Credit Administration, transmitting pursuant to law, the semiannual report of the Inspector General for the period October 1, 1994 to March 31, 1995; to the Committee on Governmental Affairs.

EC–1241. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the semiannual report of the Inspector General for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC–1242. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, the Office's audit report register; to the Committee on Governmental Affairs.

EC–1243. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–81, enacted by the Council on June 28, 1995; to the Committee on Governmental Affairs.

EC–1244. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–82, enacted by the Council on June 28, 1995; to the Committee on Governmental Affairs.

EC–1245. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–83, enacted by the Council on June 28, 1995; to the Committee on Governmental Affairs.

EC–1246. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–85, enacted by the Council on July 6, 1995; to the Committee on Governmental Affairs.

EC–1247. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–88, enacted by the Council on July 6, 1995; to the Committee on Governmental Affairs.

EC–1248. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–89, enacted by the Council on June 6, 1995; to the Committee on Governmental Affairs.

EC–1249. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–90, enacted by the Council on July 6, 1995; to the Committee on Governmental Affairs.

EC–1250. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–91, enacted by the Council on July 6, 1995; to the Committee on Governmental Affairs.

EC–1251. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–92, enacted by the Council on July 10, 1995; to the Committee on Governmental Affairs.

EC–1252. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–93, enacted by the Council on July 10, 1995; to the Committee on Governmental Affairs.

EC–1253. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–94, enacted by the Council on July 13, 1995; to the Committee on Governmental Affairs.

EC–1254. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Fiscal Year 1993 Annual Report on Advisory Neighborhood Commissions''; to the Committee on Governmental Affairs.

EC–1255. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Review of the Agency Fund of the Office of the People's Counsel for Fiscal Year 1994''; to the Committee on Governmental Affairs.

EC–1256. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Review of the Award and Administration of Parking Ticket Processing and Delinquent Ticket Collection Service Contracts''; to the Committee on Governmental Affairs.

EC–1257. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the semiannual report of the Inspector General for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC–1258. A communication from the Inspector General of the Department of Justice, transmitting, pursuant to law, a report relative to an audit of the Department's Private Counsel Debt Collection Program; to the Committee on Governmental Affairs.

EC–1259. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to reports issued or released by the Justice Department in May of 1995; to the Committee on Governmental Affairs.

EC–1260. A communication from the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the Corporation's annual management report for calendar year 1994; to the Committee on Governmental Affairs.

EC–1261. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Inspector General for the period ending March 31, 1995; to the Committee on Governmental Affairs.

EC–1262. A communication from the Director of the National Science Foundation, transmitting, a draft of proposed legislation to amend the Program Fraud Civil Remedies Act of 1986 to include the National Science Foundation; to the Committee on Governmental Affairs.

EC–1263. A communication from the Achivist of the United States, transmitting, pursuant to law, a report relative to the disposal of Federal records for fiscal year 1994; to the Committee on Governmental Affairs.

EC–1264. A communication from the Director of the Information Security Oversight Office, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the 1994 ''Report for the President''; to the Committee on Governmental Affairs.

EC–1265. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to reduce delinquencies and to improve debt-collection activities government-wide, and for other purposes; to the Committee on Governmental Affairs.

EC–1266. A communication form the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the 1994 management reports of the 12 Federal Home Loan Banks and the Financing Corporation; to the Committee on Governmental Affairs.

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. BRYAN (for himself and Mr. REID):

S. 1069. A bill for the relief of certain persons in Clark County, Nevada, who purchased land in good faith reliance on certain private land surveys, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 1070. A bill to amend chapter 30 of title 35, United States Code, to afford third parties an opportunity for greater participation in reexamination proceedings before the Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. BENNETT):

S. 1071. A bill to eliminate the National Foundation on the Arts and the Humanities, to establish a National Endowment for Arts, Humanities, and Museum Services, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 1072. A bill to redefine ''extortion'' for purposes of the Hobbs Act; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1070. A bill to amend chapter 30 of title 35, United States Code, to afford third parties an opportunity for greater participation in reexamination proceedings before the Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

THE PATENT REEXAMINATION REFORM ACT OF 1995

Mr. HATCH. Mr. President, I am pleased to introduce today the Patent Reexamination Reform Act of 1995. This legislation will significantly improve the patent reexamination process, making it an inexpensive and expeditious alternative to patent validity litigation. More importantly, this legislation will not unreasonably increase the cost, complexity, or duration of a reexamination proceeding, nor will it impose an unreasonable burden on the Patent and Trademark Office, who must ultimately process and reexamine the patents. Individual inventors and small businesses alike will benefit from this legislation because costly and time consuming litigation can now be avoided through the use of a more fair reexamination process.

There are five key elements of this proposed legislation. First, the legislation would simplify and shorten procedures governing initiation or reexamination proceedings. Second, the legislation would significantly increase the opportunity for a third party requester to meaningfully participate in a reexamination proceeding. Third, it would broaden the basis and scope of reexamination proceedings before the Patent and Trademark Office. Fourth, it would prevent the multiple requests for patent reexamination. Finally, it would provide a third party requester a right to appeal any decisions of the Patent and Trademark Office to the Court of Appeals for the Federal Circuit.

The patent reexamination process was originally designed to provide a low-cost administrative procedure to

quickly resolve questions regarding the validity of a patent. Unfortunately, patent reexamination has become an unattractive vehicle for patent dispute resolution because of the strict limits imposed on third parties who seek reexamination. Many critics of our system argue the existing reexamination process offers only an illusory remedy for inventors because of the limits imposed on these third parties and similarly, the issues that can be considered in reexamination. Many third parties believe that requesting a reexamination actually impairs their later efforts to challenge a patent, preferring to take their cases directly to the courts.

The legislation I am introducing today will permit and encourage the meaningful participation by a third party in the reexamination process. In turn, this will make the reexamination system an attractive and cost-effective alternative to expensive patent litigation. Likewise, it will bring more fairness to the reexamination process by allowing a third party requestor the right to appeal any decision by the Patent and Trademark Office to the Court of Appeals for the Federal Circuit. However, to prevent a third party from unreasonably delaying the issuance of a patent by relitigating the same issues following the reexamination process, this bill prohibits a third party from relitigating patent validity concerns that were addressed, or from litigating issues that could have been addressed in the reexamination proceeding.

The legislation also expands the grounds for initiating and conducting a reexamination hearing. Current reexamination proceedings are limited to consideration of patent invalidity in view of existing patents and printed publications. This bill would give the Patent and Trademark Office greater authority to consider compliance of a patent with the existing disclosure and claim requirements.

There is widespread support in the patent community for this legislation and for our efforts to make patent reexamination a more efficient process. Many patent groups have voiced their support for the changes provided by this legislation. Those supporters of these reforms include: the American Intellectual Property Law Association [AIPLA], the Intellectual Property Owners [IPO], the National Association of Manufacturers [NAM], the Business Software Alliance, and the Software Publishers Association. There is also strong industry and bar support for these proposed changes.

Mr. President, my proposed legislation will benefit all patent owners, offering them an inexpensive alternative to lengthy and costly litigation. It will encourage fuller participation in the reexamination process by a third party. I urge my colleagues to support the Patent Reexamination Reform Act of 1995. I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1070

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patent Reexamination Reform Act of 1995''.

SEC. 2. DEFINITIONS.

Section 100 of title 35, United States Code, is amended by adding at the end the following new subsection:

''(e) The term 'third-party requester' means a person requesting reexamination under section 302 of this title who is not the patent owner.''.

SEC. 3. REEXAMINATION PROCEDURES.

(a) REQUEST FOR REEXAMINATION.—Section 302 of title 35, United States Code, is amended to read as follows:

''§ 302. Request for reexamination

''Any person at any time may file a request for reexamination by the Office of a patent on the basis of any prior art cited under the provisions of section 301 of this title or on the basis of the requirements of section 112 of this title except for the best mode requirement. The request must be in writing and must be accompanied by payment of a reexamination fee established by the Commissioner of Patents and Trademarks pursuant to the provisions of section 41 of this title. The request must set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested or the manner in which the patent specification or claims fail to comply with the requirements of section 112 of this title. Unless the requesting person is the owner of the patent, the Commissioner promptly will send a copy of the request to the owner of record of the patent.''.

(b) DETERMINATION OF ISSUE BY COMMISSIONER.—Section 303 of title 35, United States Code, is amended to read as follows:

''§ 303. Determination of issue by Commissioner

''(a) Within 3 months following the filing of a request for reexamination under the provisions of section 302 of this title, the Commissioner shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On his own initiative, and any time, the Commissioner may determine whether a substantial new question of patentability is raised by patents and publications or by the failure of the patent specification or claims to comply with the requirements of section 112 of this title except for the best mode requirement.

''(b) A record of the Commissioner's determination under subsection (a) of this section will be placed in the official file of the patent, and a copy promptly will be given or mailed to the owner of record of the patent and to the third-party requester, if any.

''(c) A determination by the Commissioner pursuant to subsection (a) of this section will be final and nonappealable. Upon a determination that no substantial new question of patentability has been raised, the Commissioner may refund a portion of the reexamination fee required under section 302 of this title.''.

(c) REEXAMINATION ORDER BY COMMISSIONER.—Section 304 of title 35, United States Code, is amended to read as follows:

''§ 304. Reexamination order by Commissioner

''If, in a determination made under the provisions of section 303(a) of this title, the Commissioner finds that a substantial new question of patentability affecting any claim of a patent is raised, the determination will include an order for reexamination of the patent for resolution of the question. The order may be accompanied by the initial Office action on the merits of the reexamination conducted in accordance with section 305 of this title.''.

(d) CONDUCT OF REEXAMINATION PROCEEDINGS.—Section 305 of title 35, United States Code, is amended to read as follows:

''§ 305. Conduct of reexamination proceedings

''(a) Subject to subsection (b) of this section, reexamination will be conducted according to the procedures established for initial examination under the provisions of sections 132 and 133 of this title. In any reexamination proceeding under this chapter, the patent owner will be permitted to propose any amendment to the patent and a new claim or claims thereto. No proposed amended or new claim enlarging the scope of the claims of the patent will be permitted in a reexamination proceeding under this chapter.

''(b)(1) This subsection shall apply to any reexamination proceeding in which the order for reexamination is based upon a request by a third-party requester.

''(2) With the exception of the reexamination request, any document filed by either the patent owner or the third-party requester shall be served on the other party.

''(3) If the patent owner files a response to any Office action on the merits, the third-party requester may once file written comments within a reasonable period not less than 1 month from the date of service of the patent owner's response. Written comments provided under this paragraph shall be limited to issues covered by the Office action or the patent owner's response.

''(c) Unless otherwise provided by the Commissioner for good cause, all reexamination proceedings under this section, including any appeal to the Board of Patent Appeals and Interferences, will be conducted with special dispatch within the Office.''.

(e) APPEAL.—Section 306 of title 35, United States Code, is amended to read as follows:

''§ 306. Appeal

''(a) The patent owner involved in a reexamination proceeding under this chapter may—

''(1) appeal under the provisions of section 134 of this title, and may appeal under the provisions of sections 141 to 144 of this title, with respect to any decision adverse to the patentability of any original or proposed amended or new claim of the patent, or

''(2) be a party to any appeal taken by a third-party requester pursuant to subsection (b) of this section.

''(b) A third-party requester may—

''(1) appeal under the provisions of section 134 of this title, and may appeal under the provisions of sections 141 to 144 of this title, with respect to any final decision favorable to the patentability of any original or proposed amended or new claim of the patent, or

''(2) be a party to any appeal taken by the patent owner, subject to subsection (c) of this section.

''(c) A third-party requester who, under the provisions of sections 141 to 144 of this title, files a notice of appeal or who participates as a party to an appeal by the patent owner is estopped from later asserting, in any forum, the invalidity of any claim determined to be patentable on appeal on any ground which the third-party requester raised or could have raised during the reexamination proceedings. A third-party requester is deemed not to have participated as a party to an appeal by the patent owner unless, within 20 days after the patent owner has filed notice

of appeal, the third-party requester files notice with the Commissioner electing to participate.''.

(f) REEXAMINATION PROHIBITED.—(1) Chapter 30 of title 35, United States Code, is amended by adding the following section at the end thereof:

''§ 308. Reexamination prohibited

''(a) Notwithstanding any provision of this chapter, once an order for reexamination of a patent has been issued under section 304 of this title, neither the patent owner nor the third-party requester, if any, nor privies of either, may file a subsequent request for reexamination of the patent until a reexamination certificate is issued and published under section 307 of this title, unless authorized by the Commissioner.

''(b) Once a final decision has been entered against a party in a civil action arising in whole or in part under section 1338 of title 28 that the party has not sustained its burden of proving the invalidity of any patent claim in suit, then neither that party nor its privies may thereafter request reexamination of any such patent claim on the basis of issues which that party or its privies raised or could have raised in such civil action, and a reexamination requested by that party or its privies on the basis of such issues may not thereafter be maintained by the Office, notwithstanding any provision of this chapter.''.

(2) The table of sections for chapter 30 of title 35, United States Code, is amended by adding the following at the end thereof:

''308. Reexamination prohibited.''.

SEC. 4. CONFORMING AMENDMENTS.

(a) BOARD OF PATENT APPEALS AND INTERFERENCES.—The first sentence of section 7(b) of title 35, United States Code, is amended to read as follows: ''The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, or a patent owner or a third-party requester in a reexamination proceeding, review adverse decisions of examiners upon applications for patents and decisions of examiners in reexamination proceedings, and shall determine priority and patentability of invention in interferences declared under section 135(a) of this title.''.

(b) PATENT FEES; PATENT AND TRADEMARK SEARCH SYSTEMS.—Section 41(a)(7) of title 35, United States Code, is amended to read as follows:

''(7) On filing each petition for the revival of an unintentionally abandoned application for a patent, for the unintentionally delayed payment of the fee for issuing each patent, or for an unintentionally delayed response by the patent owner in a reexamination proceeding, $1,210 unless the petition is filed under sections 133 or 151 of this title, in which case the fee shall be $110.''.

(c) APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES.—Section 134 of title 35, United States Code, is amended to read as follows:

''§ 134. Appeal to the Board of Patent Appeals and Interferences

''(a) An applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the primary examiner to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal.

''(b) A patent owner in a reexamination proceeding may appeal from the final rejection of any claim by the primary examiner to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal.

''(c) A third-party requester may appeal to the Board of Patent Appeals and Interferences from the final decision of the primary examiner favorable to the patentability of any original or proposed amended or new claim of a patent, having once paid the fee for such appeal.''.

(d) APPEAL TO COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—Section 141 of title 35, United States Code, is amended by amending the first sentence to read as follows: ''An applicant, a patent owner, or a third-party requester, dissatisfied with the final decision in an appeal to the Board of Patent Appeals and Interferences under section 134 of this title, may appeal the decision to the United States Court of Appeals for the Federal Circuit.''.

(e) PROCEEDINGS ON APPEAL.—Section 143 of title 35, United States Code, is amended by amending the third sentence to read as follows: ''In ex parte and reexamination cases, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal.''.

(f) CIVIL ACTION TO OBTAIN PATENT.—Section 145 of title 35, United States Code, is amended in the first sentence by inserting ''(a)'' after ''section 134''.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date that is 6 months after the date of the enactment of this Act and shall apply to all reexamination requests filed on or after that effective date.

By Mrs. HUTCHISON (for herself and Mr. BENNETT):

S. 1071. A bill to eliminate the National Foundation on the Arts and the Humanities, to establish a National Endowment for Arts, Humanities, and Museum Services, and for other purposes; to the Committee on Labor and Human Resources.

THE NATIONAL ENDOWMENT RESTRUCTURING ACT OF 1995

Mrs. HUTCHISON. Mr. President, the bill that Senator ROBERT BENNETT and I are introducing today redefines the Federal role in providing assistance to the arts.

We believe there is an excellent case to be made for continued Federal arts and humanities funding. But past experience has shown clearly that the role of the Federal Government in artistic endeavor must be focused on more citizen involvement—and more common sense.

At the heart of this bill we have introduced is a belief that culture counts. Mr. President, the students on Tianamen Square in 1989 who created a statue of freedom in the likeness of our Statue of Liberty had no difficulty identifying the unifying themes of American culture.

We Americans, on the other hand, are immersed in—and sometimes overexposed to—its more contentious aspects. As a result, we sometimes see it less clearly. We debate whether we have a common culture and if so, what it is and who it represents.

Federal support for the arts is a case in point. Most federally supported arts projects promote mainstream excellence and the widest possible public enjoyment.

But by allocating tax dollars to a few outrageous and patently offensive projects that claimed to have cornered the market on American culture, the National Endowment for the Arts has managed to alienate legions of Americans—voters and policymakers alike. Its excesses have led many to conclude that Federal support for the arts should be terminated. That, I believe, would be an unfortunate policy, one that would dim the light of American culture to an even greater degree.

Committed as I am to a balanced Federal budget, I think that Federal funding for the arts and humanities should be continued as a national policy to preserve an American heritage—if we can return to our original purpose in creating these programs, and if we can ensure that no more Federal funds end up in the hands of those who are willfully offensive.

Our bill redirects Federal support for the arts, humanities and museum activities away from the self-indulgently obscene and the safely mediocre and toward the creation and support of community-based programs. By this I mean locally and regionally based theater, dance, opera, and museums.

To accomplish this we propose combining the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services into one agency. This new joint endowment would devolve as much of its decisionmaking authority as possible to the States—and to the people whose tax dollars support it.

The new endowment would continue to make direct grants to support nationally significant endeavors in the arts and humanities. However, the bulk of public resources would go directly to the States to promote greater access to the arts in our schools and communities, to continue worthy public projects in the humanities, and to strengthen local museums.

The consolidation we propose would streamline the existing endowment apparatus. This new endowment would be headed by three deputy directors—one each for the arts, for the humanities and for museum services. The current 52-member advisory board would be replaced by a national council comprised of 18 members selected for their knowledge and achievements.

One of the primary objectives of this bill is to reduce the size of the existing endowment bureaucracy in Washington, and to return resources and decisionmaking responsibilities to cities, regional groups, and currently underserved areas.

Our bill provides that no more than 9 percent of appropriated funds go to administrative functions, and it defines two basic grant categories: 40 percent earmarked for grants of national significance and 60 percent allocated for grants to the States. A portion of the States' grants would be dedicated to strengthening primary and secondary education in the arts, humanities, and museum activities. We put special emphasis on communities which, for geographic or economic reasons, cannot otherwise sustain arts education programs.

Let me make this very clear: Our bill prohibits any money appropriated under this act from being used to fund projects which violate standards of common decency. Nor may any of these resources be used, directly or indirectly, for lobbying.

In our bill, we focus on accountability, on ensuring that allocations are cost-effective—and that they are made in a way that emphasizes merit and excellence.

The thrust of this bill is to conserve and showcase our State and National treasures, those great cultural institutions that are our legacy to our children—our world class museums, libraries, dance companies, orchestras, theater companies, and university presses. With the financial support of private donors, and of the States and the Federal Government, these intellectual and cultural power centers will have the potential to spin off a host of other creative activities that will enrich the lives of all of our people.

Our country will benefit, culturally, spiritually and economically, from appropriately delineated Federal support for the arts. Americans rightly demand an end to obscenity and outrage, but not withdrawal of all Government support for the cream of our culture.

There are those who argue that all cultures, and all levels of culture, are equal, and that there is no real American culture at all, but rather only an amalgam of diverse cultures.

But this deliberate balkanization of American culture ignores our singular heritage which has drawn from many sources to create a body of American arts and letters what is uniquely our own. E pluribus unum—out of many, one. It is a living tradition worth sustaining.

Mr. President, I believe that the bill we have presented today contains a formula for arts funding, and the encouragement of our native culture, that can regain the confidence and support of the American people.

By Mr. THURMOND:

S. 1072. A bill to redefine ''extortion'' for purposes of the Hobbs Act; to the Committee on the Judiciary.

FREEDOM FROM UNION VIOLENCE ACT OF 1995

Mr. THURMOND. Mr. President, today, I am introducing legislation to amend the Hobbs Anti-Racketeering Act to reverse the 1973 Supreme Court decision in United States versus Enmons, and to address a serious, long term, festering problem under our Nation's labor laws. The United States regulates labor relations on a national basis and our labor-management policies are national policies. These policies and regulations are enforced by laws such as the National Labor Relations Act that Congress designed to preempt comparable State laws.

Although labor violence is a widespread problem in labor management relations today, the Federal Government has not moved in a meaningful way to address this issue. I believe it is time for the Government to act and respond to what the Supreme Court did when it rendered its decision in the case of United States versus Enmons in 1973. It is this decision's unfortunate result which this bill is intended to rectify.

The Enmons decision involved the Hobbs Anti-Racketeering Act which is intended to prohibit extortion by labor unions. It provides that: ''Whoever in any way * * * obstructs, delays, or affects commerce in the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires to do so or commits or threatens physical violence to any person or property * * *'' commits a criminal act. This language is very clear. It outlaws extortion by labor unions. It outlaws violence by labor unions.

Although this language is very clear, the Supreme Court in Enmons created an exemption to the law which says that as long as a labor union commits extortion and violence in furtherance of legitimate collective bargaining objectives, no violation of the Act will be found. Simply put, the Court held that if the ends are correct, the means to that end, no matter how horrible or reprehensible, will not result in a violation of the Act.

The Enmons decision is wrong. This bill will make it clear that the Hobbs Act is intended to punish the actual or threatened use of force or violence to obtain property irrespective of the legitimacy of the extortionist's claim to such property and irrespective of the existence of a labor-management dispute.

Let me discuss the Enmons case.

In that case, the defendants were indicted for firing high-powered rifles at property, causing extensive damage to the property, owned by a utility company—all done in an effort to obtain higher wages and other benefits from the company for striking employees. The indictment was, however, dismissed by the district court on the theory that the Hobbs Act did not prohibit the use of violence in obtaining ''legitimate'' union objectives. On appeal, the Supreme Court affirmed.

The Supreme Court held that the Hobbs Act does not proscribe violence committed during a lawful strike for the purpose of achieving legitimate collective bargaining objectives, like higher wages. By its focus upon the motives and objectives of the property claimant, who uses violence or force to achieve his goals, the Enmons decision has had several unfortunate results. It has deprived the Federal Government of the ability to punish significant acts of extortionate violence when they occur in a labor-management context. Although other Federal statutes prohibit the use of specific devices or the use of channels of commerce in accomplishing the underlying act of extortionate violence, only the Hobbs Act proscribes a localized act of extortionate violence whose economic effect is to disrupt the channels of commerce. Other Federal statutes are not adequate to address the full effect of the Enmons decision.

The Enmons decision affords parties to labor-management disputes an exemption from the statute's broad proscription against violence which is not available to any other group in society. This bill would make it clear that the Hobbs Act punishes the actual or threatened use of force and violence which is calculated to obtain property without regard to whether the extortionist has a colorable claim to such property, and without regard to his status as a labor representative, businessman, or private citizen.

Mr. President, attempts to rectify the injustice of the Enmons decision have been before the Senate on several occasions. Shortly after the decision was handed down, a bill was introduced which was intended to repudiate the decision. Over the next several years, attempts were made to come up with language which was acceptable to organized labor and at the same time restored the original intent of the Hobbs Act.

In 1978, S. 1437, a bill which was substantially the same as the bill I am introducing today, passed the Senate; however, the bill died in the House. In the 100th Congress, I introduced S. 2036, a bill which is identical to this legislation, yet no substantial action was taken on the bill. It is time for the Senate to re-examine this issue and to restate its opposition to violence in labor disputes. Encouraged by their special exemption from prosecution for acts of violence committed in pursuit of ''legitimate'' union objectives, union officials who are corrupt routinely use terror tactics to achieve their goals.

From January 1975 to December 1993, the National Right to Work Committee has documented more than 7,800 reported cases of union violence. This chilling statistic gives clear testimony to the existence of a pervasive national problem.

Mr. President, violence has no place in our society, regardless of the setting. Our national labor policy has always been directed toward the peaceful resolution of labor disputes. It is ironic that the Hobbs Act, which was enacted in large part to accomplish this worthy goal, has been virtually emasculated. The time has come to change that. I think that my colleagues on both sides of the aisle share a common concern that violence in labor disputes, whatever the source, should be eliminated. Government has been unwilling to deal with this program for too long. It is time for this Congress to act.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 1072

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Freedom From Union Violence Act of 1995''.

SEC. 2. DEFINITION OF EXTORTION UNDER HOBBS ACT.

Paragraph (2) of section 1951(b) of title 18, United States Code, (commonly known as the ''Hobbs Act'') is amended to read as follows:

''(2)(A) The term 'extortion' means the obtaining of property of another—

''(i) by threatening or placing another person in fear that any person will be subjected to bodily injury or kidnapping or that any property will be damaged; or

''(ii) under color of official right.

''(B) In a prosecution under subparagraph (A)(i) in which the threat or fear is based on conduct by an agent or member of a labor organization consisting of an act of bodily injury to a person or damage to property, the pendence, at the time of such conduct, of a labor dispute (as defined in section 2(9) of the National Labor Relations Act (29 U.S.C. 152(9))) the outcome of which could result in the obtaining of employment benefits by the actor, does not constitute prima facie evidence that property was obtained 'by' such conduct.''.

ADDITIONAL COSPONSORS

S. 47

At the request of Mr. SARBANES, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 47, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 258

At the request of Mr. PRYOR, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 545

At the request of Mr. BUMPERS, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from Illinois [Mr. SIMON] were added as a cosponsors of S. 545, a bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property.

S. 770

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 892

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 892, a bill to amend section 1464 of title 18, United States Code, to punish transmission by computer of indecent material to minors.

S. 1006

At the request of Mr. PRYOR, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1006, a bill to amend the Internal Revenue Code of 1986 to simplify the pension laws, and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as ''National Family Week,'' and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

AMENDMENTS SUBMITTED

THE LOBBYING DISCLOSURE ACT OF 1995

LAUTENBERG (AND FEINGOLD) AMENDMENT NO. 1846

Mr. LAUTENBERG (for himself and Mr. FEINGOLD) proposed an amendment to the bill (S. 1060) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE THAT LOBBYING EXPENSES SHOULD REMAIN NONDEDUCTIBLE.

(A) FINDINGS.—The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

(B) SENSE OF THE SENATE.—It is the sense of the Senate that lobbying expenses should not be tax deductible.

LEVIN (AND McCONNELL) AMENDMENT NO. 1847

Mr. LEVIN (for himself and Mr. MCCONNELL) proposed an amendment to the bill, S. 1060, supra; as follows:

At the page 57 of the bill, at line 13, strike ''required to account for lobbying expenditures and does account for lobbying expenditures pursuant'' and insert: ''subject''.

At the appropriate place in the bill, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking ''or''; and

(2) by striking clause (viii) and inserting the following:

''(viii) greater than $1,000,000 but not more than $5,000,000, or

''(ix) greater than $5,000,000.''.

(b) ASSETS AND LIABILITIES.—Section 102(b)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking ''and''; and

(2) by striking subparagraph (G) and inserting the following:

''(G) greater than $1,000,000 but not more than $5,000,000;

''(H) greater than $5,000,000 but not more than $25,000,000;

''(I) greater than $25,000,000 but not more than $50,000,000; and

''(J) greater than $5,000,000.''.

(c) EXCEPTION.—Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by adding after subparagraph (R) the following:

''(F) For purposes of this section, categories with amounts of values greater than $1,000,000 set forth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, July 25, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on New Directions in Medicare.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, July 25 at 2:30 p.m. for a hearing on S. 929, the Department of Commerce Dismantling Act.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, July 25, 1995, beginning at 9:30 a.m., in G–50 of the Dirksen Senate Office Building on S. 487, a bill to amend the Indian Gaming Regulatory Act, and for other purposes.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Employer Group Purchasing Reform Act of 1995, during the session of the Senate on Tuesday, July 25, 1995, at 9:30 a.m.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 25, 1995, at 2 p.m.

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