee, I take seriously my responsibilities to form and oversee our Nation's budget. Accordingly, I believe the budget resolution is one of the most important documents produced by the Congress each year.

This resolution is critical legislation because it sets our Nation's priorities. It steers our economic policies. And, it carries weight with the American people.

I believe this process should be used to give the American people hope. The American people deserve a sound budget, which reflects their spending priorities. And, they deserve economic security in youth as well as in older years.

Unfortunately, Mr. President, this budget fulfills none of these requirements. It is truly the worst of slash and burn politics. It is misguided economic policy. It robs our constituents of hope and our children of their future.

Mr. President, our colleagues offered a number of amendments which would have gone a long way to improve this bill.

I must say, Mr. President, I was pleased that a strong bipartisan coalition of Senators supported a sense of the Senate measure I offered on impact aid. Impact aid is critical educational assistance for our federally impacted school districts. I hope my amendment will ensure that the Federal Government lives up to its responsibilities to our Nation's schoolchildren who live on Federal property. That is the minimum we owe the children of our women and men in uniform, and I am pleased the distinguished chairman of the Budget Committee, Mr. DOMENICI, accepted my amendment as part of his resolution.

Unfortunately, many other amendments which would have improved this bill failed to pass on largely party-line votes.

I was pleased to support a substitute budget proposed by my friend, the Senator from North Dakota, Mr. CONRAD. His proposal—the fair share plan—reached balance, closed loopholes, excluded Social Security, but smoothed the glidepath of reduced spending. It is my sincere belief that the budget proposed by Senator CONRAD would have been a better starting point than the one put forth by my Republican colleagues. The Conrad plan was not perfect, but it would have been better for our children, our elderly, the environment, and the most vulnerable members of our society.

My friends, the distinguished junior Senator from South Carolina, Senator HOLLINGS, and the Senator from Iowa, Mr. HARKIN, offered a wise amendment which aimed at restoring the draconian cuts to education. I was pleased to speak in favor of this amendment, and

an truly sorry that our Republican friends were unable to join colleagues on this side of the aisle in restoring some hope for our children's future.

Similarly, my Budget Committee colleague, the Senator from New Jersey, Mr. LAUTENBERG, and my friend from West Virginia, Mr. ROCKEFELLER, offered an important amendment to restore some of the nasty cuts to the Medicare and Medicaid Programs. This amendment would have given some much-needed security to our elderly. It would have also loosened the squeeze on the middle class—average Americans like me, who are caught between elderly, frail parents, and kids at home.

I was honored to join two of my distinguished colleagues from the Finance Committee, Senator BRADLEY and Senator BREAUX to roll back the tax increase on our country's working families. This budget plan raises the taxes on families earning less than $28,000 per year. I think nearly everyone in this country would agree it is inherently unfair to raise taxes on the lower middle class and give a break to the wealthiest among us. Unfortunately, this amendment was rejected on party lines. That is a tragic and sad mistake.

Time and again, some of our colleagues attempted to restore common sense to this budget, but we were caught up in the partisanship of this body. One of the worst examples of this came with the defeat of the Murray amendment. My amendment simply would have protected kids from Medicaid cuts. Despite the defeat of my amendment which would have put the Senate on record that children should not be left without insurance, I will continue to fight for the interests of children in this Nation as the Medicaid system is reformed by this Congress.

Lastly, I was very disappointed that an amendment offered by my colleague from Delaware, Senator ROTH, was defeated. The Senator from Delaware correctly called attention to the risks to our environment if oil exploration were to be extended in the Arctic National Wildlife Refuge. This amendment was important for the future of our Nation's environment, and its defeat is shortsighted and ill-advised.

Mr. President, without these amendments, without this safety net for our children, without protections of our environment, and without other safeguards for our most vulnerable citizens, this resolution is fatally flawed. And, I cannot support this draconian and risky budget plan.●

TRIBUTE TO DR. HIRAM C. POLK, JR.

● Mr. MCCONNELL. Mr. President, I rise today to honor Dr. Hiram C. Polk, Jr., Hiram is chairman of surgery at the University of Louisville, and this week he will be inducted into the Royal College of Surgeons of Edinburgh, Scotland as an honorary fellow.

The Royal College of Surgeons is the oldest surgical college in the world and is also the most renowned. The induction as an honorary fellow is the highest honor awarded by the college. This tribute is unquestionably one that Hiram should be proud of, because the college only gives out five or six awards in one year to the best surgeons around the world.

Hiram was also asked to deliver the Lister lecture at the college's annual meeting in Aberdeen, Scotland on May 26, 1995, making him the first American to give the Lister lecture. Hiram is also one of only 13 people to ever deliver the lecture. He joins an impressive list of past lecturers which include two Nobel Prize winners. His speech will focus on his work to understand and control infection after trauma, research he has worked extensively on at the University of Louisville for more than a decade.

Hiram received his medical degree from Harvard University in 1960, and 11 years later he accepted a position at the University of Louisville. At the age of 35, Hiram was named chairman of surgery at the university, making him one of the youngest surgery department chairmen in the Nation.

His research on surgery infection began in 1969, and he says it still has a long way to go. He best describes his work in a recent article from the Courier Journal, ''you keep hoping for a breakthrough. But in fact * * * you're crawling your way up the Washington Monument one step at a time.'' And you can bet, Hiram will continue his research on surgical infections for years to come.

Mr. President, I commend Dr. Hiram C. Polk, Jr., for his outstanding service to the University of Louisville and to the entire medical community. I ask my colleagues to join me in recognizing the hard work of this outstanding Kentuckian and to congratulate him on his induction as an honorary fellow into the Royal College of Surgeons.●

THE BALANCED BUDGET RESOLUTION

● Ms. MIKULSKI. Mr. President, unfortunately I was unable to vote on the balanced budget resolution and several pending amendments. I was the commencement speaker for the 1995 graduating class of Johns Hopkins University in Baltimore from which my niece and nephew were also graduating.

However, had I been here to vote I would have voted against the resolution because I believe it hurts too many Americans. It hurts our seniors and it hurts our students.

Everything this country has fought for is being attacked in this budget, Medicare, Medicaid, long-term care, veterans health care, and education.

We must have a call to arms to save lives and save people.

Mr. President, during consideration of the budget resolution, Senator CONRAD offered an amendment which would have achieved a balanced budget by 2004.

I support Senator CONRAD's approach to balancing the budget because I believe that it represents a far more equitable approach to balancing the budget than the budget resolution which passed the Senate.

Mr. President, I support the Conrad amendment because it balances the budget without counting the Social Security trust fund surplus. I have stated in the past that I cannot support a balanced budget that does not protect Social Security. A promise made must be a promise kept.

We cannot jeopardize the retirement benefits of the G.I. Joe generation—the generation that fought and saved civilization. We owe it to our veterans and their families to ensure a safe and secure future.

In addition, I support the Conrad amendment because it fully funds education and restores some of the cuts to veterans programs, infrastructure investments, and technology programs, while still achieving a balanced budget.

Mr. President, I also want to express my strong support for an amendment offered by my colleague, Senator KENNEDY, to restore funding for college aid.

The Republican budget resolution would cut $30 million in Federal aid to college students over the next 7 years. This is the largest education cut in U.S. history.

This is unacceptable. Education must be a No. 1 priority. It is with me and it should also be a priority in this budget.

Senator KENNEDY's amendment would have helped to restore college student aid funds. This amendment did not pass, but yet it is extremely important when half of all college students receive Federal financial aid.

However, I am pleased that the Snowe amendment which was adopted will restore $9.4 billion over 7 years to student loans. I support this amendment because I know what it will mean to Maryland's students.

Our undergraduate students borrow the maximum of $17,125 just to be able to afford a college education, access to increased opportunities and to achieve the American dream.

The cost of college has skyrocketed and our students need our support through Federal financial aid programs or through innovative initiatives like National Service. We cannot turn our back on them now.

Mr. President, in this budget, we are given cuts, not compassion. As an appropriator, I know firsthand what these cuts mean. These are not numbers. These are not statistics. These are not line items. They are issues people care about.

Balancing the budget should not be about rhetoric or about scoring political points. Balancing the budget should be about honoring the contributions of the G.I. Joe generation, the generation who worked hard, played by the rules, and served our country well. It is for those who are fighting for the future generations of Americans.

Mr. President, the Senate still has a long way to go this year and a lot of work to do on this Nation's budget. This resolution is not the final word and I look forward to setting this Nation's priorities straight and fighting for the generations to come.●

THE TERCENTENNIAL ANNIVERSARY OF GLOUCESTER TOWNSHIP, NJ

● Mr. BRADLEY. Mr. President, today I wish to commemorate the 300th anniversary of the founding of Gloucester Township. Three hundred years after its incorporation, Gloucester Township has grown from a small farming community along the banks of what is now Timber Creek into one of New Jersey's premier residential communities.

On June 1, 1995, residents of Gloucester Township celebrated their 300th year with a ceremony consisting of a reenactment of the 1695 Proclamation of Incorporation. After the ceremony, the tercentenary committee presented a hand-sewn quilt consisting of 33 panels which traces the township's unique history and highlights the area's historic sites. The quilt, lovingly crafted by over 20 volunteers, took hundreds of hours to complete and is a fitting tribute to a special community. Like the memorial quilt, Gloucester Township is a creation of the sum of its parts, incorporating many small, distinct communities—each with their own histories and special characteristics—to add color and form to the township.

When the mayor and town council of Gloucester donned their colonial-era garb to reenact the Incorporation Proclamation, they payed tribute to an area of New Jersey that is rich in history. The community of Chews Landing, which predates New Jersey's statehood by years, is still sprinkled with old, historic homes many built during the days when George Washington and James Madison were subscribers to the St. John's Episcopal Church in Chews Landing. Other colorful figures in American history who have roots in Gloucester Township include: Lt. Aaron Chew, a local war hero; Abraham Clark, George Reed, and Charles Campbell, signers of the Declaration of Independence; F. Muhlenberg, a member of the Continental Congress and first Speaker of the House; William Patterson, former Governor of New Jersey; and Elias Boudinot, a member of the New Jersey Continental Congress and Director of the first U.S. Mint. Blenheim, home to the cemetery that is still known today as Wallin's Graveyard, was home to Charity Chew Powell and her husband Richard who lost 17 of their 20 sons in the American Revolution and other of our country's early wars.

Gloucester Township is not only rich in history, it is also blessed with attributes that make the area such a wonderful place to live and raise a family. An outstanding school system, beautiful parks, an active little league, and a diverse population create an environment where the bonds of community can thrive. Approximately 56,000 inhabitants strong, Gloucester Township is no longer a small town on the banks of a creek. Still, the small-town belief that fellow residents are actually friends and family, still flourishes and has allowed Gloucester's different communities to live harmoniously as their community has grown. Today, when the fragile ecology of our social environment is as threatened as that of our natural environment, I am delighted to have the opportunity to pay tribute to the inhabitants of Gloucester Township and the lessons they offer in community and modern living.

Mr. President, I congratulate Gloucester Township once again, on their tercentennial anniversary.●

SOCIAL COMPACT'S 1995 OUTSTANDING COMMUNITY INVESTMENT AWARD

● Mr. LEVIN. Mr. President, I would like to recognize the Sturgis Neighborhood Program [SNP] and the Sturgis Federal Savings Bank as recipients of the Social Compact's 1995 Outstanding Community Investment Award. The Social Compact is an ecumenical coalition of hundreds of CEOs from all types of financial services institutions and neighborhood self-help organizations who have joined forces to promote proven, effective strategies for strengthening America's vulnerable neighborhoods.

The partnership achievement of the Sturgis Neighborhood Program and the Sturgis Federal Savings Bank is rebuilding community hope and pride by stabilizing lower income neighborhoods and families through the rehabilitation of affordable rental housing. Since its inception, the SNP has rehabilitated five single family homes and more are on the way. Tenant families are employed, receive family development guidance, and participate in maintenance education programs. Families also participate in a Goal Setting Plan which guides them toward being self-sufficient, productive members of the community.

The Sturgis Federal Savings Bank was the first institution to support SNP's mission and played a vital role in its initial success. With the assistance of Sturgis Federal, SNP received grants and subsidies which allowed the organization to successfully renovate the completed five units of affordable rental housing. It is my honor to congratulate the Sturgis Neighborhood Program and the Sturgis Federal Savings Bank. I join the Social Compact in thanking them for their contributions to the Sturgis community.●

RAYMOND KELLY'S COMMENCEMENT SPEECH TO MARIST COLLEGE

● Mr. MOYNIHAN. Mr. President, on May 20, 1995, Raymond W. Kelly, the esteemed former police commissioner of New York City, gave a moving commencement speech at Marist College in Poughkeepsie, NY. Senators will recall that, in addition to his service as the head of the Nation's largest police force, Commissioner Kelly recently returned from a very demanding assignment as director of the International Police Monitors in Haiti.

In his speech, Commissioner Kelly urged the Class of 1995 to be, and I quote, ''America's new idealists. * * * America needs new, energetic voices to counter the current wisdom that says all government is suspect. The class of '95 should be that voice.''

In recognition of Commissioner Kelly's public service, Marist College awarded him an honorary Doctorate of Humane Letters. His fine commencement address truly deserves the attention of the Senate, and I ask that the text of the speech be printed in the RECORD.

The speech follows:

REMARKS BY RAYMOND W. KELLY

President Murray, Brother Paul, Chairman Dyson, friends, family, and members of the class of 1995. I want to express my appreciation to Marist College and its board of trustees for conferring this honorary degree on me. And I want to express my congratulations to the class of '95 who earned your degrees the hard way. This honor permits me to share with the class of '95 the soaring reputation of this great institution; a reputation which has spread far beyond the confines of the Hudson Valley, across America and beyond, to some unexpected corners of the world.

What Brother Paul Ambrose and the original Marist fraternity planted with their sweat and broad shoulders has blossomed beyond even their inspired dreams. It has blossomed because the secular community who followed in their footsteps kept the faith and worked hard. The result is this beautiful campus, a crown jewel on the Hudson River.

But Marist College is far more than that. It has preserved what other institutions have lost, or are still trying to achieve: namely, a faculty that teaches, an administration that leads, and a board of trustees that governs. The result—and I know this first hand—are graduates who leave Marist College ready to take on the world, in all of its complexity, and even its dangers.

Last fall, when President Clinton asked me to go to Haiti to direct the international police monitors, he put at my disposal over twelve hundred police professionals from around the world. In addition, I had United States Army and Marine Corps personnel reporting to me. Our job was to stop human rights abuses by a notorious Haitian police and military, and to establish an interim public security force. We did all that, and more.

I was honored to lead the effort, but I certainly could not do it alone. With a large and highly skilled group from which to choose, I needed three individuals for key positions. I had neither the time nor the inclination to check their college credentials. I just went on my instincts that came with 30 years of judging leadership in the New York City Police Department and the United States Marine Corps.

And today, I want the Marist College class of 1995 to meet the three individuals who I asked to go in harms way to lead Haiti out of the hell created by a brutal dictatorship. They are (and I'd like them to stand):

United States Marine Corps Major Samuel Delgado, military liaison for Haiti's second largest city, and Marist College graduate, class of 1977.

United States Marine Corps Major Mario Labpaix, interpreter and military liaison for Haiti's largest city, and Marist College graduate, class of 1978.

And former assistant commissioner of the New York City Police Department, Paul J. Browne, the deputy director of the international police monitors in Haiti, and Marist College graduate, class of 1971.

They are three reasons who our mission in Haiti was a success. And if the President of the United States called again tomorrow and asked me for three good men, I'd call Delgado, Lapaix and Browne. And if the President of the United States called tomorrow and asked me for three hundred good men and women, I'd call the Marist College placement office.

Professor Lavin described it as an ''uncanny coincidence.'' But I'm not so sure. It should be no surprise that the tenets of ethics and of public service rooted in the Marist tradition and carried forward in its classrooms emerge in its graduates, just when the world needs them most.

I urge the class of 95 to hold fast to those tenets, and to make ethical conduct and service to your fellow human beings the hallmarks of whatever careers await you. America, and the world, sorely need both. America and the world also need people who will stand on principle. And, uphold in their daily lives the values that this institution believes in.

My advice to the class of 95 is: Tell the truth, be loyal to your friends, but not blind to their failings, and set a standard of ethical conduct for yourselves and to be true to it no matter what.

Whatever perceived advantage in your personal or public life is sacrificed by doing the right thing is not worth attaining if it means compromising what you believe in.

One other thing: I have never made a career decision based on money, and I have never regretted it. I can see all of you with loan payments cringing. But I mean it. Simply put, money is overrated. America has plenty of money and plenty of money makers, what it needs is idealists.

I urge class of 95 to be Ameria's new idealists.

Somewhere between Dallas, Vietnam and Watergate, our idealism was shattered. Idealism was the great casuality of my generation. It need not be yours.

America needs new, energetic voices to counter the current wisdom that says all government is suspect. The class of 95 should be that voice.

America needs a conscience that counters the lie that the poor are responsible for their own plight. The class of 95 should be that conscience.

America needs the confidence to refute the proposition that self interest should come before all other interests. The class of 95 should have that confidence.

There is also a disturbing manifesto of government mistrust abroad in the land. It is embraced by a radical fringe that is not prepared to die for its cause but ready to kill for it. But it is not embraced by the radicals alone. It is espoused by newcomers to leadership who say they are drawn to government for the principal purpose of dismantling it. It has also given rise to a new mean-spiritedness and a new cynicism; one that casts a cold eye on the plight of the poor and the aspirations of minorities and immigrants. And it has given rise to a new isolationism which would confine American foreign policy to the dark parameters of narrow self interest.

All of this suspicious introspection is unbecoming of the American character.

Americans are, by nature, generous and optimistic and we need to reclaim our heritage.

You need to reclaim it.

I was recently told about a retired General Electric employee who had immigrated to the United States from the Ukraine during World War Two. He came, by way of Russia, by way of Germany, by way of France. He was a refugee. Along the way he met American soldiers, the first Americans he had ever seen. He said the Americans were fundamentally different from him and from everyone he had ever known.

The Americans were full of hope. They were full of optimism and idealism. They laughed easily and looked to the future. He knew no one like them. They were unencumbered by the old European notions of family position, of wealth, of status. They were free of the elitism that held so many people back. He said he saw the Americans as ''a new tribe,'' completely and irresistibly different from his experience, and he desperately wanted to be a member of the tribe.

That was 50 years ago. But the world still sees Americans in much the same way. In Haiti, we were welcomed as liberators by the poorest people in the Western Hemisphere. The graffiti on the walls in Port-Au-Prince said: ''Americans, please stay in Haiti for 50 years.''

American self-interest was served in Haiti, certainly as it applied to curtaining the flow of illegal immigration into the United States. But we also went to Haiti because it was the right thing to do. We put our might were our mouth was. We fed the hungry. We saved lives. We routed the bullies, and rescued fellow human beings from despots. We restored democracy. We treated some of the poorest people in the world with great dignity, which was a completely new experience for them.

We need to practice that charity at home, and not be afraid to remain engaged abroad. America needs you to do that. America needs optimists. It needs idealists. America needs the class of 95 to be engaged in the world.

If your country asks you to serve, say yes. If it doesn't ask, volunteer.

We need to have the kind of faith in ourselves that the world has in America.

We need Americans who believe, as President Kennedy did, that ''Here on Earth, God's work must truly be our own.''●

CONGRATULATING SYRACUSE UNIVERSITY 1995 NCAA LACROSSE CHAMPIONS

● Mr. D'AMATO. Mr. President, I rise toady to pay tribute to our Nation's 1995 NCAA Men's Lacrosse Champions, the Orangemen of Syracuse University. I am particularly proud both as a New Yorker and as an alumnus of both the university and its law school.

Last Monday, before a crowd of over 26,000, the Orange bested the Maryland Terrapins—who enjoyed a home field advantage—by a score of 13–9 to win the collegiate title. This victory was a fitting tribute to the memory of the late Roy Simmons, Sr.—the father of SU Coach Roy Simmons, Jr., and the legend of Syracuse lacrosse—to whom the Orangemen had dedicated their season. The victory for Syracuse marks the sixth time that the Orange have won the national championship and a record 13th straight trip to the final four.

The young men of the Syracuse University lacrosse team have a lot to be proud of in this victory. It is the crowning achievement in this arduous sport demonstrating that a commitment to teamwork and excellence do pay off. This is especially true among the upperclassmen who could have rested on their 1993 championship laurels. By example, their hard work to get back on top will be carried on by SU teams for years to come. A tradition of winning has been maintained, and it is a tradition that I believe future Syracuse teams will sustain.

We can all be proud of the accomplishment of these young men. They have risen to claim top honors in this demanding sport without sacrificing their academic standards. Mr. President, once again, I salute our Nation's NCAA Lacrosse Champions, the Syracuse University Orangemen.●

THE EVERYBODY WINS PROGRAM

● Mr. SIMON. Mr. President, this spring on Capitol Hill an exiting literacy program began with the help of Senators and Senate staff. The children at Brent Elementary School are now being read to once a week during their lunch hours by volunteers in the Everybody Wins Program. Everybody Wins is a successful literacy program which matches up professionals with at-risk, inner-city school children as reading partners.

During each power lunch session, the reading partners select a book and read aloud together—an activity that the Commission on Reading calls the single most important activity for building a child's eventual success in reading.

Dr. Frances Plummer, the principal of Brent Elementary School, has been instrumental in making this program a success. Dr. Plummer, a native Washingtonian, attended the D.C. schools, from kindergarten through receiving her B.S. degree from D.C. Teachers College. She then went on to earn a masters degree and doctorate of education from George Washington University. Her career has included being a teacher and assistant principal in the Washington D.C. public schools before going on to become the principal of the Brent Elementary School.

Dr. Plummer's philosophy is ''Teach each child at your school as you would want your own child taught.'' I, along with my colleagues who are participating in the program would like to commend Dr. Plummer's patience, hard work, and a lifetime of dedication to the children that she serves.●

ORDERS FOR TUESDAY, JUNE 6, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:15 a.m., on Tuesday, June 6, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their

use later in the day, and that Senator SNOWE be immediately recognized to speak for up to 30 minutes; further, that at the hour of 9:45 a.m, the Senate immediately resume consideration of S. 735, the antiterrorism bill.

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

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 on Tuesday for the weekly policy luncheons to meet; further that Senators have until the hour of 12:30 on Tuesday to file first-degree amendments to S. 735, the antiterrorism bill, in order to comply with rule XXII of the Standing Rules of the Senate.

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

SCHEDULE

Mr. LOTT. For the information of all Senators, a cloture motion was filed on the antiterrorism bill earlier today by the leader. Therefore, Members should be aware that if they have an amendment on the list they must file the amendment by 12:30 tomorrow, that is Tuesday, to qualify under rule XXII. Senators should be aware that rollcall votes are possible prior to the policy luncheon recess.

ORDER FOR RECESS

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that Senator SPECTER be recognized when he comes in shortly for his remarks, and following that, that the Senate stand in recess under the previous order.

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

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

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the submission of Senate Resolution 128 are located in today's RECORD under ''Submission of Concurrent and Senate Joint Resolutions.'')

Mr. SPECTER. I thank the Chair. I yield the floor.

RECESS UNTIL 9:15 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:15 a.m., Tuesday, June 6.

Thereupon, the Senate, at 6:58 p.m., recessed until tomorrow, Tuesday, June 6, 1995, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate June 5, 1995:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

TRACEY D. CONWELL, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1996, VICE FAY S. HOWELL, TERM EXPIRED.

SECURITIES INVESTOR PROTECTION CORPORATION

ALBERT JAMES DWOSKIN, OF VIRGINIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1998. (REAPPOINTMENT.)

DEPARTMENT OF STATE

DAVID L. HOBBS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

WILLIAM J. HUGHES, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. CARL E. MUNDY, JR., 000–00–0000

IN THE AIR FORCE

THE FOLLOWING CADETS, U.S. MILITARY ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANT IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 531 AND 541, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

To be second lieutenant

ANN M. BROSIER, 000–00–0000
ANTHONY M. DELUCA, 000–00–0000
TODD D. HARRINGTON, 000–00–0000
JOEL M. JENSEN, 000–00–0000
DARYL S. KIRKLAND, 000–00–0000
ROBERT H. LEE, 000–00–0000
MARVIN T. MERCIER, 000–00–0000
ABDIEL E. PEART, 000–00–0000
SHAD A. REED, 000–00–0000
AUGUST J. ROLLING, 000–00–0000
ADAM D. WALLEN, 000–00–0000
BRIAN R. WARNER, 000–00–0000

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LINE OF THE NAVY

To be lieutenant commander

ARMSTRONG, MARK A., 000–00–0000
BROWN, ROBERT C., 000–00–0000
BRUBAKER, STEVEN H., 000–00–0000
CARTER, STUART A., 000–00–0000
CASEY, KEVIN C., 000–00–0000
CLARKSON, JEFFREY D., 000–00–0000
DALY, WILLIAM J., 000–00–0000
DANHAKL, JAMES R., 000–00–0000
DAVIS, JEFFREY A., 000–00–0000
DEOSS, DISTER L., JR., 000–00–0000
DESMET, PAUL F., 000–00–0000
DUBOIS, BRUCE A., 000–00–0000
ENKEMA, PHILIP B., JR., 000–00–0000
FARNUM, PHILLIP H., 000–00–0000
FERNANDEZ, PELAYO F., 000–00–0000
FETEN, DAVID J., 000–00–0000
GOSSETT, DEAN H., 000–00–0000
GRAYBEAL, JAMES W., 000–00–0000
HANNES, KEVIN L., 000–00–0000
HELWIG, MICHAEL S., 000–00–0000
HULLINGER, PHILLIP G., 000–00–0000
JOY, CRAIG M., 000–00–0000
KIYAK, GEORGE C., 000–00–0000
LONG, DARRYL J., 000–00–0000
LOONEY, ANNEMARIE D., 000–00–0000
LUCERO, LISA M., 000–00–0000
LYCAN, PAUL D., 000–00–0000
LYNCH, KAREN A., 000–00–0000
MELONIDES, JOHN S., 000–00–0000
MIGLIORE, ANTHONY M., 000–00–0000
MILLS, THOMAS A., 000–00–0000
NEWSTROM, ERIC P., 000–00–0000
NUNEZ, GERALD A., 000–00–0000
O' CARROLL, ROSEMARIE, 000–00–0000
PETTY, ROY S., 000–00–0000
REVELLE, DAVID M., 000–00–0000
SCHMEISER, STEPHEN A., 000–00–0000
STANTON, ROBERT J., 000–00–0000
STEER, THOMAS J., 000–00–0000
SUMMERS, TOMMY L. 000–00–0000
TANAKA, CLEMENT, 000–00–0000
TEXLEY, THOMAS E., 000–00–0000
ULATOWSKI, VALERIE A., 000–00–0000
VALENZUELA, JOSEPH J., 000–00–0000
VULCAN, LELAND C., 000–00–0000
WARREN, THOMAS W., JR., 000–00–0000
ZEIDERS, GLENN W. III, 000–00–0000

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be captain

BOONE, JOHN L., 000–00–0000
CRAIG, BARBARA R., 000–00–0000
GOLDFARB, THEODORE G., 000–00–0000
LANDON, CHARLES W., 000–00–0000
MC DEVITT, EDWARD R., 000–00–0000
REVILLE, ROGER D., 000–00–0000
SHEN, VINCENT S., 000–00–0000
SMITH, RONALD E., 000–00–0000
WEAR, DEBORAH J., 000–00–0000

To be commander

ADAMS, CHARLES F., JR., 000–00–0000
ADKISON, DAVID P., 000–00–0000
ALBRECHT, DANIEL, 000–00–0000
BEATTIE, MARK A., 000–00–0000
BONDESSON, JEFFERY D., 000–00–0000
BOSSIAN, JOHN L., JR., 000–00–0000
BRANN, OSCAR S. 000–00–0000
BRUCKNER, JAMES D., 000–00–0000
BUSCH, WILLIAM T., 000–00–0000
CANAVAN, LYDIA 000–00–0000
CHRISTOPHER, ARNOLD R., 000–00–0000
CLAYTON, JOHN P., 000–00–0000
COOK, DAVID H., 000–00–0000
CROWLEY, SUSAN, 000–00–0000
CURTIS, JERRI, 000–00–0000
DANIEL, JOHN C., 000–00–0000
DATO, PAUL, 000–00–0000
DEFEO, JOSEPH W., JR., 000–00–0000
DELAHANTY, KEVIN, 000–00–0000
DESIMONE, JEFFREY M., 000–00–0000
DEVINE, ROSS S., 000–00–0000
DOWGIN, THOMAS A., 000–00–0000
DUNSEATH, RODNEY A., 000–00–0000
ECKLUND, KIRK T., 000–00–0000
FENTON, LESLIE H., 000–00–0000
FISHER, WESTBY G., 000–00–0000
FOREMAN, RILEY D., 000–00–0000
FRAZIER, HAROLD A., II, 000–00–0000
FRECHEN, KATHLEEN A., 000–00–0000
GILPIN, ALBERT T., 000–00–0000
GOBER, JOHN D. 000–00–0000
GOETTING, ANTHONY 000–00–0000
GORMAN, JOHN 000–00–0000
GREENSMITH, JAMES E., 000–00–0000
HAGER, STEVEN J., 000–00–0000
HAINES, GREGORY A., 000–00–0000
HALL, WILLIAM J., 000–00–0000
HIGGINS, DAVID L., 000–00–0000
HIGHTOWER, RANDALL D., 000–00–0000
HOWARD, WHITNEY H., 000–00–0000
IMMERMAN, KATHERINE L., 000–00–0000
JERCINOVICH, IGOR A., 000–00–0000
KALLGREN, DIANE L. 000–00–0000
KEEFE, MICHAEL A., 000–00–0000
KELLEY, LAURENCE R., 000–00–0000
KERSCH, THOMAS J. 000–00–0000
KHALFAYAN, ELIAS E., 000–00–0000
KILLIAN, THOMAS J., 000–00–0000
KOELLER, KELLY K., 000–00–0000
MC NEILL, DOUGLAS H., 000–00–0000
MC SHARRY, ROGER J., JR., 000–00–0000
MILLER, RICHARD C. 000–00–0000
MITCHELL, MARC E., 000–00–0000
MOSHMAN, GORDON S., 000–00–0000
MULL, NATHAN H., IV, 000–00–0000
MURPHY, GERALD S., JR., 000–00–0000
NEWTON, THOMAS A., 000–00–0000
NITA, NIPONT N., 000–00–0000
PERREN, RICHARD S., 000–00–0000
PFAFF, JOHN K., 000–00–0000
PIACQUADIO, KATHLEEN M., 000–00–0000
PONTIER, PAUL J., 000–00–0000
PORTER, KEVIN R., 000–00–0000
POSTMA, GREGORY N., 000–00–0000
ROBERTS, JAMES L., 000–00–0000
ROBINSON, DOUGLAS H., 000–00–0000
ROLFE, ALAN E., 000–00–0000
ROSS, DANIEL G., 000–00–0000
SAMPLE, KENNETH M., 000–00–0000
SAMSON, JOSE, 000–00–0000
SCACCIA, DAVID F., 000–00–0000
SCHLEICH, CARL T., 000–00–0000
SCHMIDT, CHRISTOPHER P., 000–00–0000
SHARKEY, PETER F., 000–00–0000
SLATEN, DOUGLAS D., 000–00–0000
SPAK, ERIC W., 000–00–0000
STROH, DAVID J., 000–00–0000
SWANN, LISA A., 000–00–0000
SWEENEY, FRANCIS M., 000–00–0000
TOMESCU, ELVIRA, 000–00–0000
TUTTLE, KENNETH W., 000–00–0000
WALLACE, ROBERT D., 000–00–0000
WOODWORTH, JAMES M., 000–00–0000
WYMER, ROBERT A., 000–00–0000
YAGEL, SCOTT L., 000–00–0000

YOSHIHASHI, ANN K., 000–00–0000

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SUPPLY CORPS

To be lieutenant commander

HANSON, KEVIN T.M., 000–00–0000
TUFTS, ROBERT K., 000–00–0000

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CHAPLAIN CORPS

To be captain

ANDERSON, JAMES W., 000–00–0000
LINEHAN, STEPHEN J., 000–00–0000

To be commander

BRIMHALL, BARRY W., 000–00–0000
MACNEW, JAMES J., 000–00–0000
SIMPSON, BRIAN L., 000–00–0000
SOUTIERE, RONALD A., 000–00–0000
YAGESH, RICHARD C., 000–00–0000

To be lieutenant commander

ADAMS, GEORGE E., 000–00–0000
ANDERSON, BRUCE M., 000–00–0000
BARRETT, MILES J., 000–00–0000
BLACK, JON R., 000–00–0000
BOCHONOK, SANDRA L., 000–00–0000
BROWN, RONDALL, 000–00–0000
CALHOUN, ANDREW, III, 000–00–0000
CARTER, JOHN K., JR., 000–00–0000
CRADDOCK, RONALD D., 000–00–0000
CROMER, DAVID C., 000–00–0000
DANG, CHIN V., 000–00–0000
DAWSON, PASCHAL L., III, 000–00–0000
DELIS, ROBERT D., 000–00–0000
DORY, MICHAEL E., 000–00–0000
DUNHAM, LARRY C., 000–00–0000
DUNN, DOYLE W., 000–00–0000
ERESTAIN, ALFONSO E., 000–00–0000
FAUNTLEROY, WILLIAM K., 000–00–0000
FELDER, GERALD W., 000–00–0000
FIX, DONALD P., 000–00–0000
FRANKLIN, JOHN V., 000–00–0000
GOODWIN, MELODY H., 000–00–0000
GORDY, JOHN C., III, 000–00–0000
HARKNESS, FURNISS B., JR., 000–00–0000
HOGAN, TIMOTHY D., 000–00–0000
HOLLOWAY, DAVID L., 000–00–0000
HOLMES, WAYNE P., 000–00–0000
HUNTER, CHARLOTTE E., 000–00–0000
INGRAM, JAMES A., 000–00–0000
INMAN, RICHARD W., 000–00–0000
JOHNSON, PATRICK D., 000–00–0000
KEANE, ROBERT L., 000–00–0000
KLARER, MICHAEL E., 000–00–0000
KOCZAK, MARK W., 000–00–0000
KREKELBERG, ANNE M., 000–00–0000
LEONARD, KIM A., 000–00–0000
MCALEXANDER, KALAS K., 000–00–0000
MCCORMICK, PATRICK J., 000–00–0000
MCGUIRE, DEBRA E., 000–00–0000
MEEHAN, DIANA L., 000–00–0000
MORENO, JAIRO, 000–00–0000
NELSON, TERRY E.E., 000–00–0000
ORTIZ, RUBEN A., 000–00–0000
OVERTURF, TIMOTHY L., 000–00–0000
PARISI, MICHAEL J., 000–00–0000
POWERS, ROY S., 000–00–0000
RAMIREZ, ABEL, 000–00–0000
SEILER, JEFFREY H., 000–00–0000
SEYB, STOCKTON K.M., 000–00–0000
SPALDING, MARY H., 000–00–0000
STEWART, GARY P., 000–00–0000
TOKAR, PETER, JR., 000–00–0000
VEITCH, DONALD P., 000–00–0000
WAKEFIELD, TIMOTHY E., 000–00–0000
WEEDEN, GARY P., 000–00–0000
WILLIAMS, CHRISTOPHER J., 000–00–0000
WILLIAMS, ROBERT T., 000–00–0000
WILLIAMS, WILLIE, 000–00–0000
WOIENSKI, RICHARD, 000–00–0000
WRIGHT, MICHAEL A., 000–00–0000
YORTON, MARK B., 000–00–0000

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CIVIL ENGINEER CORPS

To be lieutenant commander

GEORGES, DAVID R., 000–00–0000

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be commander

BELLENKES, ANDREW H., 000–00–0000

To be lieutenant commander

ALKOSHNAW, KAREN M., 000–00–0000
BYE, EDWARD S., 000–00–0000
CARLSON, NEAL A., 000–00–0000
DELARA, EUGENE M., 000–00–0000
EKENNAKALU, CHIDIEBERE, 000–00–0000
EVANS, PAMELA J., 000–00–0000
FINCH, MICHAEL L., 000–00–0000
FISHER, STUART B., 000–00–0000
FRANTZEN, THOMAS A., 000–00–0000
GALLAND, ROLAND M., 000–00–0000
HOWARD, CRAIG M., 000–00–0000
HUERTAS, VICTOR M., 000–00–0000
KATO, KAREN S., 000–00–0000
LINDBERG, AMY D., 000–00–0000
LINNVILLE, STEVEN E., 000–00–0000
LUCART, ANN L., 000–00–0000
MAHONE, ERNEST M., 000–00–0000
MARIONI, MARIA L., 000–00–0000
MERRITT, JANELLE A., 000–00–0000
MONAHAN, MARK C., 000–00–0000
PARADISO, CATHERINE A.S., 000–00–0000
PIERCE, ROBERT H., JR., 000–00–0000
PRESLEY, STEVEN M., 000–00–0000
PRIBOTH, TERESA L., 000–00–0000
RODRIGUEZ, AMILCAR, 000–00–0000
SMITH, ELEANOR J., 000–00–0000
THORNTON, STEPHEN A., 000–00–0000
VILLAMORA, ALFONSO B., 000–00–0000
WALTER, PENNY E., 000–00–0000

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NURSE CORPS

To be lieutenant commander

BALLANTYNE, KATHRYN A., 000–00–0000
BOGLE, MARCIA C., 000–00–0000
BOWENS, SHIRLEY M., 000–00–0000
CELLI, MARIAN L., 000–00–0000
DAVIDSON, TINA A., 000–00–0000
DEMCHAK, MICHELE G., 000–00–0000
DIONNE, SUSAN E., 000–00–0000
DULL, NANCY G., 000–00–0000
FALLS, DEANNA L., 000–00–0000
FINES, DENISE M., 000–00–0000
FISCHER, ROBERT A., 000–00–0000
HERNANDEZ, REBECCA, 000–00–0000
HOFFMAN, CATHARINE M., 000–00–0000
HUGHES, LINDIA G., 000–00–0000
ISAACSON, KIMBERLY K., 000–00–0000
KELLEY, PATRICIA A.W., 000–00–0000
KUECK, LYNNE R., 000–00–0000
LALLY, ANNE M., 000–00–0000
LARSEN, MARK S., 000–00–0000
MACKELLAR, JENNIFER T., 000–00–0000
MCDERMOTT, BARBARA A., 000–00–0000
MCKEON, KATHLEEN A., 000–00–0000
NASH, LINDA L., 000–00–0000
OLSON, RONALD L., 000–00–0000
PARADIS, ROSEMARIE J., 000–00–0000
PARODI, VIVIENNE A., 000–00–0000
PFEFFER, DEBORA A., 000–00–0000
PHILLIPS, RAYMOND E., 000–00–0000
SABATINOS, JAMES F., 000–00–0000
SCRUTON, SCOTT D., 000–00–0000
STEVENS, ROSS R.P., 000–00–0000
SULLIVAN, MARY T., 000–00–0000
SWINEHART, SUSAN L., 000–00–0000
TAYLOR, BEVERLY A., 000–00–0000
TAYLOR, NANCY B., 000–00–0000
TURNER, CATHERINE E., 000–00–0000
WARREN, MARY K., 000–00–0000
WILLIAMS, RUTH A., 000–00–0000
WRIGHT, DOROTHY B., 000–00–0000