The legislative clerk proceeded to call the roll.

Mr. COCHRAN. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. COCHRAN. Mr. President, I ask for the yeas and nays on the motion to recommit.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

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 President, I ask unanimous consent the the order for the quorum call be rescinded.

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

Under the previous order, the question occurs on the motion to recommit. The yeas and nays have been ordered. The clerk will call the roll.

The roll clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 472 Leng.]

YEAS—46

NAYS—54

The bill clerk then proceeded to call the roll.

Mr. TREGER. Mr. President, I move to reconsider the vote.

Mr. DOE. I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

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

LEGISLATIVE SESSION

Mr. DOE. I ask unanimous consent that the Senate now resume legislative session.

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

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. DOE. I now ask unanimous consent that the Senate turn to the consideration of the State-Justice-Commerce appropriations bill.

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

Mr. DOE. Mr. President, I will just give my colleagues an update on where we are on the items to be completed before the recess.

The State-Justice-Commerce appropriations bill. I understand there is some great progress being made on that bill.

The interior appropriations conference report is coming from the House on Friday. We did have a rollcall vote on the bill. I am not certain we will need a rollcall vote on the conference report. We have had a request for a vote on one or the other.

The DOD appropriations conference report is coming from the House Friday. A rollcall vote was taken on that bill, too. If somebody requests a vote, obviously we will have one.

The continuing resolution arrived from the House this afternoon. We hope to pass that by unanimous consent.

Then the adjournment resolution, which I do not think there will be a vote on.

Then the Senate Finance Committee needs to complete action on their portion of the reconciliation package, and I could announce to members of the Finance Committee right now we have staff on each side going through a number of amendments to see if they, staff, and then “above our pay grade” pile, staff on each side going through a number of amendments to see if they can agree, Republican and Democratic staff, and put them in a little “cleared” pile and a “rejected” pile and then “above our pay grade” pile, which will be for Members’ consultation. We hope to save a lot of time that way. The chair has indicated that he will call us back to the Finance Committee meeting as soon as that has been completed.

So it seems to me there is no reason for us to be anything but optimistic about this point. Much will depend on the leadership of the distinguished Senator from Texas [Mr. GRAMM] and the distinguished Senator from South Carolina [Mr. HOLLINGS].

Mr. DASCHLE. Will the Senator yield?

Mr. DOE. I will be happy to yield.

Mr. DASCHLE. The majority leader did not mention the Middle East facilitation bill. Is that on the list?

Mr. DOE. I think that is going to be resolved. I need to talk to the Senator about that.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, as follows:

[The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.]

H.R. 2076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

General Administration

Salaries and Expenses

For expenses necessary for the administration of the Department of Justice, $74,292,000; including not to exceed $3,317,000 for the Facilities Program 2000, and including $5,000,000 for management and oversight of Immigration and Naturalization Service activities, both sums to remain available until expended: Provided, That not to exceed 45 permanent positions and full-time equivalent workyears and $7,477,000 shall be expended for the Department Leadership program: Provided further, That not to exceed 7 permanent positions and 90 full-time equivalent workyears and $9,487,000 shall be expended for the Executive Leadership program: Provided further, That the two aforementioned programs shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

Transfer of Funds

For the Joint Automated Booking Station, $11,000,000 shall be available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

Police Corps

For police corps grants authorized by Public Law 103-322, $15,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $26,898,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of the terrorist attack of September 11, 2001 at the Pentagon and the World Trade Center, and (2) the costs incurred in reestablishing the operational capability of the federal building at Oklahoma City and any domestic or international terrorist

CONGRESSIONAL RECORD—SENATE S 14471

September 28, 1995

BEIT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, THAT THE FOLLOWING SUMS ARE APPROPRIATED, OUT OF ANY MONEY IN THE TREASURY NOT OTHERWISE APPROPRIATED, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996, AND FOR OTHER PURPOSES, NAMELY:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

FOR EXPENSES NECESSARY FOR THE ADMINISTRATION OF THE DEPARTMENT OF JUSTICE, $74,292,000; INCLUDING NOT TO EXCEED $3,317,000 FOR THE FACILITIES PROGRAM 2000, AND INCLUDING $5,000,000 FOR MANAGEMENT AND OVERSIGHT OF IMMIGRATION AND NATURALIZATION SERVICE ACTIVITIES, BOTH SUMS TO REMAIN AVAILABLE UNTIL EXPENDED: PROVIDED, THAT NOT TO EXCEED 45 PERMANENT POSITIONS AND FULL-TIME EQUIVALENT WORKYEARS AND $7,477,000 SHALL BE EXPENDED FOR THE DEPARTMENT LEADERSHIP PROGRAM: PROVIDED FURTHER, THAT NOT TO EXCEED 7 PERMANENT POSITIONS AND 90 FULL-TIME EQUIVALENT WORKYEARS AND $9,487,000 SHALL BE EXPENDED FOR THE EXECUTIVE LEADERSHIP PROGRAM: PROVIDED FURTHER, THAT THE TWO AFORESAID PROGRAMS SHALL NOT BE AUGMENTED BY PERSONNEL DETAILS, TEMPORARY TRANSFERS OF PERSONNEL ON EITHER A REIMBURSABLE OR NON-REIMBURSABLE BASIS OR ANY OTHER FORMAL OR INFORMAL TRANSFER OR REIMBURSEMENT OF PERSONNEL OR FUNDS ON EITHER A TEMPORARY OR LONG-TERM BASIS.

TRANSFER OF FUNDS

FOR THE JOINT AUTOMATED BOOKING STATION, $11,000,000 SHALL BE AVAILABLE UNTIL EXPENDED, TO BE DERIVED BY TRANSFER FROM UNOBLIGATED BALANCES OF THE WORKING CAPITAL FUND IN THE DEPARTMENT OF JUSTICE.

POLICE CORPS

FOR POLICE CORPS GRANTS AUTHORIZED BY PUBLIC LAW 103-322, $15,000,000, TO REMAIN AVAILABLE UNTIL EXPENDED, WHICH SHALL BE DERIVED FROM THE VIOLENT CRIME REDUCTION TRUST FUND.

COUNTERTERRORISM FUND

FOR NECESSARY EXPENSES, AS DETERMINED BY THE ATTORNEY GENERAL, $26,898,000, TO REMAIN AVAILABLE UNTIL EXPENDED, TO REIMBURSE ANY DEPARTMENT OF JUSTICE ORGANIZATION FOR (1) THE COSTS INCURRED IN REESTABLISHING THE OPERATIONAL CAPABILITY OF AN OFFICE OR FACILITY WHICH HAS BEEN DAMAGED OR DESTROYED AS A RESULT OF THE TERRORIST ATTACK OF SEPTEMBER 11, 2001 AT THE PENTAGON AND THE WORLD TRADE CENTER, AND (2) THE COSTS INCURRED IN REESTABLISHING THE OPERATIONAL CAPABILITY OF THE FEDERAL BUILDING AT OKLAHOMA CITY AND ANY DOMESTIC OR INTERNATIONAL TERRORIST
VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by sections 130005 and section 130007 of Public Law 103-322, $431,660,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including obligations of amounts appropriated under provisions of the Inspector General Act of 1978, as amended, $30,484,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential nature not to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, $103,183,000, to remain available until expended, without regard to the general purchase price limitation.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $5,446,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including activities authorized by title X of the Civil Rights Act of 1964, to exceed $250,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and of Government-owned space in the District of Columbia, $431,660,000; of which not to exceed $10,000,000 for litigation support and contracts, shall remain available until expended: Provided, That the funds available in this appropriated, not to exceed $22,628,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division and offices funded through the “Salaries and Expenses” General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding 31 U.S.C. 142, the Attorney General may accept on behalf of the United States and credit it to this appropriation, gifts of money, personal property and services, for the purpose of hosting the International Criminal Police Organization (INTERPOL), and to provide for a staff of the United States Central Bureau, INTERPOL, for official representation.

For activities authorized by sections 190000(a) and 190001(d) of Public Law 103-322, $29,731,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.
pursuit of terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services’ database of fingerprint identification services: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses. Provided further, That $35,000,000 for expenses related to digital telephony shall be available for obligation only upon enactment of authorization legislation.

VIOLENT CRIME REDUCTION PROGRAMS

[For activities authorized by Public Law 103-322, $80,600,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which not to exceed $1,800,000 shall be for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1997, and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

[For Drug Enforcement Administration activities authorized by sections 130105, 130106, 130107, and 19001(b) of Public Law 103-322, $12,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

IMMIGRATION AND NATURALIZATION SERVICE

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed $813 of said Act) of which not to exceed $4,000,000 for equipment shall remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed $813 of said Act) of which not to exceed $4,000,000 for equipment shall remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed $813 of said Act) of which not to exceed $4,000,000 for equipment shall remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.
For activities authorized by sections 130005, 130006, and 130007 of Public Law 103-322, $165,362,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $20,360,000 shall be for expeditious deportation of denied asylum applicants; $114,463,000 for improving asylum applicants, $114,463,000 for improving order, and $40,539,000 for expanded special deportations, of which $34,900,000 shall be for expeditious deportation of denied asylum applicants, $114,463,000 for improving border controls, and $40,539,000 for expanded special deportations.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by section 130006 of Public Law 103-322, $127,300,000, to remain available until expended, as authorized by section 1001(a)(18) of the 1996 Act; $28,000,000 for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1996 Act; and $7,000,000 for grants to Indian tribes to improve public safety on Indian reservations.

CONSTRUCTION

For planning, construction, renovation, equipping and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $11,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchases of real property and improvements thereto, for replacement only, and hire of passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues, $8,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,559,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. §109, to be computed on the basis of one hundred percent of the funds of the corporation available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons or by Federal prisoners, as authorized by section 3001(e) of Public Law 103-322, $13,500,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues, $8,000,000, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase of 1,000 acres in the State of Wyoming for the purpose of providing new facilities; and equipping of such facilities for penal and correctional use, including all necessary expense incident thereto, by contract or force account; [§323,728,000], $349,410,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct new federal prisons for U.S. Marshals Service prisoner holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, as authorized by section 218 of the 1990 Act; and to hire of law enforcement and other expenses authorized by section 501(c) of the 1990 Act; the total amount appropriated, not to exceed $22,351,000 shall be available for the renovation and construction of United States Marshals Service prisoner holding facilities.

APPRAISAL AND ASSESSMENT FUND

For appraisal and assessment expenses, not to exceed $1,000,000, to be transferred to and merged with the "Justice Assistance account" authorized by the Violent Crime Control and Law Enforcement Act of 1988, as amended ("the 1988 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); the total amount appropriated, not to exceed $100,900,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $60,000,000 $4,250,000 shall be for the Court Authorized Special Advocate Program, as authorized by section 218 of the 1990 Act; $75,000 for Child Abuse Training Programs for foster parents, as authorized by section 224 of the 1990 Act; of which not to exceed $342,000,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 24003(g) of the 1994 Act; provided, that the balances for ineligible expenses shall be transferred to and merged with this appropriation.

CIVIL LEGAL ASSISTANCE

For grants to States for civil legal assistance as provided in section 120 of this Act, $20,000,000.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1988; the Violent Crime Control Act of 1989, as amended; for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of the Violent Crime Control Act of 1989, as amended ("the 1990 Act"); and the Victim of Crime Act of 1984, as amended ("the 1990 Act"); the total amount appropriated, not to exceed $50,000,000, shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for the support and administration of State and Federal Programs for the prevention of serious violations, and the reduction of violence, and other assistance authorized by section 1001(a)(21) of the 1990 Act; the total amount appropriated, not to exceed $30,000,000, shall be available until expended, as authorized by section 1001(a)(21) of the 1990 Act; the total amount appropriated, not to exceed $20,000,000, shall be available until expended, as authorized by section 1001(a)(21) of the 1990 Act; the total amount appropriated, not to exceed $15,000,000, shall be available until expended, as authorized by section 1001(a)(21) of the 1990 Act; shall be transferred to and merged with this account.
$3,092,100,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $1,950,000,000 shall be for Local Law Enforcement Assistance Programs, as authorized by section 101(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 115 of this Act; $25,000,000 for grants to upgrade criminal records systems, as authorized by section 101(a) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; $15,000,000 for Youth Federal Defender Indigent Defense Grant Programs, as authorized by section 1001(a)(16) of the 1968 Act; $500,000,000 for Truth in Sentencing Grants pursuant to section 101 of H.R. 667 as passed by the House of Representatives on February 10, 1995 of said Act, notwithstanding section 111 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; $300,000,000 for the State Criminal Alien Assistance Program, as authorized by section 501 of the Immigration Reform and Control Act of 1986, as amended; $19,643,000 for Youth Flowinder Indigent Defense Grant Programs, as authorized by section 1001(a)(16) of the 1968 Act; $13,500,000 shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs and $120,000,000 shall be derived from discretionary grants provided under title II of the Juvenile Justice and Delinquency Prevention Act, to remain available until expended for intergovernmental agreements, carry forward of appropriated funds, agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies, as authorized by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the 29th of September of the fiscal year in which funds are derived; Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program strategy: Provided further, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be paid without the personal approval of the President or the Attorney General and such approval may not be delegated.

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $144,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102-506, of which: (1) $100,000 shall be available for expenses authorized by parts A, B, and C of title II of the Act; (2) $10,000,000 shall be available for expenses authorized by parts A and B, C of title II of the Act; (3) $10,000,000 shall be available for expenses authorized by section 506 of title V of the Act for prevention and treatment programs relating to juvenile gangs; (4) $4,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $1,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1998, as amended, $1,500,000, to remain available until expended, as authorized by section 214B, of the Act: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be paid without the personal approval of the Attorney General or the Attorney General and such approval may not be delegated.

Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligations or expenditure except in compliance with the procedures set forth in that section.

That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers who perform nonadministrative public safety services, the unit of local government shall achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for the Implementation of the "Weed and Seed" program activities, $23,500,000, of which $13,500,000 shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs and $10,000,000 shall be derived from discretionary grants provided under title II of the Juvenile Justice and Delinquency Prevention Act, to remain available until expended for intergovernmental agreements, carry forward of appropriated funds, agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies, as authorized by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the 29th of September of the fiscal year in which funds are derived; Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program strategy: Provided further, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be paid without the personal approval of the Attorney General or the Attorney General and such approval may not be delegated.

For payments authorized by part L of title II of the Omnibus Crime Control and Safe Streets Act of 1968 as added by section 210201 of the 1994 Act; $500,000,000 for Motor Vehicle Theft Prevention Grants, as authorized by section 220001 of the 1994 Act; $1,000,000 for Gang Investigation Coordination and Information Collection, as authorized by section 305000 of the 1994 Act: Provided, That funds made available in fiscal year 1996 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended for payment of amounts to assist States in the litigation processing of death penalty Federal habeas corpus petitions: Provided further, That any 1995 balances available until expended shall be transferred to and merged with this account: Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety services.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1963, as amended, such sums as are necessary, to remain available until expended, as authorized by sections 6095 of Public Law 103-66 (102 Stat. 1215-1216) of the Act, or to remain available until expended, for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses, and for official reception and representation expenses, and for any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligations or expenditure except in compliance with the procedures set forth in that section.

That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers who perform nonadministrative public safety services, the unit of local government shall achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety services.

SEC. 102. Subject to section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993, as amended by section 112 of this Act, authorities contained in Public Law 96-121, "The Department of Justice Appropriations Authorization Act, Fiscal Year 1980," shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriations Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be used for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That this prohibition in any way diminishes the effect of section 101 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available under this title may be used to pay rewards and shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be paid without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, which is otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That this section shall not apply to any appropriation made available in title I of this Act under the heading, "Office of Justice Programs, Justice Assistance": Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligations or expenditure except in compliance with the procedures set forth in that section.

For fiscal year 1996 and each fiscal year thereafter, amounts in the Federal Prison System's Commissary Fund, Federal Prisons, which are not currently needed for operation, shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Commissary Fund.

SEC. 109. Section 524(c)(9) of title 28, United States Code, is amended by adding subpart C, as follows: "(E) Subject to the notification procedures contained in section 605 of Public Law 103-121, and after satisfying the transfer requirements, including any transfer pursuant to this paragraph, any excess unobligated balance remaining in the Fund on September 30, 1995 shall be..."
available to the Attorney General, without fiscal year limitation, for any Federal law enforcement, investigative, prosecutive, and correctional activities, or any other authorized purposes of justice other than those authorized in this Act, or in previous or subsequent appropriations Acts for the Department of Justice, or in part II of title 28 of the United States Code, section 14476. Title of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

Title I of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"TITLE I—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE TITLE I OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994 (subtitle A: Violent Offender Incarceration and Truth in Sentencing Grants)/title I will comply with paragraph (2) and regulations prescribed under such paragraph."

SEC. 10002. APPLICATIONS.

(a) The Attorney General shall make grants under this title only if the State or States have submitted an application to the Attorney General in such form, and containing such information, as is the Attorney General may require.

SEC. 10003. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $5,000,000,000 for fiscal year 1996;

(2) $2,150,000,000 for fiscal year 1997;

(3) $1,900,000,000 for fiscal year 1998;

(4) $1,900,000,000 for fiscal year 1999; and

SEC. 10004. LIMITATION ON USE OF FUNDS.

"The funds made available to States under this title shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this title, be made available from State or local sources."

Title I of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants."

(a) GRANT AUTHORIZATION. The Attorney General may make grants to individual States and to States organized as multi-State compacts to construct, develop, expand, modify, operate, or improve conventional correctional facilities, and to States organized as multi-State compacts to implement truth in sentencing laws for violent offenders and to implement truth in sentencing laws for violent offenders.

(b) ELIGIBILITY. To be eligible to receive a grant under this subtitle, a State or States organized as multi-State compacts shall submit an application to the Attorney General that includes—

(1) (A) except as provided in subparagraph (B), assurances that the State or States, have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that the State or States serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including juvenile offenders who have committed violent offenses and whose crime on time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public;

(2) in the case of a State that on the date of enactment of the Department of Justice Appropriations Act, 1996 practices indeterminate sentencing, a demonstration that average times served for the offenses of murder, rape, robbery, and assault in the State exceed by at least 10 percent the average time served for such offenses in all of the States;

(3) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

(4) assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve conventional correctional facilities;

(5) assurances that the State or States have involved counties and other units of local government in the construction, development, expansion, modification, operation, or improvement of conventional correctional facilities designed to ensure the incarceration of violent offenders and that the State or States will share funds received under this section with counties and other units of local government,
taking into account the burden placed on the units of local government when they are required to confine sentenced prisoners because of overcrowding in State prison facilities.

(5) The term `funds' means funds received under this section which will be used to supplement, not supplant, other Federal, State, and local funds;

(6) assurances that the State or States have implemented or will implement not later than 18 months after the date of enactment of the Department of Justice Appropriations Act, 1996, policies to deter the veteran status of inmates is to receive veterans benefit to which they are entitled; and

(7) if applicable, documentation of the multistate grant program that specifies the construction, development, expansion, modification, operation, or improvement of correctional facilities.

SEC. 1002. TRUTH IN SENTENCING INCENTIVE GRANTS.

(a) Truth in Sentencing Grant Program.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be made available for truth in sentencing incentive grants. To be eligible to receive such a grant, a State or States must meet the requirements of section 301(b) and shall demonstrate that the State—

(1) has in effect laws that require that persons convicted of violent crimes serve not less than 85 percent of the sentence imposed;

(2) since 1993—

(A) has increased the percentage of convicted violent offenders sentenced to prison;

(B) has increased the average prison time that will be served in prison by convicted violent offenders sentenced to prison; and

(C) has reduced the time of application laws requiring that a person who is convicted of a violent crime shall serve not less than 85 percent of the sentence imposed if—

(i) the person has been convicted on 1 or more prior occasions in a court of the United States or of a State of a violent crime or a serious drug offense; and

(ii) each violent crime or serious drug offense was committed after the defendant’s conviction of the preceding violent crime or serious drug offense; or

(3) in the case of a State that on the date of enactment of the Department of Justice Appropriations Act, 1996 practices indeterminate sentencing, a demonstration that average times served for murder, rape, robbery, and assault in the State exceed by at least 10 percent the national average time served for such offenses in all of the States.

(b) Truth in Sentencing Incentive Funds.—The amount available to carry out this section for any fiscal year shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the previous year bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for the previous year.

(c) This section shall not be construed as authorizing the appropriations of any additional appropriations.

SEC. 1003. VIOLENT OFFENDER INCARCERATION GRANTS.

(a) Violent Offender Incarceration Grant Program.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be made available for violent offender incarceration grants. To be eligible to receive such a grant, a State or States must meet the requirements of section 301(b).

(b) Allocation of Violent Offender Incarceration Funds.—Funds made available to carry out this section shall be allocated as follows:

(1) 0.6 percent shall be allocated to each eligible State, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent.

(2) The amount remaining after application of paragraph (1) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the previous year bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for the previous year.

SEC. 1004. RULES AND REGULATIONS.

(a) In General.—Not later than 90 days after enactment of the Department of Justice Appropriations Act, 1996, the Attorney General shall issue rules and regulations regarding the uses of grant funds received under this subtitle.

(b) Best Available Data.—If data regarding part 1 violent crimes in any State for the previous year is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this subtitle.

SEC. 1005. DEFINITIONS.

In this subtitle—

(1) the term `part 1 violent crimes' means murder, nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports;

(2) the term `State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands'; and

(3) the term `indeterminate sentencing' means a system by which the court has discretion in imposing the actual length of the sentence, up to the statutory maximum, and an administrative agency, or the court, controls release between court-ordered minimum and maximum sentence.

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $1,000,000,000 for fiscal year 1996;

(2) $1,150,000,000 for fiscal year 1997;

(3) $2,100,000,000 for fiscal year 1998;

(4) $2,200,000,000 for fiscal year 1999; and

(5) $2,270,000,000 for fiscal year 2000.

SEC. 116. NOTwithstanding provisions of 41 U.S.C. 3307, the Federal Prison System may enter into contracts and other agreements with private entities for the confinement of federal prisoners for a period not to exceed 3 years and 7 additional option years.

SEC. 117. Public Law 101–246 (104 Stat. 42) is amended by inserting `or Federal Bureau of Investigation' after `Drug Enforcement Administration'.

SEC. 120. (a) Grants to States.—(1) The Attorney General shall make grants to States for the purpose of providing any legal service; (5) None of the funds provided under paragraph (1) shall be used by a qualified legal service provider— (A) to make available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal or represent any party or participate in any other way in litigation, that is intended to or has the effect of altering, revising or undermining, or attempting to influence the passage or defeat of any legislation, constitutional amendment, or revocation of any executive order, regulation, policy or similar promulgation by any Federal, State, or local agency; (B) to attempt to influence the passage or defeat of any legislation, constitutional amendment, referendum, initiative, confirmation proceeding, or any similar procedure of the Congress of the United States or by any State or local legislative body; (D) to support or conduct training programs for the purpose of advocating particular public policies or programs, promoting or criticizing any political activities, labor or anti-labor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities; (E) to participate in any litigation, lobbying, rulemaking or any other matter with respect to any constitutional amendment or legislation; (F) to provide legal assistance to an eligible client with respect to a proceeding or litigation in which the client seeks to obtain a dissolution of marriage or a legal separation from a spouse; (G) to participate in any litigation or provide any representation on behalf of a local, State, or Federal prisoner; (H) to solicit in-person any client for the purpose of providing any legal service;
(1) To pay for any personal service, advertisement, telegram, telephone communication, letter, or printed or written matter or to pay administrative expenses or related expenses, associated with an activity prohibited in this paragraph.
(2) To pay any voluntary membership dues to any private or non-profit organization; or
(3) Civilian obligations for the provision of qualified legal services.

(8) A State which receives a grant under paragraph (a)(2) shall make funds under the grant available for contracts entered into for the provision of qualified legal services within the State.

(3) A State shall allocate grant funds for contracts for the provision of qualified legal services in a service area on the same basis as grants are made available to States under subsection (a)(2).

(2) A State shall award a contract for the provision of qualified legal services in a service area to the applicant who is best qualified, as determined by the State, and who in its bid offers to provide, in accordance with subsection (c), the greatest number of hours of qualified legal services in such area.

(4) shall be in such form as the State requires.

The contract shall provide for the rendering of bills supported by time records at the close of each month or such other period as the State may require, and such bills shall be subject to approval by the State. The State shall make payment to a qualified legal service provider at the contract rate for hours of qualified legal services provided and supported by appropriate records.

The contract rate shall be the total dollar amount of the contract divided by the total hours bid by the qualified legal service provider. A State shall have 60 days to make full payment of such bills.

(c) REQUIREMENTS FOR THE PROVISION OF QUALIFIED LEGAL SERVICES UNDER A CONTRACT.—(1) The term of a contract entered into under subsection (b) shall not be more than 1 year.

(2) A qualified legal service provider shall serve the legal needs of qualified clients under a contract entered into under subsection (b) in a professional manner consistent with applicable law.

(3) A qualified legal service provider shall maintain a qualified client's case file, including any pleadings and research, at least until the later of the 10 years after the resolution of the client's cause of action or 5 years after the termination of the contract under which services were provided to such client.

(4) A qualified legal service provider shall keep daily time records of the provision of services to a qualified client in one tenth of an hour increments identifying such client, the general nature of the work performed in each increment, and the account which will be charged for such work.

(5) Each qualified client shall be provided a self-mailing customer satisfaction questionnaire in a form approved by the authority granting the contract under subsection (b) which identifies the qualified legal service provider and is preaddressed to such authority.

(6) Any qualified client who receives legal services other than advice or legal services provided by a qualified legal service provider shall be treated with respect to such services as a waiver of attorney client and attorney work product privilege as a condition to receiving such service. The waiver shall be limited to the extent necessary to determine the quantity and quality of the service rendered by the qualified legal service provider.

(7) A qualified legal service provider shall maintain and make records detailing the basis upon which the provider determined the qualifications of qualified clients. Such records shall be made and maintained for 5 years following the termination of a contract under subsection (b) for the provision of legal services to such clients.

(8) A qualified legal service provider shall certify to the General Accounting Office, the Attorney General, and the authority which awarded a contract to such provider, any such audit may be conducted at the provider's principal place of business. Such an audit shall be made available to States under subsection (a)(2).

(9) A contract awarded under subsection (b) shall require that all funds received by the qualified legal service provider from any source be used exclusively to provide qualified legal services to qualified clients and shall impose on the use of such funds the limitations prescribed by paragraph (5).

(10) The authority which awarded a contract shall terminate a qualified legal service provider who fails to abide by the terms of this section.

A breach of contract by a qualified legal service provider shall be sufficient reason for the authority to terminate the contract, to award a new contract to a different qualified legal service provider, and to recover any funds improperly expended by the provider, together with reasonable attorneys' fees and interest, from the provider in the State for interest on judgments. If such a breach was wilful, the provider shall pay to the authority which awarded the contract additional damages equal to the one half of the amount improperly expended by the provider.

(d) For purposes of this section:
(i) The term "qualified legal service provider" means—

(i) any individual who is licensed to practice law in a State for not less than 3 calendar years, who has successfully defended such individual in any State not less than 3 calendar years, and who is licensed during the period of a contract under subsection (b); or
(ii) a person who employs an individual described in clause (i) to provide qualified legal services.

Nothing in this subparagraph shall be interpreted to prohibit a qualified legal service provider from employing an individual who is not described in clause (i) to assist in providing qualified legal services.

(8) No individual shall be considered a qualified legal service provider for purposes of subsection (b) during the 10 years preceding the filing of a petition for the provision of legal services to such provider.

(i) Any qualified client who receives legal services other than advice or legal services provided by a qualified legal service provider shall be treated with respect to such services as a waiver of attorney-client and attorney work product privilege as a condition to receiving such service. The waiver shall be limited to the extent necessary to determine the quantity and quality of the service rendered by the qualified legal service provider.

(7) A qualified legal service provider shall maintain and make records detailing the basis upon which the provider determined the qualifications of qualified clients. Such records shall be made and maintained for 5 years following the termination of a contract under subsection (b) for the provision of legal services to such clients.

(8) A qualified legal service provider shall certify to the General Accounting Office, the Attorney General, and the authority which awarded a contract to such provider, any such audit may be conducted at the provider's principal place of business. Such an audit shall be made available to States under subsection (a)(2).

(9) A contract awarded under subsection (b) shall require that all funds received by the qualified legal service provider from any source be used exclusively to provide qualified legal services to qualified clients and shall impose on the use of such funds the limitations prescribed by paragraph (5).

(10) The authority which awarded a contract shall terminate a qualified legal service provider who fails to abide by the terms of this section.

A breach of contract by a qualified legal service provider shall be sufficient reason for the authority to terminate the contract, to award a new contract to a different qualified legal service provider, and to recover any funds improperly expended by the provider, together with reasonable attorneys' fees and interest, from the provider in the State for interest on judgments. If such a breach was wilful, the provider shall pay to the authority which awarded the contract additional damages equal to the one half of the amount improperly expended by the provider.

(d) For purposes of this section:
(i) The term "qualified legal service provider" means—

(i) any individual who is licensed to practice law in a State for not less than 3 calendar years, who has successfully defended such individual in any State not less than 3 calendar years, and who is licensed during the period of a contract under subsection (b); or
(ii) a person who employs an individual described in clause (i) to provide qualified legal services.

Nothing in this subparagraph shall be interpreted to prohibit a qualified legal service provider from employing an individual who is not described in clause (i) to assist in providing qualified legal services.

(8) No individual shall be considered a qualified legal service provider for purposes of subsection (b) during the 10 years preceding the filing of a petition for the provision of legal services to such provider.
For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $42,500,000 $34,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE
SALARIES AND EXPENSES
For necessary expenses of the International Trade Commission, including the hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $11,000,000, to remain available until expended.

INTERNATIONAL TRADE COMMISSION
SALARIES AND EXPENSES
For necessary expenses of the International Trade Commission, including the hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $11,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE
INTERNAL SECURITY ADMINISTRATION
OPERATIONS AND ADMINISTRATION
For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 2458(c), for official representation expenses abroad; awards of compensation to informers under the Foreign Corrupt Practices Act of 1977; purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without limitation otherwise established by law; $30,504,000 $30,504,000, to remain available until expended: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys’ or consultants’ fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: Provided further, That the Secretary of Commerce may, as the Secretary considers appropriate, contract with the person in possession of property pursuant to the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES
For necessary expenses of administering the economic development assistance programs as provided for by law, $20,000,000 $11,000,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1979, as amended, and the Community Economic Development Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY
SALARIES AND EXPENSES
For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $32,000,000.

INFORMATION ADMINISTRATION
SALARIES AND EXPENSES
For necessary expenses of the United States Travel and Tourism Administration for participation in the White House Conference on Travel and Tourism, $2,000,000, to remain available until December 31, 1995: Provided, That none of the funds appropriated or otherwise made available under this heading shall be available to carry out the provisions of section 203(a) of the International Travel Act of 1961, as amended.

ECONOMIC AND INFORMATION INFRASTRUCTURE
SALARIES AND EXPENSES
For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $57,220,000, to remain available until September 30, 1997.

ECONOMICS AND STATISTICS ADMINISTRATION
REVOLVING FUND
The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by 15 U.S.C. 1525-1527 and, notwithstanding 15 U.S.C. 4912, charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS
SALARIES AND EXPENSES
For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $135,000,000 $193,450,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION
SALARIES AND EXPENSES
For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $19,709,000 $5,000,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1533(d), the Secretary of Commerce may offset collections all funds transferred, or previously transferred, from other Government agencies for spectrum management, analysis, and operations and for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA in furtherance of its assigned functions under this paragraph and such funds received from other Government agencies shall remain available until expended.

PERIODIC CENSUSES AND PROGRAMS
For necessary expenses to collect and publish statistics, provided for by law, $135,000,000 $193,450,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION
SALARIES AND EXPENSES
For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $19,709,000 $5,000,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1533(d), the Secretary of Commerce may offset collections all funds transferred, or previously transferred, from other Government agencies for spectrum management, analysis, and operations and for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA in furtherance of its assigned functions under this paragraph and such funds received from other Government agencies shall remain available until expended.

SPECTRUM MANAGEMENT
SALARIES AND EXPENSES
For spectrum management, $9,000,000 shall be made available until expended to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION
For grants authorized by section 392 of the Communications Act of 1934, as amended, $19,563,000 $10,000,000, to remain available until expended: Provided, That not to exceed $2,200,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.
[Congressional Record — Senate
September 28, 1995]

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INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $40,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $4,000,000 shall be available for program administration and other support activities as authorized by section 393 of the Act; and nothing herein, not to exceed 5 percent may be available for telecommunications research activities for the purpose of directly supporting the development of a national information infrastructure: Provided further, That of the funds appropriated herein, not to exceed $5,000,000 shall be available for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety or other social services.

PATENT AND TRADEMARK OFFICE

SALES AND EXPENSES

For necessary expenses of the Patent and Trademark Office, to be derived from fees, including defense of suits instituted against the Commissioner of Patents and Trademarks, $50,000,000, to be derived from fees, $56,324,000, to remain available until expended: Provided, That none of the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: Provided further, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 105, shall be transferred to the “Working Capital Fund”.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $263,000,000, to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: Provided further, That none of the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: Provided further, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 105, shall be transferred to the “Working Capital Fund”.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology and the Advanced Technology Program, $501,100,000 to be derived from fees, and $56,000,000, to remain available until expended, of which not to exceed $8,500,000 may be transferred to the “Working Capital Fund”.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by sections 391, 392, and 393 of the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 350 commissioned officers on the active list; grants, contracts, or other payments to non-profit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alterations, modernization, and relocation of facilities as authorized by 33 U.S.C. 438; $5,724,452,000, of which not to exceed $2,000,000,000 shall be derived from fees collected pursuant to 16 U.S.C. 1456a(b)(2)(B)(v), and 16 U.S.C. 1461(c) 1461(e).

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $42,731,000, to remain available until expended.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain [and modernize] the existing fleet and to continue planning and construction of the fleet, for the National Oceanic and Atmospheric Administration, $8,500,000,000, to remain available until expended.

FISHING VESSEL ARISE GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed $21,000,000, to be derived from receipts collected pursuant to section 22 U.S.C. 2189 and (f) and (h), to remain available until expended.

FISHERMEN’S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed $199,000,000, to be derived from receipts collected pursuant to section 22 U.S.C. 2189, to be available only upon request of the Secretary for Technology/Office of Technology Administration.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339, the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 100-627) and the American Fisheries Promotion Act (Public Law 96-563), there are appropriated from the fees imposed under the above-mentioned Acts, not to exceed $310,000,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the costs, as defined under section 3111 of the Federal Credit Reform Act Reform of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $250,000: Provided, That any additional fees are received during fiscal year 1996, as so to result in a final general fund appropriation estimated at not more than $1,721,452,000: Provided, That such additional fees are received in excess of $3,000,000 in fiscal year 1996 shall not be available for obligation until October 1, 1996: Provided further, That fees collected under the provisions of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, not to exceed $55,500,000: Provided further, That the sum herein appropriated from the general fund shall be reduced as such additional fees are received, and that such additional fees are received during fiscal year 1996, as so to result in a final general fund appropriation estimated at not more than $1,721,452,000: Provided, That such additional fees are received in excess of $3,000,000 in fiscal year 1996 shall not be available for obligation until October 1, 1996: Provided further, That fees collected under the provisions of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, not to exceed $55,500,000.

TECHNOLOGY ADMINISTRATION (UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY)

SALES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/OFFICE OF TECHNOLOGY POLICY, $5,000,000.

GENERAL ADMINISTRATION

SALES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce to be derived from fees, including not to exceed $3,000 for official entertainment, $29,100,000, to be derived from fees.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (Public Law 100-504), $52,000,000: Provided, That these funds, $4,000,000,000, in addition to amounts made available by transfer, which amount shall remain available until expended: Provided, That any additional fees are received during fiscal year 1996, as so to result in a final general fund appropriation estimated at not more than $1,721,452,000: Provided, That such additional fees are received in excess of $3,000,000 in fiscal year 1996 shall not be available for obligation until October 1, 1996: Provided further, That fees collected under the provisions of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, not to exceed $55,500,000.

COMMERCE REORGANIZATION TRANSITION FUND

For deposit in the Commerce Reorganization Transition Fund established under section 206(c)(4) of this Act for use in accordance with section 206(c)(4) of this Act, $52,000,000, in addition to amounts made available by transfer, which amount shall remain available until expended: Provided, That these funds, $4,000,000,000, in addition to amounts made available by transfer, which amount shall remain available until expended: Provided, That these funds, $4,000,000,000, in addition to amounts made available by transfer, which amount shall remain available until expended:

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available for the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3304, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3304, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 203. None of the funds made available by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 31 U.S.C. 3109, and contractor allowances therefor, as authorized by 5 U.S.C. 5901-5902.

SEC. 204. None of the funds provided in this Act or any previous Act, or hereinafter made
available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses to which subparagraph (B) applies and shall be increased by more than 10 percent by any such transfers. Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 5. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriate accounts, excepting that such appropriation shall be increased by more than 10 percent by any such transfers:

(a) CONSOLIDATION.—(1) IN GENERAL.—Notwithstanding any other provision of law, the Director of the Office of Management and Budget shall, in consultation with the Secretary of Commerce—

(A) abolish, reorganize, consolidate, or transfer such functions that either receive funding or are eligible for funding under subsection (b) and that the Director considers appropriate in order to meet the requirements and limitations set forth in this title; and

(B) terminate or transfer such personnel associated with such functions as the Director considers appropriate in order to meet such requirements and limitations.

(b) BUY OUT AUTHORITY.—(1) IN GENERAL.—The Director of the Office of Management and Budget shall establish such rules and procedures relating to the abolishment, reorganization, consolidation, or transfer of functions under subsection (a) and such personnel associated with such functions as the Director considers appropriate, including rules and procedures relating to the rights and responsibilities of personnel of the Government terminated, transferred, or otherwise affected by such the abolishment, reorganization, consolidation, or transfer.

(2) FUNDING.—(A) Authorization of Appropriations.—There is hereby authorized an accounting of the expenditures from the CARE of the BUILDING AND GROUNDS.

(1) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the "Commerce Reorganization Transition Fund".

(2) Purpose.—The purpose of the account is to provide funds for the following:

(A) To cover the costs of actions relating to the abolishment, reorganization, consolidation, or transfer of functions under subsection (a) to which subparagraph (B) applies.

(B) To cover the costs of the payment of payments under subsection (b), including any payments or deposits to retirement systems required in relation to such personnel.

(3) DEPOSITS.—There shall be deposited into the account such sums as may be appropriated or transferred to the account.

(4) USE OF FUNDS.—Sums in the account shall be available for the purpose set forth in paragraph (2).

(5) REPORT ON ACCOUNT.—Not later than October 1, 1997, the Secretary of Commerce shall transmit to the Committees on Appropriations of Appropriations and Commerce, Science, and Transportation of the Senate and the Committees on Appropriations and Government Reform and Oversight of the House of Representatives a report containing an accounting of the expenditures from the account established under this section.

This title may be cited as the “Department of Commerce and Related Agencies Appropriations Act, 1996”.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES SALARIES AND OTHER EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, including care of the buildings and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 28 U.S.C. 177, not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $25,834,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by law (including the operation of an automobile for the Chief Justice, $13,313,000; of which not to exceed $500,000 expenses of attorneys appointed to represent prisoners under the Federal Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Federal Criminal Justice Act 18 U.S.C. 3006A(e), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to represent defendants in capital cases when the state has waived representation by counsel, the compensation and reimbursement of travel expenses of court-appointed guardians ad litem for the benefit of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty with respect to the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $274,433,000), to remain available until expended, which shall be available for Death Penalty Resource Centers or Post-Conviction Defender Organizations after April 1, 1996.

FEDERAL JUDGES AND COMMISSIONERS

For expenses of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $14,070,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, $146,700,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $15,150,000, to remain available until expended.

UNITED STATES COURT OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, $146,700,000, to remain available until expended.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For salaries of the circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Courts of Appeals, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judicial not otherwise specifically provided for, and necessary expenses of guardians ad litem, as authorized by law, $2,409,024,000, to remain available until expended; and (2) $2,471,195,000 (including the purchase of firearms and ammunition of the United States Judicial Service, which shall be responsible for administering such equipment as it deems necessary for the performance of its duties: Provided, That, notwithstanding the provisions of sections 3 and 4 of the Federal Employees' Rights and Relief Act of 1974, as amended, all expenses of the United States District Court, as required by law, except for new space alteration and construction projects; and of which not to exceed $500,000 is to remain available until expended for acquisition of buildings, land, buildings, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, to not exceed $2,318,000, to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 1903(a)(1) of Public Law 101-424.

DEFENDER SERVICES

For the operation of the Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent prisoners under the Federal Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Federal Criminal Justice Act 18 U.S.C. 3006A(e), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to represent defendants in capital cases when the state has waived representation by counsel, the compensation and reimbursement of travel expenses of court-appointed guardians ad litem for the benefit of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty with respect to the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $274,433,000, to remain available until expended, which shall be available for Death Penalty Resource Centers or Post-Conviction Defender Organizations after April 1, 1996.

FEDERAL JUDGES AND COMMISSIONERS

For expenses of federal judges as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $59,028,000, to remain available until expended, which shall be available for Death Penalty Resource Centers or Post-Conviction Defender Organizations after April 1, 1996.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security systems and equipment for the United States Courts in courthouses and adjacent areas, including building ingress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702); $108,724,000, to remain available until expended.
elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1345(b), advertising and rent in the District of Columbia, not to exceed $47,000,000 of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER
SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, $18,028,000, of which $1,800,000 shall remain available through September 30, 1997, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS
PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers’ Retirement Fund, as authorized by 28 U.S.C. 377a, $24,000,000, to the Judicial Survivors’ Annuities Fund, as authorized by 28 U.S.C. 377c, $7,000,000, and to the United States Court of Federal Claims Judges’ Retirement Fund, as authorized by 28 U.S.C. 178(1), $1,500,000.

UNITED STATES SENTENCING COMMISSION
SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $85,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations for salaries and expenses which are available, in accordance with the provisions of this Act, for salaries and expenses shall be available for services as authorized by S.U.S. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Reorganization Act of 1973, Public Law 93-236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other proviso of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds, $10,000,000, shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

This title may be cited as “The Judiciary Appropriations Act, 1996.”

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES
DEPARTMENT OF STATE
ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $17,000,000, to be derived from fees from other executive agencies, $1,525,156, and for expenses of the Diplomatic and Consular Programs, $23,639,000, to remain available until expended.

FOREIGN AFFAIRS REORGANIZATION TRANSITION FUND

For deposit in the Foreign Affairs Reorganization Transition Fund established under section 404(c)(1) of this Act for use in accordance with section 404(c)(4) of this Act, $26,000,000 to remain available until expended: Provided, That none of the funds, $3,000,000 shall be utilized for personnel management in the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund: Provided further, That none of these funds, $1,000,000 shall be remitted to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Foreign Service Retirement and Disability Fund.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $16,400,000, to remain available until expended, as authorized in Public Law 103-236: Provided, That section 135(e) of Public Law 103-236 shall not apply to funds appropriated under this heading.

OFFICE OF INSPECTOR GENERAL


REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4065), $4,780,000.

PROTECTION OF FOREIGN MISSIONS AND OFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to make available for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1986 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,579,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1956, as amended (22 U.S.C. 292-300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $591,760,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirements of the Foreign Service Act of 1980, as amended (22 U.S.C. 2615), $9,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed

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September 28, 1995

For necessary expenses for carrying out the Foreign Service Buildings Act of 1956, as amended (22 U.S.C. 292-300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $591,760,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirements of the Foreign Service Act of 1980, as amended (22 U.S.C. 2615), $9,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed...
$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

**REPTATION LOANS PROGRAM ACCOUNT**

For the cost of direct loans, $593,000, as authorized by 22 U.S.C. 2671: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Annual Statement Law Act of 1946. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

**PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN**

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $15,165,000.

**PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND**

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $125,402,000.

**INTERNATIONAL ORGANIZATIONS AND CONFERENCES**

**CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS**

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified and advised to the advice and consent of the Senate, conventions or specific Acts of Congress, $858,000,000: Provided, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103-236 for fiscal year 1996: Provided further, That certification under section 401(b) of Public Law 103-236 for fiscal year 1996 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103-236 at least 15 days in advance of the parachute certification: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs, including the cost of modifying such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Annual Statement Law Act of 1946. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

**INTERNATIONAL COMMISSIONS**

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

- **INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO**
  - For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:
  - **SALARIES AND EXPENSES**
    - For salaries and expenses, not otherwise provided for, $12,358,000 $11,500,000.
   - **CONSTRUCTION**
     - For detailed plan preparation and construction of authorized projects, $56,644,000 $5,000,000, of which not to exceed $1,000,000 may be transferred to and merged with the Salaries and Expenses account as authorized by 22 U.S.C. 2696(c).

**AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS**

For necessary expenses, not otherwise provided for the International Joint Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Boundary Commission, United States and Canada, only for actual hours being given to foreign manufacturers and suppliers. The International Joint Commission may also carry out such other activities as the Director and the heads of such entities consider appropriate to ensure the effective and efficient performance of the responsibilities of such entities and the timely accomplishment of the following:

- **INTERNATIONAL COMMISSIONS**
  - For necessary expenses for international fisheries commissions, not otherwise provided for, $12,358,000 $11,500,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

**INTERNATIONAL FISHERIES COMMISSIONS**

For necessary expenses for international fisheries commissions, not otherwise provided for, $12,358,000 $11,500,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

**INTERNATIONAL CONFERENCES AND MEETINGS**

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $3,000,000, to remain available until expended: Provided further, That not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 2696(b).

**INTERNATIONAL CONFERENCE AND MEETING**

**CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS**

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

- **INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND CANADA**
  - For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Canada, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:
  - **SALARIES AND EXPENSES**
    - For salaries and expenses, not otherwise provided for, $12,358,000 $11,500,000.
   - **CONSTRUCTION**
     - For detailed plan preparation and construction of authorized projects, $56,644,000 $5,000,000, of which not to exceed $1,000,000 may be transferred to and merged with the Salaries and Expenses account as authorized by 22 U.S.C. 2696(c).

**AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS**

For necessary expenses, not otherwise provided for the International Joint Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Boundary Commission, United States and Canada, only for actual hours being given to foreign manufacturers and suppliers. The International Joint Commission may also carry out such other activities as the Director and the heads of such entities consider appropriate to ensure the effective and efficient performance of the responsibilities of such entities and the timely accomplishment of the following:

- **INTERNATIONAL COMMISSIONS**
  - For necessary expenses for international fisheries commissions, not otherwise provided for, $12,358,000 $11,500,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

**INTERNATIONAL FISHERIES COMMISSIONS**

For necessary expenses for international fisheries commissions, not otherwise provided for, $12,358,000 $11,500,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.
consolidation of foreign relations functions under this subsection as the Director considers appropriate, including rules and procedures relating to the rights and responsibilities of personnel transferred, or otherwise affected by actions to carry out the consolidation.

(b) VOLUNTARY SEPARATION INCENTIVES—

(1) AUTHORITY TO PAY INCENTIVES.—The head of an agency referred to in paragraph (2) may pay voluntary separation incentives to employees of the agency in order to avoid or minimize the need for involuntary separations from the agency as a result of the consolidation of foreign relations functions under subsection (a).

(2) GRANT OF INCOME.—Paragraph (1) applies to the following agencies:

(A) The Department of State.

(B) The United States Information Agency.

(C) The United States Arms Control and Disarmament Agency.

(3) PAYMENT REQUIREMENTS.—

(A) General.—The payment of an agency referred to in paragraph (2) shall pay voluntary separation incentive payments under this subsection in accordance with the provisions of sections 1114 and 1115 of the Federal Force Reorganization Act of 1994 (Public Law 103-226; 108 Stat. 111), except that an employee of the agency shall be deemed to be eligible for payment of a voluntary separation incentive payment under section 1115 if the employee separates from service with the agency during the period beginning on the date of enactment of this Act and ending on December 15, 1995.

(B) SUBSEQUENT EMPLOYMENT WITH GOVERNMENT.—The provisions of subsection (d) of section 1115(a) shall apply to any employee who is paid a voluntary separation incentive payment under this subsection.

(4)And FUNDING.—

(A) IN GENERAL.—The payment of voluntary separation incentive payments under this subsection shall be made from funds in the Foreign Affairs Reorganization Transition Fund established under section (c).

(B) EXERCISE OF AUTHORITY DEPENDENT ON FUNDING.—The head of an agency may not pay voluntary separation incentive payments under this subsection unless sufficient funds are available in the Foreign Affairs Reorganization Fund to cover the cost of such payments and the costs of any other payments or deposits (including personal services deposits to retirement systems) required in relation to such payments.

(5) TERMINATION OF AUTHORITY.—The authority of the head of an agency to authorize the payment of voluntary separation incentive payments under this subsection shall expire on December 15, 1995.

(c) FOREIGN AFFAIRS REORGANIZATION TRANSITION FUND.—

(1) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Foreign Affairs Reorganization Transition Fund

(2) PURPOSE.—The purpose of the account is to provide funds for the following:

(A) To cover the costs of actions relating to the consolidation of redundant foreign relations functions that are taken under subsection (a).

(B) To cover the costs to the Government of the payment of voluntary separation incentive payments under subsection (b), including any payments or deposits to retirement systems required in relation to such payment.

(3) DEPOSITS.—There shall be deposited into the account such sums as may be appropriated to the account or credited to the account by any other means.

(4) USE OF FUNDS.—Sums in the account shall remain available until expended for the purpose set forth in paragraph (2).

(5) REPORT ON ACCOUNT.—Not later than November 15, 1996, the Secretary of State shall transmit to the Committees on Appropriations and Foreign Relations of the Senate and the Committee on Appropriations and Foreign Relations of the House of Representatives a report containing an accounting of—

(A) the expenditures from the account established under this subsection; and

(B) in the event of any transfer of funds to the Department of State under paragraph (5) and disbursements for which the funds so transferred are to be expended.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided for, for arms control, nonproliferation, and disarmament, $420,000,000, of which not to exceed $22,700,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 1431 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (Public Law 89-855; 22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to authorized activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $30,000,000 appropriation), as authorized by 22 U.S.C. 1471, and entertain, including official receptions, within the United States, not to exceed $25,000 as authorized by section 402 of the Mutual Educational and Cultural Exchange Act of 1948, as amended; Provided, further, that not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4005; Provided, further, that not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended; Provided, further, that not to exceed $1,700,000 to remain available until expended may be used to carry out projects involving security construction for agency facilities not physically located together with Department of State facilities abroad.

INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

That not to exceed $1,700,000 to remain available until expended for representation of the United States Information Agency, as authorized by section 410 of the Mutual Educational and Cultural Exchange Act of 1948, as amended; Provided, further, that not to exceed $1,700,000 to remain available until expended may be used to carry out projects involving security construction for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2551 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS


EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-05), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1996, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5976, or for purposes which are not in accord with the Act of July 10, 1954, as amended, A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 812 of the Foreign Relations Authorization Act, Fiscal Year 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1996, to remain available until expended.

AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

For necessary expenses of American Studies Collections as authorized by section 225 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, all interest and earnings accruing to the American Studies Collections Endowment Fund on or before September 30, 1996, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the Mutual Educational and Cultural Exchange Act of 1961, as amended, the Television Broadcasting to Cuba Act, as amended, the Telecommunications Act of 1996, as amended, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities, $341,000,000.

For expenses necessary to enable the United States Information Agency to carry out the International Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,809,000.

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $2,563,000.

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,809,000.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $2,563,000.
RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facili-
ties for radio transmission and reception and purchase and installation of necessary equip-
ment for radio transmission and reception as authorized by 22 U.S.C. 1471, $50,164,000; to re-
main available until expended as authorized by 22 U.S.C. 1477(a).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the pro-
visions of the East-West Center for Cultural and Technical Interchange Between East and West
Act of 1960 (22 U.S.C. 2054-2057), by grant to the Center for Cultural and Technical Interchange
Between East and West, $10,000,000; provided, That none of the funds appropriated herein shall be used to pay
any salary, or enter into any contract providing for the payment thereof, in excess of the rate au-
thorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the pro-
visions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution
in Florida known as the North/South Center, $1,000,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endow-
ment for Democracy as authorized by the National Endowment for Democracy
Act, $30,000,000, to remain available until expended.

This title may be cited as the “Department of State and Related Agencies Appropria-
tions Act, 1996”.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

For necessary expenses for operating-differential subsidies as au-
thorized by the Merchant Marine Act, 1936, as amended, $162,610,000, to remain available until expended.

The Maritime Administration is authorized to utilize the proceeds of the sale of the
United States Merchant Marine Academy for the purpose of carrying out this section.

NATIONAL ENDOWMENT FOR THE ARTS

For necessary expenses for the program of the National Endowment for the Arts as author-
ized by the National Endowment for the Arts Act of 1965, as amended, $116,750,000, to remain available until
expended.

This title may be cited as the “National Endowment for the Arts Appropriations
Act, 1996”.

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

For necessary expenses for the operation of the Federal Bureau of Investi-
gation, including rent, construction, and improvement of facili-
ties, security expenses, and special agent travel, $2,037,000,000; to remain available until expended.

Notwithstanding any other provision of law, the expenses of the Federal Bureau of Investi-
gation may be paid from any permanent fund established by Congress.

FEDERAL COMMUNICATIONS COMMISSION

For necessary expenses of the Federal Communications Commission, as authorized by
law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5903-2; not to exceed $60,000,000 for land and structures; not to exceed $50,000,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000,000 for official reception and representation expenses; not to exceed $2,000,000 for official reception and representation expenses; provided, that not to exceed $2,500,000 of offsetting collections from fees collected for premerger notifica-
tion filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and that not to exceed $2,000,000 shall be available for official reception and representation expenses. For necessary expenses of the Federal Communications Commission, as authorized by
law, including offsets from fees collected for premerger notification filings under the
Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)), not to exceed $2,500,000 shall be available for official reception and representation expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section
201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized
by section 212(b) of the Merchant Marine Act of 1936, as amended, $3,000,000; not to exceed $2,000,000 for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniform allowances therefor, as authorized by 5 U.S.C. 5903-2; not to exceed $82,928,000,000 for official reception and representation expenses.

For necessary expenses of the Federal Trade Commission, including offsets from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)), not to exceed $2,500,000 shall be available for official reception and representation expenses.
shall remain available until expended: Provided, further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received:

Provided, further, That the second section of title 13, United States Code, shall not apply.

Provided, further, That the Corporation shall provide the Secretary with a detailed report of the financial and administrative status of the Corporation, including a description of the financial assistance provided to eligible organizations, at least semiannually:

Provided further, That not later than 30 days after enactment of this Act, the Corporation shall promulgate regulations to implement a competitive selection process: Provided further, That such regulations shall be limited to the following selection criteria:

Provided further, That an agreement by any person or entity to furnish financial assistance to another person or entity shall include a provision that any person or entity receiving financial assistance provided by the Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, amended, $278,000,000 of which $265,000,000 is for basic field programs; $8,000,000 is for the Federal Trade Commission; $278,000,000 of which $265,000,000 is for basic field programs; $8,000,000 is for the Office of the Inspector General; of which $5,750,000 shall be used to contract with independent auditing agencies for annual financial and program audits of all grantees in accordance with such regulations as the Corporation may prescribe; $5,750,000 shall be used to contract with independent auditing agencies for annual financial and program audits of all grantees in accordance with such regulations as the Corporation may prescribe; and $5,750,000 is for management and administration.

SEC. 504. None of the funds appropriated under this Act to the Legal Services Corporation shall be distributed as follows:

(1) The Corporation shall define geographic areas and funds available for each geographic area shall be on a per capita basis pursuant to the number of poor people determined by the Corporation to be within that geographic area: Provided, That funds for a geographic area may be distributed by the Corporation to one or more persons or entities eligible for funding under section 1006(a)(1)(A) of the Legal Services Corporation Act, subject to sections 502 and 504 of this Act.

(2) The amount of the grant to the Corporation and of the contracts entered into by the Corporation in accordance with paragraph (1) shall be an equal figure per poor person in the geographic area, but no geographic area shall receive a grant in the aggregate for purposes of litigation; and

(3) The experiences of the Corporation with the applicant, if the applicant has previously received assistance from the Corporation, including the applicant's record of past compliance with Corporation policies, practices, and restrictions.

Provided, further, That the regulations shall ensure that timely notice for the submission of applications for awards is published in periodicals of local and State bar associations and in at least one daily newspaper of general circulation in the area to be served by the person or entity receiving the award: Provided further, That no person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process for purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996b(a)(9) and 42 U.S.C. 2996g) shall not apply.

SEC. 505. None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity—

(1) that makes available any funds, personnel, or equipment for use in advocating or representing any cause that represents the interests of any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census; and

(2) that attempts to influence the issuance, amendment, or revocation of any agency promulgation described in paragraph (2).

(4) that attempts to influence the passage or defeat of any legislation, amendment, referendum, initiative, or any similar procedure of the Congress of the United States, or by any State or local legislative body; or

(5) that attempts to influence the conduct of oversight proceedings of the Corporation or any person or entity receiving financial assistance provided by the Corporation.

SEC. 506. None of the funds appropriated under this Act to the Legal Services Corporation shall be used to provide financial assistance to any person or entity receiving financial assistance provided by the Corporation to carry out the purposes of the Legal Services Corporation Act, of the types of matters and cases to which the staff of the nonprofit organization shall devote its time and resources; and

(6) the staff of such person or entity receiving financial assistance provided by the Legal Services Corporation has signed a written agreement not to undertake cases or matters other than in accordance with the specific priorities set by such governing body, except in emergency cases defined by such board and in accordance with such board's written procedures for such situations:

Provided, That the staff of such person or entity receiving financial assistance provided by the Legal Services Corporation has signed a written agreement not to undertake cases or matters other than in accordance with the specific priorities set by such governing body, except in emergency cases defined by such board and in accordance with such board's written procedures for such situations:
days after enactment of this Act, the Corporation shall promulgate a suggested list of priorities which boards of directors may use in setting priorities under this paragraph;

[104] that receiving financial assistance provided by the Legal Services Corporation, such person or entity agrees to maintain records of time spent on each case or matter under section 111 of this Act, to which that person or entity is engaged in activities: Provided, That any non-Federal funds received by any person or entity provided financial assistance under paragraph (1) shall be accounted for and reported as receipts and disbursements separate and distinct from Corporation funds: Provided further, That such person or entity shall provide adequate financial assistance provided by the Corporation agrees (notwithstanding section 100(k)(2) of the Legal Services Corporation Act) to make such records described in this paragraph available to any Federal department, or agency or independent auditor receiving Federal funds to conduct an audit of the activities of the Corporation or recipient receiving funding under this Act;

[11] that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States as a result of the Attorney General’s withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1255(h)); or

[12] an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been denied;

[13] an alien who is lawfully present in the United States pursuant to an admission under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15); or

[14] an alien to whom section 305 of the Immigration and Control Act of 1954 (8 U.S.C. 1437a); or

[15] unless such person or entity agrees that it and its employees will not accept employment resulting from in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action: Provided, That such person or entity or its employees receiving financial assistance provided by the Corporation shall also agree that such person or entity will not refer such nonattorney to another person or entity or otherwise receive financial assistance provided by the Legal Services Corporation; or

[16] unless such person or entity enters into a contractual agreement to be subject to all provisions of Federal law relating to the proper use of Federal funds, the violation of which shall render any grant or contract null and void: Provided, That for such purposes the Corporation shall be considered to be a Federal agency and all funds provided by the Corporation shall be considered to be Federal funds provided by grant or contract.

SEC. 505. None of the funds appropriated in this Act to the Legal Services Corporation shall be provided by any entity or person may be used to pay membership dues to any private or non-profit organization.

SEC. 506. None of the funds appropriated in this Act to the Legal Services Corporation may be used for any purpose prohibited or contrary to any of the provisions of the authorization legislation for fiscal year 1996 for the Corporation, as enacted into law: Provided, That, upon enactment, the Legal Services Corporation reauthorization legislation, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title III of Public Law 92-522, as amended, $1,000,000.

MARTIN LUTHER KING, J.R. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, J.R. Federal Holiday Commission, as authorized by Public Law 98-399, as amended, $250,000 $550,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by S.U.C. 3309, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $103,445,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, as authorized by 15 U.S.C. 632, including $105,257,000 for the Office of Inspector General, as authorized by Public Law 103-403, in addition to any other appropriated funds designated by the Congress for enforcement of such Acts, $1,500,000.
revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL


BUSINESS LOANS PROGRAM ACCOUNT

For the direct cost of direct loans, $5,000,000, and for the cost of guaranteed loans, $1,216,000, to remain available until expended, including the cost of modifying such loans, as defined in section 3 of the Small Business Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $34,432,000 to $77,600,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $2,930,000, to remain available until September 30, 1997.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Fund," authorized by the Small Business Investment Act, as amended, $2,530,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE [PROVISION] PROVISIONS—SMALL BUSINESS ADMINISTRATION

SEC. 508. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be as defined in section 302 of the Congressional Budget Act of 1974. In addition, for administrative expenses to carry out the direct loan program, $20,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 302 of the Congressional Budget Act of 1974.

STATE JUSTICE INSTITUTE

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

TITLE VII—PROVISIONS

SEC. 603. The term "qualified business" means (A) the term "Administrator" means the Administrator of the Small Business Administration, and (B) the term "area of pervasive poverty, unemployment, and general economic distress" means an area that, based on the most recent decennial census data available from the Bureau of the Census, meets the following criteria—

(i) The poverty rate for the area (as determined by the most recent census data available) is not less than 15 times the national unemployment rate, and

(ii) The rate of foreclosures in the area is not less than 15 times the national foreclosure rate.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than the case in which it was held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure in fiscal year 1997, or any fiscal year in which a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent the total amount of appropriations as approved by Congress; (3) reorganizes, or operational control of a foreign national, and (3) that the President's military...
advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates, or heating elements; or

(5) the use or possession of any electric or electronic instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading "Fleet Modernization, Shipbuilding and Conversion" may be used to implement sections 603, 604, and 605 of Public Law 102-567.

SEC. 613. None of the funds made available in this Act may be used for "USIA Television Marti Program" under the Television Broadcast to Cuba Act or any other program of United States Information Agency television broadcasts to Cuba, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable provisions of the March 1995 Office of Cuba Broadcasting Reinventing Plan of the United States Information Agency Information Act.

SEC. 614. (1) Notwithstanding any other provision of law, no funds appropriated under this Act may be used in violation of the provisions of paragraphs (2) and (3).

(2) Notwithstanding any other provision of law, neither the Federal Government nor any officer, employee, or department or agency of the Federal Government—

(A) may intentionally discriminate against, or may grant a preference to, any individual or group based in whole or in part on race, color, national origin, or sex, in connection with—

(i) a Federal contract or subcontract;

(ii) Federal employment; or

(iii) any other federally conducted program or activity;

(B) may require or encourage any Federal contractor or subcontractor to intentionally discriminate against, or grant a preference to, any individual or group based in whole or in part on race, color, national origin, or sex; or

(C) may enter into a consent decree that requires, authorizes, or permits any activity prohibited under paragraphs (A) and (B).

(3) Nothing in this subsection shall be construed to prohibit or limit any effort by the Federal Government or any officer, employee, or department or agency of the Federal Government—

(A) to recruit qualified women or qualified minority individuals into a Federal employment pool for employment or to encourage businesses owned by women or by minorities to bid for Federal contracts or subcontracts, if such recruitment or encouragement is consistent with the applicable provisions of the Equal Employment Opportunity Act of 1972, as amended by the Equal Employment Opportunity Act of 1978; and

(B) to recruit or encourage any Federal contractor or subcontractor to recruit qualified women or qualified minorities into an applicant pool for employment or to encourage businesses...
"(2) proportionally related to the extent the plaintiff obtains court-ordered relief for that violation.

(3) Definitions.—As used in this section—

(1) the term 'prison' means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

(2) the term 'relief' means all relief in any form which may be granted or approved by the court, and includes consent decrees and settlement agreements; and

(3) the term 'prospective relief' means all relief other than compensatory monetary damages.

(3) Application of Amendment.—Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all relief (as defined in such section) whether such relief was originally granted or approved before, on, or after the date of the enactment of this Act.

(4) Clerical Amendment.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended by striking 'crowding' and inserting 'conditions'.

TITLE VII—RESCISIONS
DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION
WORKING CAPITAL FUND
(RESCISION)

Of the unobligated balances available under this heading, $35,000,000 are rescinded.

DEPARTMENT OF COMMERCE
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION
INFORMATION INFRASTRUCTURE GRANTS
(RESCISION)

Of the unobligated balances available under this heading, $36,769,000 are rescinded.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
CONSTRUCTION OF RESEARCH FACILITIES
(RESCISION)

Of the unobligated balances available under this heading, $152,993,000 are rescinded.

DEPARTMENT OF STATE
ADMINISTRATION OF FOREIGN AFFAIRS
ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD
(RESCISION)

Of the unobligated balances available under this heading, $11,000,000 are rescinded.

RELATED AGENCIES
UNITED STATES INFORMATION AGENCY
RADIO CONSTRUCTION
(RESCISION)

Of the unobligated balances available under this heading, $7,400,000 are rescinded.

This Act may be cited as the "Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996'.

Mr. GRAMM. Mr. President, we have before us a very complicated bill, a very controversial bill. We are attempting to establish a sequence of activity with a goal of trying to expedite its consideration.

In order that we might try to get all this to come together in an orderly fashion, because I know many of our colleagues hope to be gone this weekend—even as I am speaking I would be managing the bill, I plan to be here tomorrow and Saturday, so I am in no hurry; I want to be sure my colleagues understand that—but in order to try to expedite our consideration here, we put together an amendment that will be offered by Senator HATFIELD, the distinguished chairman of the full committee, an amendment that is co-sponsored by Senator JOHNS.

It has to do with adding to our 602(b) allocation; that is, allocating additional money to the subcommittee and then disbursing that money in such a way as to deal with some of the concerns that have been raised against the bill. And so that we could deal with this in an orderly fashion, I would like to propose a unanimous-consent request that we have opening statements by the distinguished ranking member of the subcommittee, by myself, by any other Senator who would like to make an opening statement; that then it be in order for us to submit for consideration managers' amendments that have been agreed to on both sides and any debate there might be on them; and then I would like it to be in order for the distinguished Senator from Oregon, Senator HATFIELD, to offer his amendment with Senator JOHNS because it addresses numerous issues.

If we do not do it in that way, we are probably going to simply use up time as we try to deal with those issues by one. We can certainly proceed without this unanimous-consent request, but I hope our colleagues will indulge us since our objective is simply to try to expedite consideration of the bill.

Mr. HOLLINGS, the distinguished Senator from West Virginia, this procedure has been agreed to, so I hope we can proceed along that line.

Mr. BYRD. Mr. President, would the distinguished Senator from Texas yield?

Mr. GRAMM. I would be very happy to yield.

Mr. BYRD. The distinguished chairman spoke of a reallocation of resources.

Mr. GRAMM. Yes, I did.

Mr. BYRD. The chairman of the committee and the ranking member of the full committee are authorized to approve such reallocation. Nobody has proposed this to the ranking member as yet about such a reallocation of resources.

Would the Senator inform me as to whether or not I am going to be contacted on that matter?

Mr. GRAMM. Well, if I might say to the distinguished Senator from West Virginia, the amendments that we have agreed to, give the distinguished Senator from West Virginia an opportunity to discuss this with Senator HATFIELD, who is in a meeting with the Secretary of Energy on something very important in his State right now.

When the agreement has been reached and the ranking member, Senator BYRD, is satisfied, then we can proceed with it. And, again, this is not my amendment; I have not been directly involved in it even though I have concluded that this is a prudent thing for us to do.

Mr. BYRD. Well, I certainly thank the distinguished Senator. I know that it is an oversight, an inadvertent one. I want to make clear that such authorizations of reallocations of funds have to be made by both the chairman and the ranking member of the full committee. And we make those after contacting various and sundry subcommittee chairmen. And I do not anticipate any problem along that line. But I thought I had better make mention of this before it becomes a problem.

Mr. GRAMM. Well, Mr. President, let me just then ask unanimous consent that we have opening statements by Senator JOHNS and myself and any other Member who would wish to make an opening statement, that it also be in order for us to offer managers' amendments where we have agreement on both sides of the aisle, and that when an agreement is reached between the distinguished Senator from Oregon, Senator HATFIELD, to offer his amendment with Senator JOHNS, that at that point it be in order for Senator HATFIELD to offer his amendment which deals with some 20 different subjects. I think by doing it that way, we can expedite consideration.

So I ask unanimous consent that it be in order to have opening statements, that it be in order for me to offer, on behalf of myself and Senator JOHNS, managers' amendments where there is agreement on both sides of the aisle, and that it then be in order, when Senator BYRD has agreed, for the distinguished chairman of the full committee and the ranking member, Senator BYRD, that at that point it be in order for Senator HATFIELD to offer his amendment which deals with some 20 different subjects. I think by doing it that way, we can expedite consideration.

As I am sure our colleagues are aware, our appropriations bill has $4.26 billion less than a freeze. And it is certainly our amendment that is co-sponsored by Senator JOHNS. And it is one that we have had the opportunity to see these amendments, we have had requests on our side that prior to the time we agree to any kind of unanimous-consent agreement which would...
involve these amendments that Senators have the opportunity to look at them. So, we would have to object to anything beyond the opportunity to make opening statements at this point.

Mr. GRAMM. Mr. President, we are certainly narrowing it down to opening statements.

So with that, I ask unanimous consent that we begin opening statements and in order to offer an amendment until those opening statements are completed; at that point that — let me state it this way: I ask unanimous consent that it be in order now to have opening statements; that at the conclusion of the opening statements, subject to the agreement of the minority leader, at that point that it be in order for the distinguished Senator from Oregon, Senator HATFIELD, to offer an amendment on behalf of himself and Senator HOLLINGS.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAMM. Mr. President, let me try to explain an opening statement on a very complicated bill without getting into too many of the details but in such a way as to basically cover the issues that are involved in this bill.

I think there are many reasons why this is a very complicated and a very controversial bill. One reason is money. This bill, probably more than any other appropriation that we will consider this year, has a very tight budget, and it provides $4.3 billion less for Commerce-State-Justice appropriations than was requested by the President.

It provides almost $2 billion less than a nominal freeze in the current level of appropriations for Commerce-State-Justice. And I remind my colleagues that, compared to some of the larger appropriation accounts, this is a fairly small appropriations bill in terms of actual dollar outlays. So when we are talking about a billion less for Commerce-State in the year 1996 than we are spending this year, we are talking about a substantial reduction in the ability to expend money for the carrying out of functions in the Department of Commerce, the Department of State, and the Department of Justice.

The bill also has almost $900 million less than our counterparts in the House had. And this is the first point I want my colleagues to understand. When the President of this bill for not providing funding for purposes for which he requested funding, it is important for our colleagues — and, quite frankly, it is important for those who are following this debate — to understand that we are providing under a totally different budget than the President proposed.

Our budget comes into balance in 7 years. Our budget substantially reduces discretionary spending. Our budget provides very real constraints on spending money.

The President, in proposing $4.3 billion more for these three Departments of Government than we proposed, does so in a budget that will not be in balance by the second coming. It does so in a budget that will not bring the deficit below $200 billion in a decade.

So the fact that the President, in his budget, has excluded for many functions that we do not fund is simply a testament to the fact that our budget is a binding budget that is balanced over 7 years and the President's budget is not.

There are several ways to approach the writing of an appropriations bill where you have to cut $4.3 billion. One way — and, quite frankly, in no way being critical, but I want people to understand why this is such a controversial bill — one way is to take the approach which has been taken in most other appropriations bills, and that is to simply take the level of savings that is dictated, nick a whole bunch of programs a little bit and, basically, take the approach that you are going to sort of hunker down and not fundamentally change anything.

It seems to me, Mr. President, that this is roughly equivalent to an action that a family which is running out of money might take at the end of the year. They say, 'Well, we're running out of money and what we're going to do is spend a little bit less going to the movie and spend a little bit less on milk for the children.'

As we know, families set priorities. Families decide toward the end of the month when they are running out of money that they are not going to go to the movie, but that they are going to continue to buy their children milk.

As chairman of this subcommittee, I decided that if we were shooting with real bullets, if we were going to write an appropriations bill now that set out a path to balance the budget over 7 years, that we ought to recognize, to begin with, that we are going to have less money next year than we had this year, less the next, and less in each successive year for the next 6 years.

So I made the decision to terminate programs, to set priorities. My original recommendation terminated some 12 programs outright. It also set very strong priorities. It was my decision as chairman of the subcommittee that not all programs in the Commerce, State, Justice appropriations bill were created equally. I believe that the American people have very strong preferences, and what I have tried to do within the monetary constraints that I have had as chairman, and this has been supported by the majority in both the subcommittee and the full committee, is to try to fund the President's effort in fighting crime. I am very proud of the fact that this bill fully funds the FBI and the DEA. It fully funds our efforts to incarcerate violent criminals. It provides for funding for purposes for the courts to hire prosecutors to provide the system of criminal and civil justice that we need to deal with the problems that we face.

This bill provides a substantial increase in funding for the Justice Department, funding for our effort to fight violent crime, funding for our effort to fight drugs.

I will come back in a moment and talk about how the Justice Department would function, but let me make this point. While we provide, basically, the same level of funding requested by the President, we have in subcommittee and full committee on this bill changed the allocation of funding. In the crime bill, we spend less money on social programs, we spend more money building prisons. It is a belief of the subcommittee and the full committee that we need to get tough on violent crime, and we try to do that in this crime bill.

The second area that we fund in this bill has to do with the Department of State. I have to say, Mr. President, that I have been somewhat disappointed. I visited with the Secretary of State, and I explained to the Secretary of State the simple arithmetic of this bill, and the simple arithmetic of this bill is as follows:

If we provide roughly the level of funding requested by the President for the Department of State, we provide funding for half of the increase requested by the Federal judiciary, what that means is, given the amount of money we have left, that we have to cut every other program by an average of 20 percent. This is the cold reality that we are looking at.

I tried to explain to the Secretary of State that that was basically where we were and that that meant that we were going to have to reduce the level of funding for the State Department by roughly 20 percent. That is actually better treatment than we provided for the Commerce Department in this bill.

We have not adopted the authorization bill for the State Department, but a majority of the Members of the Senate have voted for that authorization. It has been filibustered. We have been unable to get 60 votes and, as a result, what I did in writing the appropriations bill is I took the authorization bill which has received a majority vote in the Senate on a cloture motion and I used it as the blueprint to write funding for the State Department.

The basic reductions that occur in the State Department budget have to do with cutbacks in payment for membership in world organizations. The distinguished Senator from North Carolina, Senator HELMS, in his authorization bill, dramatically reduces the amount of taxpayer funding that goes to world organizations to promote objectives that, at least in my mind, the majority of the Members of the Senate, did not reflect the will of the American people.

I think it is important to note, and I would be sure that the record, that the Congress of the United States, that this Administration, that the Congress, that the President have a very strong commitment to fighting drugs. I am proud to have served in the Congress as leader of the subcommittee that I have been chairman of for the last 12 years, and I am very proud of the work that we did, of the work of the Subcommittee on Crime, that resulted in the passage of the Violent Crime Control and Law Enforcement Act of 1994, that was critically successful in the reduction of the number of violent crimes, the number of violent crimes committed in this country, that contributed to the success of the War on Drugs.

The basic reductions that occur in the State Department budget have to do with cutbacks in the amount of money we pay to support the American people abroad, to train police abroad, to pay for American military deployments, to train and support the American military in foreign lands.

The American people, I believe, are very different from the American people that live in this country. They are, in fact, more aware, more knowledgeable about what the world is like, and they want to see, not only the men and women of the military, but not only the diplomats, but not only the American community, the American people abroad treated with the respect and the dignity that they deserve, and that we have a responsibility to provide.

I will attempt to explain in the next few minutes how the Department of Justice appropriations bill funds the Department of Justice to fight crime. I believe that the American people, as I have said, are very strongly in support of our law enforcement officials, and they want to support them.

This bill provides $1.9 billion in funding for the Department of Justice and a substantial increase in funding for the Drug Enforcement Administration, the Federal Bureau of Investigation, the Bureau of Prisons, the Bureau of Alcohol, Tobacco and Firearms, and a substantial increase in funding for the criminal justice programs throughout the Department of Justice.

The basic reductions that occur in the Appropriations Bill have to do with the Department of Justice, and I would be sure that the record that the Appropriations Committee has been very conscious of the need to reduce spending on social programs and to increase spending on police and law enforcement in the Department of Justice.
America abroad today is a dangerous business, something that I understand. I appreciate the sacrifice that is made by people who work in the State Department.

As a result, I have fully funded every penny requested by the President in his budget for such expenditures. Even though he spends $4.3 billion more in his budget than we are allowed to spend in ours, I fund every penny the President requests for security abroad for both our Embassies and our personnel.

So the criticism of the State Department that somehow we are underfunding the State Department and the needs of its people is simply verifiably false.

This is a tough budget. It does reflect the fact that the American people do not believe that we are getting our money’s worth with all of these world organizations where we pay the bulk of the dues and have a relatively small say in how they do and on how our money is spent.

I think the plain truth is the American people understand that in the postwar period, America has been like a little rich kid in the middle of a slum with a whole world has looked at this cake and wanted a piece of it. We literally have run all over the world handing out pieces of this cake. Nobody has loved us for it. In fact, in many cases, they have not loved us, thinking they should have gotten more.

The fundamental philosophy behind this appropriations bill is we need to stop sharing the cake, and we need to start sharing the recipe we used to bake the cake, which is free enterprise, individual liberty, and private property.

So in the State Department appropriations bill, we provide $4.4 billion. The President requested $5.6 billion. Much of this reduction is taken in membership in world organizations. And, quite frankly, while this can be debated forever, I would be perfectly content to take my appropriations bill, take the President’s budget, to tear the title page off, to put each of them on the table in every kitchen of every working American and let them decide whether they want money spent funding the war on violent crime in America, the war on drugs, gaining control of our borders, or whether they want the money spent paying dues to organizations around the world where the United States is now a member of these organizations and, in many cases, is paying the bulk of the dues.

I do not think there is any doubt that the American people would choose the position that I have chosen. It seems to me that is why the State Department has not wanted to debate the real issue here.

In terms of the Commerce Department, let me remind my colleagues that the budget that we adopted in the Senate was a budget that called for the elimination of the Commerce Department. I have listened to my colleagues talk about eliminating departments, and I then look at their willingness to vote to actually cut the programs, and I often see a gulf between the rhetoric and the reality. It is almost as if when people are talking about eliminating departments, they go down and take down the flag and take down the plaque off the wall, but they want the Government to keep doing the things the Department has been doing.

We would have to ask what that called for the elimination of the Commerce Department, when the Government Operations Committee reported a bill to eliminate the Commerce Department. I, as chairman of this subcommittee, believed that they were serious. And, as a result, we dramatically reduce spending in the Commerce Department. We set up a procedure to provide funds for current employees, and we provide the mechanism that would allow us, if in fact we pass the other block bill, to terminate the Department, and to do it in an orderly fashion.

Now, many of the people who voted for the budget to eliminate the Department want to preserve some of its programs, they will. We are going to have votes on those. There are many programs within the Commerce Department that this bill eliminates outright. But, basically, it is a bill that begins the process of dramatically reducing the level of spending for activities where the Government is attempting to pick winners and losers in the American economy. There is a fundamental philosophical difference between the two parties on this issue.

The party which I represent—the philosophy I believe in—believes that the market system ought to be the basic determining factor of who gets money to invest; that Government does not have the wisdom to make that decision, and, quite frankly, even if it had the wisdom, is it in the interest of the country, since it is inherently a political decision, it would not make that decision very well.

That is an outline of the expenditures of the bill. As I said, the bill eliminates some dozen programs from the Minority Business Development Agency to the U.S. Travel and Tourism Administration, to the Technology Administration, to the Commerce Department, and to do it in an orderly fashion.

But let me be sure that everybody understands what the bill before us does in this area. The bill before us would allow communities to carry out the community policing programs exactly as the President has proposed, if they decide to do it. The objection that has been leveled against this block grant is not that they cannot do what the President has proposed we do, but that they have the option of doing it in a different way. The objection to our language is not a dispute about the President’s program so much as it is a dispute in the ability of local government and local chiefs of police to decide to use the money in a different way if they think that will work better for them.

We have set out a guideline on how the money could be used. If people chose to do community policing, to put more policemen on the beat, as our crime bill last year proposed, and as the President supports, they could do that. If they decide that they want to have more policemen on the beat, but they want to use the funds for training, they could do that. If they decide that they want to work overtime to get better police on the street now while they bring new trainees into the police academy, they could do that. If they decide they need to use the funds to buy equipment to make their system more efficient, they could do that. But they have the capacity to carry out the program as the President has proposed, if they choose to.

The second change in language has to do with the Legal Services Corporation. It is not news to any of my colleagues that the Senate voted in February to eliminate the Legal Services Corporation. I believe that is has some legitimate functions. But I think that, in many cases, they have not carried those functions out.
Legal Services Corporation today has a lawsuit underway against every State in the Union that has tried to reform welfare. Every time any State in the Union has had a mandatory work requirement, the Legal Services Corporation has won a lawsuit against them. Any time any State in the Union has tried to deny additional benefits to welfare recipients who have additional children on welfare, the Legal Services Corporation has filed a lawsuit against them.

The Legal Services Corporation has a long history of using taxpayer funds to promote causes which are not taxpayers' causes. My view is, Mr. President, that if someone wants to file a lawsuit against the State of New Jersey saying that they cannot have a mandatory work requirement for welfare recipients because it violates the constitutional rights of welfare recipients to have to work, people ought to have a right to file that lawsuit. But they should not put the taxpayers' money to do it.

In any case, after many years of battling on this issue, this year I proposed—and was successful—in the initial mark to eliminate the Legal Services Corporation. I did not have the votes in subcommittee to do that. An agreement was reached where we eliminate the Federal Legal Services Corporation. We take roughly half the money that it is now spending and we give that money in a block grant to State governments. Then State governments, within a set of guidelines which limit the ability of organizations that take Federal taxpayers' money to engage, basically, in the promotion of class action suits, opposing welfare, and a series of other restrictions based on past concerns—have block grants to spend on legal services. It provides roughly half the funds that the existing programs receive.

Another controversial area of language in the bill has to do with prisoners' work. This is an issue which I feel very strongly about. I do not have much doubt in my mind that when the votes are counted on the floor of the Senate, I am going to lose on this issue. But I want the American people to know about it. Part of my reward for being chairman is that now people have to take this provision out.

Let me explain. To keep someone in the Federal penitentiary this year is going to cost the Federal taxpayers $22,000. We could send somebody to Harvard for what we are going to pay to keep them in the Federal penitentiary. We are paying more to keep someone in the Federal penitentiary than they would make if they could earn twice the minimum wage working.

Now, why is that so? Part of the reason is because of the way we build prisons. I have tried in this bill to begin moving us in the direction of stopping the building of Federal prisons like Holiday Inns, taking out the air conditioner, the color television, the weight room. The key ingredient in this direction is requiring Federal prisoners to work.

Now, this is where we run headlong into greedy special interests. This is not just the greedy special interests of organized labor. It is also, quite frankly, the greedy special interests of corporate America. It is the greedy special interests of big business, and it is the greedy special interests of small businesses.

We have three laws in effect that basically criminalize working Federal prisoners. It is basically criminal in America for prisoners to work in any conventional sense of working. Most Americans have not the foggiest idea this is true, and they would go absolutely berserk if they understood it.

These three laws basically go back to the Depression era when we took a moralistic justice system where prisoners were working, where they were to a substantial degree paying the cost of their own incarceration, and in the Depression era we started eliminating their ability to work. Now, someone could argue—though I would never make the argument—that it may have made sense in the Depression because by not having prisoners do something, someone else could do it and it would create a job. If one could have made that argument in the Depression, they cannot make that argument today.

We have one Federal statute that makes it illegal for prisoners to work produced in interstate commerce. We have another law that makes it illegal for prisoners to produce anything that is sold within the State in which it is produced. Then we have another provision that sets out guidelines where, if prisoners did produce something that was sold in the private market, they would have to be paid.

Let me translate all of those amendments and what they mean. What that means, in essence, is you cannot make prisoners work in producing anything to sell in the private sector of the economy.

All over the country we have 100,000 people in the Federal penitentiary. We have 1 million people incarcerated in America. By and large, except for producing a handful of things that are relatively insignificant in value as compared to the total economy, they cannot work.

Now, we have a bunch of programs in States where prisoners produce car doors where they produce furniture for the Federal Government. But by and large these laws prevent us from putting prisoners to work. I would like prisoners to work 10 hours a day 6 days a week. I would like to turn our Federal prisons into industrial parks.

What I have done in this bill is I have overturned these three laws, and I have set out a simple guideline. What the bill says is that it is legal for prisoners to be required to work so long as the President certifies that what they produce is not sold in such a way as to glut a local market or to glut the national market.

What I foresee under this provision, if it becomes law, is that we could turn our Federal prisons into industrial parks. Many of the goods that are produced abroad, component parts from everything from air conditioners to wheelbarrows to automobiles, we could produce some of those component parts with prison labor.

If we stopped building prisons like Holiday Inns, we could probably cut the $22,000 in half. If we required prisoners to work, we could probably cut the $11,000 of net cost in half. I believe that within a decade we could cut the cost of incarcerating people by 75 percent. But we are probably not going to do it. Let me tell you why. Because organized labor and businesses that do not want any competition will support the offering of an amendment that will continue to criminalize prison labor in America.

Now, I offered this provision in our bill because I think it is needed. I think when you have 1 million people incarcerated, it is inhumane not to have an orderly system where they can work. I will not drag this dead cat across the table too many more times. But I want to remind my colleagues that when Alexis de Tocqueville came to America in the 1830's and went back home and wrote "Democracy in America," one part of American life that he commented on was our prison system and how enlightened it was because we worked prisoners hard. Prisoners at that time were working 12, 14 hours a day 6 days a week, and de Tocqueville noted how enlightened it was because by making prisoners work it made life in prison bearable.

If we made prisoners work today, not only would we save money, but people when they got out of prison would have a skill that they learned working in prison. If we made them go to school at night, they would know how to read and write, and having worked 10 hours a day 6 days a week, they would know how to read and write, and having worked 10 hours a day 6 days a week, they would get out of prison they would not want to go back.

That is not going to happen because this provision is going to be stricken out by special interests. I know it, but I want people to have the vote on it, and I want people to be able to look at their vote. Prisoners in America should be required to work. They should be allowed to work in producing things that we can sell.

Every year our dear colleague, Senator HELMS, offers an amendment to ban the use of any money that makes prisoners work. Every year I wonder why we cannot make our prisoners work. How is it that we have people who are working two and three jobs,
struggling to make ends meet, and we are paying $22,000 a year to keep somebody in prison, and then we cannot force them to work to produce something of value to pay for their own incarceration?

It is called greedy, petty, special interests. The world ought to know about it. I hope to awaken them by putting this provision in this bill that somebody has to take out.

Now let me talk very briefly about two other language provisions in the bill. One has to do with the 8(a) program. The 8(a) program is designed to help disadvantaged businesses. The basic idea of the 8(a) program was that there are some businesses that are disadvantaged and that we want to try to help them get on the playing field and be more competitive.

The problem is that over the years, disadvantaged has come to mean minority or female. You cannot be disadvantaged, under the 8(a) contract, if you are not a minority and if you are male. So what I try to do is open up the 8(a) contract and say, no matter what your gender is, no matter what your race is, if you are operating in a depressed area, if you are a small, struggling business and you are hiring people who live in a distressed area, you ought to be treated in exactly the same way as someone doing exactly the same things you are who is from a different ethnic group or from a different gender.

We do not eliminate the 8(a) program, we simply open it up to people who are disadvantaged because they are small business people in depressed areas with high unemployment and they are hiring people from those areas.

This is a controversial subject. I understand that. But I believe, again, if we could put this proposal on the kitchen table in every kitchen in America, ask if somebody is a small business person, if they are operating in an area of high unemployment, if they are hiring people who are from a high unemployment area, why should they be discriminated against based on race or gender? I think America has asked that question and I think America has answered it. They are waiting for the U.S. Senate to answer and I want to give them a chance to answer it today.

Now, let me talk about a provision I want to talk about in the bill, in terms of language, has to do with quotas and set-asides. I understand where the Senate stands on this issue. Of all people here, I understand it. I offered an amendment earlier this year to ban set-asides, to open up competition, and to say that in bidding on a Government contract you have to be judged on merit; that you cannot be judged based on gender or race. The American people say, by an 80-percent margin, that they support the merit system. America was built on it. Discriminating against people is fundamentally un-American, but the Senate supports discrimination and proved it on that night in that amendment.

This is my bill, as chairman of this subcommittee, and I am very proud of the fact that we have, in this bill, in the jurisdiction of Commerce, State, Justice under this bill, we say that it is illegal to discriminate in hiring, promotion, and contracting, and it is illegal to discriminate in favor of anybody, it is simple language. In fact, it is the language which the distinguished majority leader, Senator Dole, has worked hard out similar language but, frankly, I thought his language was better so I included it.

It is basically a commitment to merit. I have to believe, based on our past vote, that this provision will be stripped out. But, again, America ought to know who is and who is not for quotas; who is and who is not for set-asides. Let me make it clear that the language in this bill preserves our total effort of outreach. It preserves our ability to go out and recruit people to apply for us to allow them the full ability to work, to see that everybody gets on the playing field. But it requires that, once people are on the playing field, when it comes to being hired, being promoted, or getting a contract, that must be done by merit.

So this is a very controversial bill. It is no accident that we have kept it to the end. I am quite proud of the bill. Obviously, others oppose it. And the way democracy works is that we propose and we debate, and I accept the outcome of it. But I think this bill represents a dramatic change and, quite frankly, I have been disappointed in the other appropriations bills in that we have committed to a budget that calls for a dramatic change but everybody seems until next year or the next year or the next year to make these changes. I wanted to make them now. I may not be here 2 years from now. I do not know. I may not be on this committee next Monday—I do not know that either. But I do know that I believe this represents a dramatic break with the past.

This bill terminates programs. This bill dramatically changes the way we operate the Federal Government. And I think it gives people a very clear choice. It defines a movement in the direction that I would like to see us go. I am proud that the subcommittee and full committee supported the effort to bring the bill to this point. I know there are some people on the subcommittee and full committee who, at what we are on the floor, will abandon us on some of these issues. But I think we have before us a good bill and, Mr. President, I appreciate the indulgence of the Chair as I outlined the bill.

Let me yield the floor for the distinguished ranking member, a man who has served on this subcommittee as both chairman and ranking member, a man for whom I have very great respect, the distinguished Senator from South Carolina.

The PRESIDING OFFICER (Mr. GORMAN): The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I rise today to speak against H.R. 2767, the fiscal year 1996 Commerce, Justice, and State appropriations bill. For me, this is unprecedented. Never in my 25 years on the Appropriations Committee—or my 18 years as serving as either the chairman or ranking minority member of this subcommittee—have I opposed this bill. And never in my career here have I seen an appropriations bill prepared in such a partisan manner and voted out of committee on straight party lines.

I am against this bill because I simply cannot go along with its recommendations and because of its extreme nature. This bill represents a 180-degree departure from the way we conducted our job when senators Rudman, Weicker, Pastore, Laxalt, and DOMENICI and I were chairman or ranking member. In the past, we focused on the business of governing. We worked together to ensure that the agencies under our jurisdiction were appropriately and adequately funded. Our job always was to see to it that the taxpayers’ dollars were well spent. If a program was worth it, we sought to fund it adequately. At the same time, we conducted budget scrubs to ensure that we were not giving money from delayed contracts, program changes, and other technical matters.

But Mr. President, that is not what today’s bill is about. It is not about governing. It is about politics and making philosophical policy statements. It is about picking winners and losers. It is about throwing money at one part of this bill, the Department of Justice, and about wreaking havoc on the rest of the bill. In many ways, this bill seems more like a pork barrel resolution than an appropriations bill.

Mr. President, government is not a dirty word. I know that there are some who have come to Washington intending to have a fire sale. Well, those people will probably like this bill because it is a bonfire. Agency after agency is eliminated or subjected to unprecedented reductions of 20 percent or more. This bill slashes programs with little description or detail of what is being cut. For example, the International Trade Administration is cut by $47 million below a freeze. But the report does not direct how the reduction should be made. Should it be from the Import Administration that protects U.S. industry from foreign dumping? Or should it come from the foreign commercial service that promotes U.S. industry overseas or from trade and industry sector analysis? This bill just does not say. If they are going to wholesale elimination of agencies and we will have wholesale reductions in force and offices. They are not being highlighted in this report, but mark my words on that.

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Mr. President, the bill authorizes and appropriates funds for a new Commerce Reorganization transition fund which finances personnel separation costs and termination costs for the various agencies proposed for elimination.

It provides $350 million for economic statistics and the Census Bureau, an increase of $84.5 million above the House bill, and $70.4 million above this year.

It provides $1.867 billion for the National Oceanic and Atmospheric Administration [NOAA], a decrease of $45 million below the current year, but $92 million above the House bill. Like the House, the NOAA fleet modernization program is terminated.

For the State Department and international affairs agencies, the bill severely cuts State Department operations funding $340 million below this year’s level. This will result in the director of many rather than the Secretary of State consolidates around the world and the layoff of 1,100 foreign service and civil service employees.

The bill rescinds $14 million in prior year appropriations for embassy construction, repairs and maintenance. This will likely result in the cancellation of our new embassy in Ottawa, Canada, and the elimination of repairs, maintenance and security improvements around the world.

The bill assumes S. 908, Senator HIMS’ authorization, which never proceeded in the Senate because of its controversial provisions. This bill, however, provides no money less funding for the State Department than Senator HEMS proposed to authorize.

The bill authorizes and funds a new Foreign Affairs reorganization transition fund and provides $26 million for this account. Bill language directs the OMB to fund the implementation of the Administration’s reorganization bill.

Funding for international organizations is cut by 37 percent below current levels. This year these organizations paid $873 million to the United Nations, the Organization of American States and 49 other international organizations. These assessments are based on treaty obligations. In 1996, the administration requested $923 million for these obligations. The bill provides only $550 million. We would have to pull out of a lot of international organizations or simply refuse to pay our bills.

The U.S. Information Agency [USIA] is devastated under the recommended bill. USIA is cut $354 million below the current year and $53 million below the House bill.

This bill cuts international educational exchanges, like the Fulbright program, by $43 million below the current year.

The bill provides $355 million for international broadcasting—the Voice of America, Radio Free Europe Liberty, and Radio and TV Marti. It is far below last year’s level, but above the House.

For independent and regulatory agencies, the bill terminates the Legal...
The Corporation was created during the Nixon Administration. I worked closely with Lewis Powell in the endeavor, and I stood with my friend, Warren, his yeoman aide, to save the LSC. Like the Senator from Texas, I have had concerns about the LSC being involved in class-action suits. But the House bill had already dealt with that, and it retained funding for the LSC.

The bill cuts all regulatory agencies at least 20 percent below a freeze. In each case, the bill uses fee collections to cut appropriations even though these fees often were created to enhance operations. The recommended bill will result in significant reductions in personnel and operations.

The Federal Trade Commission [FTC] is proposed to receive $79 million instead of $98 million as proposed by the House and provided currently. The FTC is charged with consumer protection and anti-trust duties. Again, we are looking at a third reduction in staff and cancellation of many important programs such as the FTC’s efforts to combat telemarketing fraud.

The Federal Communications Commission [FCC] is proposed to receive $166 million instead of the current level of $199 million. We keep giving new responsibilities to the FCC under the communications bills, but here we are cutting them below current levels.

The Securities and Exchange Commission [SEC] is funded at $238 million instead of the current level of $297 million. Unfortunately, the bill reduces charges to individuals registering securities and shifts $60 million in costs to the federal taxpayers. So I guess that says we want to combat violent crime in J justice, but white-collar crime by Ivan Boesky is fine.

The Competitiveness Policy Council is eliminated.

The Maritime Administration is funded at $70.6 million instead of $94.7 million, the current level, and far below the administration’s request of $309 million.

The Small Business Administration [SBA] is funded at $558 million, $359 million below this year, and $73 million below the request. SBA says that they will have to reduce over a third of their workforce based on the committee’s report language direction to fund grants and loans instead of personnel. This ignores many of the streamlining efforts that have already accomplished, resulting in reduction of 500 positions during the past 2 years.

REWRITING THE CRIME BILL & LEGISLATION

Finally, I propose this bill because it proposes to terminate the successful Cops on the Beat program and other authorized Violent Crime Reduction Trust Fund programs. In their place, the bill authorizes a new Crime bill. Talk about breaking new ground for legislation on an appropriations measure.

The Cops on the Beat or Community Oriented Policing program is one of the most efficient programs that has ever been created. Within a year of passage, 25,000 additional police are on the street in America. We will be debating this program soon, in more detail. But I must say that I simply do not understand why any member would want to terminate this program.

Drug courts is another authorized program. It was anat Ren’s creation, based on her experience in Miami. This is not a soft prevention program. Drug courts work and are getting non-violent defendants off of illicit substances and back into society.

This bill is block grant crazy. Legal services—They say, “Let us make it into a block grant.” Community policing and drug courts, they say, “Let us make it into a block grant.” I guess I do not understand. I remember the Republican filibuster against the President Clinton’s stimulus package in the spring of 1993. As I recall, the principal argument against that bill was that it was unfunded and was funded, and recipients had a wide discretion of how they could use block grants. In law enforcement in the past, we had a block grant program—LEAA—and it was a disaster.

Mr. President, this bill contains much more other pieces of legislation. It takes the limits off of sales from prison labor, and it changes affirmative action and procurement regulations.

I hope that my colleagues will carefully examine this bill. Many have said, “Yes, it is just a vote on the Senate—with respect to block grants.” I guess I do not understand. I remember the Republican filibuster against the President Clinton’s stimulus package in the spring of 1993. As I recall, the principal argument against that bill was that it was unfunded and was funded, and recipients had a wide discretion of how they could use block grants. In law enforcement in the past, we had a block grant program—LEAA—and it was a disaster.

Mr. President, this bill contains many more other pieces of legislation. It takes the limits off of sales from prison labor, and it changes affirmative action and procurement regulations.

I, for one, hope that the Senate will not go on record by supporting such an extreme, irresponsible measure. I hope we can make some changes to this bill and improve it.

Mr. President, obviously I am not supposed to speak at length, but I have to comment about my distinguished colleague on the Senate—Mr. Breaux. I say to him, I “President, I will veto it.” That may be true. All indications are that it could not be signed in its current form.

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Our foreign policy, our security as a nation, our success in this global competition, rests like a stool on three legs. We have, on the one leg, the values of a nation which are very strong and are unquestioned. America volunteer, America volunteer! It tries to feed hungry orbits in Somalia, volunteers will try to set up democracy in Haiti, and now is trying to help, of course, in Bosnia and in the Mideast where they are meeting right now. With respect to our values, it is very strong, and with respect to our economic leg, over the past 45, almost 50 years, it is fractured and willingly so.

We set up the Marshall plan. We sent our money and our technology and our entrepreneurs to countries abroad in the conflict between capitalism and communism, and capitalism has won out. And we are all very grateful for that. But during that 50-year period, what we had to do was sort of sacrifice our agricultural leg to the world's markets with the assault on market share. We had to give up markets to our friends in the Pacific rim, in Europe, and otherwise around, with a sort of nudist trade policy—running around here like nineties dressed as 'trade' legislation and that sort of thing. When there was not any such thing, and it is not now. We all understand that.

But now with the fall of the wall comes the opportunity to rebuild the strength of the economy. Yes, in many instances, President Clinton said we to get rid of the Department of Commerce. If President Clinton said we have to get rid of the Department of Commerce, the whole business community—all of that money runs under the wing of NFPA and of GATT, and all the Republican crowd, all of these executives, that Business Round Table—would come running up here: “What do you mean this Democratic President is trying to do away with the voice of business at the Cabinet table?” You cannot find them today. Why? Because the Republicans thought of that idea.

Yes, labor is to have a voice at the Cabinet table, but not commerce, the business leadership. Agriculture is to have a voice at the Cabinet table, but they want to do away with the Department. You will not find agriculture in the Constitution. You will not find the Labor Department there. But you will find, under article I, section 8 of the Constitution, that the Congress is hereby authorized to regulate foreign commerce. We are doing away with constitutional responsibilities in a willy-nilly contract fashion. Now with the fall of the wall, we really look upon the State Department to promulgate our values the world around and capitalism the world around along with the Department of Commerce.

Very interestingly, that is exactly what they are doing. Secretary Christopher and Secretary Brown have been doing an outstanding job, but there is no acknowledgment or recognition of it whatever in this particular appropriation. Rather, they tried to do away with the technology, the advanced technology program, the manufacturing center, the Office of Technology Policy and all, as we go on down the list—these various endeavors to keep America competitive.
wrote the Congressional Budget Office. I said that my friends on the other side of the aisle continued to talk in terms of a balanced budget by the year 2002. I ask unanimous consent that I may include the letter in the Record dated September 25 from the Congressional Budget Office, written to Hon. Ernest F. Hollings, E. O'Neill.

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


Hon. Ernest F. Hollings, E. O'Neill,

Dear Senator: This is in response to your letter of September 20 concerning CBO's scoring of the budget resolution for fiscal year 1996 adopted by the Congress. Because a budget resolution represents a general plan for future Congressional action rather than specific legislative proposals, CBO cannot provide estimates for a budget resolution in the same sense that it estimates appropriation bills or bills that provide changes in direct spending or revenues. CBO has compared the spending, revenues, and deficits proposed by the budget resolution with those projected by the Committee of Finance. We were unable to score the overall package.

The distinguished chairman of the Finance Committee was a gentleman who was going to do it in a year. Then we got to 3 years. Then under Gramm-Rudman-Hollings we got to 5 years. Now, this crowd comes with 7 years. And I can tell you within the next election we will come and have the distinguished chairman of the Budget Office has already gotten to 10 years. Now he has come back to 9.

We are going up, up, and away; 15 years. Say anything except to do the job and tell the American people that we have to deny programs and we have to raise taxes. We have to cut spending. We have to freeze spending. We have to close loopholes. We have to do all of the above to save $1 billion a day. This particular budget that we have that we are working on at this time does not come near to saving $1 billion a day to get us really rid of any kind of deficit at any time during that 7-year period.

Mr. President, the distinguished chairman of the subcommittee talks about philosophy—and I must touch on that and then we can go to these amendments—the philosophy here that they are trying to justify these programs to get things back to where they can do it as they please.

They said, if they really want to buy equipment, then they can do that. If they want to put policemen on the beat, then they can do that. It is the old adage that the best government is the one closest to the American people, the Jeffersonian philosophy. And I generally adhere to that except through hard experience.

Within the field of law and law enforcement, we have had our experience. We have seen what you do with the assistance enforcement program, LEAA, and that particular program gave block grants back to the States and communities. And when we looked around, we had—please, my gracious—down in Hampton, VA, they bought a tank and put it on the courthouse lawn and thought the courthouse was going to be attacked. The sheriff down in Alabama, he bought a tank because he was going to have control. The Governor in Indiana, he bought an airplane so they could fly down to New York or Chicago.

And they had all kinds of embarrassments where the money never got through to the policemen on the beat. Now, there is no education in the second kick of a mule. We learned from hard experience. So we came around with community policing and policemen on the beat and said, in order to qualify, you have to come with a match of 25 percent. And it is working extremely well. They have come with the philosophy of getting the grants back, which reminds me—and I have, of course, a memory that is resented many, many years from now and they will know it and they will know it and they will know it.
times. But I am referring to the stimulus bill where President Clinton came to town, we were going to stimulate the economy. And the distinguished chairman of my subcommittee, now who believes in block grants, said, heaven help us, we're going to abolish cemeteries, for whitewater canoeing, for fisheries, atlases, for studies of the sicken fin chub," and all these different other programs back at the local level. And the Senator slaughtered President Clinton's stimulus program—just his track on its tracks here on the floor of the U.S. Senate.

Now we come with the philosophy: Whoopee, let us get the money back to the Government; we are not smart enough to do anything here in Washington; only the people back home are smart enough. So here we go again. Here we go again, changing the formative law and making it into block grants. Taking working programs like policemen on the beat and the Legal Services Corporation. Abolishing these laws in that sense and providing monies for a program that has already been derided in the most expert fashion by my distinguished chairman.

can tell you now that we could not possibly live with the block grants. I think the President said he is going to veto that particular approach. Maybe we can reconcile it. I hope some of the defects of this particular bill can be cared for in Senator Hatfield's and my amendment. Abolishing these laws in that sense and providing monies for a program that has already been derided in the most expert fashion by my distinguished chairman.

And a reallocation here, I am grateful for that help. Of course, there are fundamentals still involved. And I will say it right to the point. We will be debating these things, as the distinguished chairman says. What we have done is really savaged Commerce and its programs, the State Department, and, force-feed a gourmet into the Justice. When I say "force-feed a gourmet into Justice." I look at the particular figures.

I can see that it took us from 1789 to 1983 or 1984 to get to a $3 billion J ustice Department budget. But it has only taken us the last 15 years to quadruple, quintuple—excuse me—and go up, and away to $16.95 billion in this particular 1996 appropriation. I know we have had various crime bills. I know we have had the programs and everything else of that kind. But I can tell you now that we have, with all the budgetary constrictions, to get a little bit better balance in this particular measure.

And in some of these, I am definitely of a mind where the Senator from Texas and I agree that you should not abuse the use of legal services money to sue the State and Governor and Legislature of New Jersey over welfare reform. We agreed that we could work the prisoners. I have worked prisoners as a Governor. I put in a laundry program. I put in a furniture repair program. I even had a Jaycee chapter as well as our educational programs behind the wall.

We agree on many, many things. But generally speaking, we did not have a chance to debate these things. Unfortunately, we had not conformed the appropriations to the basic statutes, whatever. We have just run willy-nilly through the programs trying to abolish departments and the working programs that have done so much for our society. I yield the floor to Mr. PELL. The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL addressed the Chair. Mr. President, the Senate is considering the appropriations bill for the Commerce, Justice and State Departments. It would be tempting to address this bill in the same fashion as I have other measures during this session which have represented—spending cuts. The natural inclination is to talk about how the cuts will affect specific programs or policies, many of which are vital to the security of our Nation or the well-being of our people.

In this context, I would be led to talk about how the CJS appropriations bill, as reported by the committee, lops off more than $1 billion—I repeat, more than $1 billion—from the President's request for foreign affairs agencies. There will be dramatic reductions in spending for the administration of foreign affairs, for the acquisition and maintenance of buildings, for the U.S. assessment of contributions to the United Nations, for U.S. contributions to U.N. peacekeeping, and for international exchange programs.

I understand that the chairman of the Appropriations Committee may offer an amendment which may add additional funds to the foreign affairs account—which I applaud and will support. I must speak now, however, to the bill as reported by the committee.

Many of you are aware now that there are programs and functions that are extremely important to me. When I recently announced my intention not to seek reelection to the Senate, some of my fellow Senators graciously came to the floor to say very kind things about me. For that I am deeply grateful, and indeed humbled. One thing that struck me that day was how many of my colleagues mentioned my support for the United Nations, and the fact that I have carried a copy of the charter with me for 30 years.

I have not carried it with me all of this time just for show and tell. I carry it because I believe in it, and I think that it has represented—and continues to represent—one of our best hopes for international peace and security. If we proceed with the reductions in funding for the U.S. contributions to the regular and peacekeeping budgets, however, the charter will become nothing more than pretty words. There will be no impact, and no joy, in carrying it in my pocket.

I have also been a consistent advocate of the U.S. Arms Control and Disarmament Agency [ACDA]. More than three decades ago, President Kennedy and the Congress decided to create by statute the Arms Control and Disarmament Agency—which was then and remains now the only separate agency on the warhead in the United States—because it gives the employees by discharging them, we will do grievous damage to our ability to lead the world in effective arms control, to verify compliance of often hostile nations with their arms control obligations to us, and to deal effectively with new arms control and proliferation threats.

As I said moments ago, it would be tempting to continue at length about the impact of this and other bills on programs such as arms control, the United Nations and U.N. peacekeeping. Today, however, I want to discuss this bill in broader and more far-reaching terms. Whether or not the Senate cares to admit it, our decisions and actions this year are going to have a direct and noticeable impact on our place in the world, and on our fundamental relationships with other world powers.

I am very proud of the U.S. record of leadership, achievement, and engagement in international relations. Twice in the 20th century, our Nation stood with its allies to fight on a global scale against aggression. During the cold war, the United States took the lead to contain the hegemonistic designs of the former Soviet Union. In the early 1990's, the United States led an international coalition of forces in turning back Iraq's illegal grab of Kuwait.

Equally as important, however, are the battles we did not fight—the conflicts that we avoided, the crises that we averted through diplomatic discussion and pressure. Even if we made mistakes from time to time, we were successful in all of these endeavors because of our belief in principles, our commitment to do what we thought right and our willingness to be actively engaged. Our decisions, policies, and programs were often of both human and material terms, but they made our world a safer place, and our Nation a better and more profitable place to live.

Our motivation sadly seems to have changed. Decisions are being made out of political expediency rather than sound judgment. Our impulse as politicians—particularly this year—is to rush willy-nilly to make budget cuts for their own sake, without regard to the consequences. Instead of using reason and analysis to construct a foreign policy, we are using calculators.

We must stop, think, and take a good hard look at how the United States can expect to project its power and influence under the circumstances now proposed. The State Department and the foreign affairs agencies of our Nation's executive branch to the world—cannot carry out its mission if they haven't the personnel, resources, and infrastructure required by the times.
It is not just a matter of doing more with less. I know the fiscal imperatives of our time, and appreciate that we are required to spend less and consolidate functions and responsibilities. The spending reductions in this bill are so severe, however, that the alternative is isolationism. We will be forced to close dozens of critical posts overseas, to renege on treaty commitments, and simply disengage from diplomatic activity. That is not sound fiscal policy, and it is certainly not leadership. It is isolationism. We are shutting ourselves off from the world, and our Nation’s security and economy will suffer.

I do not use the term isolationism lightly. It is a serious charge, but one that I think is accurate. We must acknowledge the impact of this bill on our ability to work with other nations, and understand that by violating our international commitments, we will undermine our own national security. And make no mistake, this bill will force us to violate our international commitments and will have an adverse impact on virtually every aspect of the quality of life of our citizens.

Allow me to give some examples. In 1990, Initiative for Action advocated that the United States would meet its treaty obligation to pay its U.N. dues in full, and that we would pay off our arrears. This bill would violate that pledge, and we will become the world’s biggest deadbeat. At a certain point, I point which is fast approaching, we will lose our vote in the U.N. General Assembly because of the size of our arrears. This bill will also affect our obligations to NATO, to the International Atomic Energy Agency, to the International Telecommunications Union, and to the World Health Organization. In other words, we will have a diminished role to play in the critical fields of international security, nuclear non-proliferation, global communications, and international health.

We also would hamstring the work of lesser-known but important organizations such as the Hague Conference on Private International Law and the International Institute for the Unification of Private Law. Both of these are making vital contributions to simplifying and unifying the international legal system. How many times have we interceded on behalf of constituents in international adoptions, or in cases of parental alienation, on the enforcement of legal judgments? This bill will afford our constituents less protection in such matters, and we will be responsible.

As a broader practical matter, American citizens will be far less able to rely on U.S. Government support abroad as a result of this bill, whether it be in consular, commercial, or political matters. My guess, and it pains me to say this, is that the Congress will try to duck its responsibility for such an outcome instead of facing up to our constituents and explaining why they cannot find support or relief. Members will try to shift the blame to the State Department and our overseas employees.

Recently, some have found it fashionable—and even humorous—to characterize the Foreign Service as a coddled group of elitist intellectuals who shun hard work and responsibility. As a career Foreign Service officer, I reject the characterization and am compelled to pay tribute to the dedicated and capable men and women who comprise our diplomatic corps. I know how hard they work, and how dedicated they are to serving our Nation’s interests. Whether we have just seen in Bosnia, have made the supreme sacrifice of giving their lives in service to the country.

Mr. President, we should honor these men and women and give them our full appreciation. At a minimum, we should see that they have a basic level of support to handle their ever-increasing responsibilities. We would never send our soldiers to war without support in depth; why would we send our diplomats whose service is no less noble or patriotic than that of any soldier—to do political battle with virtually no support at all?

Mr. President, we are forsaking the lessons of history for political opportunism already has paid so dearly. Neither in my view, is an acceptable choice. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise for a couple of minutes. First, I ask unanimous consent, if Senator Gramm and Senator Hollings will consider this, that the Domenici-Hollings amendment on legal offsets follow the amendment to be offered by Senator Hatfield.

Mr. HOLLINGS. We have no objection.

Mr. Gramm. Reserving the right to object, I have been talking to several other Members. We are trying to work out an agreement where we might actually reduce it down to four amendments that we would have on the bill. The Senator’s would be one of those amendments. As I see it, we will be—

Mr. DOMENICI. No, I reserve it for a moment. I will just stay here in any event, I say to the Senator. If we do not agree to it, I will be here until Senator Hatfield’s amendment is disposed of and then seek the floor. I withhold my request.

Mr. President, might I just comment to my good friend Senator Hollings, I want to share a thought with him. He was talking about jumping off the Capitol at the end of this year if we do not have a balanced budget.

Mr. HOLLINGS. No, when you say it is possible to jump off the Capitol at the end of this year, you are now heading, our children will be left with one of two choices. The first is to accept that their forebears let the quality of life of our citizens.

Mr. DOMENICI. If you are good, I will join you.

Mr. HOLLINGS. Yes.

Mr. DOMENICI. Mr. President, I just want to comment on Senator Hollings’s rather lengthy and, clearly, from his standpoint, a very important speech about a balanced budget. I first want to say, if we accomplish in the next 45 days what was in the budget reconciliation instruction, and if we stick to the caps on appropriations, which we have done, I understand even points of order have been sustained on the floor without even the thought of exceeding the caps, my guess the unexpected result will be the congressional Budget Office will tell us that we are on a path to a balanced budget, and we will get there.

In fact, I would not be surprised if when we finish that exercise that they do not tell us that there is, indeed, some kind of a small surplus. And I just want the Senators who are voting for all of that to know they did price out that budget resolution. They priced it out so that they could tell us that, in fact, the surplus would be there in any substantial economic dividend that puts us in the black. I know my good friend does not agree with that. He did not vote for it and does not support it. I am talking to on the other side of the aisle.

So if the Senator will withhold, I will go back and talk to them and maybe look at these offsets and see if we can work it out. I want to be sure that the sound fiscal policy is certainly not leadership. It is isolationism. We are shutting ourselves off from the world, and our Nation’s security and economy will suffer.
Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the annual record of the gross Federal debt beginning in 1945 going right on down to the estimated 1996 debt, and the real deficit going from 1945 down to 1996 with the gross interest costs, which has only been computed to be included since 1962.

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

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Mr. HOLLINGS. Mr. President, the distinguished chairman of the Budget Committee is talking and the Senator from South Carolina is talking, but the facts speak more loudly than each of us. For example, the gentleman talking then was the President when he came to town. In 1980, we were paying interest costs of $74.8 billion on a national debt of over 200 some years of history, with all the wars and the administration and the conference from South Carolina. Now, it is estimated to go to $348 billion just in interest costs. That was the crowd that came and talked and said they were going to save us from waste, fraud, and abuse. In fact, I got an award from the Grace Commission, working with them. By 1989, we had to report it, and 85 percent of the Grace Commission's recommendations had been implemented.

However, wanting to do away with waste, as we talked—look what actually occurred. It has gone to the greatest waste in the history of the Government—$74.8 billion to $348 billion. Over $200 billion has been raised in costs for nothing. If we had the two-hundred-seventy-one billion dollars here now for these things, you would not have extended debate on labor, health and human resources. We would have the money for those programs.

You would not have an amendment on Legal Services. We would have provided for it and for cops on the beat and for the State Department, and the strengthening of our technology, and all.

My point is that we keep on talking, and we get estimates from the CBO and all of these econometric models and all the economists that we keep following and, as old Tennessee Ernie said, we are another day older and deeper in debt.

I yield the floor.

Mr. SIMON. Will my colleague yield for a moment?

Mr. HOLLINGS. Yes.

Mr. SIMON. Mr. President, I simply want to acknowledge that the person who educated me on gross interest over against net interest was the Senator from South Carolina.

Administrations like to put net in-take into their budgets. We do not do that with any other function of Government. We do not say the Justice Department took in so many dollars in fines and everything, therefore, their budget is that much less. It is the gross expenditure for the Justice Department. But because administrations like to fuzz things up a little bit, they were using net interest. The real figure is gross interest. I want to acknowledge Senator FRITZ HOLLINGS for having educated me on this. And I hope he is educating a lot of other people, too.

Mr. HOLLINGS. I thank my distinguished colleague.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GRAMM. Mr. President, in a moment we will have an amendment by the distinguished chairman of the full committee, which is going to shift the allocation among the subcommittees providing additional funding for Commerce, State, Justice and in the process solving many of the problems that hold this bill up.

While we are waiting on that—and I understand the distinguished Senator from West Virginia has now signed off on this—just in it to say, as the new chairman of this subcommittee, that I have had an opportunity, for the first time, to work with the distinguished Senator of the full committee, Senator HATFIELD, in that capacity. I think it is fair to say that the success that I have had in bringing the bill to this point is, in no small part, due to the assistance that I have had from the distinguished Senator from Oregon. I simply want to say that the Senator from Oregon has not only been very helpful to me in this bill, but I think he epitomizes what the skilled and dedicated legislator is all about.

I had a great deal of respect for Senator HATFIELD before we started trying to put this bill together. I have even more respect for him now. In case we have the miracle of miracles and we work out an agreement and this bill quickly becomes law and everybody scatters to the far ends of the world, I just wanted to say how much I appreciate the distinguished chairman for the personal help and counsel he has given to me. He certainly is deserving of our thanks and our appreciation.

Let me, in waiting for the amendment to be ready, simply suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAMM. I ask unanimous consent that the pending amendment be temporarily set aside for the purpose of considering a technical amendment which has been cleared on both sides.

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

AMENDMENT NO. 283

(Purpose: To make certain technical corrections)

Mr. GRAMM. Mr. President, I send a technical amendment to the desk and ask its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 283.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 15, line 23 strike "(2) and (3)" and insert in lieu thereof "(2), (3), and (4)".

On page 115, line 9 strike "$40,000,000" and insert in lieu thereof "$22,000,000".

On page 20, line 8 strike "$114,463,000" and insert in lieu thereof "$114,463,000".

On page 16, line 2 after "103±322" insert "; and authorized by section 210501 of Public Law 100±322".

On page 151, line 18 strike "(2) and (3)" and insert in lieu thereof "(2), (3), and (4)".
ERRATA: SUBCOMMITTEE ON COMMERCE, JUS-
RECORD, as follows:

On page 151, line 19 strike ""(2)"" and insert ""(3)"".
On page 152, line 13 strike ""(3)"" and insert ""(4)"".
On page 153, line 14 strike ""(4)"" and insert ""(5)"".
On page 154, line 21 strike ""(5)"" and insert ""(6)"".
On page 155, line 3 strike ""(6)"" and insert ""(7)"".
On page 155, line 9 strike ""(7)"" and insert ""(8)"".
On page 155, line 19 strike ""(8)"" and insert ""(9)"".
On page 151, line 16 after ""Sec. 64."" insert ""(2)"" This section may be cited as the ""Equal Opportunity Act of 1995.""

Page 161, line 25 strike "$115,000,000" and insert in lieu thereof "$34,000,000".

Mr. GRAMM. Mr. President, the bill that is currently before the Senate, H.R. 2076, fiscal year 1996 Commerce, State, Justice appropriations bill, as reported by the Senate Appropriations Committee, contains several inadvertent errors. This amendment is purely technical in nature and is intended to accurately reflect the amendments which were adopted in both subcommittee and full committee.

This amendment has been cleared by the distinguished floor manager on the other side. It is simply necessary to straighten out all of the drafting errors that have been created in getting the bill to this point.

Mr. HOLLINGS. It is cleared on this side.

The question is on agreeing to the amendment.

The amendment (No. 2813) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

Mr. GRAMM. Mr. President, I ask unanimous consent that the corrections to the committee report that I send to the desk be printed in the RECORD.

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

Mr. HATFIELD. Mr. President, first I want to express my deep appreciation for the kind words expressed by the chairman of our subcommittee, Senator Gramm of Texas, and to say in response that it has been one of those wonderful occasions and experiences that sometimes happen in the Senate, and that is when we get down together one-on-one to negotiate and to try to find the other person's perspective, the other person's priorities, and come to a new appreciation that this indeed, is one of the strengths of this institution—its

lines of the border will include the agents noted by the Department as well as agents currently assigned to the San Clemente and Temecula checkpoints in California."

Page 37, the entry for the Committee recommendation for State and local block grant/COPS should be $1,690,000. A new entry should be added for Police corps. $997,000 appropriated in fiscal year 1996. The House is zero. Committee recommendation is $10,000.

On page 69, under National Oceanic and Atmospheric Administration the paragraph should read:

"The Committee recommends a total of $1,867,000,000 for the Oceanic and Atmospheric Administration (NOAA) appropriations. This level of funding is $45,135,000 below the fiscal year 1995, and is $230,140,000 below the budget request. This recommendation is $92,159,000 above the House allowance, and includes transfers totaling $55,500,000 and fees totaling $3,000,000."

Page 77, under Fishing Vessel Obligations Guarantees:

"Committee recommendation—250,000."

Page 85, under U.S. Sentencing Commission:

"The Committee recommends $7,040,000 for the salaries and expenses of the U.S. Sentencing Commission for fiscal year 1996."

Page 112, under Radio Construction: "Committee recommendation—22,000,000."

"The bill includes $22,000,000 in new budget authority for the "Construction of Research Facilities" account for fiscal year 1996. This amount is $2,000,000 below the budget request.""
diversity. And at the same time there is diversity in this institution, it does not mean that it means stalemate. It does not equal stalemate diversity.

I could find no person with greater sensitivity and words indeed than that person. Gramm in writing out the differences and also at the same time, working for the same goal. I come to appreciate, from time to time, the strength of diversity. I sometimes also think that if I listened more, spoke less, I would hear what the other person might be saying a little more clearly than depending upon imagery or upon labels such that we oftentimes use in shortcut methods. That also does not build for personal relationships.

Mr. President, I have sent to the desk an amendment on behalf of Senator Hollings, myself, and on behalf of the Appropriations Committee in general. I filed an amended application for the Commerce, Justice and State bill that allows us a very high item of interest in budget authority and $325 million in outlays to be spent on the bill.

Now, this begs for, again, a quick description again of our process. I know beyond the beltway that is not necessary in a very high item of interest. For our own colleagues to understand that at the beginning of any appropriations cycle that the chairman of the Appropriations Committee, along with consultation and along with staff and so forth, creates what we call the 602(b) allocations.

Now, we do not follow the House of Representatives. In other words, we have our own methods and our own priorities and so forth. So that reflects basically, once the committee has adopted the chairman’s mark, that represents basically a committee action.

In this particular case, we had $1 billion—I am talking now in round numbers, $1 billion in a 602(b) allocation to this subject. That was headed by Senator Gramm and with the former chair of the committee and now the ranking member, Senator Hollings of South Carolina, $1 billion under the House of Representatives.

Now, there were obvious problems just from that allocation. These people had to work within that framework once adopted by the committee. They did so. That meant that they had to not just reduce and diminish some of the cuts that have been built up over a period of time, but they also had to select between agencies and between programs within agencies.

Now, when we go to the House of Representatives for a conference ultimately as we do with each bill, the chairman of the House committee, Robert Livingston of Louisiana, and I have the responsibilities under the Budget Act that we have to find a way to bring those two committees together on an agreed target figure.

Now, this is going to strike the difference. We say, all right, that is $500 million for the Senate in this case and $500 million less for the House. You take that as your target figure to make your adjustments.

In this particular case, probably one of the most severely hit of all subcommittees in the Commerce, Justice, State Subcommittee, and they had an extraordinarily difficult role in the Senate to be within the ballpark of meeting with the House floor conference.

Why wait until that moment when Congressmen Livingston and I to have to sit down and say, why not do it now? That is all this amendment represents. We are saying, in effect, we had the previous bill, HUD, independent agencies. We had to adjust that downward in terms of meeting a figure to the House figure for HUD, independent agency, the Senate HUD, independent agency, to get together for conference.

What I have done at this point is to advance that moment of time and decision that would have to take place in the 11 days or so from now. Why not do it now? That is all this amendment represents. We are saying, in effect, we had the previous bill, HUD, independent agencies. We had to adjust that downward in terms of meeting a figure to the House figure for HUD, independent agency, the Senate HUD, independent agency, to get together for conference.

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President Clinton oxygen. I feel like, in this amendment, which I am proud to cosponsor, we are getting oxygen. It keeps some very important programs alive.

The distinguished full committee chairman, Senator HATFIELD, has been very sensitive and very understanding and very realistic. There is none of this kind of pork or any of these other kind of things. This amendment adds back funds to high priority commerce programs—$95.5 million for the International Trade Administration; we just had lunch on yesterday with the Special Trade Representative. We are trying to get more competitive and more realistic in a trade policy in this country, and we need these additional funds to just bring them up to where they would be at a freeze.

There is $32 million for the Minority Business Development Agency; $25 million for NIST—the National Bureau of Standards, manufacturing centers, the information technology centers; $8.1 million for the Export Administration; and finally for the front line—after the fall of the wall—namely, our State Department, which the distinguished ranking member, Senator PELL, has just mentioned. $177 million is added to their operating accounts to bring them back to the level proposed in S. 908, Senator HELMS' Foreign Relations Authorization Act.

For the USIA, we are adding back $20 million for international educational exchanges, including $10 million for the Fulbright program. We also add back funds for the USIA operations, international broadcasting, and technology modernization. And for the independent agencies like the Federal Trade Commission, the Small Business Administration and others, we have added back certain funds that could be available now with this new allocation.

I thank particularly the staffs on both sides, Mark Van Der Water, David Taylor, Scott Corwin, and Steve McMillen, who worked until about 2 o'clock this morning, trying to bring this about.

I am very much appreciative to Senator HATFIELD, and I hope we can adopt this amendment.

The PRESIDING OFFICER. The Senator from Hawaii?

Mr. INOUYE. Mr. President, I express my gratitude to the chairman of the full committee, to the Senator from South Carolina for addressing a concern I have been discussing with them for many months, the East-West Center. It is a very important national asset, and I thank them very much.

For those not familiar with the East-West Center, it is a world-class American institution dedicated to promoting better understanding and relationships with the countries of Asia and the Pacific.

It was created by a bipartisan government 35 years ago that foresaw the need for a better understanding between the United States and the Asia-Pacific region. The importance of the East-West Center is important now more than ever.

The Asia-Pacific region is the fastest growing region in the world. Today, over half of the population of the world is in Asia. This region has about 20 percent of the world's land area and 60 percent of the gross product of the world.

For every jumbo jet that flies over the Atlantic Ocean, four fly over the Pacific Ocean. Our trade with Asia is four times larger than our trade with Europe.

It has become the fastest growing economy. Trade with Asia provides nearly 3 million jobs to Americans and, by the year 2003, our exports to Asia will be more than double those to Europe.

I would like to share two concrete examples of the East-West Center's success in the Asia-Pacific. There was a time when our relations with Indonesia were next to nil. Our Ambassador was recalled. There were no exchanges or any formal conversation.

Indonesia cut off all ties with the United States. It would not permit any of its citizens to become Fulbright scholars, but it continued to send men and women to the East-West Center. One year it was a sandstorm. Our relationship with Burma over the years has been hot and cold. At one time, Burma sent our Ambassador home and closed our consulates. But Burma sent students to the East-West Center. It was believed this was a unique spot on the globe where men and women could freely discuss issues of the day.

The East-West Center now has 42,000 alumni globally; a network of distinguished colleagues in government, business, the media, academia, and the professions.

The student degree program, with 4,000 graduates, is a major component of cultural and technical interchange at the Center.

As you can see, the East-West Center is a national resource that must be funded at a responsible level. I ask my colleagues to support this national institution.

Mr. AKAKA. Mr. President, I am pleased to join the senior Senator from Hawaii, the senior Senator from Utah, the distinguished ranking member of the subcommittee, and the chairman of the subcommittee, in offering this amendment to restore funding for the East-West Center.

Over the past 35 years, the East-West Center has established its reputation as one of the most respected and authoritative institutions dedicated to the advancement of international cooperation throughout Asia and the Pacific. The Center plays a key role in promoting constructive American involvement in the region through its educational, dialogue, research, and outreach programs. The Center addresses critical issues of importance to the Asia-Pacific region and United States interests in the region, including international economics and politics, energy and natural resources, population, the environment, technology, and culture.

The achievements of the East-West Center bear repetition. Since its creation by Congress in 1960, the Center has hosted thousands of participants from over 60 nations and territories to research, education, and conference programs.

Scholars, statesmen, government officials, journalists, teachers, and business executives from the United States and the Pacific have benefited from studies at the Center. These government and private sector leaders comprise an influential network of East-West Center alumni throughout the Asia-Pacific region. I continually encounter proud Center alumni in meetings with Asian and Pacific island government officials and business leaders.

The success of the Center as a forum for the promotion of international cooperation and the strength of the position of personal relationships developed at the Center are reflected in the prestige it enjoys in the region. Japan, Korea, Taiwan, Indonesia, Fiji, Papua New Guinea, Pakistan, and other American allies in the region—over 20 countries in all—support the Center's programs with contributions. The Center has also received endowments from benefactors in recognition of its contributions and value.

Mr. President, the countries of Asia and the Pacific are critically important to the United States and our political and economic interests into the next century. By the year 2000, the Asia-Pacific region will be the world's largest producer and consumer of goods and services. The markets for energy resources, telecommunications, and air travel are fast becoming the world's largest.

Future economic growth and job creation in the United States is closely linked to our ability to identify and secure opportunities in the world's fast-growing economies. The East-West Center provides leadership and advice on economic issues, including APEC [Asia Pacific Economic Cooperation] and the U.S.-Pacific Island Joint Commercial Commission.

Mr. President, given the strategic and economic importance of the Asia-Pacific region to U.S. interests, and the credibility and trust enjoyed by the East-West Center in the region, I believe it is unwise to slash funding for the Center. We have closed, or are in the process of closing, AID offices in the region. These actions are sending signals to our friends and others in the region that our interest is waning.

For over 3 decades we have invested in the East-West Center, creating an important resource that provides understanding, promotes understanding, cooperation, provides expertise on complex regional issues, and advises U.S. foreign policy decisionmaking. If we fail to provide
the Center adequate funding and a reasonable transition period to self-sufficiency, we will discard a valuable resource—a first-class institution that has earned an international reputation for its research scholarship and academia. I believe we cannot ignore the importance of this institution and its significance to our interests and security, such action is short-sighted and ill-advised. I urge my colleagues to support our amendment. 

Several Senators addressed the Chair.

Mr. HATFIELD. The Senator from Delaware.

Mr. BIDEN. Mr. President, one of the things that is deficient, in my view, about the legislation before us— and I will shortly send an amendment to the desk about it that I think we have worked out—and that is, in fairness to my friend from Texas, the chairman of the committee, in his, if I have this correct, 602(b) allocation, initially he got less in that allocation than not being critical of the chairman. He got less money in that allocation than was needed to fund some of the things I think he believes should have been funded, and I strongly believe, along with Senator HATCH and a number of my Republican as well as Democratic colleagues, should be funded.

In this case the present appropriations bill before us funds the Violence Against Women Act at $75 million less than it should be. It is funded at $100 million. I am going to shortly send an amendment to the desk to increase that funding. I ask to be corrected if I am mistaken here, but I will, on behalf of Senator GRAMM and myself, send to the desk, along with Senators HATCH and WELLSTONE and others, an amendment that would restore the $75 million in this account.

I understand the reason we have been able to work this out is a consequence of the agreement of the distinguished chairman of the full committee and the ranking member of the subcommittee, this subcommittee, who have come up with this agreement that, in turn, has had the effect of providing an additional $75 million for the violent crime trust fund. It is that from which this is funded.

Of all the legislation I have ever worked on here in the Senate, this one, the Violence Against Women Act, has been, in my case, my first priority and proud accomplishment. When passed the Senate with overwhelming bipartisan support I was hopeful that support would be maintained. Frankly, I lost faith there for a little while when the appropriations bill first came out.

I am actually waiting for the amendment so I can send it to the desk. I will explain the rest of it while I am waiting.

Mr. DOMENICI. Will the Senator yield for an observation?

Mr. BIDEN. I will be happy to yield for an observation.

Mr. DOMENICI. I do not raise this officially, but I do not believe the Senator can offer an amendment at this point. I do not believe this amendment is amendable at this point.

Mr. BIDEN. Mr. President, I say to my friend from New Mexico, I have overwhelming confidence in his participation in this amendment. If he says it, there must be a likelihood he is correct.

I would like to ask Senator HATCH, and Senator GRAMM and myself, send to the Senate from Delaware to introduce an amendment that would, in fact, restore the $75 million to the violence against women account?

The PRESIDING OFFICER. When we dispose of the Hatfield amendment.

Mr. BIDEN. That is a very useful piece of information, Mr. President. I thank him very much, and, if it is appropriate, I ask unanimous consent that, upon disposal of the Hatfield amendment, I be recognized to offer my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, I will not object if I can add my unanimous consent to it.

Mr. BIDEN. That, upon disposal of the Hatfield amendment, I be recognized to offer my amendment.

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

Several Senators addressed the Chair.

Mr. WELLSTONE. I will just take a moment, Mr. President.

Mr. HATFIELD. Mr. President, I say to my colleague from New Mexico, I will just take a minute.

Mr. DOMENICI. No problem.

Mr. WELLSTONE. Mr. President, I want to want to emphasize what the Senator from Delaware said, including being an original cosponsor to this amendment. I will wait. I am very pleased an agreement has been worked out. I will wait until the Senator from Delaware introduces this amendment.

My understanding is we have a good agreement here. At that point in time I would like to talk about the importance of what we have done.

So I just ask unanimous consent to be included as an original cosponsor.

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

Mr. HATFIELD. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I would like to ask Senator HATFIELD, the sponsor of the amendment, a clarification question.

First of all, I strongly compliment my colleague on the amendment. I certainly intend wholeheartedly to support it. Under Small Business Administration you have an overall $30 million add-on. Am I correct that in the specifics, that for women’s outreach programs, you have increased that to $4 million?

Mr. HATFIELD. The Senator is correct.
Cancer, it's not heart attacks, it's not the hands of a man. It is not breast America's women is a violent attack at them of the dimensions of this problem yours alone. Help is on the way. A commitment to the women and children of violence Against Women Act. We made too long, we have considered this kind turned our back on the women injured of violence. For too long, we have looking the other way when it comes to this kind of violence. For too long, we have turned our back on the women injured by men who say they love them. For too long, we have considered this kind of violence a private misfortune rather than a public issue. Last year, we took a historic step in the right direction when we passed the Violence Against Women Act. We made a commitment to the women and children of this country. We said: We will no longer look the other way—the violence against women will no longer be yours alone. Help is on the way. And just in case my colleagues have forgotten, let me once again remind them of the dimensions of this problem. The No. 1 threat to the health of America's women is a violent attack at the hands of a man. It is not breast cancer, it's not heart attacks, it's not strikes. Its violence against women by men. These attacks have many names. They are called rape, assault, felonies. And the attackers have many faces. They are friends, relatives, spouses, and strangers. The statistics are terrifying: Every 18 seconds, a woman is beaten by her spouse, boyfriend, or other intimate partner. Every 5 minutes, a woman is raped. Nearly two out of three female victims of violence are related to, or know, their attackers. As many as 35 percent of all women who visit emergency rooms are there because of family violence. This violence also takes a tragic toll on our children: Three million children each year witness violence in their homes. Studies show that these kids are more likely to drop out of school; abuse alcohol and drugs; attempt suicide; and, sadly, grow up to be abusers themselves. The violence women suffer reflects as much a failure of our Nation's collective moral conscience as it does the failure of our Nation's laws and regulations. How else can we explain the results of a study of junior high school students conducted in Rhode Island a few years ago? In the study, the students were asked: When does a man have the right to have sexual intercourse with a woman without her consent? It seems like an outrageous question doesn't it? But 80 percent of the students said that a man had the right to use force on his wife, 70 percent said he had the right to use force if the couple was engaged, and 61 percent said force was OK if the couple had already had sexual relations, and 30 percent said force was justified if the man knew the woman had had sex with other men. And the appalling answers do not stop. About 25 percent of the boys said it was OK to force sex on a girl if the boy had spent $10 on her—and, astounding, 20 percent of the girls who were interviewed agreed. If these are the attitudes we have communicated to our youth, it is hardly surprising that we tolerate a level of violence against women unprecedented in our history. Somehow, we seem to forget that a society suffers what it tolerates. That's why we cannot retreat from the commitment we made last year with passage of the Violence Against Women Act. The act, let me remind my colleagues, has four basic goals: To make our streets and homes safer for women; to make the criminal justice system more responsive to women; to start changing attitudes—beginning with our kids—about violence against women; and to extend to women the equal protection of our Nation's laws. The Senate, the House, and the President—we all agreed last year that Federal dollars should be committed to these goals. Specifically, we authorized funding to: Hire more police and prosecutors specially trained and devoted to combating family violence; Train police, prosecutors, and judges in the ways of family violence—so they can better understand and respond to the problem; Implement tougher arrest policies, including mandatory arrest for anyone who violates a protection order—so that the burden of seeking an arrest does not fall on the women who may fear further violence; Expand and improve victim-service programs and provide specially trained family violence court advocates; Fund rape crisis centers and open more battered women shelters; and Fund family violence education courses in our schools. In the past 12 months, the Violence Against Women Act has already been put into action. In States and communities all across the county, Federal dollars are helping coalitions of police, prosecutors, judges, and victim service organizations work together—to make arrests; win convictions, secure tough sentences, and offer women the information and practical resources they need. As many of you may already know, the first conviction and sentencing under the act took place recently in West Virginia. It is a case about Christopher Bailey and his wife, Sonja, and it is enough to take your breath away. Christopher Bailey severely beat Sonja, forced her into the trunk of his car, and drove aimlessly across West Virginia and Kentucky for 6 days. Sonja suffered massive head injuries and severe kidney and liver dysfunctions. Her face was black and blue, and her eyes were swollen shut. She had bruises on her neck, wrists, and ankles. Today, Sonja remains in a coma. Christopher Bailey was convicted under a new provision in the Violence Against Women Act, and for kidnapping. Early this month he was sentenced to serve the rest of his days in prison. Obviously, Bailey's conviction won't bring Sonja out of her coma. But it does send a clear message all across the country. Bailey was convicted under a new provision in the Violence Against Women Act of 1994; $1,500,000 for national stalker and harassment reduction, as authorized by section 1001(a)(7) of the Omnibus Crime Control and Law Enforcement Act of 1994; $500,000 for Federal victim's counselors, as authorized by section 40114 of that Act; $50,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the Omnibus Crime Control and Safe Streets Act of 1968; $250,000 for the study of State databases on the incidence of sexual and domestic violence, as authorized by section 40632 of the Violent Crime Control and Law Enforcement Act of 1994; $1,500,000 for national stalker and domestic violence reduction, as authorized by section 40603 of the Act. Ms. BOXER, Mr. KOHL, Mr. KERRY, and Mr. WILLSTONE, proposes an amendment numbered 2815. Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with. The amendment is as follows: On page 25, line 1, strike "$100,900,000" and insert "$175,400,000". On page 25, line 2, strike "$24,500,000" and insert "$6,000,000". On page 26, line 1, strike "$65,000,000" and insert "$30,000,000". On page 26, line 7, strike "$6,000,000" and insert "$7,000,000". On page 28, line 2, insert after "Act:" the following: "$1,000,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the Violent Crime Control and Law Enforcement Act of 1994; $500,000 for Federal victim's counselors, as authorized by section 40114 of that Act; $50,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the Omnibus Crime Control and Safe Streets Act of 1968; $300,000 for the study of State databases on the incidence of sexual and domestic violence, as authorized by section 40632 of the Violent Crime Control and Law Enforcement Act of 1994; $1,500,000 for national stalker and domestic violence reduction, as authorized by section 40603 of the Act." Mr. BIDEN. Mr. President, I offer this amendment to restore $75 million in funding for the Justice Department programs contained in the Violence Against Women Act of 1994; $1,500,000 for national stalker and domestic violence reduction, as authorized by section 1001(a)(7) of the Omnibus Crime Control and Law Enforcement Act of 1994; $1,500,000 for national stalker and domestic violence reduction, as authorized by section 40114 of that Act; $50,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the Omnibus Crime Control and Safe Streets Act of 1968; $250,000 for the study of State databases on the incidence of sexual and domestic violence, as authorized by section 40632 of the Violent Crime Control and Law Enforcement Act of 1994; $1,500,000 for national stalker and domestic violence reduction, as authorized by section 40603 of the Act."
the act: The program to bring together State and local police, prosecutors, and victims advocates to target family violence and rape.

Last year, we authorized $30 million for that program. This bill only allocates $1 million—so $29 million dollars were given to the police, prosecutors, and victim services grants—that means more than 1 out of every 2 dollars were cut.

This is money for more police and prosecutors to crack down on violence against women; to train police, prosecutors, so they can understand better and respond more effectively to violence against women; and to develop, enlarge and strengthen programs for victims of violence—like rape crisis centers, battered women’s shelters, and special victim advocates.

This bill also cuts $1 million earmarked especially for rural areas to combat family violence, and the bill completely eliminated the $1.5 million targeted to combat stalking against women.

In restoring $75 million in funding for the Violence Against Women Act, this amendment does not take any new money out of the taxpayer’s pockets. Instead, the money comes out of other places in the bill—where there’s much more money appropriated than was requested by the President.

These cuts would have had a devastating impact on the lives of women and children in America. I am pleased that so many of my colleagues are joining me in restoring virtually all of the funding for the Violence Against Women Act.

Let me also point out: the Appropriations Subcommittee on Labor, Health and Human Services, and Education, chaired by my distinguished friend and colleague from Pennsylvania, Senator SPECTER, has recommended full funding for the Violence Against Women Act programs within the jurisdiction of the Department of Health and Human Services for rape education and prevention, domestic violence community demonstration projects, a domestic violence hotline, and battered women shelters.

In fact, recognizing the urgency of this problem, the subcommittee wrote in an additional $2.4 million for battered women shelters—shelters which serve as a refuge for women and their children when they are hurt and most vulnerable—and in greatest need of our compassion and support.

I applaud the subcommittee’s efforts to honor the commitment that we made last year to the women and children of America. And I hope that when the HHS appropriations bill comes to the floor, the full Senate will honor that commitment as well.

But right here, right now, we must not roll back—nor must we turn back now. For too long, our society has turned its back on the nightmare that is violence against women.

Obviously, we cannot legislate humanity and kindness. And we cannot outlaw hatred and ignorance. But we can help make America a safer place for women—and I call on everyone here to help do just that. I hope all of my colleagues will join me in restoring full funding to the Violence Against Women Act programs. The women and children of America are counting on us.

Mr. President, I ask unanimous consent that the $25 million be added as an original cosponsor, and Senator KERRY of Massachusetts, Senator GRAMM of Texas is already the original cosponsor, Senator HATCH, Senator BOXER, Senator WELSTONE, and others who will come to the floor I am sure who wish to be part of this amendment. I ask unanimous consent that they be added.

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

Mr. BIDEN. Mr. President, in the interest of time because there are other amendments and a lot more to do on this bill, let me briefly explain this amendment and then yield to the chairman of the subcommittee for any comments that he would like to make, and he surely knows the mechanics of this better than I.

Mr. President, in order to restore every single piece of the Violence Against Women Act funding, there is a requirement that would be required that we would have to have had $76.7 million.

I just to give my colleagues an idea what I mean about that, the violence against women grants; pro-arrest policy; rural domestic violence, court-appointed special counsel, national stalking reduction, training programs, Federal victims counselors, grants for televised testimony, State databases, national baseline study for campus sexual assault, equal justice for women in the courts, training for Federal and judicial personnel, Federal Judicial Center, and Administrative Office of the Courts, are all recipients of some portion of the violence against women funding.

Unfortunately, all we have available is $75 million, not $76.7 million to make this account totally whole.

So my amendment lays out which portions of all of those functions that I have just read are fully funded and which are not able to be funded with this addition of $75 million.

I want to put this in context. We are going to be funding $175 million out of $76.7 million. This is a $75 million increase. I wish it were a $76.7 million increase, but then again, as my friend, the chairman of the full committee is saying, I am being a little greedy in that regard. I realize every program has to take a little bit of hit.

But at least we can say that if we add $75 million in the accounts that we may call the violence against women grants, pro-arrest policy, the rural domestic violence, court-appointed advancing programs, national stalking legislation, training programs, Federal victims counselors—we are not able to fully fund the grants for televised testimony. That was originally in our legislation—$250 million. It is funded at $175 million, so we fund nearly fully the State database. We are not able to fund the national baseline study on campus sexual assault at this moment. We are not able to fund equal justice for women in State courts, training for Federal judicial personnel, Federal Judicial Center, and Administrative Office of the Courts.

So that is what the additional $75 million goes to make whole.

I would be delighted to yield to the chairman of the committee for any comments and thank him, by the way, for keeping—as he always does with me and with everyone else I know—a commitment. He told me that if he had the money he would make this account at least mostly whole. He got the money, and he did just that. And I thank him for that.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me thank Senator BIDEN for working with me on this amendment. We had provided in the appropriations bill a tripling of funding for violence against women, which represented our largest increase in expenditure in the bill. Our problem was that, given the overall financial constraint we had, there was no way we could fund the authorized level of the program.

So Senator BIDEN and I were in a position that we both wanted to provide more money. This has been one of the top priorities of the bill. But yet we were still short of the full program that the Senate had authorized.

When the distinguished chairman of the committee allocated additional funds to the subcommittee, as he did in his amendment that was just adopted a moment ago, it allowed us to go ahead and to fully fund this program.

I am, therefore, very happy to join my colleague from Delaware in this amendment. I think given the funds that are now available that this represents a wise expenditure of money.

I join my colleague in supporting this amendment, and urge our colleagues to adopt it.

I yield the floor.

Mr. WELSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELSTONE. Mr. President, I would like to thank both of my colleagues, the Senator from Delaware, and the Senator from Texas and, of course, the Senator from Oregon, Chairman HATFIELD.

I would like to see the Senator from Utah whom I think has been a real leader in this area. I am really pleased that we have come together in a bipartisan way on this issue.
Mr. President, I could take a tremendous amount of time. But I think there are other Senators who want to make some brief comments on this as well. So let me just try to summarize several hours worth of what I would like to say on this issue.

In my State of Minnesota I think a lot of people are lighting a candle in this area. The statistics nationally are really grim. I think the FBI statistics is something like every 15 seconds a woman is battered in our country.

Mr. President, I think that we are taking this seriously now in a way that we have not before as a country, both as a crime and also in terms of the kind of things that we need to do to prevent it.

Mr. President, I think what this Violence Against Women Act funding does—I am so pleased that we were able to go up from $100 million to $175 million, is it provides funds to communities who can make good and positive things happen.

Mr. President, I think this is not bragging to say that Minnesota really is one of the leaders in the Nation—I think I would probably argue leader in the Nation—when the general view that we have in my State is we are never going to be able to reduce the violence in our communities unless we are able to reduce the violence in our homes. It spills out into the streets. It spills out into the neighborhoods. It spills out into the communities.

I think the second view that we have in Minnesota—and I think it is a view around the country—is that, whereas, when I was a kid, if we knew something was wrong in another home, whether it be a woman who was battered or a child—sometimes a man, but unfortunately mainly women and children, not that I think it is good that men are battered—I think it is awful that so many women and children have to pay this price. I think now we have reached the conclusion, as opposed to a point in time when we said it was no one's business, I think we are now seeing it as everybody's business. This is the kind of problem that could be tackled at the community level. It is the kind of problem that could be tackled by the law enforcement community. It is the kind of problem that could be tackled by the clergy. It is the kind of problem that can be tackled by women and others who are thrown there in the trenches in the battered women's shelters. It is the kind of problem that can be tackled in our schools where children learn alternatives to violence as a way of solving disputes. We really think as a country we can take this problem.

I think this amendment which has been accepted by both sides is an extremely powerful, an extremely personal, and an extremely important message by the U.S. Senate that we are not going to back down from this national community effort.

I am proud to be a cosponsor. I thank the Senator from Delaware for his very fine remarks.

Several Senators addressed the Chair. The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise in support of this amendment. I thank my colleague Senator SPECTER, and I worked last year to see that the Violence Against Women Act was signed into law. According to both the House and Senate Appropriations Committees, however, the Justice Department has only spent $2 million of the total $25 million provided for fiscal year 1995. We have to restore this funding. The act is a small, albeit vital, step toward addressing the problem of family violence and violence against women generally.

So I certainly urge all colleagues to be supportive of this amendment. I am pleased to stand and support this excellent bill, and I compliment my friend and colleague from Delaware for his fine leadership in this bill as well as those in the Chamber and others who have contributed to the bill and to the funding of it. And I particularly thank my colleagues on the Appropriations Committee for their willingness to fully fund this bill.

I yield the floor.

Mr. KERRY addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I join my colleagues in saying a few words in support of this amendment. I particularly thank the Senator from Delaware, Senator BIDEN, for negotiating and working with us, and the Chair and those in the Chamber and others who have contributed to the bill and to the funding of it.

I yield the floor.

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I yield the floor.
Mr. President, when you consider violence against women, the truth is—and it has been ignored by prosecutors across America—a large percentage of those unwanted pregnancies in this country are the pregnancies of 13- and 14- and 15- and 16-year-olds by virtue of the actions of 24- and 25- and 26-year-olds. The last time most of us looked, that constituted statutory rape in this country.

A Congressman has just been tried on the basis of actions of an adult with a teenager, and the truth is that here in America a large percentage of preying on the young is taking place. The unwanted pregnancies that we see in this country are in fact criminal actions. So this act in effect allows us also to focus on that totally ignored aspect of illegitimacy.

And the truth is, if there was a stronger capacity within the welfare system to identify those people, we might begin to hold people accountable for their actions, but not do it in a way that creates a huge problem for the totally innocent child born as a consequence of those actions.

So, Mr. President, I congratulate the Senator from Delaware. I think this is a very important outcome. And I thank the Senator from Texas for acknowledging that this act that only recently went into effect is working, it is having a profound impact and it is healthy for this country to allow it to continue to work.

Mr. BRADLEY. Mr. President, I rise in support of the Biden amendment to increase by $75 million the appropriation for enforcement of the Violence Against Women Act. As an original cosponsor of the amendment, it is vitally important that Congress does not waiver in its commitment to ensure that women in America are free from the devastation of domestic violence.

Domestic violence is a social sickness, and women and children are its most common casualties. Violence against women in the home is a heinous crime being committed behind locked doors and pulled shades in cities and towns across America. By committing this additional funding to the Violence Against Women’s Act, Congress will give women the tools to bring this crime out of the shadows.

Mr. President, a policeman recently said, “The most dangerous place to be is in one’s home between Saturday night at 6 p.m. and Sunday at 6 p.m.” He forgot to add, “Especially if you’re a woman.” A 10-year study found that in cases where the identity of the killer is known, over one-half of all women murdered in America were killed by a current or former male partner, usually a male family member. Studies have also shown that violence against women in the home causes more total injuries to women than rape, muggings, and car accidents combined.

In my home State of New Jersey, there were 66,248 domestic violence offenses reported by the police in 1993. Overall, women were the victims in 83 percent of all domestic violence offenses. Mr. President, 41 women lost their lives as a result of domestic violence disputes in my home State in 1993. These are not nameless, faceless statistics, Mr. President, these are women who endured torture and abuse for years during marriages and were violently murdered.

Mr. President, I have introduced a bill to create community response teams around the country. Community response teams work in tandem with police to help victims of domestic violence right when a crisis occurs. By working together, community response teams and police can provide victims with the services so essential to them after they have been battered or beaten in their own homes.

Mr. President, an increasing number of jurisdictions in the State of New Jersey are employing community response teams. For example, in Middlesex County, which includes South River, New Jersey, there are at least two jurisdictions with community response teams. South River, with a population of approximately 15,000, has a community response team employing 7 community volunteers. In Woodbridge, a community response team of approximately 30 volunteers is serving a population of 100,000. These community response teams, serving both large and small communities, are effectively assisting women who are suffering physical and mental abuse.

Mr. President, Violence Against Women’s Act funding is available for these successful programs in New Jersey to continue to aid victims of domestic violence. In addition, Violence Against Women’s Act funding will assist in the fight against domestic violence by providing needed resources to investigators, prosecutors and police officers.

Mr. President, if domestic violence is to be obliterated in our society, we need to provide communities with the resources they need to prevent instances of violence and protect victims from further abuse. By providing additional funding to the Violence Against Women’s Act, Congress will strengthen the lines of defense in the battle against domestic violence.

Ms. MIKULSKI. Mr. President, I rise today in support of the Biden amendment, which restores the $75 million shortfall in funding for programs to prevent violence against women.

After years of hearings, reports and statistics we learned that our society and our criminal justice system has been ignoring violence against women, often with tragic consequences for women, their children, and ultimately, for society as a whole.

We learned that one-fifth of all aggravated assaults in the United States occurred in the home; 3 to 4 million American women a year are victims of family violence; one-third of all American women who are murdered die at the hands of a husband or boyfriend; one-third of all women who go to emergency rooms in this country are there because of family violence; an estimated 1 million American women are raped each year; children in violent homes are 1,500 times more likely to be abused or neglected; over the last 10 years, crimes against women have risen nearly three times as fast as the total crime rate; 98 percent of the victims of rape never see their attackers caught, tried or imprisoned; over half of all rape prosecutions are either dismissed before trial or result in an acquittal; and almost half of all convicted rapists can expect to serve an average of a year or less behind bars.

The solution to the problem is not to treat women as victims—it is empowerment. And that is what the act does. It allows women to take control of their lives, such things as rape prevention programs and counseling provided at federally funded battered women’s shelters.

The Violence Against Women Act is the first comprehensive approach to all forms of violence against women. The law made a substantial commitment of Federal funds over a 6-year period to combat family violence and sexual assault. The commitment we made sends resources and support to those devoted to responding to and preventing violence against women.

I urge every Senator to support this amendment. Let us not go back on our promises made to the women of this country.

Mr. WELLSTONE. Mr. President, I rise in support of Senator BIDEN’S amendment to restore full funding for the Violence Against Women Act.

This amendment would restore $76 million to programs in the Violence Against Women Act. As an original cosponsor of the amendment, it is vitally important that Congress does not waiver in its commitment to ensure that women in America are free from the devastation of domestic violence.

Violence against women is the first comprehensive approach to all forms of violence against women. The law made a substantial commitment of Federal funds over a 6-year period to combat family violence and sexual assault. The commitment we made sends resources and support to those devoted to responding to and preventing violence against women.

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We know that the majority, 70 percent, of men who batter women also batter their children. Or children may be injured during an incident of parental battery. We also know that 25-45 percent of all women who are battered are battered during pregnancy. Battering during pregnancy is the most common cause of birth defects. Children who are battered are emotionally by witnessing the abuse of their mothers. They are traumatized by fear for their mother and their own helplessness in protecting her. They may blame themselves for not preventing the violence. They may feel that the violence is somehow their fault. They are likely to go free, charged with lesser offenses.

Violence Against Women Act programs must be fully funded. Anything less would result in a betrayal of the bipartisan promise Congress made. Domestic violence should be a priority for the nation, not just for the bipartisan commitment to address domestic violence. But now, only a year later, we are considering a bill to cut funding for these programs.

We know all too well that it is the violence that can come home to us from our streets. If we do not stop the violence in the home, we will never stop it in the streets. We knew this when we passed the crime bill last year and it is still true today.

Domestic violence is one of the most serious issues we face. It knows no boarders. Neither race, gender, geographic or economic status shields someone from domestic violence. As a matter of fact, next week my wife and I will be sponsoring the display of 25 photographs by Donna Ferrato, an award winning photojournalist. These photographs provide powerful and graphic evidence of this crisis, and I invite my colleagues to view them. I am only disappointed that these photos could not be displayed while we debate this issue.

Mr. President, nationwide, every 15 seconds a woman is beaten by a husband or boyfriend, over 4,000 women are killed every year by their abuser, and every 6 minutes a woman is forcibly raped.

As I travel and meet more and more women and children who are victims of domestic violence, I become even more outraged that a woman’s home can be the most dangerous, violent, or deadly place she can be: if she is a mother, the same is true for her children. It was with the passage of the Violence Against Women Act that Congress said loudly and clearly it is time to stop the violence. It is time to make homes safe again, and it is time to help communities across the country deal with this crisis. Without full funding, Congress will turn its back on women and their families. And it will turn its back on communities struggling to deal with increasing crime.

I urge my colleagues to support the Biden amendment.

Ms. SNOWE. Mr. President, I would first like to thank my colleague from Delaware, Senator BIDEN, for crafting and offering this amendment as well as my colleague from Utah, Senator HATCH, for his leadership.

Mr. President, I want to speak to you today not just as a U.S. Senator, or a citizen of Maine, or even as a Republican. I want to speak to you as a woman, and I want to speak to you on behalf of the 135 million women of America about an issue that has more likely than not touched each of our lives at some point in time.

Let me just say that it is not an uncommon occurrence in Congress for either Chamber to authorize funding for a particular program but not to fully fund that program at the authorized levels. It happens often, and, in some circumstances, there may be justifiable reasons to take such a course of action. By not fully funding some wasteful programs, we might even save the taxpayers of America some of their hard earned tax dollars and use them towards programs that work and that make a difference in the daily lives of America’s families.

But I think it would come as a great surprise to many Americans—especially to those 135 million women—to know that a program such as the Violence Against Women Act, which was passed as part of last year’s crime bill in Congress, has not yet been fully funded.

Now, I think it is safe to say that the Violence Against Women Act is one program that deserves its full funding. It is not wasteful. It is not unnecessary. It is not—and should not be—a target of waste watchers. And it is not to be overlooked. But it has been.

Fortunately, today, we have an opportunity to correct this oversight. For those who may be wary of its funding or who may doubt its necessity in this era of penny-pinching and budget scrutiny—let me just take a moment to paint a picture of life in America’s streets and homes for some women.

It is a picture where more than 2.5 million women annually are victims of violent crimes.

It is a picture where an estimated 5,000 women are beaten to death each year.
It is a picture where in the 1990's, one out of every eight women have been the victim of a forcible rape. It is a picture where every 15 seconds in America, a woman is battered—and where every 6 minutes, a woman is raped.

It is a picture where, between 1993 and 1995, the number of known rape offenses increased by 11 percent—despite more awareness of violence against women.

It is a picture where a woman in our country is more likely to be assaulted, injured, raped, or killed by a male partner than by any other assailant.

It is a picture where at least a third of all female emergency room patients are battered women, while a third of all homeless women and children are without shelter because they are fleeing domestic violence.

And the litany of tragedy and violence goes on to paint, an even fuller, starker, and more disheartening picture.

This is an issue about a woman's safety, a woman's rights, and our ability as a nation to protect those inalienable rights as guaranteed under the Constitution.

But how can we defend a woman's right to "life, liberty, and the pursuit of happiness" when we cannot protect her from "rape, battery, and the onslaught of violence."

Mr. President, the Violence Against Women Act is a critical tool in our fight to combat domestic violence across America. It is an essential bill for our mothers, our daughters, our sisters, our relatives, our friends, and our coworkers.

It contains provisions that enhance penalties for sex offenders; provides grants to States to improve law enforcement, prosecution, and victim services in cases of violent crimes against women; authorizes over $200 million for rape prevention and education programs; provides funds for the creation of a national domestic violence hotline as well as battered women's shelters; and does much more.

These provisions will help become a shield for women and deliver justice to victims of hateful and brutal assaults.

Already, within the past year, two individuals have been imprisoned for life terms under this act for beating their spouses or girlfriends.

While I will be the first to say that violence knows no gender barriers and is clearly a threat to both men and women alike, no one can turn a blind eye to the fact that women are especially to be found in the scope of danger and crime.

Consider that women are six times—6 times—more likely than men to experience violence committed by an intimate. Consider that one-third of all victims of domestic violence are, in fact, women.

But the men of America have a stake in this legislation as well, which is why the fight here on the floor has been joined by such men as Senators BIDEN and HATCH.

Namely, the fathers, sons, and brothers of the women of America who face the threat of violence each and every day. They deserve to know that their loved ones are safe on the streets of our cities.

It is for these reasons that I and 29 of my Senate colleagues requested that we fully fund the Violence Against Women Act in an August 9 letter to the Senate Appropriations Committee.

The Violence Against Women Act should be fully funded as it is supposed to be fully paid for out of the crime trust fund that Congress created last year. But the bill before us does not provide for it. Rather, the money within the crime trust fund have been what they call "re-prioritized," which in English means that the Violence Against Women Act has been short-changed to the tune of about $75 million.

In fiscal year 1995, total funding for this program was $26 million. The House Appropriations Committee approved $36 million for the program for fiscal year 1996, and the Senate Appropriations Subcommittee funded $100 million—a threefold increase over current funding, but still far short—woefully short—of what American women need and deserve to combat violence and domestic abuse.

Today, we are proposing a remedy to meet this crisis of funding head-on. The amendment offered by the Senator from Delaware and the Senator from Texas provides the additional $75 million needed to fully fund the Violence Against Women Act.

Mr. President, let me conclude by saying that—as a former Cochair of the Congressional Caucus for Women's Issues—I understand and know first-hand the importance of making women's issues a priority for Congress, because we must speak out for the 135 million women and girls of America.

We cannot let them down. We can no longer treat the Violence Against Women Act as a political football and simply fumble away women's needs and concerns.

I urge my colleagues to support the Biden-Gramm amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senate from Delaware.

Mr. BIDEN. Mr. President, I was taught by a fellow from South Carolina when I first got here 23 years ago that when you won, sit down. I mean, we won in the sense that everyone wins here. Women of America win.

I would like to have a unanimous consent—I will be very brief—that the following Senators be also added as original cosponsors: Senator INOUE, Senator AKAKA, Senator KOHL, Senator LEAHY, Senator HARKIN, and Senator SANTORUM, the Presiding Officer, from Pennsylvania.

Let me just say in closing, and then I will ask for the yeas and nays at that point, that there are certain facts people should keep in mind. I think of all the facts that affect women in this Nation as a consequence of violence, the thing that surprises me, that surprises most Americans most often are the following:

That family violence is the No. 1 cause of injury to adult women in America—No. 1, No. 1—not breast cancer, not heart attacks, not strokes. The No. 1 cause of injury to women in America is family violence, in almost every instance the fist of a man, supposedly someone who loves them.

The second point that people should keep in mind and why this is so important: Every 18 seconds a woman is beaten by her spouse, boyfriend, or other intimate partner in the United States, making the home the most dangerous place in the world to live for being a woman in a democracy. As many as 35 percent of all the women who will visit an emergency room in our cities tonight, one-third of all the women who will walk into an emergency room in Washington, DC; Wilmington, DE; Boston, MA; Butte, MT, one-third of them tonight who walk in will be there as a consequence of the fist of a man. He will be there because a man has injured them.

Three million children a year witness family violence in their homes. And as a consequence, the statistics are overwhelming. I will not bore you, but those children significantly have a greater likelihood of dropping out of school, becoming alcohol and drug abusers. They are the highest percentage of suicide attempts, and most frightening of all, they become abusers—abusers. They become the abusers.

So, for these and 1,000 other reasons we could all speak to, I think this is a very, very important error we are correcting in this bill.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think we are going to decide to stack votes. So what I would like to do, unless someone else wants to speak on this amendment, is to suggest the absence of a quorum until we can decide if we are going to do that, in which case we would simply make this the first vote when we do the stacked votes.

Mr. BIDEN. Mr. President, before the Senator suggests the absence of a quorum, I want to make it clear it is perfectly fine with me whatever way the Senator wishes to proceed.

Mr. HATCH. Will the Senator yield?

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask if it would be permissible then to proceed
simply to speak on some issues with respect to the crime bill instead of putting in a quorum call.

I know, Mr. President, that discussions are going on now. We are negotiating, and Senator Biden is representative of that group on the issue of cops. Police. I would like to talk for a few minutes, if I may, Mr. President, about this issue of cops. It is one that I have been deeply involved in and concerned about for all the time I have been in the Senate. And in the last few years we have finally been able to elicit a response to try to meet one of the great needs of the country.

There is not one of us who has not been touched at one time or another in one way or another and sometimes very personally. I remember listening to the Senator from North Dakota in his own personal tale of what happened to his wife right here over on Capitol Hill. There are dozens of other examples. We have had a Senator randomly shot in the street in Washington. We have had countless citizens in this city right around us shot. It is a war zone. It is the murder capital of the country. And it ought to have set a better example for what response should have been from the U.S. Congress.

Such a random act of violence occurred just a couple days ago in Massachusetts to a young prosecutor. Assistant Attorney General Paul McLaughlin, the son of a friend of mine, former Lieutenant Governor and U.S. attorney. But this young assistant attorney general, himself involved in working to fight the problem of gang warfare and gang criminal activity, was simply gunned down going to his car coming home in the evening after his normal 12-hour day in a prosecutor's office. A hooded young person walked up and blew him away.

I talked this afternoon with his father. And there is no way to express the sorrow that he and his family feel and no way for us to express our sorrow on their behalf.

But I can say, Mr. President, with clarity that what the State and local entities have been doing over the course of the past years and the Federal response to that is truly unconscionable because we have literally been disarming in the face of an increasing threat on an annual basis, a threat that is measurable. And all of us have come to understand, I hope finally, that nothing is more important in terms of really fighting crime than to put police officers on the streets of the country.

Mr. President, I have quoted the statistics before, but somehow they do not always seem to break through. But 15 years ago in this country we had 35 police officers per violent crime. Today we have, depending on the statistics, a range of 3.5 violent crimes per police officer. You can go into any of the major criminal activity communities in this country and you will find they are operating with less police today with a greater threat than they were 10 or 15 years ago with a lesser threat.

Ask anyone in those communities about the relationship between the community and police. By and large the police come in, they drive through in a car, they are people you do not know them. Is it a sign of transient authority, not the sign of a present authority that makes an impact on people's lives. The word "cop" came from the British concept of "constable on patrol." It was simply a model. So, indeed, criminal activity rarely took place right under the nose of a police officer on patrol.

Now, in recent days, we have sent a message to people in this country that is very difficult to trace, very difficult to make arrests. In fact, one of the most startling statistics that I have come across is the fact that out of the 200,000 murders that occurred in this country in the last decade, fully two-fifths of those murders that occurred by total strangers. Americans are being killed, not, as the FBI once told us, in these family disputes or lovers' quarrels, but they are being murdered randomly by people they have never seen and never met. And what is more frightening is fully two-fifths of those murders are committed by people who will never walk through the threshold of a police station or a courthouse.

Fully two-fifths of the murderers in America will never even come to justice. And 100,000 of our citizens in the last decade were gunned down by utter strangers. So when people say, well, violent crime is going down in America because you have 150 murders in your city last year and this year there were only 190, how are you supposed to feel safer? What greater safety is there in knowing that instead of 200 murders, 190 of your citizens were blown away?

Mr. President, 100,000 police officers is an inadequate response. I say to my colleagues today that 100,000 police officers is an inadequate response. And what is really bizarre in this new equation we are debating in Washington, the two greatest public crises in America today—public safety—are already today 100 percent and 95 percent controlled at the local level.

So here we are with an implosion of capacity to resolve these problems at the local level, and we are busy saying we are going to go back to the local level more responsibility with less resources. If that does not underscore the need for more than the 100,000 police officers, I do not know what does. Here we are, for the first time in American history the Federal Government is paying for local police officers.

Now, I hear some people around the country say, "What a fakery. You are only going to provide 20,000 police officers because you are not paying for the whole thing." When was it the responsibility of the Federal Government to pay for the whole thing? Every time we have had a Federal grant program, it would be with a matching grant and we have had not 90 percent, 90 percent, or some percentage. Sometimes we continued the 90 percent-10 percent relationship for 10 years, 15 years.

In this particular case, we have decided that this is a local crisis that we want to ask the local communities and the States to accept what is already their responsibility—to put police officers on the street. We did not say we want to put floodlights on the jail, we want to put computers in the station, we want new cruisers on the road. We want to put police officers on the streets of this country because that is what we need to begin to regain and take back control over our communities and our streets.

Mr. President, in recent weeks and months, I have toured a lot of Massachusetts and gone into the communities that, because of our effort, have community policing. I can tell you about Northampton, Ma. I can tell you about Gardner, Mass., about a host of areas, such as Boston and Lowell, where they now have community policing, and where they have been able to put it into effect and literally reclaim the community.

I was in a housing project where you now have community police officers on bicycles who ride around through the entire community, who walk around and play with the kids, who started basketball with the kids. The kids run up to them when they come into the area, instead of running away from them, which is what they used to do. These officers have helped literally to give that community hope.

In Lowell, on Bridge Street in Somerville recently a couple of years ago, druggies and prostitutes had taken over the street. Citizens were afraid to come out of their homes in the street because of the vermin that were in the street. I talked to storeowners who said that as a result of those druggies and prostitutes, their earnings have gone down and people would not come into the store anymore. Lo and behold, with a grant from the Federal Government, we opened a small storefront and police officers went in; they are there all the time. The druggies are gone, the prostitutes are gone, the community has been reclaimed, and it is coming back to life.
functions where those people left to their own devices might well have pulled out a knife, a gun, or been one of the people in the statistics that the Senator from Delaware talked about earlier.

So, Mr. President, it works. It is working in America. Countless people have said, “You are not going to put more than 5,000 police on the street within a year. You are not going to put 15,000, you are never going to get to 20,000.” Well, more than 25,000 new police and 10,000 additional police are already on the streets. It is because of the effort of this legislation.

So, Mr. President, it is my profound hope that in the next hour, or moments ahead, we will succeed in working out an agreement with the Senator from Texas to be able to put back into this bill the original concept of the community policing.

Block grants work in some cases. I am not against block grants. I voted for them. But in this particular case, we have tried to target a particular national emergency and need, and we have tried to do it in a way that is administratively inexpensive. In fact, it is less expensive to implement the direct justice grant program of the Department of Justice than to administer the 2.5- to 3-percent administrative costs that will go with a block grant.

Moreover, under the block grant, there is absolutely no guarantee whatsoever that police officers will get to the street rather than the floodlights to the jails or the new cruisers to the station, or the new computer. And that is not to say those things are not important. It is not to say that people do not have a right to ask for those things and that they do not need them. But when 95 percent of the crime is a local jurisdiction, and the Federal Government is singling out a particular road and the particular emergency, we have a right to expect that that emergency is going to be met. And if one community does not need those police, Mr. President, I guarantee you there are 10 other communities in America that will gladly use the money to put police on the streets and make their citizens safer.

So, again, it is my hope that we will succeed in doing what we have already done, what we voted for in an overwhelming fashion. One that will not be undone in this legislation.

Mr. GRAMM. Mr. President, unless someone suggests otherwise or to the contrary, I believe that the debate on the pending amendment No. 2015 is completed. A rolcall vote has been asked for by Senator BIDEN. So I ask unanimous consent that the vote occur on amendment No. 2015 at 9 p.m. this evening, and that this amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized to offer his amendment.

Mr. DOMENICI. I yield to the Senator from Arizona who has an inquiry to make.

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be recognized for 10 minutes to propose an amendment, at which time the amendment be set aside for the purposes of the Senator from New Mexico to propose an amendment, and ask that at least 20 minutes be reserved after the disposition of the amendment of the Senator from New Mexico that 20 minutes be allocated to the Senator from Colorado [Mr. Brown], and 10 minutes for the Senator from North Dakota [Mr. DORGAN].

The PRESIDING OFFICER. The amendment numbered 2016 is now before the Senate. The Senate from Arizona [Mr. MCCAIN] for himself and Mr. DORGAN, proposes an amendment numbered 2016.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed.

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

The amendment is as follows:

At the end of the Pending Committee Amendment, insert the following new section:

SEC. 2. COMPETITIVE BIDDING FOR ASSIGNMENT OF SATELLITE BROADCAST SERVICES.

No funds provided in this or any other Act shall be expended to take any action regarding the applications that bear Federal Communications Commission File Numbers DBS-94-11EXT, DBS-94-15ACP, and DBS-94-16MP; Provided further, that funds shall be made available for any action taken by the Federal Communications Commission to use the competitive bidding process prescribed in Section 306(j) of the Communications Act of 1934 (47 U.S.C. §306(j)) regarding the disposition of the 27 channels at 110° W.L. orbital location.

Mr. MCCAIN. Mr. President, I ask unanimous consent to be recognized for 10 minutes.

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

Mr. MCCAIN. Mr. President, this amendment, sponsored by Senator DORGAN and myself, would mandate that the FCC auction the one remaining block of DBS spectrum which it holds.

Currently, the FCC is considering how to dispose of the 27 channels at 110° west longitude orbital location. If this spectrum is auctioned, industry experts state that it will sell for between $300 to $700 million. The alternative that is being considered by the FCC would call for the American people to receive much less valuable spectrum and $5 million dollars. Clearly, it is in the best interest of the American people that this spectrum be sold at public auction.

Mr. President, I want to state at the outset I have no interest in any of the companies involved in this issue. None of them to my knowledge is represented in my State. I do know that the company that is seeking this spectrum for $5 million is the largest cable company in America.

Mr. President, the spectrum is a finite public resource. It is owned by the American people. And it may prove to be the single most valuable resource held by the public. In recognition of that fact, in 1993, the Congress mandated the first auctions of the spectrum. The still-in-process wireless telecommunications auction has generated the unprecedented $8 billion dollars and the auctions are only half completed. This amendment recognizes the value of the spectrum and our duty as people’s trustees to handle the spectrum in a manner that most benefits all the American people.

Mr. President, this amendment ensures that the American people benefit from the sale of this spectrum.

The amendment does not choose winners or losers. It does not allow ACC, the corporation that sat on this spectrum for 10 years and did nothing to make a profit.

The amendment does not change the rules in the middle of the game. ACC never owned this spectrum, it received a license under certain terms—terms it never lived up to. The FCC therefore correctly withdrew ACC’s license and permission for it to construct a DBS system.

Most importantly for consumers, this amendment will not prevent new service from being offered to the general public, including service to those who live in Alaska and Hawaii. Those living in rural areas are also not adversely affected in any way by this amendment and the I want to note that the National Rural Electric Cooperative Association strongly supports this amendment.

Mr. President, let me lay out the facts surrounding this specific block of spectrum.

In 1984, the FCC divided a segment of the spectrum to be used for the broadcast of direct broadcast satellite [DBS] services. Under the terms of the agreement, spectrum would be allocated to the companies at no charge and in return, the companies would proceed diligently toward the construction of a DBS system. Of all the spectrum allocated, only 3 blocks of spectrum—located at 110° W.L., 111°10’ W.L., and 119° W.L.—cover the continental United States. These blocks are known as full-conus blocks and are considered by industry experts to have the highest dollar value.
DirecTV and Echostar were given two of the coast-to-coast U.S. blocks of spectrum. Advanced Communications Corporation [ACC] was given the third full conus block, which consisted of 16 channels. The FCC granted permits before DirecTV began construction of a DBS satellite service at 110° west longitude. ACC paid nothing for the sole use of this spectrum.

In November 1991, the FCC altered its spectrum allocation scheme and gave ACC at total of 27 channels at 110° W.L., making the block even more valuable.

DirecTV is currently up and running and available to the consumer. EchoStar is expected to be operational earlier next year.

During this time, ACC was repeatedly warned by the FCC that it was not acting in compliance with the due diligence standard.

In the summer of 1994, due to congressional mandate, the FCC began the process of auctioning spectrum. The PCS spectrum auction, which is now about half complete, has generated approximately $8 billion for the Treasury and the American people.

On September 16, 1995, ACC entered into an agreement with TCI to sell its spectrum to TCI for $45 million. Such a sale would have meant that ACC would actually have profited from warehousing the spectrum for 10 years.

Only 3 months later, in December 1994, ACC applies for a second extension of its construction permit.

The International Bureau of the FCC determined that ACC had not proceeded in due diligence and issued an order on April 26, 1995 that concludes “Advanced [Communications Corporation] must now return the public resources it holds to the public so that these resources can be put to use by others.” This decision was based on the fact that 11 months before ACC applied for the extension it had done nothing by warehouse the spectrum.

The bureau felt compelled to use a new, tougher definition of due diligence due to the congressional mandate regarding spectrum auctions.

After the International Bureau decision, the full Commission began consideration of a plan to allow TCI to give up some of its allocated DBS spectrum and in return receive the ACC spectrum at a cost of $5 million. This $5 million is to pay for costs incurred by ACC. The spectrum being given up by TCI is valued at a substantially lesser value than the ACC spectrum. TCI would give up 11 channels at 119° and spectrum that allows DBS service to be provided to Latin America, the Pacific rim and China. No industry experts believe at this time that those markets will be nearly as lucrative as the U.S. market. It could be decades if not longer before the TCI satellite offer was to be worth the value of the full conus U.S. spectrum.

Mr. President, the FCC is at a standstill regarding this issue. It is looking to the Congress for guidance. And I believe it is appropriate for us to let the FCC know that the Senate believes that the spectrum should be disposed in a manner that brings about the greatest amount of benefit to the American people. Adoption of this amendment would ensure such an outcome.

Mr. President, let me clarify, this is not about helping one company or hurting another. It is not about determining winners or losers. It is about protecting the public's interest. And faced with the staggering debt we have left for our children, we must act in a manner that ensures this spectrum is sold for the highest amount possible.

Further, if this spectrum is auctioned, any company. TCI, Hughes, a telephone company, anyone, can bid for the spectrum. The auction alone will determine who is the winner and loser. Not only is it the right thing to do, but it is the fairest thing.

There will be some issues raised I would like to address quickly.

First and foremost, I have nothing against TCI and have every reason to believe that it operates in an exemplary manner. And, this amendment is not about TCI or any other company, it is about protecting the people's interests.

TCI and its subsidiary Primestar have stated that they have spent considerable money on procuring two satellites and for a signal compression facility.

First, TCI chose to purchase these two Space system/Loral DBS satellites in 1990 for use by TEMPO, a cable consortium, for use at TCI's high-power DBS system located at 119° west longitude.

In 1993, TEMPO asked the FCC to modify its DBS system and disclosed that it had granted Primestar an option to use the same satellites to enable Primestar to operate with its own DTH system in the fixed service satellite high-power density arc. This is different from where most DBS satellites are located.

At this point the same two satellites had been proposed to be used in two different locations.

Now Primestar distributors are circulating a memo that states that if the ACC deal does not go through, that TCI has other options for satellite deployment.

Mr. President, we must put aside corporate interests and think about what action will best serve the American people. In this case, I think there can be no doubt that the public will benefit most from auctioning this spectrum.

Mr. President, the Citizens Against Government Waste, Consumer Federation of America, the National Taxpayers Union, and the National Rural Telecommunications Cooperative have all sent letters in support of this amendment.

I ask unanimous consent that the letters be printed in the RECORD.

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


DEAR SENATOR, The Council for Citizens Against Government Waste (CCAGW) and our 600,000 members support H.R. 2076, the Commerce, Justice, State, and the Judiciary Appropriations for FY 1996. CCAGW recommends Subcommittee Chairman Phil Gramm and Appropriations Chairman Mark Hatfield for sending to the floor a bill which spends $4.6 billion less than the budget request and $1 billion less than the House version of H.R. 2076.

The $26.5 billion spending bill prioritizes the budgets for each agency under its jurisdiction. For example, the Justice Department receives $35 billion for FY 1996, almost $3 billion more than in FY 1995, to fight our nation’s crime problem. But with a nearly $5 trillion national debt, there is always more to cut from spending bills.

CCAGW supports the following amendments:

The McCain amendment to mandate the Federal Communications Commission to auction the one remaining block of Direct Broadcast System spectrum. If this spectrum is auctioned, communication industry experts believe it will sell for between $300 to $500 million. It is in the best interest of the American people that the spectrum be sold at public auction.

The Grams amendment to eliminate the East-West Center and the North/South Center, saving taxpayers $11 million next year. CCAGW opposes the following amendments:

Any attempt to restore or increase funds to the Legal Services Corporation.

The Bumpers amendment to restore funds to the Federal Maritime Administration.

The Bumpers amendment to restore funds to the Small Business Administration.

The Bumpers amendment to restore funds to the Death Penalty Resource Centers.

The McCain amendment to mandate the agencies under its jurisdiction ensure that state and local law enforcement agencies are properly funded.

CCAGW urges you to support these amendments and H.R. 2076. It prioritizes cuts while ensuring that state and local law enforcement agencies are properly funded.

Sincerely,

THOMAS A. SCHATZ,
President.

JOE WINKELMANN,
Chief Lobbyist.

CONSUMER FEDERATION OF AMERICA, MEDIA ACCESS PROJECT, CENTER FOR MEDIA EDUCATION,
September 21, 1995.

HON. JOHN MCCAIN, U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN, we are writing to urge you to oppose an amendment that may be offered to permit the FCC to transfer the Direct Broadcast Satellite (DBS) license currently held by Advance Communications to the largest cable television company in the world, TCI instead of auctioning it off to the highest bidder. At the present time, we are unaware who will offer this amendment. This amendment would strike a serious blow to the development of competition to the cable monopoly and shortchange the American people by giving away a very scarce radio spectrum for a fraction of its value.

The cable industry has been claiming for years that DBS presents a serious competitive threat. While cable companies have not yet arrived, DBS is a strong potential competitor to cable. If given the license to use...
this spectrum, TCI would turn around and lease it to Primestar Partners, a consortium of the nation's largest cable monopolists including TCI. Giving away what is perhaps the single best part of the high powered DBS spectrum to the largest cable monopoly is an entirely wrong-headed policy. It is both anti-competitive and anti-consumer.

This proposed amendment would allow TCI and its cable brethren to essentially jump ahead in line. There are a number of non-cable parties who are interested in providing DBS services to compete with government policy that would be foreclosed from using this prime slot because of this "sweetheart" proposal.

In direct contrast, Sens. McCain and Dorgan have circulated an amendment which would allow this valuable spectrum to the highest bidder. This could raise hundreds of millions of dollars for the national treasury and help insure greater competition for cable in the future. It is this competition which will protect consumers.

Don't slam the door to cable competition and don't reach into consumers' pocket to enrich private gain. TCI is a foreign company in America. We urge you to defeat the amendment to transfer DBS spectrum at a fair price for TCI.

Sincerely,

NATIONAL TAXPAYERS UNION,

Hon. J O H N M C C A I N,
U.S. Senate,
Washington, DC.

Dear Senator McCain: The 300,000-member National Taxpayers Union (NTU) supports your amendment to require competitive bidding for awarding the last block of Direct Broadcast Satellite (DBS) spectrum held by the Federal Communications Commission.

National Taxpayers Union has long supported privatization of many public assets. The onset of the Information Age has created an extremely lucrative market for advanced communications, in turn dramatically increasing the potential value of the spectrum remaining under government control.

Given the economic potential of the communications sector, Congress should rely on competitive bidding and other market mechanisms to allocate federally owned spectrum. By providing a competitive auction for DBS spectrum, your amendment will ensure a fair market price for this property, not an arbitrary settlement negotiated by bureaucrats and special interests.

Previous spectrum auctions have benefited taxpayers and have allowed dynamic new businesses to develop their cutting-edge technologies. Charges and counter charges from interested corporations aside, a competitive bidding process is the best solution to establishing ownership at a fair price for this DBS spectrum.

Enactment of your amendment would allow the market to decide the price for this resource. Many members of the 104th Congress have resolved to end business as usual in Washington, and allow market forces to have a greater impact on government policy. They have the perfect opportunity to demonstrate their resolve by supporting your amendment to auction DBS spectrum.

Sincerely,

DAVID K E A T I N G,
Executive Vice President.

THE N A T I O N A L R U R A L
T E L E C O M M U N I C A T I O N S C O O P E R A T I V E,
H erndon, VA, S e p t e m b e r 1 4 , 1 9 9 5 .

H o n . J O H N M C C A I N,
U.S. Senate,
Washington, DC.

Dear Senator McCain: I am writing to let you know that the National Rural Telecommunications Cooperative (NRTC) and its DBS members nationally are alarmed about a pending action by the Federal Communications Commission (FCC) which would allow the nation's largest cable operators to undermine satellite communications as a true competitor to cable. TCI, the majority owner of TCI/Tempo, a DBS license that had been "warehoused" by Advanced Communications Corporation (ACC) for 10 years.

As we understand, not only will the FCC give the TV-like license away, it will also do so without opening this unused spectrum to a competitive bidding process. An FCC giveaway of DBS frequencies which are conservatively valued at more than $300 million will seriously hamper competition inside and outside cable areas. Further, it will do nothing to decrease the nation's budget deficit and while rewarding a company that sat on its DBS license and did nothing to provide service to consumers.

NRTC is in full support of your proposed amendment to H.R. 2078, the Commerce, Justice, State and Judiciary Appropriations bill. It is the proper response to heavy-handed efforts by an entrenched industry interested in continuing control and free-market access to telecommunications services. NRTC has previously endorsed auctioning all the DBS spectrum involved in this FCC proceeding in a letter to the FCC.

Thank you for your support.

Sincerely,

B O B P H I L L I P S,
Chief Executive Officer.

Mr. McCAIN. I would say to my friend, first of all, they were going to sell it to TCI for $45 million instead of $5 million, and they were awarded this license in 1984. Mr. President, 10 years later, in 1994, they had still not done a single thing in order to comply with the purposes of the license, in other words set up a DBS system.

But, if I heard the Senator right, if we asserted the right of the taxpayer to have the spectrum back, since the user has not fulfilled its end of the contract, we could sell that spectrum for how much money?

Mr. McCAIN. I would say to my friend, initially, they were going to sell it to TCI for $45 million instead of $5 million, and they were awarded this license in 1984. Mr. President, 10 years later, in 1994, they had still not done a single thing in order to comply with the purposes of the license, in other words set up a DBS system.

The estimated value between $300 and $700 million would be the price of this spectrum at an auction. There are several major competitors.

The reason why there is such a huge spread, between $300 million and $700 million, is because the amounts we have already received from spectrum auctions have doubled the original estimates that we received from other spectrum auctions.

Mr. GRAMM. So the request is, having not fulfilled their commitment to the taxpayers, they want the right to sell it to somebody for $45 million, when, if we exercised the contract on behalf of the taxpayers and took it back, we would get between $300 and $700 million—million?

Mr. McCAIN. Million.

Mr. GRAMM. Between $300 and $700 million for it. In essence, the Senator's amendment is trying to protect the taxpayer from losing a minimum of a quarter of a billion dollars by simply enforcing our end of the contract?
are all in favor of this amendment, because of the enormous benefit, of $700 million.

Mr. BURNS. Will the Senator yield?

Mr. McCAIN. My friend from New Mexico was kind enough to yield time to me, and I will be reluctant to use more of that time because he has an amendment.

The PRESIDING OFFICER (Mr. Bennett). The time of the Senator from Arizona has expired.

Mr. DOMENICI. Mr. President, I have no objection if they want to use some additional time.

How much time would the Senator like, Senator McCain, another 5 minutes?

Mr. MCCAIN. The Senator from Montana wanted to speak.

Mr. BURNS. I ask unanimous consent I have 1 minute just to ask a question in response, because I think it is important this body understand this.

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

Mr. DOMENICI. Senator, I listen to you frequently and you need 2 minutes.

Mr. BURNS. I need 2 minutes?

Mr. DOMENICI. Yes.

Mr. BURNS. I may need more than that. I think it is important for this body to understand that the spectrum has already been reclaimed and is owned now by the FCC. It is available for sale. Is that not correct, I will ask my friend from Arizona?

Mr. McCAIN. That is correct. But the contract that was entered into 3 months before the license was revoked is still a pending item before the FCC.

Advanced had over 10 years, including one 4-year extension, in which to construct and launch its DBS system. It failed to do so. It failed to meet the Commission’s due diligence rules, imposed a decade go to ensure the public received prompt service therefor, if the channels have gone unused. Only by enforcing the progress requirements of the Commission’s rules can we ensure that allocated resources will be efficiently and expeditiously put into productive use.

Mr. BURNS. I appreciate that. The only reason I ask the question is I think we should be very sure of our grounds here. Who actually owns that spectrum? Is it still in the hands of the original winner in the lottery? Or is it owned by the FCC? I think that is a question we should ask before we consider this amendment. I am just trying to clarify that.

Mr. McCAIN. Let me try to clarify it one more time. Because the company did not exercise due diligence over 10 years, the FCC reclaimed it. Now it is up to the FCC as to how they want to dispose of it.

Mr. BURNS. If the Senator is correct, then that clarifies my question. I thank the Senator from Arizona.

Mr. BROWN. Will the Senator from Arizona yield? I ask unanimous consent I have 2 minutes to ask the Senator from Arizona a question.

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

Mr. BROWN. I ask the Senator from Arizona, he has indicated his amendment will have a positive revenue impact, save millions of dollars. Has the amendment been reviewed by the Congressional Budget Office? And what is their estimate of how much money it raises?

Mr. McCAIN. It has been scored as zero because it does not change the baseline. But I can tell my friend, it is patently obvious that if a spectrum is going to be auctioned off for somewhere between $30 million and $700 million, there is going to be an impact.

Mr. BROWN. The Senator has indicated—or the literature here indicated these channels may be available for auction. Let me ask, has the Commission made a final ruling as to whether or not these are to be forfeited?

Mr. McCAIN. The Commission has not and is looking for guidance from the Congress.

Mr. BROWN. I might indicate what my sense of the amendment is. First of all, it does not raise anything because CBO has not looked at it. And, No. 2, it is disposing of property someone else ostensibly has a title to and the FCC has not cleared.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, Senator Brown is here. I do not know that Senator McCAIN, accurately, Senator Brown, described the time you would need. He suggested 10 minutes? Is that 10 for you and 10 for somebody else?

Mr. McCAIN. I suggested, and I would like to modify it concerning the desires of the Senator from Colorado, 20 minutes for the Senator from Colorado and 10 minutes for the Senator from North Dakota.

Mr. GRAMM. My colleague needs to get some time for himself. And 10 minutes for you.

Mr. BROWN. My understanding was the discussion involved some intermittent time so I might become familiar with the needs of the Senator from Arizona. My hope is the distinguished Senator from New Mexico might go ahead. Obviously, I am agreeable to an appropriate amount of time for the Senator from Arizona to respond to whatever is raised on the floor. The time someone may wish, I would have no problem to work out something.

Mr. DOMENICI. Senator McCAIN, I assume now from your vantage point from getting this up things are under control and I can proceed? You are all right?

Mr. McCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. I thank the Senator from New Mexico for his courtesy and patience.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I discuss with the distinguished Senator from Texas, the manager of the bill, and the Senator from New Mexico a unanimous-consent request I would like to offer; that I be allowed to set aside the pending business for 2 minutes to present the unchallenged nays, and go back immediately to the business of the distinguished Senator from New Mexico?

Mr. DOMENICI. Mr. President, I have no objection.

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

The Senator from Nebraska.

AMENDMENT NO. 287

(Purpose: To decrease the amount of funding for Federal Bureau of Investigation construction and increase the amount of funding for the National Information Infrastructure)

Mr. KERREY. Mr. President, I have an amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. GRAMM. Mr. President, has a unanimous-consent request been proposed?

Mr. KERREY. Yes. The Senator from Nebraska asked to have 1 minute to propose an amendment.

Mr. KERREY. Mr. President, 2 minutes.

Mr. GRAMM. Has that unanimous-consent request been agreed to?

The PRESIDING OFFICER. Yes.

Mr. GRAMM. Parliamentary inquiry.

This amendment will be, after he presents it, it will be set aside and be fully deductible at that point, is that right?

The PRESIDING OFFICER. That is correct.

Mr. GRAMM. I thank the Chair.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself, Ms. SNOWE, Mr. LEAHY and Mr. LIEBERMAN, proposes an amendment numbered 287.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill insert the following: “The amounts made available to the Department of Justice in Title I for administration and travel are reduced by $50,000.”

On page 73, between lines 4 and 5, insert the following:

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $38,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3 million shall be available for program administration and other support activities as authorized by section 391 of the Act including support of the Advisory Council on National Information Infrastructure: Provided further, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related to the development of a national information infrastructure: Provided further, That notwithstanding...
the requirements of section 302(a) and 302(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of education, health care, public information, public safety, or other social services; Provided further, That in reviewing proposals for funding, the Telecommunications and Information Infrastructure Assistance Program (also known as the National Information Infrastructure Program) shall add to the factors taken into consideration the following: (1) the extent to which the proposed project is consistent with State plans and priorities for the deployment of the telecommunications and information infrastructure; and (2) the extent to which the applicant has planned and coordinated the proposed project with other telecommunications and information entities in the State.

Mr. KERREY. The amendment I offer on behalf of myself, Senators LEAHY, and LIEBERMAN, is a very straightforward amendment. It restores $18.9 million to telecommunications and information and infrastructure assistance programs.

This program has been highly successful with thousands of applications for this. It is a matching program to get at least 2 for 1 for every dollar that goes out. It is community-based. Community organizations across the country have used this program to increase the educational effort in the telecommunications effort. It has created jobs. It has created real advance in the understanding of how this telecommunications revolution can produce benefits at the local level.

Mr. President, I understand that some of the objections have been raised to this program; talked about it being something that has not proven up. I urge my colleagues to look at not only the success we have but the backlog coming up. We have enjoyed a tremendous success with this program. It is not a program that is just throwing money out there. It is a program that requires jobs at the community level. It is a program that empowers citizens at the local level to make decisions about how they want to increase jobs and education in their own communities. It has a fully funded offset. I hope that my colleagues will consider and support a program that will create jobs, and will create more empowerment for the American people at the local level.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the precedent adopted by the Senate from New Mexico is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAMM. Mr. President, we continue to have some problems in that people are trying to find offsets for their amendments. It takes time to do that, and I think that others have used the funds available. It should be hard to spend money. So I am not complaining about it. But to try to sort of bring some order to the process, I would like to ask unanimous consent that the distinguished Senator from Colorado, Senator Brown, be recognized for up to 10 minutes to offer an amendment; after the 10 minutes, that the amendment would be set aside and would be fully subject to debate or any other relevant motions.

Then the Senate would go back to a debate on the McCain amendment until that debate is completed. If a rollcall vote is asked for on the McCain amendment, then it would be stacked after the rollcall vote, currently scheduled for 9 o'clock. At that point, Senator Biden would be recognized to offer his omnibus crime amendment. There would be 2 hours of debate equally divided, which would get us to the 9 o'clock hour, at which time we would have a vote on the pending amendment. If there is a rollcall vote asked—

Mr. McCAIN. It has already been requested.

Mr. GRAMM. It has already been requested. We would have a vote on the McCain amendment, and at that point the Biden amendment would still be pending, and if the debate is completed, we would have that vote at that point.

I propose that unanimous-consent request.

Mr. HATCH. Will the Senator yield?

Mr. HOLLINGS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I hope not to object, but to be able to answer the McCain amendment we need a little time, 10 minutes to explain that amendment—if the Senator will put that in the unanimous consent, that we have 10 minutes to explain it.

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. If I could inquire of the manager, where does that leave the Domenici amendment?

Mr. GRAMM. The Domenici amendment would then be brought up after the votes had occurred beginning at 9 o'clock.

Mr. HATCH. Reserving the right to object.

Mr. DOMENICI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. As I understand it, we were supposed to go after the McCain amendment. Ours would not take a very long time, but I would like to go before we had the 2 hours, if we can. Is it possible to do that, I ask the managers of the bill?

Mr. DOMENICI addressed the Chair.

Mr. HATCH. Could I just ask that of the manager of the bill?

Mr. DOMENICI. Reserving the right to object, I say to the Senate, I have a few inquiries. It is my amendment being set aside here.

Mr. President, let me ask Senator GRAMM, there is an accommodation we are trying to make. I am not prepared to proceed with my amendment. I told the Senator I had been working on it because it is complicated, and we did get switched signals in terms of the money we had available. But I am prepared now. So I do not want to delay it the longest possible time. I wish to get it up soon. So when would the Senator from Texas be ready to discuss the Domenici amendment? Would the Senator be ready at 8 o'clock?

Mr. GRAMM. I would be perfectly happy to have the Senator bring the amendment up, offer it, lock in his offsets, if he has them, and I think that is a legitimate concern. What I would like to do, given that we had talked about having the debate on the Biden amendment begin at 7, is, if the Senator offers the amendment now, to come back to it.

This is a very important amendment to me. I am strongly opposed to it. And I think it will be something that will be debated at some length. Clearly, the distinguished Senator from New Mexico has the right to the floor under the unanimous-consent request. So if he wants to exercise that now, he can. And perhaps we might look at the following potential unanimous-consent request—that he would bring up the amendment and debate it for up to 20 minutes. Then it would be set aside. Senator Biden would be recognized to bring up his omnibus amendment, 2 hours equally divided, that at that point we would have reached the hour of 9 o'clock and we will have the first vote. We at that point could either go back to the McCain amendment and dispose of it or we could go back to the Domenici amendment and debate it. Either of those things I would be agreeable to.

Mr. DOMENICI. Mr. President, I say to the Senator from Texas and Senator HOLLINGS, what I would prefer to do—

Mr. INHOFE. I ask a parliamentary inquiry. What is the agreed upon time for a vote tonight?

The PRESIDING OFFICER. A vote has been ordered to occur at 9 p.m. tonight.

The PRESIDING OFFICER. On which amendment?

The PRESIDING OFFICER. On the Biden amendment.

Mr. DOMENICI. I would be glad to accommodate anybody the chairman might accommodate, but I thought it would like him to include in the unanimous-consent agreement that immediately after the first vote on the Biden amendment, that Senator DOMENICI is
permitted to offer his amendment; that it be debated in full, whatever time that takes, and that it be voted on immediately following—it be the next vote following the Biden vote. That gives the Senator plenty of time, Mr. President, do you have a deal.

Mr. GRAMM. If the distinguished Senator will yield, I have no objection to what the Senator is doing, but it may well be that we might have an extended debate.

Mr. DOMENICI. Sure.

Mr. GRAMM. And we might decide for some reason that we might want to go ahead and consider other amendments intervening.

Mr. DOMENICI. We might do that in due course.

Mr. GRAMM. So I am reluctant to lock us into voting on the Domenici amendment next.

Mr. DOMENICI. I did not ask for that. I said the next amendment we vote on would be the Domenici amendment. That Senator can have some other amendments he wants to bring up. Get unanimous consent for that. I think that is fair. I have been accommodating everyone.

Mr. MCCLAIN. We have the Senator from New Mexico agree to have a vote on my amendment following the Biden vote? The yeas and nays have already been ordered.

Mr. DOMENICI. The problem I have is, I would like to debate tonight the Domenici amendment. There are a lot of Senators who want to debate it. Senator GRAMM has a lot of people. I have been accommodating. The Senator’s amendment will get voted on very soon but mine would precede that. I just ask that as a request.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. DOMENICI. Of course.

Mr. GRAMM. I would like to get an agreement that allows the distinguished Senator from New Mexico to bring up his amendment now, speak on that amendment as long as he chooses to, then Senator BIDEN would be recognized to offer his omnibus amendment, which is a crucial element to the completion of this bill, that there be 2 hours of debate equally divided, that would get us somewhere close to 9. We would have the pending vote. We would have the vote on the Biden amendment. Then the Senator’s amendment would be the pending business and we would vote on it. And we would not vote on anything else until we voted on it.

Mr. DOMENICI. Reserving the right to object, Mr. President, all I want to do—I do not want to put my amendment down and debate it for 10 or 15 minutes. I just change the request so that I bring mine up immediately following the Biden amendment, and it is debated as long as necessary and then you have the opportunity to vote on it.

Mr. GRAMM. All right.

I ask unanimous consent that the next amendment to be considered be the Biden amendment; that there be 2 hours equally divided on that amendment; that if a vote is ordered on that amendment, it occur immediately after the pending amendment, which will be voted on at 9 o’clock; that the distinguished Senator from New Mexico be recognized at that point to offer his amendment.

Mr. McCAIN. Reserving the right to object, what does that simply to the McCain amendment?

Mr. GRAMM. It will simply be pending and will be the order of business when the Domenici amendment is disposed of.

Mr. DOMENICI. Which is what I thought we had in mind when I permitted the Senator to bring up his amendment. I think that is fair.

Mr. McCAIN. And we debated it and all we need to do is have a vote on it, it seems to me.

Mr. DOMENICI. Mr. President, that is all right with me. Get him in, too. No more debate.

Mr. McCAIN. I withdraw my objection.

Mr. DOMENICI. I thank the Senator.

Mr. HOLLINGS. Mr. President, I ask Senator GRAMM, there will be no amendments to the Biden amendment?

Mr. GRAMM. I am not in a position that I can commit to that, I say to the Senator, because we have not checked on our side. We have not seen the final form of the BIDEN amendment. What I am trying to do is just have it considered. I assume there will not be—I assume we have the votes, but we want to look at it.

Mr. HOLLINGS. We cannot agree to the time limit.

Mr. GRAMM. There is not a time. We are just saying it will be debated between 7 and 9, and that if it is completed, that it would be the vote after 9. If it is not, it would be pending.

Mr. HOLLINGS. All right. Get it up.

Mr. BRYAN. Mr. President, reserving the right to object, if I might inquire of the floor managers, I just came to the floor a few moments ago, so I have not heard the colloquy. I want the managers of the bill to know that Senator BURNS and I have an amendment concerning USPTA, and I just want to make sure that the terms of the unanimous consent would not preclude us from having an opportunity to offer that amendment and perhaps have a vote. We do not need to do it this evening. We can go tomorrow. I want to assure my colleague that I am willing to cooperate and work with him. I do not know the terms of the agreement.

Mr. GRAMM. If the Senator will yield, nothing in this unanimous-consent request would in any way limit the Senator’s ability to offer his amendment or any other amendment.

Mr. BRYAN. I appreciate that.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMENICI. Mr. President, I say to my friend from Texas, I do not remember the word he used—how did he oppose my amendment? Perfectly?

Mr. GRAMM. With righteous passion.

Mr. DOMENICI. I want to say I oppose what he is for in terms of doing away with legal services with whatever passion he just described. So we know it all even.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. I have a question, Mr. President. And I will be glad to yield.

Mr. GRAMM. I am not in a position to yield, nothing in this unanimous-consent request has that request been accepted at this point?

The PRESIDING OFFICER. That is correct.

Mr. PRYOR. Mr. President, if I may pose a question, I have an amendment that I would like to offer at some point. It can be done tonight. It can be done early in the morning.

I am joined in that amendment by the distinguished Senator from Maine [Ms. SNOWE]. It would be a sense-of-Congress resolution relative to the Economic Development Administration. I am just wondering at what point or what order we could try to factor this particular amendment into the list?

Mr. DOMENICI. If the distinguished Senator from Arkansas will yield—

Mr. PRYOR. I will be glad to yield.

Mr. GRAMM. It sounds to me as if we have a pretty full schedule for the rest of the evening. My guess is that tomorrow morning would be a good time. But it may well be at some time tonight people will decide to get finished, at which point obviously the Senator could offer the amendment.

We are basically set now in terms of unanimous consent on two amendments. One is a fairly comprehensive amendment by Senator BIDEN where we will have 2 hours equally divided. Then we are going to Senator DOMENICI on trying to bring back the Federal Legal Services Corporation, which will be debated, I would think, pretty extensively. We have an amendment pending by the Senator from Arizona. So I cannot tell the Senator that he would not get to offer it tonight, but if I were the Senator, if we are here tomorrow, I would try to do it in the morning.

Mr. PRYOR. Mr. President, if I could respond to my colleague, my friend from Texas, I have no problem offering the amendment tomorrow if I have just as much certainty as possible in the time sequence, because I have three amendments that I must file in the Finance Committee markup on Medicare-Medicaid, and I am just trying to sort of find out where I should be and what time I should be there.
Mr. GRAMM. Mr. President, I am sure that the same is true for Senator HOLLINGS. We would try to accommodate the Senator in every way we can. Mr. PRYOR. Mr. President, I thank the distinguished Senator.

Mr. HOLLINGS. Mr. President, as I understand now, in the unanimous-consent agreement, Senator BIDEN will commence at 7 o'clock. To try to save a little time, I was off the floor momentarily at the time of the presentation of the amendment of the Senator from Arizona. The amendment of the Senator from Arizona as he relates it could be very accurate. On the other hand, I have heard different facts.

What occurs here is, as the Senator from Arizona has outlined the amendment, the FCC is asking for guidance. Whenever that occurs, beware, for the simple reason that we have an FCC to have full hearings to hear both sides of a particular case and issue and therefore upon me.

I have heard from both sides spasmodically. I have not called the FCC myself. I wanted to stay out of the case. But right to the point, it is my understanding there is sort of a split down there. And there is a definite difference of opinion with respect to due diligence being used on the granting of a particular license to an entity out there, I think, in Arizona.

The Arizona folks, it is related, did use due diligence and were granted by the Federal Communications Commission and were granted on both occasions extensions, because what is involved here is a satellite spectrum usage encompassing quite a commitment of financial support.

That commitment of financial support was finally obtained and committed, and there is related $1 billion that has been committed, and there is a launch date for that particular satellite in April of next year.

Now, Mr. President, as the Commission was temporarily making a ruling, the parties involved appealed that particular ruling. And it is now under appeal. So what happens is that the case comes to the Congress, and some of us Senators on the Commerce Committee who are interested, of course, and disposed to Federal Communications matters, but without any hearing, and without knowing what is best to be done, I have always come down, because this occurs every time we get up to a particular bill or something, somebody brings up a fix, if you please, Mr. President, of a case down at the FCC.

I have been very cautious and astute not to join in those particular fixes. Specifically, I was asked if I could go along with an amendment that would do as is indicated by Senator McCaIN. And I said no. I think we ought to leave it with the Commission.

The upshot was that if I would go along with an amendment on the other side. Go along with it and allow them to set fees and whatever it was. I said no. We are not giving authority for the FCC to become more or less a Congress setting fees. And I withheld my approval of that.

I said simply think, under the circumstances, that it is best that the Congress not be involved in a half-of-a-hair-cut or any other way. And I withheld my support on that matter. Therefore, I am opposed to the amendment. I want to talk it out with the distinguished Senator from Arizona. I know his intent is sincere. But I think this is the kind of amendment that ought to be tabulated.

I only state this to use up some of the time. I see others want to use some time prior to 7, but I wanted to say that I am sorry I could not respond at the particular time that the Senator from Arizona presented his amendment. I left the floor with the understanding that the Senator from New Mexico was going to present his. I yield the floor.

Mr. SIMON addressed the Chair. The PRESIDING OFFICER. The Senator from Illinois.

Mr. U.N. PEACEKEEPING

Mr. SIMON. Mr. President, I am pleased with the negotiations that have taken place with Senator HOLLINGS, Senator HATFIELD, Senator BIDEN, Senator GRAMM, and others. They have improved this bill.

Let me add one concern I do have. This bill authorizes $250 million for U.N. peacekeeping. The request from the President was $445 million. The House figure—in most areas the House is, frankly, worse than the Senate—the House figure is $425 million. Again, our figure is $250 million. The authorization figure from the Foreign Relations Committee, Senator HELMS, is $445 million—and we have $250 million here. This is on top of what we have been doing to not pay our dues in the United Nations. We are the No. 1 deadbeat in the world.

Yesterday, The New York Times has a story "To Pay Some Debts, U.N. Will Try Borrowing From World Bank." We owe $1.2 billion to the United Nations. They would not have to be borrowing to the World Bank if we paid our bills. They would not have to be borrowing to the World Bank if we paid our dues in the United Nations. We are the No. 1 deadbeat in the world. There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The New York Times, Sept. 27, 1995]

TO PAY SOME DEBTS, U.N. WILL TRY BORROWING FROM WORLD BANK

(By Barbara Crossette)

UNITED NATIONS, Sept. 26—The United Nations, facing a fiscal crisis in half a century, will try for the first time to borrow money from the World Bank to pay some of its debts, the organization's highest-ranking officer said today. Joseph Connor, a former chief executive of Price Waterhouse who is now United Nations Under Secretary General for Administration and Management, said today that a World Bank loan was only one of many ideas being explored "to lift from our shoulders the burden of debt."

Secretary General Boutros Boutros-Ghali said in an interview on Saturday that he planned to meet the World Bank president, D. Wolfensohn, this weekend to discuss the proposal.

In the past, the United Nations has borrowed small amounts for specific development projects, Mr. Boutros-Ghali said, but there is no precedent for a loan of this kind, which would go to paying off some of the organization's growing general indebtedness.

"This crisis cannot be solved by the kinds of measures we can borrow money," the Secretary General said.

The United States, which is at least $1.2 billion in arrears in its dues to the United Nations, is expected to challenge the plan, an American diplomat said.

The American opposition to any new idea for raising money surprised diplomats from Europe and elsewhere, whose governments pay their bills regularly. A Western diplomat said today that with the United States the largest defaulter in assessments, the American government was inexplicable that the Clinton Administration would make things worse behind the scenes.

An American diplomat said today that the Administration had "two basic problems" with the loan plan.

"The United Nations and the Secretary General have no authority to borrow externally, and the idea is that they could. "And borrowing from the World Bank is restricted to sovereign governments."

The World Bank is technically part of the United Nations system, although the bank and the International Monetary Fund, both based in Washington, operate with considerable independence.

The United Nations, which has not capital base and cannot borrow commercially, is owed $3.4 billion in unpaid assessments, of which the United Nations owes roughly half. The organization is $900 million in arrears in payments to countries that have provided peacekeeping troops and $400 million for purchases of various kinds. Half of the tens of millions of dollars awarded in contracts each year go to American companies.

“Our inability to pay is impacting the willingness of countries to participate in peacekeeping,” Mr. Connor said. "The United Nations in Bosnia alone is costing nearly $5 million daily, according to the Secretary General."

In a speech today to the General Assembly, the British Foreign Secretary, Malcolm Rifkind, proposed charging interest on late payments as one way of tightening penalties against member nations in arrears. He said 30 nations failed to pay anything at all last year.

In June at the meeting of the Group of Seven major industrial nations, Mr. Boutros-Ghali proposed that all nations would take bonds from nations owing money and use them to settle debts with other member countries. That idea was also opposed by the United States.

Mr. Connor said today that the bulk of the money owed by the United Nations for peacekeeping is in debts to Western European nations, Australia, Canada, and other countries close to the United States.

Mr. SIMON. Then I would like to insert two other things into the RECORD. One is a statement by the Council for a Livable World, whose good work I think we ought to acknowledge. This is a statement of us acknowledging that this is a statement of U.N. peace operations, signed by a great many people. I ask unanimous consent that that be printed in the RECORD.
There being no objection, the material was ordered to be printed in the Record, as follows:

STATEMENT IN SUPPORT OF U.N. PEACE OPERATIONS

The United Nations is playing an increasingly critical role in preventing and resolving conflicts that have broken out across the globe. We welcome this expanded mission envisioned in the original U.N. charter but hampered by the Cold War. While the U.N. has not proved a panacea, it has achieved remarkable successes in countries such as Namibia, in El Salvador and in Cambodia.

Intervention is not an altruistic endeavor; it directly serves U.S. security, political and commercial interests. As U.S. allies, the U.N. and the American people have a stake in its success. As Carl Kaysen has stated: "Whether measured in lives saved, aid to refugees, arms proliferation, refugees on our shores, the destabilization of allies, or loss of exports, jobs or investments, the cost of runaway regional conflicts sooner or later comes home to America. In 1993, the U.N. will spend over $3 billion to stem or stop those conflicts, and we will pay one third of that. But without the U.N., both the costs and the conflict would be far greater."

However, the fate of peace operations hangs in the balance, in part due to crippling funding shortfalls and decreasing national political support for the United Nations as it seeks to reform and meet new challenges. Although the U.N. has faced a financial crisis response overseas, the United States and other nations consistently fail behind in paying dues and peacekeeping assessments. These delinquencies serve to cripple the U.N.'s ability to respond rapidly to crises and implement needed reforms. In addition, Congressional critics have singled out U.N. peace operations as a "vehicle for a U.S. policy that risks their dissatisfaction with broader issues, from the defense budget and military readiness to U.S. interests abroad, and have sought to curtail already limited participation of U.S. armed forces in U.N. peace operations.

We endorse multilateral, burden-sharing approaches to preventing and resolving conflicts. In particular, we support strengthening the United Nations' ability to conduct peacekeeping. We encourage the U.S. to take the lead in preventing and resolving crises and to support peacekeeping approaches. We strongly urge the U.S. and all nations to pay on time their dues and peacekeeping assessments, and to pay all other arrearages to the United Nations. The United States must avoid the costs and dangers of a unilateral role as world policeman.

A policy that provides only weak financial and political support for peacekeeping jeopardizes the United Nations' long-term future. If the U.N. is not given the resources and encouragement to improve its capabilities, confidence in it will be undermined. The world community will have sacrificed the chance to establish a truly effective multilateral peacekeeping process, with emphasis on conflict prevention. The world will become more dangerous, to the detriment of our own security.

We should take advantage of the post-Cold War situation and apply the lessons of peacekeeping from the past several years to reform and expand U.N. peace operations and make them more effective. Peace operations, which give the U.S. an opportunity to help reduce the worldwide level of armed violence with minimum risk and cost, are squarely in our national interest.

SIGNATORIES TO STATEMENT IN SUPPORT OF U.N. PEACEKEEPING—SEPTEMBER 5, 1995

Ruth Adams, Director, Program on Peace and International Cooperation, MacArthur Foundation

Chadwick F. Alger, Professor, The Ohio State University
September 28, 1995

Dr. Robert von Pagenhardt, Professor, Defense Resources Management Institute, Naval Postgraduate School.

Maurice S. Paplin, President, Fund for New Political Education.

Dan Plesch, Director, British American Security Information Council.

George W. Rathjens, Professor of Political Science, Massachusetts Institute of Technology.

Michael Renner, Senior Researcher, Worldwatch Institute.

Stanley R. Resor, Former Secretary of the Army (1965-1971); Chair, Board of Directors, Arms Control Association.

Anna Rhode, Executive Secretary for Public Policy, Women's Division, United Methodist Church.

Charolett Rhoads, President, Pax World Service.

Howard Ris, Executive Director, Union of Concerned Scientists.

Eugene T. Rossides, Chairman, American Hellenic Institute.

Caleb Rossiter, Director, Project on Democratization and Democracy.

Dr. Herbert A. Rubinstein, Director, Program on the Analysis and Resolution of Conflicts, Syracuse University.

Dr. Ben Sanders, Executive Chairman, Program for Promoting Nuclear Non-Proliferation.

James A. Scheer, Senior Associate, Carnegie Endowment for International Peace.

Arthur Schlesinger, Jr., Special Assistant to the President (1961-1964); Winner, Pulitzer Prize for History.

G. Edward Schuh, Dean, Humphrey Institute of Public Affairs, University of Minnesota.

Richard Seitz, Colonel, U.S. Army (Ret.).

Susan Sheller, Executive Director, Women's Action for New Directions.

Vice Admiral John J. Shanahan (ret.), Director, Center for Defense Information.

Jack Shenkman, President, Amalgamated Clothing and Textile Workers Union.

Paul H. Sherry, President, United Church of Christ.

Michael Shuman, Director, Institute for Policy Studies.

Alice Slater, Executive Director, Economists Against Arms Reduction.

Judith Shulman, President, Asia Society.

Gaddis Smith, Director, Yale Center for International and Area Studies.

Theodore C. Sorenson, Former Special Counsel to the President (1961-64).

Ronald Spies, Former Assistant Secretary of State for Politico-Military Affairs (1939-1933).

H. whipped, Under Secretary-General for Political Affairs (1939-1933).

John D. Stempel, Patterson School of Diplomacy & International Commerce, University of Kentucky.

Jeremy J. Stone, President, Federation of American Scientists.

Russell S. Summerfield, President & CEO, United Way of America.

J. Elia Tah, President, InterAction.

Kathy Thornton, RSM, National Coordinator, NETWORK: A National Catholic Social Justice Lobby.


Raimo Vayrynen, Professor, Regan Director, United Nations National Office, Notre Dame.

George R. Vickers, Executive Director, Washington Office on Latin America.

Edith Villastrigo, National Legislative Director, American Friends Service Committee, Washington, DC.

Joe Volk, Executive Secretary, Friends Committee on National Legislation.

Paul C. Warnke, Former Assistant Secretary of Defense for International Security Affairs (1967-69); Director, Arms Control and Disarmament Agency & Chief U.S. Arms Negotiator Abroad.

The Rev. Dr. Daniel E. Weiss, General Secretary, American Baptist Churches, USA.

Dr. Michael Wessells, President, Psychologists for Social Responsibility.

J. C. Whitehead, Former Deputy Secretary of State (1965-1969); Chair, International Rescue Committee.

Roger Picker, Director, U.S. Committee for Refugees.

Adam Yarmolinsky, Former Special Assistant to the Secretary of Defense (1961-1964); Chairman, Lawyers Alliance for World Security.

Andrew Young, Former U.S. Ambassador to the United Nations (1977-1979); Vice Chairman, Law Companies Group, Inc.

FINANCING THE UNITED NATIONS

The greatest threat today to the U.N.'s effectiveness and even survival is the cancer of financial insolvency. Countries slow to pay their share include many that are small. But it is the massive delinquencies of the United States that have plunged the Organization into chronic insolvency. The U.N.'s inability to respond to emergencies and new needs.

The services provided by international organizations are, objectively, quite cheap—especially in comparison with the sums we spend on other dimensions of national security, such as the military, as backup in the event that diplomacy and the U.N. machinery fail. The annual U.S. assessments for peacekeeping worldwide are less than the police budget for the nation's largest city. Total American contributions, voluntary as well as obligatory, for all agencies of the U.N. system amount to $7 per capita (compared to some $1,000 per capita for the Defense Department).

Some object that U.N. peacekeeping costs have exploded over the past decade, from a U.S. share of $53 million in 1965 to $1.08 billion projected for 1995. But the end of the Cold War that sparked that increase, by freeing the U.N. to be an effective agent of conflict management, also allowed for greater fund-raising and spending. Over the same decade, Pentagon budgets have fallen $34 billion. Increased reliance on U.N. collective security operations necessarily saves, compared with unilateral efforts. Moreover, U.N. costs are spread among all member states, and constitute a truly cost-effective bargain for all.

However, at a time of hard budget choices, many national politicians see U.N. contributions as an easy target. They are misguided. In asserting that national priorities can be simultaneously set at national assessment levels, claim offsets from assessed obligations, and impose policy conditions for payment, they have tripped the U.S. mission to secure U.S. Senate approval of the 1992 financial package. Both Senate and House on the 1993 package.

In ratifying the U.N. Charter, every member state, including the United States, undertook financial obligations of U.N. membership. Virtually all of America's allies in the industrialized world fulfill those obligations to the United Nations, along with other conditions. Until relatively recently, so did the United States. It must do so again.

America's leaders must recommit this nation to the U.N. and its related organizations, including prompt retirement of arrears accumulated over the past decade. Financial unreliability leaves our institutions of common purpose vulnerable and inefficient. We must sustain—and, where needed, expand—the U.N.'s vital activities in the economic and social fields as well as peace and security. We should press for as flexible a formula as possible. The U.S. system that member states approve do, in fact, materialize.

AMERICA'S STAKE IN THE UNITED NATIONS

Fifty years ago we, the people of the United States, joined in common purpose and shared commitment with the people of 50 other nations. The most catastrophic war in history had convinced nations that no country could any longer be safe and secure in isolation. From this realization was born the United Nations—the idea of a genuine world community and a framework for solving human problems that transcend national boundaries. Since then, technology and economics have transformed "world community" into a phrase of the Cold War. World War II generation had not already established the U.N. system, today's would have to create it.

The founders of the United Nations were clairvoyant in many ways. The Charter anticipated decolonization; called for "respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion"; and set up the institutional framework "for the promotion of . . . the economic and social advancement of all peoples." In meeting the Charter's challenges, we make for a more secure and prosperous world.

The United Nations, system, many serious conflicts have been contained or concluded. Diseases have been controlled or eradicated, children immunized, refugees protected and fed. Nations have set standards on issues of common concern ranging from human rights to environmental survival to radio frequencies. Collective action has also furthered economic development initiatives, such as averting a widening war in the Middle East into which Washington might otherwise be drawn. After half a century, the U.N. has created a unique investment yielding multiple dividends for Americans and others alike.

The U.N.'s mandate to preserve peace and security was long obfuscated by the Cold War, whose end has allowed the institutions of global security to spring to life. The five permanent members of the Security Council, meeting and functioning, today's role, and what the Council has lost in rhetorical drama it has more than gained in forging common policies. Starting with the Reagan Administration's effort, the U.N. has turned to the U.N. for collective action to maintain or reestablish its legitimacy, and what the U.S. policy may not always result in success, but neither does unilateral policy—and, unlike unilateral intervention, it spreads costs and benefits widely and may help avoid policy disasters.

Paradoxically, the end of the Cold War has also given rise in the U.S. to a resurgent isolationism, along with calls for unilateral, go-it-alone policies. Developments in many places that once would have stirred alarm are now viewed with indifference. When they do, the American impulse is often to respond unilaterally in the conviction that only Washington can do...
the job and do it right. Without a Soviet threat, some Americans imagine we can re-
nounce “foreign entanglements.” Growing hostility to U.N. peacekeeping in some polit-
cical circles reflects, in large measure, the shortsighted idea that America has little at stake in the maintenance of a peaceful world. In some quarters, resentment smolder-
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Mr. SIMON. Mr. President, I am not offering an amendment on this be-
cause, real candidly, I know what the results would be. But I hope that in
conference my colleagues will keep in mind that even the House, conserva-
tive as they are, put in $425 million for U.N. peacekeeping compared to our $250
million. I hope we will go to the House fig-
ure on this.
Mr. President, I yield the floor.
Mr. HOLLINGS. I suggest the abs-
ence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The PRESIDING OFFICER. The clerk will call the roll.
The bill clerk proceeded to call the roll.
major victory in nuclear arms control, the permanent ratification of the Nuclear Non-Proliferation Treaty, and come closer to reaching agreement on a permanent ban on underground nuclear testing, we cannot ignore the death toll caused by conventional arms. Over 40 million people killed by conventional weapons since World War II. That is a pretty sizable part of the world’s population.

More than anything else, we cannot ignore the last four times the United States has sold significant numbers of troops to combat. Our soldiers faced adversaries which had received U.S. arms, training, or military assistance. I am talking about Panama, Iraq, Haiti, Somalia.

In other words, our arms transfer policy has backfired, particularly in those instances. It has created the boomerang effect where U.S.-provided weapons are used against our own military. Clearly, a new policy is needed.

The public has been polled on the question of arms transfers and resoundingly—over 95 percent—said that no U.S. arms should go to dictators. Yet the United States continues to provide arms to nations which are not democracies.

The Clinton administration undertook to review the arms trade policy last year. That process took many months and the announcement was made in February of this year, 1995, that the President would make a decision. The truth is there was nothing new about the administration’s policy. It represents no real departure from the arms transfer program our Nation has followed for the past 15 years.

We can go back and say this whole idea emanated out of post-World War II France when General de Gaulle needed to try to replenish the military arms arsenal of plans and found the best way to do it was to sell arms to other parts of the world. How to make money off of them to fill his own arms needs.

If we want to go with the President, President Kennedy in 1961 saw that as a policy and began to launch that policy in this country. So, consequently, we have had Democrat and Republican alike, no change or difference in party labels, that have followed this kind of arms peddling policy.

I think one important and dangerous difference today than previous has been that new policy by that new policy that does exist. Economic considerations now have an important role to play in arms transfer decisions. Apparently we are willing to trade national security away for a few jobs. In other words, domestic production. That is foreign trade.

I think it is very interesting, we used to have a Department in the Defense Department, Department of Munitions. Now we call it the Department of International Defense Trade. Is that not a nice, sweet name for nothing but peddling arms?

This position is terribly out of step with the international movement to curb arm transfers. Last week I received a letter from Nobel laureate Dr. Oscar Arias, the former President of Costa Rica, who informed me that he is organizing a commission of Nobel laureates to develop an international code of conduct on arms transfers to be presented to the U.N. General Assembly. Dr. Arias was joined on four additional Nobel laureates in this effort—mind you within this very brief period of time, four more, which is based in part upon the code of conduct I am presenting here on behalf of my colleagues.

In addition, I have heard from members of the European parliament, led by Glenys Kinnock. The efforts are underway to develop a comprehensive arms export control policy to be endorsed by the European Union.

Mr. Kinnock points out in his letter, this is Mr. Glenys Kinnock, that the United States and the nations of the European Union together will sell 80 percent of the world’s weapons this year—80 percent.

Clearly, the code of conduct on arms transfers is not a unilateral move which will have only limited effect upon the global flow of arms. This is an international initiative which demands U.S. leadership.

Yet the administration refuses to make this pledge. Under Secretary of State Lynn Davis also testified before the Appropriations Committee on the matter of arms transfers. Secretary Davis told me that she thought that all components of the code of conduct on arms transfers—this bill or this amendment—democracy, human rights, transparency in arms transfers and re-unification of illegal wars—were all acceptable to the administration, and indeed, are all shared goals.

Setting goals is not enough. Non-democratic governments received 85 percent of the $55.2 billion of American weapons that were transferred to developing countries through sales or foreign aid during the past 4 years.

With a record like that, I could not disagree more with the administration’s assertion that flexibility is the most important factor in arms transfer policy. But I nonetheless have, in my amendment, provided a waiver authority, so that the President may come to Congress with a request to provide arms transfers to a nation who does not meet the criteria when it is in the interest of our own national security.

Should dictators be rewarded with weapons? Of course not. Early this past summer the Catholic Bishops of the United States approved unanimously a major statement calling upon the United States to undertake “more serious efforts to control and radically reduce” its role in the arms trade.

Many of you know that I have been a longtime critic of arms sales to the developing world. I see them as used to exploit the poorest nations—nations which have inadequate water and food supplies, inadequate education, and inadequate housing—have been caught up on regional arms races or been subjected to the gross military expenditures of despots. For years the United States has led the way in sales to these countries, although I would note that France slipped ahead of us this past year.

Earlier this year I held a hearing on the bill which is the basis for the amendment I offer today. A representative from Human Rights Watch provided testimony to the Appropriations Committee regarding the linkages between human rights and conventional weapons transfers. The representative reminded the committee that “the fact of arms does not necessarily create abuse” but went on to discuss how the tragic genocide in Rwanda a year ago was worsened by the enormous flow of weapons the year before the massacres. The influx of grenades and automatic weapons—all available cheaply—not only brought on the creation of militia who left tens of thousands of Rwandans dead. These weapons also made U.N. efforts to protect refugees extremely difficult.

If we are to prevent future Rwandas and improve international respect for human rights and promote democracy, we need a code of conduct on arms transfers. The United States can and should exert its leadership by stating explicitly that it does not sell arms to dictators.

Mr. President, one closing remark. We have problems today in Bosnia and the Balkans. I stood on this floor 2½ years ago and warned about the flow of arms coming in both directions on the Danube. The Danube River was literally a river full of arms going into that very part of the world, from allies, from friends as well as from people of different kinds of relationships to the United States. These are now coming home to roost.

People say what else can we do but sell more? What else can we do but bomb? If we would choke off the supply of arms into that area of the world, we would be saving lives and we would be going to the source of the conflict and the source of the destruction and the source of the violence. But, unfortunately, arms have become too big an economic enterprise in our Western World, particularly in the United States. So it is much easier to call out the troops and send them into trouble spots of the world than to choke off the arms.

I want to say I appreciate being able to inject this at this moment. If the time is such that Senator BUMPERs and other cosponsors of this may have a moment to speak, I will hold it in suspension. I am ready to close off and call for a vote. I recognize the ultimate defeat, but nonetheless I feel constrained to make this pitch at this time. The PRESIDING OFFICER. The Senator from Oklahoma.
Mr. INHOFE. Mr. President, is the Senator from Oregon waiting now to call for a vote on his amendment or has he yielded the floor?

Mr. HATFIELD. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, tonight we are going to be voting on some amendments that are very significant, and I want to take an opportunity to express some views concerning those amendments. One is going to be offered to refund to its 1995 fiscal year level—I believe it is $415 million—the Legal Services Corporation.

This is a place we should draw the line, go back. In fact, this is one area where the Senate came out with a better proposal than the House came out with. It is my understanding the House suggested reducing the funding to $278 million. The Senate would reduce it down to $210 million and have that block out of the States.

I really believe the Legal Services Corporation was conceived as a part of the Great Society program, understandably, perhaps, at the time, to offer legal services to the poor. However, the 1960's wound down into an agency that is trying to reshape the political and legal and social fabric of America. In fiscal year 1995, the taxpayers spent $415 million to operate the Legal Services Corporation. However, the cost, the $415 million, is a very small part of it when you consider the extensive class action suits and frivolous litigation that has followed.

There are so many examples that have been given here on the floor, and that I have given myself, concerning the activities of the LSC. The negative effects of the LSC's attempts to reorder society permeate our culture, from the business community to government to homes to churches. Perhaps the most troubling is the role of legal aid in challenging parental involvement statutes, so-called children's rights advocates such as Mrs. Clinton, who served as the chairperson for the LSC's board that challenged parental consent laws in several States. The income level of the litigants was often ignored. It really cannot be used as an argument that it was to provide legal services for the poor.

Parents are attacked in their efforts in keeping control of their homes. In Idaho, the LSC protested when parents voluntarily invited police into their homes to check for drugs. Legal aid asserted privacy rights of the violators, who were teenagers who were on drugs at the time.

We have had Legal Services also involved in illegal immigration. The LSC supported organizations that sued California for its efforts to ascertain residents' immigration status for emergency Medicaid services. Legal Services proposed to take this one to the Supreme Court.

Legal Services also contributes to our public housing woes. The LSC tried to prevent the local housing authority from evicting a woman who was dealing in drugs out of her apartment. Despite overwhelming evidence of constant drug-related activity, the LSC lawyers vigorously opposed her eviction on the grounds that she was not aware of what was going on.

The examples go on and on and on. I encourage my colleagues to seriously consider defeating the amendment that will be offered tonight.

There is another one coming up I heard articulated on this floor a moment ago by the Senator from Texas, Senator Gramm. Although he was talking about his amendment, the Shelby-Inhofe amendment that will be offered later on is an amendment to put work back into our prison system. We have proposed in this amendment that we require work, 48 hours per week, along with education pursuits so individuals can go out when they are once released and work themselves back into society. I know a lot of people are saying they would not be able to work; our prison system already is punishing criminals.

I suggest that, since the 1960's, we have grown in this body to be more concerned about the violators than we have the victims.

The other day, I ran into a notice that was posted in one of the Massachusetts correctional facilities where it stated:

A third softball field will be made in the west field in order to allow more inmates to play softball. The horseshoe pits will be temporarily relocated near the golf course. The bocce court will be relocated at the site of the new gym. The soccer field will be relocated to the east field behind the softball field.

It goes on to say, "We hope that our clients—they do not call them inmates, do not call them prisoners—will not be inconvenienced too much."

I think it is time. If there is one mandate that came with the elections of 1994, it was to start to change our prison system, to quit spending the exorbitant amounts, and to get involved in punishment as a deterrent to crime. I was very proud when we passed our bill through the Senate, after the disaster occurred in the State of Oklahoma, that calls for real habeas reform and, for the first time, in my opinion, reverses the direction of our attitude in terms of crime and punishment.

I yield the floor.

Mr. BIDEN. Mr. President, I believe that I have 2 hours allotted to my amendment that will be equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. BIDEN. In fairness to the Senate, I was supposed to be here at 7 o'clock to start that amendment. So I would suggest—that I have checked this with at least the staff of the minority—the time of my amendment be cut to an hour and a half equally divided so that we are finished by 9 o'clock with this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Mr. President, I withhold the request. I will just begin my statement, and then we can work out the time as we go along.

Before Senator INHOFE leaves the floor, I am just curious. That prison notice that he read, I would like to ask my colleague, was that a Federal prison or State prison?

Mr. INHOFE. It is a State prison. However, our amendment addresses not just Federal prisons but prisons that receive Federal funds.

Mr. BIDEN. I thank the Senator. I was just curious. I would point out to him that in the Federal prison system, we stopped fooling around—unlike the State of Oklahoma or the State of Delaware and other States—we stopped fooling around like many who served in the State legislature fool around. We have not seen the amendment from Delaware offered in the late 1970's and early 1980's. It is called "the same time for the same crime." You get convicted in the Federal court, you go to jail; all the time, and I just sorry the State legislatures are not as we have been and as the Federal Government has been for a long time.

Mr. INHOFE. If I could respond, we have been fooling around in some States. That is what this is about, to try to get some uniformity. And any time you have a murderer like Roger Dale Stafford, who sat on death row for 15 years after murdering nine Oklahomans in cold blood, it is time that we changed our attitude toward crime and punishment in this country.

I would suggest—and I think perhaps the Senator from Delaware would agree—that when someone is contemplating a crime, and if he thinks the downside is going to be sitting on death row, he will sit there instead of him; that he will not be inconvenienced too much.

I think it is time. If there is one mandate that came with the elections of 1994, it was to start to change our prison system, to quit spending the exorbitant amounts, and to get involved in punishment as a deterrent to crime. I was very proud when we passed our bill through the Senate, after the disaster occurred in the State of Oklahoma, that calls for real habeas reform and, for the first time, in my opinion, reverses the direction of our attitude in terms of crime and punishment.

I yield the floor.
September 28, 1995

Mr. BIDEN. I am happy to hear that. But it is with the bill for months and months before we started the appropriations process.

I do not stand for that reason. I rise to speak to an amendment that I have. Let me very briefly describe it before I send it up to the desk.

Mr. President, the crime bill—which we passed, and it is now the crime law—was in many ways authorized in this appropriations bill. My good friend from Texas, Senator Gramm, for whom I have great respect and I have never underestimated his abilities, was very effectively able to, in the appropriations process, essentially change the authorization process by dealing with a number of the provisions in the crime laws that are in place and functioning.

What they little attempt to do is go back and—whether the Senate will agree is a different story—essentially what was done in the subcommittee on appropriations. I am not speaking to each part of the amendment, but I will give you the major points.

One, it reinstates money for the drug courts. The Appropriations Committee eliminated the funding for drug courts, something that we passed a year ago into law and is now the crime law.

Second, it eliminates money for drug treatment in prisons. I might note for those who might think that is sort of a silly, soft-headed notion that the States in the United States of America in the year 1993, after releasing prisoners from the jail—prisoners who had served their time in the State penitentiary—as they walked out the gate from a State penitentiary with the clothes they wore in and a bus ticket and then, in the pocket, 200,000 of them in one year walked out of that penitentiary drug addicted, drug addicted, addicted to drugs after having served their time as they walked through the portal.

So what all the evidence shows is that drug treatment in prisons is as effective as drug treatment out of prison, and it makes a big difference because you have 154 crimes a year committed by a drug-addicted person. If you have 200,000 of them, not having walked out of jail, still drug addicted as they walk out the gate, we have a problem. But unfortunately, the meager amount of money that was in the crime bill, in the crime trust fund, which should have been spent and would have been spent in this upcoming year, that also was zeroed out.

In addition, there was in the crime law a provision that a vast majority of my colleagues, Democrats and Republicans, voted in opposition to in the crime bill 2 years ago, and that was rural drug enforcement grants. I have spent a lot of time with the Presidential Officer, my colleague from Utah. And, as a consequence, I do not pretend to know the State of Utah, but I have become much more familiar with it. I need not tell the Presiding Officer that drug trafficking in methamphetamine with the gangs from Los Angeles moving into rural Utah, drive-by shootings occurring in the towns that never occurred before, the influx into the large intermountain States of drug deals, drug cartels, and drug organizations primarily dealing in synthetic drugs and methamphetamine—all of them have been my burden on all of those things and have put an incredible burden on the rural law enforcement agencies in the small towns in the State of Utah, in New Hampshire and in Delaware.

I mentioned those States because the three Senators representing those States are on the floor. We represent States where the vast majority of their cities are very small. The largest city in the State of Delaware is 85,000 people.

Now, I realize Utah is larger than that, and I think Manchester, NH, is larger than that. But the point is, we do not have that many big metropolises. We have tens, scores of small towns, one sheriff or one police officer or two or three. And what every rural law enforcement agency said to us when we were writing this bill was that we need help, particularly in the area of dealing with the gang problems, because the problems that are visited upon those small towns are not just the kids selling marijuana in the schoolyard; the real problems that have occurred in the last 10 years is these drug organizations move into those small towns, or they move into the outskirts of those small towns that in effect are incapable of being dealt with across State borders by small, rural law enforcement agencies.

Unfortunately the subcommittee on appropriations saw fit to zero out that function as well. I attempt in this amendment to restore that money.

In addition, I also restore another thing that was cut totally, and that is the Law Enforcement Family Support Act.

Now, most people do not know what that is, but a number of us have participated, and I expect my colleagues on the floor tonight will participate in the ceremony that is at the law enforcement memorial once a year, where almost every year the President speaks, whether it be President Bush or President Clinton, and where we deal with and hail the slain officers and the families of officers slain in that calendar year who come to Washington. And they come to Washington to be recognized and to recognize the contributions of their spouses, mothers or fathers, brothers or sisters. And I find it curious that my colleagues, at least the majority on the appropriations committee, decided to tell the States they do not have the option to build boot camps. I do not quite understand that. Everybody stood on this floor and talked about how valuable and important boot camps are. But the language that I have in this amendment—and I will go back to this in a moment—restores the State option. No requirement, no State has to build a single, solitary boot camp. They can all go build maximum security prisons. They can do whatever they want to do with the money as it relates to prison construction, but they should have the option of being able to build a boot camp, as my State has decided. And there are several other changes that this amendment contains for the families that come from all across America, that come from Idaho, Utah, Montana, Maine, Florida.

You speak to the families of those slain officers, and they will tell you this counseling that they get as to how they are going to deal with this cruel deal with other families who have been through it is one of the most helpful things that happens to them. It matters to them.

What this $1.2 million we cut does is to provide that very counseling. So I hope when my colleagues vote on this amendment, they will remember that next year when they are invited down to the law enforcement memorial ceremony and they see and, God forbid, it will occur we know, another 25, 50, 100 families down there where officers have been slain in the calendar year doing their duty, we will realize that in failing to put this money back in the thing that those families valued the most will in fact not be available to them because we choose to do it, go to a luncheon and get on buses to take advantage of these counseling services.

So I attempt to restore the $1.2 million in the Law Enforcement Family Support Act that was taken out by the committee.

It also restores—no new money, no change in money—the State option that is presently available under the crime law, under the prison grant portion, to allow States to use their prison grants in such a way that they can choose to do it. The argument that we heard on the floor, Democrats and Republicans, for the past year is that we want to allow more local control. We do not want the Federal Government telling people what they should do.

We passed, with my support and the overwhelming support of the people in this body on both sides of the aisle, the mandate legislation saying we should not be mandating to the States what they must do with the money. But implicit in that is we have also said as a matter of policy that we do not know federally, we have acknowledged we do not know federally as much about the specific needs of the States and the localities as the States and localities know.

So I find it curious that my colleagues, at least the majority on the appropriations committee, decided to tell the States they do not have the option to build boot camps. I do not quite understand that. Everybody stood on this floor and talked about how valuable and important boot camps are. But the language that I have in this amendment—and I will go back to this in a moment—restores the State option. No requirement, no State has to build a single, solitary boot camp. They can all go build maximum security prisons. They can do whatever they want to do with the money as it relates to prison construction, but they should have the option of being able to build a boot camp, as my State has decided. And there are several other changes that this amendment contains for the
purpose of making sure that we in effect put the crime law back together.

This amendment is supported, I might add, by I believe every single major police organization in the country. The legislation relating to law enforcement and family support is specifically supported by the National Association of Police Organizations.

As I said, everyone may remember a year and a half ago there were a rash of police killings across the country, including what personal toll was taken on America’s law enforcement officers and their families as a consequence of them being shot or wounded or killed. This amendment on the Family Support Act helps deal with that.

So let me speak a little more specifically to each of the general areas that I try to restore. Again, $100 million for drug courts. $20 million—and by the way, we authorized $150 million.

I said a moment ago it was a small thing. We are dealing with moneys from a trust fund. These are not any new taxes. What we all decided to do under the leadership of Senator Gramm of Texas and Senator B. Y. R. D. of West Virginia, when the crime law was being debated a year and a half ago, was to say, look, why not make sure this is not funny money. Why not make sure we can pay for what we say we want to do, I believe, I agree.

And under the leadership of Senator B. Y. R. D. with the strong concurrence of Senator Gramm of Texas—and quite frankly, with the ingenuity of John Hilles, who was then the administrative assistant for Senator Mitchell—they came up with a unique idea. Never before, to the best of my knowledge, did the Senate ever set up a trust fund for law enforcement. And the way that was funded, the Senator from Texas (Mr. Gramm), insisted that the commitment that we made to reduce the Federal work force by 272,000 people over a 5-year period be written into the law. It had not been legislated before.

And the point of the crime law was to legislate, the President would have to reduce the present work force by 272,000 people. OMB calculated how much the revenue that was now being paid out of the Treasury to pay those Federal employees. We have done that. The key to the drug court program is to punish and control offenders in the most efficient way possible.

In fact, it is precisely because of the success of the drug courts seen in model States, that I worked with the Attorney General to include the Federal support for drug courts in the 1994 crime bill signed into law a year ago.

Drug courts represent an innovation in how our system deals with low-level, first-time drug offenders. Throughout the Nation nonviolent drug offenders are simply released back into society with no punishment, no treatment, no supervision. Nationally, the most recent estimates are that 600,000 such offenders are on the streets; 600,000 people convicted of abusing drugs and committing crimes sent back out into the streets with no reason not to return to more drugs and more crime and with no punishment, no treatment, and no supervision—1.4 million of these nonviolent drug offenders are convicted every year, and 600,000 of them get absolutely no treatment, no supervision, no punishment.

Now, let me tell you how the drug courts work. The drug courts work so that what happens is the States, with the money provided by the Federal Government as seed money, this $100 million, set up drug courts where they take those first-time, nonviolent drug offenders into the program. They adjudicate their cases very rapidly, usually within 30 days. They then sentence that offender to something, including all of the following:

First, if they are in school they must stay in school.

Second, if they have a job they must keep a job.

Third, they must be subject to random drug testing.

Fourth, they actually must report two times a week to a probation officer and a counselor.

Fifth, they are required to enlist in drug treatment and stay in drug treatment.

If they violate any of those things, they go straight to jail. They do not pass go—straight to jail. In Dade County, Florida, which, unfortunately, probably has more experience with drug trafficking and illegal drug use than any other county in America, it was put into effect several years ago.

The rearrest rate prior to the institution of drug courts was about 34 percent. Thirty-four percent of all the people who were convicted the first time of a nonviolent drug offense ended up rearrested and reconvicted and back before the courts. When the drug court program was put in place—and it has been there now about 5 years, I believe, most people say—rearrest rate dropped to around 3 percent—3 percent.

I can say to the Presiding Officer and others who are listening that in my State, the State of Delaware, a Republican attorney general named Richard Gebelein became a superior court judge and set up a drug court like this—strict, strict, strict rules for nonviolent offenders once they are convicted, requirements of treatment, requirements of public service, requirements of random drug testing, require a stick to help keep a job, very strict requirements. They were literally required to sign a contract. And when they violate any of those provisions, they go to jail. It is amazing what an incentive it is. It is amazing what an incentive it is.

In my State they are going to go through drug court that the cost of the boot camps cost 40 percent less to run than the prison system does, than building bricks and mortar. So they work. I say to my friend from Utah and others who are here, they work. And, unfortunately, now how are we going to find money for other purposes in the bill, they were zeroed out. So what I do in this legislation is I restore $100 million of the $140 million that has been authorized.

Again, drug courts combine a carrot of drug treatment and the helping hand of making sure that States have the option dealing with being able to use prison money to build boot camps. Now, my friend speaks to what I think is the sine qua non of this amendment is, first, in more detail, and that is the drug courts. The Federal Government has long focused on the fight against illegal drugs, but few of its efforts have shown the promise already demonstrated by drug courts. The key to the drug court program is to punish and control offenders in the most efficient way possible.

In my State they are going to go through drug court and the people who have been convicted in the drug courts are sent to jail. So I say to my friends, as they look at this, ask their judges in their home county, when they are running their court, to make their judges in their home community ask their judges in their home county how our criminal justice system is working for them.
State, ask their probation officers, ask their police officers, ask their prison officials, and I can tell you, they will find almost without exception that the drug court innovation is viewed as one of the best hopes law enforcement has to deal with this problem. And to paraphrase a phrase used in a Presidential campaign last time around, "It's drugs, stupid. It's stupid. Drugs." Why, as we talk about drugs, we in fact know the third is rural drug enforcement. I would like to mention the decision to abandon the key antidrug programs. I cannot understand why, as we talk about drugs, we in fact know this, why, as we talk about drugs, we in fact know this.

The survey found that among youth age 12 to 17, the rate of illicit drug use increased between 1993 and 1994 from 6.6 percent to 9.5 percent. In the past year, nearly 10 percent of our youth were drug users. The number of marijuana users increased by over 10 percent. Fifty-nine percent of the young people in America said marijuana is easy to obtain and they know how to get it. There was an increase in the perceived availability of LSD, PCP's, and heroin for all age groups. The percentage of people age 35 and older who claim that cocaine was easily obtainable increased from 36 to 41 percent. Clearly, despite the progress we made in drug abuse prevention and treatment and law enforcement, there is still a great deal more to do. And things are moving the wrong way. Perhaps even more frightening than the upsurge in use trends is the increase in the perceived availability of illicit substances in all age groups. The percentage of youth reporting that marijuana was easy to obtain increased by over 10 percent. The rationale behind the additional fee is that, in paying the fee, the person has saved the United States, return to their home country, and reenter the United States legally.

In 1994, we passed a law that allowed the person in those circumstances to remain in the United States and obtain the green card if certain requirements were satisfied. That person paid an additional fee of a few hundred dollars. The bill before us provides $750 million for prisons. We all know that whatever comes out of conference is not going to be $750 million. So we take $21 million—a mere $21 million—out of the reduction in the State prison grants. I note that the House funded the administration's request of $500 million. The bill before us provides $750 million for prisons. We all know that whatever comes out of conference is not going to be $750 million. So we take $21 million—a mere $21 million—out of the reduction in the State prison grants. And should it be adopted, the $750 million in offsets from the Senate subcommittee put in. And should it be adopted, the bill would still provide more than $725 million for prison grants. And so when my colleagues legitimately ask, OK, Bieden, let us assume the three programs that I talked about, the drug court has been in place in Kansas City, MO, for about 2 years, and it is very spectacular.

Mr. BOND. Mr. President, I am not going to take up a great deal of time. There are a number of things to work out on this amendment. I could not pass up this opportunity to come and tell this body that the concept of a drug court has been in place in Kansas City, MO, for over 2 years, and it is too early to say that this is the real solution. But the results, to date, are very spectacular. In Kansas City, drug offenses were clogging up the court system. We did not have the court resources available to provide full trials. We were getting citations. We did not have the prison space for the minor offenders. The drug court has been used with, apparently, a great deal of success for the nonviolent minor drug offenders in Kansas City. As the Senator from Delaware has already described, this is a program in which they go before a judge—and I
talked at length with a judge—Judge Mason—whom I had the pleasure of appointing when I was Governor of Missouri, and the county prosecuting attorney, Clara McCaskle, who said this was one of the best ideas they had seen for trying to get people caught in their turns. After they started taking drugs, off of drugs and off of a life of crime.

There have been about 200 people in the program in 2 years, only 10 have been rearrested. Some of them failed. The reason about a drug court is that if you fail the program, that is it, you go into jail. There is no question about it. But 60 people have completed the program. Only one has been rearrested. That is a significantly higher success rate than most of the other programs I have seen for dealing with the minor drug-related offenders.

This, obviously, applies only to non-violent offenders, who have not used a weapon in their crime. We think this kind of tough supervision by a concerned judge—and it requires a judge who is willing to devote his or her time to these cases, to give the drug offender the attention and discipline needed to get them off of the drug habit and get them out of a life of crime, offers a great degree of promise.

I had asked that the drug court at least be made a permissible use under the block grant program. Frankly, I think making it a permissible use is not what we want to see. I think what we have seen, I would like to see the drug court procedure in the law in some form.

I look forward to working with my colleague from Delaware and my colleague from New Hampshire to see if we cannot include provisions for drug courts. I can tell you, from the heartland where we have a drug problem, the drug courts seem to be one of the most promising ways of dealing with the problem. Anything in this area that holds out a chance of working I think should be given a chance. At the very least, the drug court program should be made an option used under the block grant program. I would like to see us go further. I would like to see us say that drug grant programs should be entitled to a certain percentage of the block grants.

I look forward to working with the managers on both sides.

Mr. President, I reserve the balance of the floor.

Mr. BIDEN. Mr. President, in keeping with our informality here, let me finish up. I thank my friend from Missouri for speaking to the efficacy of drug courts.

Let me speak to two other pieces of this amendment. One is the rural drug enforcement grants. The latest reports from rural America tell a bitter story of violent crime, murder, rape, aggravated assault. It is rising faster in rural America. Most of our colleagues from the rural states do not realize this. It is rising faster in rural America than in urban America.

From 1992 to 1993 alone, the violent crime rate in rural areas increased 7.4 percent; violent crime among juveniles in rural areas—violent crime now—rose 15.2 percent in rural areas.

Drug trafficking and addiction are also skyrocketing in America’s rural States, especially among our young people. Drug abuse and addiction increased by nearly 30 percent among young people under the age of 18 in recent years.

At the same time, the number of law enforcement employees per 1,000 inhabitants has decreased in rural America to fight devastatingly high increases in serious offenses.

In 1993, the most recent year that data is available, 12 percent of our population or almost 32 million people were served by rural law enforcement agencies.

That is 32 million people who have watched their communities become frighteningly dangerous. That is 12 percent of the population that has witnessed their children becoming increasingly vulnerable to becoming victims of violent crime or becoming involved in drugs, crime and violence.

Rural drug enforcement grants have, we found, been the best way to target assistance to rural area law enforcement agencies. I might point out that Senator Hatch was one of the leaders in making sure this provision was in the crime bill.

These grants, which place a special emphasis on drug enforcement over the 32 million people living in rural areas, give the protection they need and deserve. These dollars can be used for the same purposes State and local officials use their Byrne grant money; specifically, funding will support the highly successful multi-jurisdictional State, local, and Federal drug enforcement task forces.

These joint efforts have proven that they work. They have a proven track record of reducing drug trafficking in rural America.

Put this in commonsense terms. How can a rural sheriff, a rural chief of police in a town of 800 or 1,000 or 1,500 or 5,000 people, with one officer or maybe as many as three or four, how can they possibly deal with the sophisticated drug operations that come into their areas? They cannot do it.

In the good old days when I was chairman of the Judiciary Committee, many of my colleagues, Republican as well as Democrats, would come to me and say, “Joe, can you help me get an extra DEA agent in Montana? Can you help me get an extra DEA agent or two of them in Idaho or North Dakota, South Dakota, Vermont, Maine?”

Small States, but rural States. They cannot get an extra DEA agent or two of them in Idaho or North Dakota. They need assistance to rural area law enforcement teams in rural America to fight devastatingly high increases in serious offenses.

In 1993, 1994 and 1995, I asked that $2 million be added to the Byrne block grant program to fund these rural drug enforcement grants. Again, I yield the floor.
This means, of course, we have to identify violent offenders and make sure they go to prison. But it also means we must separate out the nonviolent offenders who can be diverted, potentially, from a career of crime through an intensive cost-effective program such as military-style boot camps.

That is exactly what we did in 1994 with the Biden crime law. We encouraged the States to identify nonviolent offenders and to use them as an alternative, more cost-effective programs while we, in fact, kept them incarcerated. We provide $9.7 billion to States to build and operate prisons and we gave them the option to use a portion of that money for boot camps.

This appropriations bill would completely eliminate State flexibility to use boot camps for nonviolent offenders in order to free up conventional prison cells for violent offenders. My amendment would restore the State option to put nonviolent offenders in boot camps, for use by their Federal prison money for boot camps.

Let me first tell my colleagues a little bit about boot camps so they can be clear with me if they think they are worthwhile. Boot camps provide a regimented program of work and exercise for young, nonviolent offenders. And they have shown marked success with young offenders who learn discipline and respect for law and authority.

They are put behind barbed wire. They are locked in. They are essentially put in Quonset huts. Some argue it is inhumane. I argue if it is good enough for a marine to sleep in a Quonset hut, it did not hurt him very much, so I can see how it can be done for young, nonviolent offenders. And they have shown marked success with young offenders who learn discipline and respect for law and authority.

We have historically had the hardest time producing funds for law enforcement, and it seems to me we should not allow these areas to continue to receive less attention and less antidrug-related money than urban areas just because they are less populous.

This is just an example of the creative ways we are going about this. By providing open-ended block grant funds which may be used for this or any other program, while at the same time significantly cutting the amount of total funding available, my friends are building support for the rural drug enforcement block grants without doing so directly because of where they will have to compete.

The last point I wish to speak to at this moment is the boot camps. Our ability to reduce crime in a manner depends directly upon our ability to target offenders with the appropriate time of sentence.
The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows: The Senator from Delaware [Mr. BIDEN], for himself and Mr. BRYAN, proposes an amendment numbered 2818.

Mr. BIDEN. 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 20, line 30, after "Act:" insert the following: "$27,000,000 for grants for residential substance abuse treatment for State prisoners pursuant to section 1001(a)(17) of the 1968 Act; $10,252,000 for grants for rural drug enforcement assistance pursuant to section 1001(a)(9) of the 1968 Act;".

On page 28, line 11, before "$25,000,000" insert "$150,000,000 shall be for drug courts pursuant to title V of the 1994 Act;".

On page 29, line 6, strike "$750,000,000" and insert "$728,800,000".

On page 29, line 15, after "Act:" insert the following: "$1,200,000 for Law Enforcement Family Support Programs, as authorized by section 3003(a)(1) of the 1993 Act;".

On page 44, lines 8 and 9, strike "conventional correctional facilities, including prisons and jails," and insert "correctional facilities, including prisons and jails, boot camps and other low cost correctional facilities for nonviolent offenders that can free conventional prison space".

On page 39, line 16 strike all that follows to page 20 line 19 and insert: "Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is amended— (1) in the first sentence of paragraph (3), by striking "five" and inserting "ten"; and (2) in paragraph (3), by inserting before the period at the end the following: "or, notwithstanding any other provision of law, may be deposited as offsetting collections in the Immigration and Naturalization Service "Salaries and Expenses" appropriations account to be available to support border enforcement and control programs;".

The amendments made by subsection (a) shall apply to funds remitted with applications of status which were filed on or after the date of enactment of this Act;

For activities authorized by section 130086 of Public Law 103-322, $10,300,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund;

Mr. BIDEN. I realize this is a mildly backward way of doing it, speaking to it before I send it to the desk, but I did it, and I yield to the Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the presentation of the Senator from Delaware, there is some which I agree with and some which I do not agree with. I would like to point out that I agree with his comments relative to boot camp. We have used the boot camp process in New Hampshire, and it has been quite successful. I have to believe that the decision to drop the boot camp was inadvertent. I hope we will correct it.

If the Senator at some point wishes to divide his amendment and bring that up separately, I would certainly be supportive. I think in any event we can at least work out that part of his amendment. I suggest the absence of a quorum.
block grant. And, funding was not even authorized until FY 96. We haven't even given it a chance to work and get into communities—one of the few provisions in the crime bill that was intended to prevent crime, one of the few provisions that was in the fund until next year. And police in Congress are trying to cut it off at the knees.

The Biden amendment would restore the crime bill structure and ensure that some of the funds that were set aside as part of the Crime Control Trust Fund are spent on real prevention programs.

The local crime prevention block grant, like the COPS Program, provides a lot of flexibility to the States and communities. Under this block grant, communities can determine what types, within a general list of about 14 different ideas, of prevention programs to fund, what prevention plans fit their community the best. But this block grant is for prevention, nothing else. It is one of the few aspects of the crime bill that focuses on prevention, an essential element of any crime fighting effort. And, as I stated earlier, it has not even had a chance to be implemented. This coming year would be the first year funding will actually go to help communities.

I cannot emphasize enough how important crime prevention is—especially now. And, under this appropriation bill very little, if any, funding would go to prevent crime.

If we were to listen to people in the communities that are most affected by the violence, they would say to us you have to have the money in prevention. But how interesting it is that those who would essentially eliminate these prevention programs do not come from those communities, do not know the people in those communities, and I do not think they asked the people in those communities at all what they think should be done.

Mr. President, I can just tell you that in meeting with students, students who come from some pretty tough background—students at the Work Opportunity Center in Minneapolis, which is an alternative school, young students who are mothers and others who come from real difficult circumstances, all of them said to me: You can build more prisons and you can build more jails, but the issue for us is jobs, opportunity. You will never stop this cycle of violence unless you do something that prevents it in the first place.

Then I turn to the judges, the sheriffs, and the police chiefs, and I call them on the phone in Minnesota, and I ask them what they think. And they say yes we need community police and yes we need the other parts of the crime law, but they all say, if you do not do something about preventing crime if these young people do not have these opportunities, if we do not get serious about reducing violence in the home, do not believe for a moment that we are going to stop the cycle of violence.

Mr. President, I believe that a highly trained police, highly motivated, community-based, sensitive to the people in the communities, can make a difference. They are wanted and they are needed. But the bill we are considering today will do nothing to prevent the criminal of tomorrow. And indeed without more cops on the beat it may not do much to fight the criminals of today.

Every 5 seconds a child drops out of school in America. This is from the Children's Defense Fund study. Every 5 seconds a child drops out of a public school in the United States of America. Every 30 seconds a baby is born into poverty. Every 2 minutes a baby is born with a low birthweight. Every 2 minutes a baby is born to a mother who had no prenatal care.

Every 4 minutes a child is arrested for an alcohol-related crime. Every 7 minutes a child is arrested for selling drugs. Every 2 hours a child is murdered. Every 4 hours a child commits suicide, takes his or her life in the United States of America. And every 5 minutes a child is arrested for a violent crime.

Mr. President, if we do not continue to be serious about the prevention part, we are not going to stop the cycle of violence.

All too many young people are growing up in neighborhoods and communities in our country where if they bump into someone or look at someone the wrong way they are in trouble, where there is too much violence in their homes, where violence pervades every aspect of their life. And people who grow up in such brutal circumstances can become brutal. And that should not surprise any of us.

Prevention and law enforcement—both essential elements of any crime fighting effort—should not have to compete with each other for funding, nor should funding be cut for either.

I urge my colleagues to support the Biden amendment.

IN DEFENSE OF THE COPS PROGRAM

Mr. Pryor. Mr. President, I rise today in support of a program that is vital to each and every one of us. It is vital to the safety of our States, of our towns, of our communities. In 1994, Congress passed the crime bill. It was a crime bill. But one of the most alarming parts of this important legislation will put nearly 100,000 more police officers on the street through the Community Oriented Policing Services Program or COPS Program.

Today, as I stand in this Chamber, there are over 25,000 officers who would not be out there—protecting citizens in communities across this country—if it were not for the COPS Program.

If we eliminate this program and turn the fund over to the States in block grant, as the Appropriations Committee has proposed, there is no guarantee that a single additional police officer will be hired. Not one. We made a commitment to the American people when we passed the crime bill. All of us, Republicans and Democrats alike, made a commitment to the citizens of this country that we would work with them to reduce crime. The COPS Program insures that these police officers will be on the beat in towns and communities across the country.

Mr. President, of the 100,000 new police officers promised, almost 26,000 have already been hired in Arkansas alone. Our police departments are made up of men and women who put their lives on the line every day to make our streets safer—not just in big urban areas, but in small towns and rural areas. With a block grant, funds may not filter down to small towns that desperately need the extra help. They are being asked to do more with less as crime rates continue to rise rapidly. Gangs and drug dealers are migrating out of the larger, more sizable towns and into the smaller towns at an alarming rate.

It is our duty, Mr. President, to assist the prevention of crime in our country. The major law enforcement organizations in my State of Arkansas, as across the country, have united in support of the COPS Program. They tell us that this program is working, that it is getting more officers on the streets. So why are we eliminating a program that is working? We get hundreds of calls and letters from police chiefs and sheriffs in towns, both large and small, throughout my State praising this program.

For example, the Danville Police Department in Danville, Arkansas, has, through the COPS Program, been able to hire an additional officer to patrol the streets at night. In the month since Mike Pyburn has been hired, he has already made a drug arrest. As he was patrolling the streets one night, Officer Pyburn spotted an individual with a warrant out on a misdemeanor. In this person's possession at the time of the arrest was 14 individually wrapped bags of marijuana. The COPS Program enabled this officer to be on the job and get these illegal drugs off the streets of Danville. This is one of many arrests this officer has made. Having additional night patrols has not only improved public safety, it has relieved the people's fears. The citizens of Danville can now sleep at night feeling a little safer because Officer Pyburn is on duty.

Colonel John Bailey, the Director of the Arkansas State Police, put the importance of the COPS Program into simple terms. He said that this program 'is the right program in the right place where the problem is. It is working. It is working.'
apply for the additional officers they so desperately need. Unlike most Federal grant programs, there are not pages and pages of complicated forms to be filled out, and extensive regulations to follow. For small towns, there is one page to fill out. That’s it. One page. And it takes less than an hour to fill out.

I have a letter from Larry Emison, the Sheriff of Craighead County in Northeast Arkansas. They also have used their COPS grant to add an additional deputy to their night patrol. He has been in place since April, but the community has noticed a difference and feels safer on the streets, particularly at night. Mr. President, this feeling of safety is due in large part to this officer made possible through the COPS Program.

Chief Wiley White in DeValls Bluff has called this program “a lifesaver for the community.” He hired David Huggs, a former prison guard who had served for 13 years. Chief White told me that Officer Huggs has “been a miracle for this town.”

I have a lot of these stories, Mr. President. Officer Rebecca Hanson was hired in Crittenden County, Arkansas, to investigate criminal sexual abuse to children. Officer Hanson has special training in interviewing children about the abuse they have suffered. In her first 5 months since being hired, Officer Hanson has handled a total of 42 cases, resulting in 7 arrests. We can only speculate what might have happened to these innocent children if it hadn’t been for Officer Hanson’s presence on the police force.

The Morning News of Northwest Arkansas reported in July how valuable the COPS Program has been to the Rogers Police Department and the citizens of Northwest Arkansas. Two new officers have been added to their force. According to the article, Capt. Steve Russell of the Rogers Police Department, said the grant program has given them the opportunity to add additional personnel that they would not have had otherwise. Captain Russell said the COPS FAST grant program is an example of how the Federal Government can make it easier for local agencies to expand personnel. officers have been added to their force.

Steve Russell, administrative commander of the Rogers Police Department, said Tuesday, “It’s given us … the opportunity to have additional personnel we wouldn’t otherwise have had.”

The COPS FAST program operates under the office of Community Oriented Policing Services of the U.S. Department of Justice. The grant program is designed to help law enforcement agencies immediately increase their available manpower. The three-year program will allow the Rogers Police Department to add 3 new officers with the federal grant of $132,337 added to $44,113 in local funds to cover the costs and benefits of $176,450 over the three years of the grant. After the grant ends, all of the costs will be borne by the local agency.

Russell said the COPS FAST grant program is an example of how the Federal Government can make it easier for local agencies to reap the benefits of federal programs. “This was one of the fastest programs we’ve seen, in terms of the time from the application to us getting the money.” Russell said. “That just allows us to put more police on the streets faster, which we certainly needed.” The application process was very simple, unlike most federal grants.”

Russell said the Rogers department currently has 59 certified law-enforcement officers, with one approved slot remaining open. The department has four officers who are just completing their 10-week training course at the Arkansas Law Enforcement Training Academy in Camden. Another five are scheduled to start the course Monday. Officers who successfully complete the academy training course still have to complete another 12 weeks of field training with the department, he said, giving new officers about six months of initial training. According to Capt. Russell, the department received a grant to add an additional deputy to their night patrol. Mr. President, this felt to us getting the money,” said Russell.

The Rogers Police Department’s staffing levels are below national average for law-enforcement agencies. Rogers has 1,822 officers for every 1,000 people. The national average is 2.65 officers per 1,000 people. To reach the national average, he said, Rogers would need 87 officers.

POLICE DEPARTMENT,
CITY OF BULL SHOALS,

I want to express my sincere thanks for allowing us to be a part of the COPS Program. As much as you have done for the citizens of our city, we are grateful. Our citizens’ contacts have risen markedly, and the results have been very positive.

Charles Robert Chapman is the Officer who was hired in July 1995, after applying for the COPS grant. Officer Chapman has been very productive. Within the first month Officer Chapman was on the street he developed the information that led to the warrant and arrest of a 32 year old male subject on the charge of being a Felon in Possession of a firearm. The subject who was disarmed, had been convicted and jailed on Felonies for Burglary and Drugs. Officer Chapman also developed information from a citizen that led to the location and confiscation of Marijuana plants being grown on Federal Property. I know that in many cities these cases along with several cases related to weapons, probation violations, domestic batteries and DWI, would not make it to the streets.

But here in a relatively secure retirement and recreation area these significant arrests go a long way to ease and assure the minds of the citizens of this county involved in Law Enforcement for over 20 years and have never seen an Officer so well accepted and welcomed into a community. The “Cops” program is what facilitated this boost to our department.

Again, thank you for all your work. I would also like to compliment a member of your staff, Cynthia Wetmore, who has always been very responsive and made many of the processes much easier.

Sincerely,
ROBERT R. WOCHNER,
Chief of Police.

University of Arkansas for Medical Sciences, Office of the Chancellor,

Sheriff Dick Busby, Crittenden County Sheriff Dept., Marion, AR.

Dear Sheriff Busby: As Multi-disciplinary Team Project Coordinator for the Arkansas Commission on Child Abuse, Rape and Domestic Violence, I wanted to commend your department for their involvement on the Crittenden County Multi-disciplinary Team. The dedication of local community professionals has had a positive impact upon the child abuse victims in your county. The Commission is particularly pleased with the number of joint investigations being conducted. Crittenden County is one of the few counties involved in joint investigations. Children are indeed much less traumatized and the quality of investigations is improved. Mr. President, this feels to us getting the money,” said Russell.

I have a letter from Larry Emison, Sheriff of Craighead County, Washington, DC.

Mr. PRYOR, Mr. President, putting additional 100,000 officers on the streets is a promise that this body made last year when it passed the crime bill. It is our duty to continue this vital program that represents an approximate 20 percent increase in the American police force. What the American people want is to feel safe in their homes, and go about their business, streets, and neighborhoods. They deserve this safety and the COPS Program is delivering it to them. I urge my colleagues to
stand with me in protecting what is important to our country. I urge you to vote to save the COPS Program.

LEGAL SERVICES TO NATIVE AMERICANS

Mr. INOUYE. Mr. President, I seek a few moments in order to seek clarification from my esteemed colleague, the senior Senator from Alaska, with regard to language that is contained in an amendment proposed by my colleague. When the Subcommittee on Commerce, Justice, and State and the Judiciary met to consider H.R. 2076, the appropriation bill for fiscal year 1996, Senator STEVENS proposed an amendment to the amendment proposed by the esteemed chairman of the full committee, Senator HATFIELD, relating to the provision of legal services as it affects Native American households.

Mr. STEVENS. Mr. President, my amendment, which was adopted by the Subcommittee on Commerce, Justice, State and the Judiciary on September 7, 1995, provided that in States that have significant numbers of eligible Native American households, grants to such States would equal an amount that is 140 percent of the amount such States would otherwise receive. My amendment was in order to prevent a serious reduction in legal services to Native Americans. Under current law, there is a separate, additional appropriation for legal services to the Native American community. The Legal Services Corporation also given the flexibility to allocate additional resources to States like Alaska, which experience increased costs due to the difficulty of providing legal services to remote populations, many of which are composed of Native Americans. Given the fact that the Legal Services Corporation, including the separate Native American appropriation, was eliminated the committee's bill, my amendment was necessary in order to ensure the continued provision of legal services to the Native American community.

Mr. INOUYE. Mr. President, I wish to express my deep appreciation to my colleague from Alaska for his efforts in this area, and for recognizing that the significant needs for legal assistance in Native American communities span a broad range of issues, from housing and sanitation to health care and education. In my own State of Hawaii, Native Hawaiians comprise less than 13 percent of the population, but have more than 50 percent of the prison inmate population. Native Hawaiians are twice the unemployment rate of the State's general population and represent 30 percent of the State's recipients of aid to families with dependent children. Over 1,000 Native Hawaiians are homeless, representing 30 percent of the State's homeless population. Native Hawaiians have the lowest life expectancy, the highest death rate, and the highest infant mortality rate in the State. Moreover, they have the lowest education levels and the highest suicide rate in Hawaii.

Mr. President, in my State, we have the Native Hawaiian Legal Corp. [NHLC], a nonprofit organization established to provide legal services to Native Hawaiian community. NHLC has a 20 year history of providing excellent legal representation to Native Hawaiians, and it has long been affiliated with the Native American Rights Fund. Fifteen percent of NHLC's annual funding comes from the Native American portion of the Legal Services Corporation budget. My understanding is that the language proposed by my esteemed colleague from Alaska is to ensure the continued provision of legal services to Native Americans that are currently being provided through the separate Native American allocation of the funding provided to the Legal Services Corporation. My question of my colleague from Alaska is whether it is his intent that Native Hawaiians would continue to be eligible to receive funds appropriated for the provision of legal services under your amendment, consistent with the current situation under the Legal Services Corporation? Mr. STEVENS. I thank the Senator for his earlier comments. My colleague from Hawaii, in his capacity as the former chairman of the Senate Commerce, Justice, State and the Judiciary Committee, has traveled many, many times to my State of Alaska, and I know that he has come to appreciate the very difficult circumstances under which the vast majority of our native villages and communities challenges the Senate from Hawaii faces in trying to meet the needs of native communities in the State of Hawaii, and I therefore understand full well his desire to clarify the meaning of "Native American households". When I proposed this language, it was my intention to ensure that those Native American communities, including native Hawaiian households, currently being served by the Legal Services Corporation would continue to receive legal services under the block grant approach proposed by Senator HATFIELD. Have I sufficiently addressed my colleague's concerns?

Mr. INOUYE. Mr. President, I wish to thank my colleagues from Alaska, for clarifying this matter for me. I am certain that the native Hawaiian community will be most appreciative of the Senator's clarification.

ABUSES INVOLVING MICROWAVE INCUMBENTS

Mr. BREAUX. I would like to raise an issue that is of concern to several members of this committee on both sides of the aisle.

Previously, as chairman of this committee and of the Appropriations Subcommittee on Commerce, the Senator from South Carolina was instrumental in establishing spectrum auctions for new PCS services, and was a guiding force on developing the rules that were adopted by the FCC governing relocation of microwave licenses out of this spectrum.

He has discussed, that certain enterprise individuals have recycled a number of microwave incumbents as clients and now seem to be manipulating the FCC rules on microwave relocation to leverage exorbitant payments from new PCS licensees.

I am advised that if this practice continues unchecked, more and more microwave incumbent licensees are likely to employ these unintended tactics. More importantly, it will reportedly devalue spectrum in future auctions to the tune of up to $2 billion as future bidders factor this successful gamesmanship into their bidding strategies. Previous scored revenue for deficit reduction will be unfairly diverted instead into private pockets.

Would the Senator agree with me:

First, that this type of re-location negotiations was unintended, is unreasonable, and should not be permitted to continue unchecked;

Second, that the affected parties should attempt to agree on a mutually acceptable solution to this problem;

Third, that if an acceptable compromise cannot be brought forth by the affected parties within a reasonable time period, then either Congress or the FCC should address this matter as quickly as possible with appropriate remedies?

Mr. HOLLINGS. I thank my colleague for raising this issue. As he noted, I offered an amendment on the State, Justice, Commerce Appropriations bill in 1992 on this issue. The electric utilities, oil pipelines, and railroads must have reliable communications systems. The FCC initially proposed to move these utilities' communications systems from the six gigahertz band to the 6 gigahertz band without ensuring that the 6 gigahertz band would provide reliable communications.

My amendment, which the FCC subsequently adopted in its rules, guaranteed that the utilities could only be moved out of the 2 gigahertz band if they are given 3 years to negotiate an agreement, if their costs of moving to the new frequency are paid for, and if the reliability of their communications at the new frequency is guaranteed.

Now I understand that some of the incumbent users may be taking advantage of the negotiation period to delay the introduction of new technologies. It was certainly not my intention to give the incumbent users an incentive to delay moving to the 6 gigahertz band purely to obtain more money. I agree with my friend that the parties involved in this issue should try to work out an acceptable solution to this issue. If the parties cannot agree to work out a compromise, I believe that Congress or the FCC may need to revisit this issue.

WOMEN'S BUSINESS PROGRAMS

Mrs. HUTCHISON. Mr. President, I would like to address an important portion of the Hatfield amendment, preservation of Small Business Administration funding for women's business programs and initiatives.

I believe the issue of women in business needs to be placed in the clearer context.
It has conducted: symposiums on getting access to capital, in conjunction with the Federal Reserve; and informational meetings on Federal Government procurement contract opportunities for women-owned businesses.

In November, the council plans to initiate a project with Northwestern University’s Kellogg School of Management to develop an agenda for national research on women’s entrepreneurship.

The council is currently funding for this council’s salaries and expenses at a level of $200,000 represents a modest— but prudent—investment in our nation’s business sector.

There is an urgent argument to be made for well-thought-out initiatives aimed at encouraging more women to create their own businesses:

Here are some disturbing facts: half of all working women are sole support for themselves and their families; and women and the children they support comprise more than 75 percent of people who live in poverty in the United States.

Mr. President, if we as a Nation want to reduce the reliance of women and children on welfare and social service programs, these women must become economically self-sufficient—and the opportunity for self-sufficiency will most likely come from women-owned enterprises.

The Women’s Business Ownership Development Program addresses these problems in constructive ways. It is a public-private partnership whose goal is the creation of new jobs, increasing the earning potential of women, and forging a larger pool of skilled women entrepreneurs.

There are 38 demonstration sites in 20 States, with plans for more. More than 25,000 clients have been served in urban and rural locations. Each center tailors its program to the particular needs of the community. Training activities include: assistance in accessing capital; management assistance; marketing and promotion assistance; and specialized programs that address home-based and international trade.

The North Texas Women’s Business Development Center, which is being dedicated tomorrow, is a shining example of the promise this program holds. It is a collective effort of the National Association of Women Business Owners, the North Texas Women’s Business Council, the Greater Dallas Chamber of Commerce, the Minority Business Development Corp., and the Dallas County Community College.

Under the auspices of the Women’s Business Consortium, this broad-based, private-sector supported initiative will work with strengthening women-owned businesses. One of the areas on which they will concentrate is Government contracting opportunities for women.

Four million dollars will help establish demonstration sites like the one in Dallas in cities across this country.

Programs like the National Women’s Business Council and the Women’s Business Ownership Development Program—modest in scope but breathing in the possibilities they hold out to those willing to work hard—to have the potential to turn America around. I am pleased my colleagues saw its value and agreed to continued funding.

Mr. LIEBERMAN. Mr. President, I would like to express my concern about the programs that are suffering as a result of the appropriations in this bill. The programs that I am referring to are critical to the future of the U.S. economy. Economic security, competitiveness, jobs. That is what is at risk.

Technology development is slated to be the victim of our budget axe. Investments in technology are investments in our future and should not be terminated. In our enthusiasm to make cuts to balance the budget we are losing sight of the reason we want to balance the budget in the first place—to make our economy stronger. The irony is that by cutting technology programs we are cutting programs that are already making our economy stronger. We will be defeating our own purpose.

I am particularly concerned about the integration of production and trade functions in the Department of Commerce. Within the Department of Commerce there are programs that work with the private sector to foster new ideas that may underpin the next generation of products. But one of the few places where information channels are developed that make sure that the ideas generated in our world class research institutions find their way into the marketplace.

Previous Administrations had the foresight to realize that we are entering a new era, an era where economic battles are as fiercely fought as any previous military actions. New kinds of technology programs were begun with bipartisan support to make sure that the United States will win the economic battles. I do not want to see us lose our technology edge in the marketplace, because this edge translates directly into jobs for our work force, new markets for American business, improvements in our balance of trade, and from this economic success, desperately needed revenues for our treasury.

The home of technology programs is with our trade programs where they will have the most impact and do the most good for our economy. The Technology Administration is a critical component of the Department of Commerce and we need to make sure that its key functions are maintained.

Making changes in technology and trade functions at this juncture in time must be done extremely carefully. New markets are emerging in developing countries. Conservative estimates suggest that 60 percent of the growth in world trade will be with these developing nations. This growth will continue for decades. The United States has a large share of imports in big emerging markets currently, in significant part because of the efforts of the Department
Our goal should be, not to try and categorize research, but to make investments that are appropriate, and that strengthen our economy. I believe that there is an important and legitimate role for government to play in technology research. The National Academy of Sciences has spoken out strongly in favor of the kind of technology programs that are run by the Department of Commerce. I would like to read some quotes from their statement about Federal technology programs:

So-called basic research has also been defined as research that does not have any clear application. This definition is puzzling. One could legitimately ask, why perform research that deliberately has no application? In reality, research is rather fickle and difficult to predict. Basic research and I agree with these criteria for the proper role for government investments. These criteria apply equally to investment in technology research, as long as the technology research is precompetitive, high risk, and long term.

The kind of technology programs that I am advocating are not corporate welfare or techno pork. I find these terms not only inaccurate and derived from ignorance, but offensive. American industry is not looking for a handout. Quite the contrary. These programs are providing incentives to elicit support from the private sector for programs that are the responsibility of the Government. Times are tough and the Government needs to cut back, so we are looking for the handout from private industry, not the other way around. Let me explain.

Everyone agrees that when markets fail, it is legitimate to have the Government step in. For example, so-called basic research, the Government funds, because no one industry can capture the benefits of the investment. Basic research is described as research that is so far reaching that it will impact a wide array of applications in a variety of different industries on a timeframe that could be quite long. No one expects a single company to make an investment, when it can not capture a sufficient return on its investment, or when the investment would be too risky or too long term. That would be bad business. I agree with this definition of basic research and I agree with these criteria for the proper role for government investments. These criteria apply equally to investment in technology research, as long as the technology research is precompetitive, high risk, and long term.

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The National Academy of Sciences believes that disproportionate large cuts proposed in newer R&D programs are a mistake. R&D programs of more recent vintage are considered industries of the future because they will yield greater payoff to a wider public than programs aimed at technology creation. Newer programs address current R&D challenges far more effectively than older programs and should not fail to the "last hired, first fired" prioritization.

In particular, partnership and bridge programs should not only be singled out for elimination, but should receive a relatively greater share of federal R&D spending compared to research areas that have already received approximately 5 percent of federal R&D spending. The National Academy of Sciences suggests that 15 percent of federal R&D spending should be allocated toward research areas that have already received approximately 5 percent of federal R&D spending. The National Academy of Sciences suggests that 15 percent of federal R&D spending should be allocated toward research areas that have already received approximately 5 percent of federal R&D spending.

As the major funder and performer of the R&D in the US, industry believes its voice should be heard in setting the national R&D agenda. The Congress and the Administration should consider industry's experience and expertise in determining policy choices. For example, as a guide to prioritizing federal R&D programs, the National Academy of Sciences suggests the following criteria: industry led; cost-shared; relevant to today's R&D challenges; partnership consortia; deployment-oriented; and dual use.

We believe these criteria provide the basis for a "rules-based" approach to prioritizing federal R&D spending. This approach would avoid the problems associated with the "last hired, first fired" prioritization. The National Academy of Sciences suggests that 15 percent of federal R&D spending should be allocated toward research areas that have already received approximately 5 percent of federal R&D spending.

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horizon of less than 5 years, and sometimes much shorter than that. It is the intermediate timescale, the 5 to 15 year time-frame that is critical to develop a research idea into a product concept.

We have a responsibility to make sure that our private sector does not fall behind in the global economy. Diminishing our technological preparedness is tantamount to unilateral disarmament, in an increasingly competitive global marketplace. Government/industry partnerships stimulate just the kind of innovative research that can keep our technological industry at the leading edge. These partnerships help fill the gap between short-term product development, and basic research.

American companies no longer survive by thinking only about the national marketplace. They must think globally. Familiar competitors like Japan and Germany are continuing to compete aggressively in global markets. New challenges are coming from India, China, Malaysia, Thailand, some of the leading Latin American nations and more. We cannot afford to let jobs and profits move overseas with these challengers, by resting on our laurels, complacent in our successes.

Other countries, seeing the success of the ATP, are starting to imitate it, just as we are considering doing away with it. Our competitors must be chuckling at their good fortune, and our shortsightedness. We simply cannot afford to cut the ATP.

The state of manufacturing in this country is mixed. On the one hand our manufacturing productivity is increasing, but on the other hand we are losing manufacturing jobs by the millions. Manufacturing which once was the lifeblood of our economy is bleeding jobs overseas. We need to provide the infrastructure that insures that our manufacturing industry flourishes.

As I look at our manufacturing competitors, I am struck by how little we do to support this critical component of our economy. In the United States we are used to being the leaders in technologies of all kinds. Historically, English words have crept into foreign languages, because we were the inventors of new scientific concepts, technology, and products. Now when you describe the state of manufacturing practices you use words like “kanban” and “pokaiko.” These are Japanese words that are known to production workers all over the United States. Kanban is a word which describes an efficient method of inventory management, and pokaiko is a method of making part of a production process immune from error or mistake proof thereby increasing the quality of the end product. We have learned these techniques from the Japanese, in order to compete.

In a global economy, there is no choice, a company must become state-of-the-art or it will go under. We must recognize that our policies must change with the marketplace and adapt our manufacturing strategy to compete in this new global marketplace. The Manufacturing Extension Program (MEP) is a big step forward in reforming the manufacturing process. This forward looking program was begun under President Reagan, and has received growing support from Congress since 1989.

The focus of the MEP Program is one that historically has been accepted as a proper role of government: education. The MEP strives to educate small- and mid-sized manufacturers in the best practices that are available for their manufacturing processes. With the MEP we have the opportunity to play a constructive role in keeping our companies competitive in a fiercely competitive, rapidly changing field. When manufacturing practices change so rapidly, it is the small- and mid-sized companies that suffer. They cannot afford to invest the necessary time and capital to explore all new trends to determine which practices to adopt and then to train their workers, invest in new equipment, and restructure their factories and production facilities. The MEP’s act as a library of manufacturing practices, staying current on the latest innovations, and educating companies on how to get the best results. At the heart of the MEP is a team of teachers, engineers, and experts with strong private sector experience ready to reach small firms and their workers about the latest manufacturing advances.

Another benefit of the MEP is that it brings its clients into contact with other manufacturers, universities, national labs and any other institutions where they might find solutions to their problems. Facilitating these contacts incorporates small manufacturers into a manufacturing network, and this networking among manufacturers is a powerful competitive advantage. With close connections, suppliers begin working with customers at early stages of design and engineering. When suppliers and customers work together on product design, suppliers can provide the input that makes manufacturing more efficient, customers can communicate their specifications and timeframes more effectively, and long-term productive relationships are forged. The networks of suppliers and customers are common practice in other countries, and lead to more efficient and therefore more competitive, design, and production practices.

The MEP is our important tool in keeping our small manufacturers competitive. We are staying competitive in markets that have become hotbeds of global competition, and we are beginning to capture some new markets. More importantly, companies that have made use of MEP in generating new jobs rather than laying off workers or moving jobs overseas. These companies are growing and contributing to real growth in the U.S. economy. For each Federal dollar invested in a small- or mid-sized manufacturer through the MEP, there has been $8 of economic growth. This is a program that is paying for itself by growing our economy.

Each MEP is funded after a competitive selection process, and currently there are 44 manufacturing technology centers in 32 States. One requirement for the centers is that the States supply matching funds, ensuring that centers are going where there is a locally supported need. In summary, the program provides equipment, training, and expertise that our small- and mid-sized manufacturers need to keep them in the new global economic battlefield.

The ATP and the MEP are critical technology investments. They are both run under the auspices of the National Institute of Standards and Technology. [NIST]. In addition to these NIST programs, MEP itself is at risk. I would like to bring to your colleagues’ attention, a recent letter sent by 25 American Nobel prize winners in physics to the president of scientific societies. As the New York Times put it “Budget cutters see fat where scientists see a national treasure.” These scientists are shocked and appalled that we could think of making cuts in NIST and its programs. According to the scientists “It is unthinkable that a modern nation could expect to remain competitive without these services” and they continue “We recognize that your effort to balance the budget is forcing tough choices regarding the Department of Commerce, however the laboratories operated by NIST and funded by the Department of Commerce are a vital scientific resource for the Nation and should be preserved in the process of downsizing the Federal Government.” These scientists are the leaders of the scientific community and we should not disregard their advice.

This amendment restores funding for NIST and its programs at a time when we cannot afford to lose their contributions to national competitiveness. Investments in the trade and technology functions in Department of Commerce are investments in our future economic health, in high wage jobs for our workers, in the American dream.

Mr. GREGG. Mr. President, I would ask unanimous consent that the vote scheduled for 9 p.m. this evening be postponed to occur at 10 a.m. tomorrow, Friday, and that immediately following the granting of this request, Senator DOMENICI be recognized to offer his amendment.

THE PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Reserving the right to object, Mr. President, is it also understood that we originally intended to stack the Domenci vote; namely, after the 10 a.m. vote on the Biden amendment, we would have the Domenci vote?
Mr. GREGG. That, to my knowledge, has not yet been agreed to with Senator DOMENICI. He will be here at 9 to begin debate on his amendment. And at that time I would hope that such an agreement could be reached with Senator DOMENICI.

Mr. HOLLINGS. I would hope so. Pending that, Mr. President, I would have to object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. GRAMM. Mr. President, I ask unanimous consent that the vote scheduled for 9 p.m. this evening be postponed to occur at 10 a.m. Friday, and immediately following the granting of this consent that Senator DOMENICI be recognized to offer his amendment.

I further ask unanimous consent that at 9 a.m. the Senate resume consideration of the McCain amendment No. 2816 with 60 minutes equally divided, that a vote occur following the Biden vote with 4 minutes equally divided between the two votes, and that following these votes, the Senate resume consideration of the Domenici amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, did the Senator say I would offer my amendment tonight or tomorrow?

I have no objection.

Mr. GRAMM. Immediately following this, the Senator would do it tonight. The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. BIDEN. Mr. President, will the Senator be kind enough to yield for 30 seconds?

Mr. DOMENICI. Certainly.

AMENDMENT NO. 2818, AS MODIFIED

Mr. President, I believe it is appropriate that I state for the record which I sent to the desk numbered 2818, my omnibus amendment, I made a mistake in two places in it in terms of numbers. They were as described but different than written, and it has been cleared with the majority and minority.

I ask unanimous consent that I may modify my amendment, and I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 2818), as modified, is as follows:

On page 26, line 10, after "Act;" insert for following: "$27,000,000 for grants for residential substance abuse treatment for State prisoners pursuant to section 1001(a)(17) of the 1968 Act; $10,000,000 for grants for rural drug enforcement assistance pursuant to section 1001(a)(9) of the 1968 Act.

On page 26, line 11, before "$25,000,000" insert "$30,000,000 shall be for drug courts pursuant to title V of the 1994 Act.

On page 29, line 10, strike "$75,000,000" and insert "$728,800,000."

On page 29, line 15, after "Act;" insert the following: "$1,200,000 for the Law Enforcement Family Support Program, as authorized by section 1001(a)(21) of the 1968 Act."

On page 44, line 8, strike "conventional correctional facilities, including prisons and jails," and insert "conventional correctional facilities, including prisons and jails, or boot camp facilities and other low cost correctional facilities that can free conventional prison space."

On page 20, line 16, strike all that follows to page 20, line 19, and insert:

Section 2251(b)(7) of the Violent Crime Reduction Act of Public Law 103-322, $10,300,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT OF 2819 TO THE COMMITTEE AMENDMENT ON PAGE 26, LINES 18THROUGH 20

(Purpose: To improve provisions relating to appropriations for legal assistance)

Mr. DOMENICI. Mr. President, I am going to send an unprinted amendment to the desk in a minute. This unprinted amendment is an amendment to the committee amendment beginning on page 26, line 18 wherein we add the following:

I want to state before I send it there that my cosponsors as of now—"and I welcome any other that would like to join—are Senators KASSEBAUM, HOLLINGS, D’AMATO, INOUEY, HATFIELD, KENNEDY, and SPECTER.

Mr. President, the only thing I want to put in the RECORD tonight after I have introduced the amendment, I will put in—I did not. I do not have to send it up shortly. Right? I think that is the rule. I will send it up shortly.

I am putting a list in of the prohibitions that are found in this amendment with reference to what the Legal Services Corporation will be prohibited from doing. So overnight, if anybody has any concern about my not getting rid of class action lawsuits and the like, I would like them to peruse this list and give me their advice.

Therefore, Mr. President, with that explanation, I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, the pending question will be the amendment on page 26. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself, and Mr. HATFIELD, Mr. HOLLINGS, Mrs. KASSEBAUM, Mr. D’AMATO, Mr. STEVENS, Mr. INOUEY, Mr. KENNEDY, and Mr. SPECTER, proposes an amendment designated as Amendment 2819 to the committee amendment on page 26, lines 18 through 20.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment appears in today’s RECORD under “Amendments Submitted.”)

Mr. DOMENICI. Mr. President, I believe the Parliamentary might have had in mind that I sought unanimous consent that there be cosponsors when there was no amendment there.

I ask that the those cosponsors that enumerated a while ago be added as original cosponsors.

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

Mr. DOMENICI. Mr. President, I send two documents to the desk. One is a summary of the Domenici amendment, and a separate sheet indicating the prohibitions that will be imposed on legal services, and I ask unanimous consent that they be printed in the RECORD.

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

SUMMARY: DOMENICI LEGAL SERVICES AMENDMENT

The amendment restores the Legal Services Corporation, provides $340 million in funding for fiscal year 1996 and adopts House Appropriations restrictions on use of funds. Appropriate offsets will be found throughout the appropriations bill.

FUNDING

Provides $340 million in FY 1996, $225 million through August 31, 1996 and $115, to be provided upon the September 1, 1996, implementation of a competitive bidding system for grants, as outlined in the amendment.

REstrictions on use of funds by corporation and recipients

Advocating policies relating to redistricting (same as House).

No class action lawsuits (stronger than House).

Influencing action on any legislation, Constitutional Amendment, referenda or similar procedure of Congress, State or local legislative body (same as House).

Legal assistance to illegal aliens (same as House).

Supporting/conducting training programs relating to political activity (same as House).

Abortion litigation (same as House).

Prisoner litigation (same as House).

Welfare reform litigation to represent individual on particular matter that does not involve changing existing law (same as House).

Representing individuals evicted from public housing due to sale of drugs (same as House).
Accepting employment as a result of giving unsolicited advice to non-attorneys (same as House). All non-LSC funds used to provide legal services by recipients may not be used for the purposes prohibited by the Act (same as House).

**SPECIAL PROVISIONS**

Competitive bidding of grants must be implemented by September 1, 1995, and specifications must be proposed 60 days after enactment of the Act. Funds will be provided on an “equal figure per individual in poverty.”

Mr. DOMENICI. I yield the floor.

Mr. SARBANES. Mr. President, I rise in strong support of the Legal Services Corporation program in opposition to the pending appropriation bill. Pursuant to this legislation, and the Legal Services Program—as it has existed for more than two decades—would be abolished and replaced with a legal assistance block grant program, funded at a level that is drastically less than current funding for legal services.

The Legal Services Corporation has been at the forefront of our efforts to give real meaning to the words emblazoned in stone above the portals of the Supreme Court: “Equal Justice Under Law.” The Legal Services Program has provided critically needed services to millions of poor, elderly, and disabled citizens who otherwise would not have access to the American legal system and the protection it affords the many basic rights we enjoy in this country and which so many of us take for granted.

The Legal Services Corporation provides funds to State legal aid programs throughout our Nation. It has been described as one of the most effective and worthwhile Federal programs in existence, while also being one of the least controversial. Legal Services programs provided legally needed assistance to approximately 1.7 million clients annually, benefiting about 5 million individuals living in poverty in this country, primarily women and children. LSC accomplishes this using only about 3 percent of its total funding for administration and management. That means that 97 percent of the appropriation goes directly to the local programs that provide the services, clearly illustrating the efficient operation of this valuable program.

Maryland’s Legal Aid Bureau, which receives by far the largest portion of its total funding from the Legal Services Corporation, has done an outstanding job of representing Maryland citizens. Along with the funding received from LSC, the 13 legal aid offices located throughout Maryland provide general legal services to approximately 19,000 families and individuals annually, assisting Marylanders in such routine matters as consumer problems, housing issues, domestic and family cases, and applying for and appealing the denial of public benefits.

Because the Republican measure proposes that grants be made to individual attorneys, and appears to exclude current legal services programs from eligibility for funding under the program, the Maryland Legal Aid Bureau could lose some of even all of this critical Federal funding. This would leave many cases that the Legal Aid Bureau has provided to Maryland’s poor—an estimated 35,000—denied legal representation.

The Legal Services Corporation operates an effective and efficient program in representing citizens, who without this assistance, would never have their day in court. Despite several instances involving routine legal disagreements related to housing, consumer issues, family and domestic matters, and employment, these routine matters often become insurmountable when coupled with the other pressures of a complex society that weighs on a family unable to afford legal representation.

The Republican proposal would replace the Legal Services Corporation with a block grant program administered by the Departments of Justice, through which funds for civil legal assistance would be allocated to the States. The bill severely reduces funding for legal services, cutting the funding from the $400 million appropriated to the Legal Services Corporation for fiscal year 1995 to $210 million—a reduction of nearly 50 percent.

Not only does the bill slash funding for legal services for the poor, it also establishes severe restrictions on the type of services that may be provided under the new block grant program. This program would drastically limit qualified services to 10 specific causes of action. As a result, low-income individuals would be denied representation in cases that are not only crucial but also basic—legal matters.

Under the measure, qualified services appear to exclude representation in essential legal matters such as applying for or appealing a denial of statutory benefits, including Social Security benefits, veterans benefits, unemployment compensation, food stamps or medical assistance; obtaining or refinancing home ownership; housing discrimination; claims based on consumer fraud or productive discrimination in hiring; wage claims; problems with public utilities; immigration; unfair sales practices; preparation of wills; paternity; and patient rights.

Most of these excluded causes of action are the very legal matters that routinely arise out of everyday problems faced by many Americans. Under the committee bill, legal assistance with respect to these routine types of cases would be denied arbitrarily to low-income individuals and families.

Additional restrictions would prohibit legal service providers from using funds under the program for representation in cases related to matters such as redistricting, legislative, and administrative advocacy, and prison litigation. Class action lawsuits against the Government or private parties—which, contrary to the myth currently being perpetuated, actually encompass less than one-tenth of 1 percent of all legal services cases—would be prohibited as would lawsuits challenging the constitutionality of any statute.

Another particularly disturbing provision in the bill would require that any qualified client, as a condition for receiving services under the program, waive the attorney-client privilege and the attorney work product privilege. This clearly interferes with the ethical obligations that all lawyers have to their clients.

Mr. President, the drastic cutbacks and restrictions in this bill would strike a devastating blow to many of our citizens who would find access to the courts blocked and would be unable to assert the rights to which they are entitled by our Constitution and our laws for individuals and families.

I strongly urge my colleagues to oppose these attempts to dismantle this vital program and to support the continuation of the Legal Services Corporation and the current legal services delivery system, as well as increased funding for legal assistance for the poor over the level proposed in this appropriation measure.
SHOWDOWN FOR LEGAL SERVICES

Equitable access for all may be an American ideal but not to the Republican-controlled Congress, where measures advanced ominously this week to abolish the Legal Services Corporation, the federally financed program to help poor people with legal problems.

The corporation, which was created in 1974, managed to survive previous attacks on its mandate and financing during the Reagan and Bush Administrations, aided by powerful Democratic friends in Congress and some Republican leaders such as Senator Warren Rudman of New Hampshire. But its continued existence is now in jeopardy. Not satisfied with the disabling funding cut already approved by the full House, or pending proposals in both chambers that would greatly restrict the types of cases that may be handled, the Republicans who control the House and Senate are moving to dismantle the program entirely.

The House voted in July to slash the corporation's budget from $400 million a year to $278 million. By an 18 to 13 straight party-line vote on Wednesday, the House Judiciary Committee approved a measure pushed by Representative George Gekas of Pennsylvania that would carry the demolition further. It would break up the corporation and its expert network of poverty-law specialists and replace them with a more bureaucratic, fragmented and inefficient system of small block grants to fiscally hard-pressed states. Some states have shown little interest historically in providing civil legal services that empower the poor, and may not bother to apply for the dwindling amounts of money allotted. In the Senate, meanwhile, a similarly unwise and ill-conceived scheme proposed by Senator Phil Gramm of Texas has passed the Appropriations Committee and is due to hit the Senate floor perhaps as early as today. It would cut funds even more, to $210 million, and funnel it through block grants.

The program's critics complain that the corporation uses the courts to push "a liberal agenda." But, clearly, what is driving efforts at moderation do not succeed, President Clinton must stand ready with his veto pen.

AMENDMENT NO. 2820 THROUGH 2820EN BLOC

Mr. GRAMM. Mr. President, I ask unanimous consent to set aside the Democratic amendment.

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

Mr. GRAMM. Mr. President, I send to the desk a number of amendments that have been cleared on both sides, and I ask unanimous consent that they be considered en bloc.

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

The amendments are as follows:

AMENDMENT NO. 2821

Purpose: To terminate the Regulatory Coordination Advisory Committee for the Commodity Futures Trading Commission and the Advisory Corrections Council.

Mr. HELMS. Mr. President, the Au Pair program and I want to see these regulations implemented for awhile before a determination is made as to whether the program should be permanently authorized. Mr. President, the distinguished chairman of the subcommittee has indicated his support for this measure. I thank him and ask that we move on this simple issue expeditiously.

AMENDMENT NO. 2823

(Purpose: To express the sense of the Senate on United States-Canada Cooperation concerning an outlet to relieve flooding at Devils Lake in North Dakota.)

On page 124, after line 20, insert the following:

SEC. 6. SENSE OF THE SENATE ON UNITED STATES-CANADIAN COOPERATION CONCERNING AN OUTLET TO RELIEVE FLOODING AT DEVILS LAKE IN NORTH DAKOTA.

(a) FINDINGS.—The Senate finds that—

(1) flooding in Devils Lake Basin, North Dakota, has resulted in water levels in the lake reaching their highest point in 120 years;

(2) basements are flooded and the town of Devil's Lake is threatened with lake water reaching the limits of the protective dikes of the lake;

(3) the Army Corps of Engineers and the Bureau of Reclamation are now studying the feasibility of constructing an outlet from Devils Lake Basin;

(4) an outlet from Devils Lake Basin will allow the transfer of water from Devils Lake to the Red River of the North watershed that the United States shares with Canada; and

(5) the Treaty Relating to the Boundary Waters Treaty of 1909 (36 Stat. 2495; TS 548) (commonly known as the "Boundary Waters Treaty of 1909") provides that "waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other." (36 Stat. 2495).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Government should seek to establish a joint United States-Canadian technical committee to review the Devils Lake Basin outlet project to consider options for an outlet that would
AMENDMENT NO. 2813
On page 79, line 3, after "$37,000,000" insert the following: "Provided further, that of the amounts provided in this paragraph $76,300,000 is for the Manufacturing Extension Partnership program."
Mr. GRAMM. Mr. President, while we await our instructions on closing out business of the day, I would like to just very briefly, though we are going to speak tomorrow at some length about the amendment, say that I think it is important tonight to at least to begin to call our colleagues’ attention to the fact that the Domenici amendment is not simply an amendment to reestablish the Federal Legal Services Corporation. We can debate the merits of that and the demerits. I believe the demerits outweigh the merits. But the Domenici amendment has a profound impact on the rest of this bill because it cuts other programs.

I simply want to leave with my colleagues tonight a very brief outline of what the Domenici amendment does in order to fund this expansion in legal services.

It cuts $25 million from our efforts in the Justice Department related to the Criminal Division, to the Civil Rights Division, to the Environmental Division. It cuts funding for the U.S. attorneys office by $11 million. That is money that would have gone to fund U.S. attorneys to prosecute drug felons and other criminal cases. It cuts $40 million from the FBI budget, funds that would be used to build the new FBI academy, to build infrastructure, which the FBI greatly needs.

It cuts the Bureau of the Census both economic and statistical analysis and the census itself in a period when we are getting ready to have the 2000 census, the millennium census. It cuts funding for the court of appeals, for district courts, and for other courts by $25 million. Every day we have people waiting to be tried in civil cases and criminal cases, and we are cutting funding for our courts to fund legal services.

Funding is cut by $21 million for the reorganization/transition fund in the State Department. That is a major Republican initiative in an authorization bill for which the majority of Senators have voted in the affirmative. The bill cuts funding for the commerce transition fund. The budget adopted by the Senate called for the elimination of the Commerce Department. This eliminates transition funds that would be required.

Finally and stunningly, the distinguished Senator from New Mexico has a budget gimmick in the funding mechanism which has a delayed obligation of $115 million which becomes effective only on September 1, 1996, so that we are in fact committing ourselves to a level of funding which is substantially higher than the funding level which is claimed in this amendment.

No one needs to give me a lecture on the power of the special interest groups that support the Legal Services Corporation. I understand that you all understand that you all understand that the majority of the Members of the Senate support funding for the Legal Services Corporation. But I want my colleagues to know that in supporting that funding, they are supporting cuts in our criminal activities, our civil rights activities in the Justice Department, our Environmental Division within the Justice Department. They are denying funding for the FBI Academy in the process cutting funds for courts.

So what we are talking about is basically cutting funding for prosecutors, for the Justice Department to work in areas that are critically important. We are cutting funding for courts when we desperately need more prosecutors and more courts. I hope my colleagues will look at these offsets.

Governing is about choices, and the choices we look at on this bill are basically, do we want to fund courts and U.S. attorneys to prosecute violent criminals and drug felons or do we want to fund the Legal Services Corporation? To me that is a very easy choice. I wish to be sure that my colleagues understand it, and I thank the Senate for in the closing moments of this legislative day giving me the opportunity to make it clear to people what we are talking about.

Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

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

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

OKLAHOMA’S MISS AMERICA

Mr. NICKLES. Mr. President, it is with great pleasure and pride that I congratulate Miss Shawntel Smith, who was crowned Miss America 1996 recently in Atlantic City on her 24th birthday.

Shawntel is the fourth Oklahoman to be named Miss America in the pageant’s 75 years. She joins three other Oklahomans who have also honored their state: Norma Smallwood in 1926, Jane Jayroe in 1967 and Susan Powell in 1981.

Shawntel is a native of Muldrow, Oklahoma, a town of about 3,200 residents who are by all accounts very proud and supportive of this young lady. When she was crowned Miss Oklahoma earlier this year, the town erected road signs along the Eastern Oklahoma roads leading into Muldrow.

It seems, now, however, those signs are a little outdated.

During the next year, Shawntel will represent Oklahoma and all of America as she travels to special events and speaking engagements as Miss America.

Her platform is to raise awareness for the need to prepare students for the job market. Shawntel believes that “by exposing students to potential careers and making them aware of the education needed, students can make their dreams become realities.” And Shawntel obviously has a little something about making dreams become realities.

Education has been an important part of Shawntel’s own life. Through competition in pageants she has been able to earn enough in scholarship money to put herself through Northeastern Oklahoma State University, where she is now working as a marketing director. Shawntel’s winnings from the Miss Oklahoma and Miss America pageants will allow her to continue her education. Her goal is to obtain a master’s degree in business administration from Oklahoma City University, and I have no doubt she will.