talking nonsense here on the floor of the U.S. Congress. We are talking again in the Finance Committee of devastating health care. Last year, they were saying, ''Oh. What is the matter? We have the best health care on the planet.'' Last year, we had a survey by the very group they quote this year that said Medicare was going broke by the year 2001. This year they are saying it is going broke by the year 2002. Now they say what they are trying to do is save it.

Well, they come in with a contract that increases the deficit and Medicare some $25 billion because, yes, without that contract crowd, we voted to increase taxes on Social Security, liquor, cigarettes, gasoline, and everything else and cut spending $500 billion which has the stock market and the economy, they say, going up and away. But the truth is that of that $25 billion that we got from the increase in Social Security taxes, we allocated it to Medicare and they said, ''Abolish that.'' No. We do not believe in that. They are playing the game, the pollster proposition of Social Security and saying that we are trying to frighten the American people.

The debt now has gone not just to $1 trillion as it did in 1981, but to $2 trillion, to $3 trillion, to $4 trillion. It is right now at $4.9 trillion, and it is going up $5 trillion and on and away, because of what? We are in the wagon. The kids, the children, the grandchildren are the ones pulling the wagon. We are acting like the taxpayers are the ones pulling the wagon. Well, they can hardly move the wagon. The wagon is drifting back. It is not being pulled. It is gradually going backward into debt, and we are on board.

For the last 15 years, the Senator from New Mexico and I have been working in the Budget Committee, and it has gotten worse and worse. The rhetoric has gotten better. We really have them fooled—everybody out in the land, particularly in this editorial column crowd saying we are making progress, that we are going to balance the budget.

We are not even near it. We are doing some cutting. We are devastating programs. But we are not balancing any budget because we will not do all of the above, and all of the above includes taxes. And we need that tax increase allocated to the deficit, and the debt.

Let us get on top of this fiscal cancer, excise it once and for all, and then start spending the amount of money that we need on Government itself rather than on past profligacy and waste. If you had a $74.8 billion interest cost in 1980 and in 1996 in the President's budget, it is $346 billion, that means the interest cost alone has gone up to $273 billion. That is exactly the level of domestic discretionary spending. You take Congress, the courts, the Presidency, you take the Department of Commerce, Agriculture, Interior, Treasury—go right on across the Government itself, take the departments and domestic discretionary spending, it is right at $273 billion. We could double that budget, if we were not wasting it on the interest cost on the national debt.

That interest is what I call ''taxes.'' This crowd that says they are not against taxes is really for taxes. There are two things in life: Death, and taxes. You cannot avoid them. There is a third thing. It is the interest cost on the national debt. It cannot be avoided.

So what we are doing talking about no, we are not going to increase taxes, is, yes, we are going to cut taxes. The truth of the matter is we are going to cut taxes in order to increase the taxes more so the debt can go up so the interest costs or the taxes on that debt go up. You pay it, not avoid it, and you do not get anything more.

But we are in the wagon. All of us are in the wagon, and the children and the grandchildren, are hopefully going to pull it. I hope the country just does not come down in fiscal chaos. But whatever it is, we are in the wagon, and we are raising taxes every day $1 billion. We have a tax increase on automatic pilot in this Government of $1 billion a day. We are talking about cutting taxes. That is how ludicrous, ridiculous, and outrageous this whole rhetoric has gotten in the treatment by the media itself. They do not want to report the truth. They do not want to report the facts. They go along with the political charade.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Massachusetts.

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

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2819

Mr. KENNEDY. Mr. President, I rise in support of the amendment offered by the Senator from New Mexico to restore funds for the Legal Services Corporation.

The words inscribed on the wall of the Supreme Court building capture the idea at the very heart of our constitutional democracy: ''Equal Justice Under Law.''

The Constitution guarantees to every man and woman in this country the same rights and privileges before the law. Indeed, we require Federal judges to take an oath to render justice equally to the poor and to the rich.

But our courts are largely powerless to render justice to persons who are too poor to afford a lawyer to assist them in protecting their legal rights. And a constitutional right without a remedy is no constitutional right at all.

The bill reported by the Senate Appropriations Committee would unleash an unprecedented assault on the rights of our most impoverished citizens. It would eliminate the Legal Services Corporation, which Congress established more than 20 years ago with the active support of President Richard Nixon.

And though it would authorize the Attorney General to make civil legal assistance block grants to the States through the Office of Justice Programs, it would not earmark one penny of funds for this program and it would impose unprecedented and excessive restrictions on the ability of legal services programs to represent poor people.

There are compelling reasons why the legal services program should be administered by an independent Federal corporation. First, and foremost, litigation to protect the legal rights of poor people often antagonizes powerful interests in the community. President Nixon recognized this when he introduced what later became the Legal Services Corporation Act. He said,

> The program is concerned with social issues and is thus subject to unusually strong political pressures * * * if we are to preserve the strength of the program we must make it immune to political pressures and make it a permanent part of our system of justice.

Many of my colleagues will recall that Federal support for civil legal services for the poor was first provided by the Office of Economic Opportunity [OEO] and later by the Community Services Administration, each of which was part of the executive branch. But in the early 1970's, the Federal program became the subject of heated political debate.

During this period, President Nixon's Commission on Executive Reorganization concluded that the legal services program should not be maintained in the executive branch and that a new structure should be created to administer the program.

Congress responded to that recommendation with passage of the Legal Services Corporation Act of 1974. In its Statement of Findings and Declaration of Purpose, Congress found that ''to preserve its strength, the legal services program must be kept free from the influence of or use by it of political pressures''; and ''attorneys providing legal assistance must have full freedom to protect the best interests of their clients in keeping with * * * [professional responsibility] and the high standards of the legal profession.''

An independent Federal corporation remains the best way today to assure that powerful constituencies do not pressure legal services lawyers not to protect their clients' legal rights. A block grant program simply cannot insulate these lawyers from political pressure.

Nothing in the bill requires States to apply for block grant funds. Nothing in the bill prohibits States from denying block grant funds to programs that challenge unlawful State actions.

Suppose a Governor issues an Executive order that violates the constitutional rights of a poor person. A legal services program that represents that poor person runs the risk of antagonizing the political establishment and losing its funding.

Let me say to my colleagues: Put yourself in the position of that client. Suppose your Governor issued an order that violated your constitutional rights. Suppose you went to your lawyer and asked that a suit be filed. Suppose your lawyer said to you that the law firm depended on the Governor for its funding. You would want to get another lawyer, would you not?

Poor people cannot get another lawyer. They depend on legal services programs. Those programs must be free to protect their clients' legal rights, without fear of losing their funds.

The committee bill is also unacceptable because it would drastically cut the level of Federal support for legal services. Last year, the Legal Services Corporation received $400 million. The fiscal year 1996 appropriations bill passed by the House allocates $278 million for the Corporation. The Legal Services Corporation is eliminated by the Senate bill, and only $210 million are earmarked for the Office of Justice Programs to pay for the block grant program the bill would establish.

This is far less than is necessary to support this important program. Legal needs studies from numerous States across the country have consistently shown that only 15 to 20 percent of civil legal needs of the poor are met by current funding levels.

The proposed cut in the legal services program is far more draconian than those experienced in the early 1980's, when President Reagan proposed abolishing the Legal Services Corporation, and Senator Warren Rudman and others successfully fought to preserve the program. In 1981, Congress slashed LSC funds by 25 percent, to $241 million. The committee bill contemplates $210 million for 1996, nearly a 50-percent cut from last year's appropriation, and less than half in real terms of what was appropriated in the leanest years during the Reagan administration.

The proposed restrictions on the activities of legal services lawyers in the committee bill make it clear that the bill is not merely an assault on the Legal Services Corporation. It is an attack on poor people across America, and on the very concept of equal justice under law.

The bill would forbid legal services programs that receive Federal funds to file suit on behalf of poor people who have been denied public benefits. And it sharply restricts other actions that programs can bring against poor people:

If a mother with small children lost her job and was illegally denied food stamps, this bill would forbid legal services programs to sue to get her family the food stamps they need.

If a poor widow was denied her Social Security benefits, this bill would forbid legal services programs to represent her in court.

If a poor family is ripped off by a merchant who sold them shabby goods, this bill would forbid legal services programs to bring that merchant to justice.

If an indigent veteran has his electricity wrongfully shut off in the middle of winter, this bill would forbid legal service programs to represent him in an emergency proceeding to have his power restored.

Perhaps the most offensive limitation on legal services lawyers contained in the committee bill is the prohibition against ''any challenge to the constitutionality of any statute.'' Poor people would be denied counsel to protect their constitutional rights.

No longer would it be true that, as Justice Jackson wrote more than forty years ago, under our system of laws, ''[t]he mere fact of being without funds is a neutral fact—constitutionally an irrelevance, like race, creed or color.'' Instead, the committee bill would place a brand new amendment in our Constitution: ''The foregoing does not apply to persons too poor to afford counsel.''

The Domenici amendment also contains restrictions on the activities of legal services offices, and I do not agree with all of these limits. But the Domenici restrictions are far less severe, and far less intrusive than the restrictions in the underlying bill. Many are in current law already.

It is clear that some restrictions are necessary to ensure support for the program, and the Domenici restrictions on the use of funds in this bill are reasonable under these circumstances.

Almost 45 years ago, Judge Learned Hand said that ''[if] we are to keep our democracy, there must be one commandment: Thou shall not ration justice.'' The committee bill would not simply ration justice, it would put it out of reach for many of our poorest citizens.

The amendment offered by the Senator from New Mexico would correct the harsh injustice of the committee bill and enable the Corporation to continue its important work of securing justice in the courts for poor people. I urge the Senate to support the Domenici amendment.

Mr. President, I support the amendment of my friend and colleague, the Senator from New Mexico, which would continue the commitment of this Nation for the development of legal services for low-income Americans. I am very hopeful that his amendment will be adopted. I am troubled by some of the restrictions that have been placed upon the activities of legal service lawyers in his proposal. But I think that it is a commendable amendment. I hope that it will be accepted by the Members.

Listening to those opposed to this amendment, I was thinking about the availability of lawyers to those who have financial resources. The fact of the matter is we have a legal service program for the wealthiest individuals and the wealthiest companies in this country, and it is subsidized by the taxpayers. When any corporation is in trouble, for example, at the time of the Ill-Wind procurement scandals, that company hires every single lawyer in sight and writes it off as a business expense. So who do you think helps pick up the tab? The taxpayers.

When we have an investigation about the $200 toilet seats in the military, and those companies hire expensive lawyers and then deduct those as business expenses, who do you think subsidizes that? It is the taxpayers.

And so the wealthiest, most powerful interests, the major financial interests in this country have at their fingertips the best available lawyers and those salaries are being paid, in part, by the taxpayers. The poorest of the poor do not have that particular luxury. They are paying out of their pockets and pocketbooks.

Some of us who have been longtime supporters of the legal service program. As the Senator from New Mexico pointed out, this has been a longstanding bipartisan commitment. President Nixon understood the importance of the development of an independent corporation that would be guided by a board composed of outstanding lawyers, carefully selected over a long period of time under Republican and Democrat Presidents. The Legal Services Corporation has tried to give the words ''equal justice under law,'' a principle enshrined on the walls of the Supreme Court of the United States, meaning for all Americans, not just wealthy Americans.

I am not going to spend the time to go through and rebut every argument offered by the program's opponents. They talk about bureaucracy in the legal services program. But the most recent evaluation by the GAO indicates that only about 3 percent of the LSC budget goes toward administrative costs.

I will just take a moment of the Senate's time to talk about something that is interesting and ironic. About 2 hours ago, we passed by a vote of 99 to 0 an amendment to fully fund a program to help battered women. But look at what is out there in terms of the legal service programs that really implement the spirit of the Violence Against Women Act. Look at what is happening to those who provide some protection for the battered and the violence against women and family violence against children in our society.

Family law, which includes the representation of victims of domestic violence, is the single largest category of cases handled by legal services programs across the Nation. One out of every three of the 1.7 million cases that legal services programs handle each year involves family law.

Mr. President, I will just read portions of a note from Judith Lennett of

the Massachusetts Coalition of Battered Women Service Groups. I think it fairly typical of legal services, how they spend their funds:

Legal assistance aimed at protecting women and children from the devastating impact of domestic violence is the highest family law priority of virtually every local legal service project in Massachusetts. Based on fiscal year 1994 data collected by the Massachusetts legal services program, 4,600 low-income people received legal assistance in family matters from Massachusetts legal services programs. The overwhelming majority of these individuals are adult victims of domestic violence.

Without civil legal assistance in custody and visitation cases, the children of domestic violence are vulnerable to being ordered into the custody of the men who beat their mothers. There is a solid body of clinical literature describing the severe trauma suffered by these children, and many of them will be even more deeply damaged without legal advocacy of the kind provided by the legal services program.

In addition, the studies show that economic dependence is one of the most powerful barriers to escape for battered women. Without legal services in child support actions, many victims of violence will be forced to remain in or return to extremely dangerous situations. Sixty thousand people are likely to lose access to this critically needed legal assistance if these cuts go into effect.

This is what we are talking about. This is a third of all the legal services resources out there. And do not fool yourself, Mr. President. With the Gramm block grant proposal, you are leaving it up to the States. Some States may provide it; some States may not, just as Senator GRAMM has pointed out.

Many of us believe that the concept of equal justice under the law means equal justice under law. And while there is 1 attorney for every 305 members of the general population, it is 1 attorney for every 500 poor people.

Mr. President, the Domenici amendment reaffirms this Nation's commitment to equal justice under law. It deserves the strong bipartisan support that it will receive.

Mr. President, I yield the floor.

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 further proceedings under the quorum call be dispensed with.

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

Mr. GRAMM. Mr. President, after consultation with the two leaders, I would like to ask unanimous consent that at the hour of 3 o'clock I be recognized to make a motion to table the Domenici amendment No. 2819, and that the time between now and 3 o'clock be equally divided between Senator DOMENICI and myself to complete debate on his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object. I wonder if the manager would be amenable to permitting me to offer two very brief amendments at this time?

This pending amendment has been debated now for several hours. We have a lot of amendments to complete. And I would very much appreciate the chance—I have two amendments we could complete debate on between now and 3 p.m. if the distinguished manager and the distinguished Senator from New Mexico would forgo further debate. We have had hours on it.

Mr. GRAMM. Well, if I might respond, Mr. President.

I have been informed by the floor staff that we have other people who have been waiting to offer amendments. We have two others who were planning to be here after 3 to offer their amendments. So I could not agree to a unanimous-consent request to put the Specter amendments before them, though, obviously, after 3, if the Domenici amendment is tabled, then the floor will be open for another amendment. If it is not tabled, it is going to be the pending business and another amendment will not be in order.

So, I am not in a position at the moment to add that to the unanimous consent request.

Mr. SPECTER. Mr. President, continuing to reserve the right to object, the amendments that I have are right behind Senator HATCH and Senator COHEN. And if we proceed to further debate on the pending amendment, which we have been debating for hours, neither Senator HATCH nor Senator COHEN will have an opportunity to offer their amendments.

If either was here, I would say, fine. But it is now 2:25 on Friday afternoon. We have accomplished almost no business today, and I suggest that if we take my two amendments, we could proceed to get something done.

Mr. HOLLINGS. Amen.

Mr. GRAMM. Well, Mr. President, I have asked unanimous consent to try to expedite matters by being recognized to make a motion to table the Domenici amendment at 3 p.m. I do believe that Senator DOMENICI is going to want to restate his case, and it is a case that needs restating many times if it is to be persuasive.

Mr. SPECTER. Further reserving the right to object, if the Senator from New Mexico, Senator DOMENICI, would not re-re-re-restate—that is not stuttering; that is how many times he stated it— we could move on to something else.

Mr. DOMENICI. I think the Senator from Texas ought to speak for the next 35 minutes to see if he could convince anyone.

Mr. SPECTER. Minds are not going to be changed here.

Why do we not move on with this bill? We have two amendments. Let us take them and get going.

Mr. GRAMM. Mr. President, let me remind my colleagues, in addition to the Domenici amendment, we have the Kerrey amendment which is pending and we have a Biden amendment which is pending.

Mr. HOLLINGS. What is wrong with taking this up? We can take this up and kill the half hour.

Mr. GRAMM. Well, the problem is—I do not have to have unanimous consent, Mr. President, to move to table the Domenici amendment. I was simply trying to tell my colleagues what the procedure was going to be, to try to bring a little order to it. It is not my intention to see the Domenici amendment withdrawn prior to my motion to table that amendment at 3 p.m.

We have another amendment that is the pending business, a Kerrey amendment. We have a Biden amendment. So I think the best thing for us to do is to try to finish the debate on the Domenici amendment, have a vote to table it, see where we are on that amendment. And at that time, if it is tabled, we will revert back to these other amendments. If the people who have offered them want to proceed with them at that point, they have standing to do so.

If they would be willing to step aside and allow the Senator from Pennsylvania to get the floor, set aside their amendments, and offer his amendment, if that is something he can work out with them, then I would certainly be happy to see that happen. The problem is we have a whole bunch of people who have been waiting for an opportunity to offer their amendments. We do not have an agreed-to time schedule set.

So basically that is where we are. So let me renew my unanimous consent request. If there is an objection, I would just notify my colleagues that at 3 p.m., or as near to that as I can get the floor, I will move to table the Domenici amendment. But to try to convenience our colleagues, I would like to ask again unanimous consent that at the hour of 3 p.m., I be recognized to make a motion to table the Domenici amendment No. 2819 and that the time between now and 3 p.m. be equally divided between Senator DOMENICI and myself.

Mr. SPECTER. Reserving the right to object. I would make one more effort to ask that the unanimous consent request be amended to ask unanimous consent to set aside the Domenici amendment, if the Senator from New Mexico agrees not to have further debate, and to set aside the other pending amendments, and in the course of the next 30 minutes to complete two amendments, 15 minutes equally divided on each side.

Mr. GRAMM. Mr. President, I object.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the Senator from Texas, first?

Hearing none, so ordered.

Mr. DOMENICI. Is the unanimous consent——

The PRESIDING OFFICER. Thirty minutes of debate, equally divided between the Senator from Texas and the Senator from New Mexico.

Mr. DOMENICI. I yield 3 minutes off my time to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the clash between ideas, which is evidenced in this amendment, is a difficult one, because there are valid points to be made on each side of that argument.

On the side of the Senator from New Mexico is the obvious proposition that it is an important priority for society to provide access to the courts in civil litigation or in civil claims for those who are too poor, who do not have the economic wherewithal, to hire their own lawyers.

We, as a society, wish to see that justice is done. We do not wish to deny that justice to people simply on economic grounds, and we know of large numbers of people in many classes who need the kind of assistance which they can get, not solely but frequently, almost alone from an organization like the Legal Services Corporation.

On the other side is the argument that lawyers of the governing body of the Legal Services Corporation have misused the money and the authority that they have been given by Congress to bring lawsuits designed primarily to meet social or political ends of those lawyers or of that governing body in which the poor plaintiffs are not much more than nominal parties, to use that money often for political or ideological ends which may clash not only with conservative thought but with any administration, no matter how liberal that administration may be.

In that clash, Mr. President, it seems to me that the Senator from New Mexico has the better of the argument because he preserves that first social goal of seeing to it under many circumstances the poor can be represented in court while attempting, and I think attempting with a large degree of success, to prevent the misuse of this Federal money.

It is rightfully not only annoying but regarded as an outrage by many people in our society that they, as employers or as landowners or as individuals, are sued by use of their own money.

May I have another minute from Senator DOMENICI?

Mr. DOMENICI. I yield 2 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 additional minutes.

Mr. GORTON. That is a justified objection, Mr. President. But I am convinced that we have an opportunity, if we go along the road that the Senator from New Mexico has set out for us, to retain what is good and what is important in the Legal Services Corporation and prevent the excesses to which many of our citizens have been subjected in the past and about which we have heard.

If it turns out that these requirements, that these limitations do not work, that these injustices continue, well, we are dealing with only a 1-year appropriations bill. We can deal with those objections at a another time relatively soon in the future.

So it is for that reason, Mr. President—that we can retain what is appropriate about the Legal Services Corporation, and we can at least begin, and perhaps succeed, in reining in the excesses of that corporation—that I support the position outlined so well by the Senator from New Mexico and ask that we accept his amendment.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas. The Senator from Texas has 15 minutes.

Mr. GRAMM. Mr. President, I thank you for your recognition.

Mr. DOMENICI. Will Senator GRAMM yield for 10 seconds?

Mr. GRAMM. I will be happy to yield.

Mr. DOMENICI. Mr. President, I say to Senator GORTON, I want to thank him for his remarks. I very much appreciate it. It is very helpful to me hearing that statement from him. He is one of the most renowned of the attorneys around here, even though he is not an attorney or lawyer any longer, and I very much appreciate it.

Mr. GRAMM. Mr. President, let me go back, because we have had a lot said, a lot of intellectual sparring, from people who spoke with passion on both sides of the issue. This is an important issue, because you have busy people who are in the process of debating it. But let me remind my colleagues of how we got to this point.

First of all, we adopted a budget that set out a goal of balancing the Federal budget in 7 years, and in that budget, we set out a target number, not binding but set out as a guideline, to fund Legal Services Corporation at $278 million.

In the allocation of funds to the Commerce, State, Justice Subcommittee, we were given $3.4 billion less money than President Clinton had to write his budget; we were given $1.2 billion less than the comparable committee in the House. And in spreading that reduction in spending, I reduced the funding level for Legal Services Corporation proportionately to $210 million.

Senator DOMENICI is proposing raising the funding level to $340 million. I think there are a lot of issues that are important here. Let me just go through each of them.

The first issue has to do with offsets. In order to increase the level of funding for Legal Services Corporation to $340 million, Senator DOMENICI has to cut other programs in order to make that possible.

I think it is important my colleagues decide not whether or not they want to fund the Legal Services Corporation, but whether or not it is worth it to take the money away from other programs in order to pay for it. I want to ask my colleagues look at those other programs.

In order to fund the Legal Services Corporation, a corporation that Senator DOMENICI, in his own amendment, says needs to be dramatically changed, its actions need to be reined in—I submitted for the RECORD letters from everybody, from the Farm Bureau to Citizens Against Government Waste, letters from outside groups that would like to eliminate or dramatically reduce funding for legal services. But quite aside, the question is, is it worth taking money away from those things that Senator DOMENICI proposes taking money away from in order to fund the program? Let me review a few of those proposed offsets.

In order to fund a Federal Legal Services Corporation, Senator DOMENICI proposes to reduce general legal activities in the Justice Department by $25 million. I remind my colleagues that we are already $10 million below the President's request. This will take us to $35 million below the President's request, and this will eliminate roughly 200 prosecutors in the following areas: Prosecutors in the area of organized crime, major drug trafficking, child pornography, major fraud against the taxpayer, terrorism and espionage, and other types of activities that fall within the Federal jurisdiction.

The first question I would like to ask is, is it important enough to you to fund Legal Services Corporation above the level set out in the budget that we adopted in the U.S. Senate; is it important enough that we ought to take 200 prosecutors away from prosecuting organized crime, child pornography, major drug trafficking, major fraud against the taxpayer, terrorism and espionage? I think that is the first question.

The second question is, in order to fund a Federal Legal Services Corporation at a level above the level that we set out in the budget that we adopted, the Domenici amendment cuts the U.S. Attorney's Office by $11 million. That means that with the adoption of this amendment, we will have 55 fewer assistant U.S. attorneys and 55 fewer support personnel than we will have if the amendment is not adopted.

So the relevant question is not do you want to give the Legal Services Corporation more money, but do you want the U.S. Attorney's Office to have more prosecutors to prosecute people who are selling drugs at the door of every junior high school in America?

The Domenici amendment to fund the Legal Services Corporation at a level above the level contemplated in the budget that we adopted in the U.S. Senate proposes cutting the FBI by $49 million. These funds will largely come out of the FBI Academy at Quantico, VA. This academy is the most important training facility for law enforcement in the United States of America. This project was endorsed by 91 Senators who voted for the Comprehensive Terrorism Prevention Act of 1995.

The question is not do you want to give more money to legal services, not do you want to fund legal services at a level above the level we contemplated in the budget we adopted in the Senate,

but are you willing to take $49 million away from the FBI, away from the principal construction project at the FBI Academy which, each year, funds the training of 1,225 of the most outstanding law enforcement officials in America.

The Domenici amendment, in order to fund the legal services Corporation at a level above the level contemplated in our budget, cuts the Federal judiciary by $25 million. Let me put that into people. That is 400 probation officers, who could supervise convicted felons who are out on the street under supervised parole. That is 400 probation officers who, in conjunction with the overall program, could carry out the mandatory drug testing of all released convicts to assure that they are not on drugs.

I could go on, Mr. President, but the basic point is that the Domenici amendment is cutting prosecutors, courts, the FBI, and probation officers in order to fund the Legal Services Corporation. What does the bill that Senator DOMENICI would amend do? What it does is it funds Legal Services Corporation at $210 million. It block grants that money back to the States exactly as we block grant AFDC, exactly as we are going to block grant Medicaid, and it allows the States to set up a system to contract with attorneys to represent poor people. It eliminates a superstructure, which is largely responsible for the use of this agency to promote a political agenda which is largely not the agenda of the American people.

Senator DOMENICI claims in his amendment to tighten up on what the agency can do with this money, but the restrictions imposed are less restrictive than the provisions that are actually in the bill now. And in several areas, they simply have major loopholes. For example, the Domenici amendment says legal services is banned from legislative lobbying. But there is a major loophole, section 14B, that allows funds to be used to lobby for more funds and for fewer restrictions.

The Domenici amendment prohibits the use of money for legal services for filing lawsuits having to do with congressional and legislative redistricting. As I pointed out, that is the law of the land. In 1990, when the Texas Rural Legal Aid filed a lawsuit against redistricting in Texas and the Bush-appointed Legal Services Corporation Board attempted to cut their funding, they filed a lawsuit; the funding continued, and when President Clinton's Legal Services Board took office, they settled the suit out of court, and the funding continues for Texas legal aid.

The problem is that this is an agency which has not carried out the will of Congress, and despite the fact that literally a dozen times we have tried to rein in the Federal superstructure of this agency, we have never been successful in doing it. The proposal that I made—the language that is in the bill—is taking the funds, giving the funds to the State, cutting out this bureaucracy and this Federal infrastructure and letting the funds be used to represent poor people who need legal assistance.

I think this is an amendment that should be defeated. I know that there is strong support for a Federal Legal Services Corporation. I personally do not share the philosophy or the views of those who are for it. But I ask my colleagues—even those who are for it—to look at the cuts that are instituted to pay for it and ask themselves: Do we want more prosecutors? Do we want more funding for FBI? Do we want more courts? Or do we want to give more money to a Federal program that has probably been more abused than any other Federal program that was born in the Great Society era?

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I do not know if there are any others on the Domenici-Hollings amendment side who would like to speak. So, in precaution, because there may be some, will the Chair tell me when I have used 7½ minutes?

The PRESIDING OFFICER. When the Senator has used 7½ minutes or has 7½ minutes remaining?

Mr. DOMENICI. How much time do I have?

The PRESIDING OFFICER. The Senator has 9 minutes, 45 seconds.

Mr. DOMENICI. Tell me when I have used 5 minutes.

Mr. President, let me first start and make sure that everybody understands that when this bill cleared the subcommittee under the leadership of Senator GRAMM, when this amendment came out of his work product, it had no money in it for legal services, none. Senator HATFIELD put an amendment in to put some in it.

What actually happened, Mr. President, is that Senator GRAMM decided, as I see it, not to fund legal services, so he went along the line on every justice program, every prevention program, every law enforcement program, and he put a lot of extra money in it, so he could come to the floor and say, if you take some away, you are cutting it. What he had actually done is eliminate all the money from this program and bump up the funding levels on the above.

Let me give you an example. Let us talk about U.S. attorneys. The Domenici amendment is so bad for U.S. Attorneys that the U.S. House is $28 million worse. They have put $28 million less in U.S. attorneys than when we are finished with the amendment of the Senator from New Mexico.

Let me tell you what my amendment does. It leaves an increase of $87 million. Who would have thought that from the argument made by my good friend from Texas? If his numbers are correct, then what we have done is we have added 440 new U.S. attorneys. The Senator speaks of losing 55. There are 440 new ones. No U.S. attorneys office, including my own, has called me saying that the 440 additional U.S. attorneys, with all their support, was inadequate.

You see, if you put all the money in for these other purposes so there is nothing left for legal services, then when legal services comes to talk about needing funds, it looks like you'd have to cut other programs because there was no money left.

Let me go on with just one other one: the FBI building. First of all, I have never said we do not need modernization and new infrastructure and buildings for the Academy. I am one of its staunchest supporters. As a matter of fact, 2 years ago, I believe Director Freeh will tell you that it was Senator DOMENICI's amendment that added 350 people to the FBI so they would have adequate support. Director Freeh called me up and thanked me profusely for helping the FBI. These 1,225 American FBI policemen who are going through that Academy are going to go through this Academy without any problem if the Domenici amendment is adopted.

What the Senator from New Mexico said is that there is over $80 million in here for a building that is not ready to be built. They will not need the money until next year. Why do we have to put it all in this year again? If you put all the money in that, there is no money left for legal service.

When Senator DOMENICI comes to the floor and says, ''Put a little in legal service,'' you have the FBI Academy. I cannot do any better than that. My friend from Texas is eloquent in his ability to draw analogies and all the other kinds of things that are good in debate, that I do not excel at. I am merely here as best I can, stating the facts.

Now, on another matter, my friend from Texas said we fund this program in this bill to the tune of $210 million. Once again, what is important about a program is not how much you fund it but how much you let it spend.

The Senator from Texas has $210 million but what you can spend in the whole year on lawyers for the poor is $53 million. That is what is allowed under this bill.

Now, having said that, clearly I want to repeat that President Richard Nixon was not afraid to say Republicans are concerned about poor people. He joined with the bar and said, ''Let us help poor people who need lawyers. The American system of justice is built around equal representation under the law.''

This program has gone far afield from Richard Nixon's day. My amendment will bring it right back where it should have been, and the list of prohibitions have been categorized unfairly by my friend from Texas as less strong than in the bill. I will just tick off the principle prohibitions. No class action

lawsuits, no advocating of policies relating to redistricting, no advocacy-influencing action by any legislation, constitutional amendment referendum, no legal services for illegal aliens and on and on. I will print the list in the RECORD again.

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

SUMMARY: DOMENICI LEGAL SERVICES AMENDMENT

IN GENERAL

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, referendum 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, except 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 regulations must be proposed 60 days after enactment of the Act. Funds will be provided on an ''equal figure per individual in poverty.''

Native Americans will receive additional consideration under the act but no special earmarks are provided as have existed in the past.

Restrictions shall apply only to new cases undertaken or additional matters being addressed in existing cases.

Lobbying restrictions shall not be construed to prohibit a local recipient from using non-LSC funds to lobby for additional funding from their State or local government. In addition, they shall not prohibit the Corporation from providing comments on federal funding proposals, at the request of Congress.

Mr. DOMENICI. We will return this to a slimmed-down legal services only representing poor people in their individual cases.

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. DOMENICI. I yield 3 minutes.

Mr. HOLLINGS. I think the record should show not only the leadership of Senator DOMENICI but the leadership on behalf of the Senate here, because in essence what we have is Senator GRAMM's position is not in accordance with the authorization.

There is no authorization. There have been no hearings in the Judiciary Committee to change over and abolish the Legal Services Corporation.

The fact is this Senator was waiting for a markup of this particular committee. My distinguished colleague, Senator GRAMM, told me 2 or 3 days before we were due he had one and would submit it to me, and we waited those 2 or 3 days, and finally on the afternoon before we submitted the next morning I finally called the chairman of the full committee, Senator HATFIELD, who said he was just getting together with Senator GRAMM.

In essence, when we faced this particular markup, the subcommittee had not met over it, and when we got to the full committee, the full committee said we would take it up on the floor. This is not a committee markup being amended. The truth of the matter is the amendment of Senator DOMENICI really brings about the committee into its normal course of the treatment in accordance with the authorization.

The fact is if this thing persists under the position of Senator GRAMM I will have to raise a point of order that it is an appropriation for an unauthorized amount, because there is no authorization for the block grant program that he conceived in his own mind.

The U.S. Senate in orderly procedure, in the Judiciary Committee and otherwise, has not had a chance to have hearings. This is such an outstanding program that has brought civic leadership and participation—not just the $400 million that we are appropriating but some $255 million that comes from the cities, the counties, the States, the American bar and different private groups.

This has really engendered quite a contribution and an effort of some 130,000 legal services lawyers paid at an average of around $30,000 a year. You are not going to get that in block grants. We worked with the block grants before, and to our embarrassment this is a subcommittee that finally had to abolish it because it was whitewater rafting and monkfish and tanks on the lawn, and airplanes so the Governor could fly to New York and everything else but law enforcement.

I am absolutely opposed to any block grants back to the States. Keep the so-called cops on the beat on the one hand and the legal services attorneys representing the hungry poor.

The PRESIDING OFFICER. The Senator from Texas has 3 minutes and 13 seconds.

Mr. GRAMM. Let me try to sort out the facts from the fiction.

First of all, there is no authorization for the Legal Services Corporation, period; nor has it been authorized since 1980. This is a program that Congress has consistently refused to authorize, but every year we have appropriated for.

Now, we are getting a lot of gamesmanship on these numbers because in reality the proponents of this amendment want to act as if it is free to give $340 million to the Legal Services Corporation. It is not free.

Under the bill that is before the Senate, we are providing $10 million less for general legal activities in the Justice Department than President Clinton asked for. The Domenici amendment will cut that funding $25 million further.

What does that mean? That means eliminating 200 prosecutors and litigators that are prosecuting organized crime, major drug traffickers, child pornography, major fraud against the taxpayers, terrorism, and espionage cases.

Now, the question is, you can jimmy the numbers however you want. Would you rather spend $25 million prosecuting organized crime, drug traffickers, child pornographers, fraud against the taxpayers, terrorism, and espionage, or fund a Federal legal services corporation? That is the question.

This bill will provide 55 fewer assistant U.S. attorneys, 55 fewer support personnel than the bill that is before the Senate, in order to fund the Legal Services Corporation.

Would you rather have 55 more assistant U.S. attorneys to prosecute people selling drugs at every junior high school in America, or would you rather fund the Legal Services Corporation?

Finally, in terms of the FBI, Senator DOMENICI constantly confuses two projects. One, a technical support center which he cuts; but another which is the upgrade of the FBI Academy, a project that we do have plans for, a project that is desperately needed. In order to fund a Federal legal services corporation, the Domenici amendment cuts the FBI by $49 million, denies the upgraded facilities at the FBI Academy, which is the most important law enforcement training center on the planet.

Now, the question is this: Is it worth it to you to have a Federal legal services corporation; and is it worth taking $49 million away from the FBI and the FBI Academy to fund it? I think the answer to that is no.

We have in the committee bill a block grant of legal services.

Our colleagues say you cannot block grant legal services because the States will not do it right. Why do we trust them to do aid to families with dependent children? Is having the ability to get legal representation when you are drug dealing in public housing, to keep them from kicking you out, more important than eating? Why do we trust them to administer Medicaid? Is getting medical care less important than getting a lawyer? I do not think so.

I think what we are seeing here is a commitment to a program which is the most abused program of any program that was developed in the great society. Not even the proponents of maintaining the Federal program will defend its record.

I believe this program should be block granted. I believe we should not cut law enforcement to fund the Legal Services Corporation.

Mr. President, under the previous order I move to table the Domenici amendment.

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

The PRESIDING OFFICER (Mr. INHOFE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment No. 2819.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 476 Leg.]

YEAS—39

Abraham	Faircloth	Mack
Ashcroft	Frist	McCain
Bennett	Gramm	McConnell
Brown	Grams	Murkowski
Burns	Grassley	Nickles
Byrd	Gregg	Pressler
Campbell	Hatch	Roth
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Kempthorne	Thomas
DeWine	Kyl	Thurmond
Dole	Lott	Warner

NAYS—60

Akaka	Feinstein	Lugar
Baucus	Ford	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Harkin	Murray
Boxer	Hatfield	Nunn
Bradley	Heflin	Packwood
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Jeffords	Reid
Chafee	Johnston	Robb
Cohen	Kassebaum	Rockefeller
Conrad	Kennedy	Santorum
D'Amato	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Snowe
Domenici	Lautenberg	Specter
Dorgan	Leahy	Stevens
Exon	Levin	Thompson
Feingold	Lieberman	Wellstone

NOT VOTING—1

Glenn

So the motion to lay on the table the amendment (No. 2819) was rejected.

Mr. DOMENICI. What was the vote, Mr. President?

The PRESIDING OFFICER. On this vote, the yeas were 39 and the nays 60.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate on the Domenici amendment?

Mr. DOMENICI. Mr. President, we have 60 votes. I wonder if the Senator would consider vitiating the yeas and nays on an up-or-down vote?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, it had been my determination to continue to fight this amendment if it did not have the 60 votes in order to get cloture. Needless to say, I am disappointed. I think we are making a mistake here, but it is clear to me, as a member of the Appropriations Committee, I am never going to be able to eliminate the Legal Services Corporation. Since this is my last day as a member of this committee, I will allow Senator DOMENICI to proceed with a voice vote. Having a recorded vote, I assume, would produce the same result, would simply tie up the Senate's time, and as a result I ask unanimous consent to vitiate the requested rollcall vote on the amendment.

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

Mr. DOMENICI. Mr. President, I thank Senator GRAMM for his gentleness.

Mr. BYRD. Mr. President, may we have order in the Senate? I wish Senators would just stop and look around at what is going on in the Senate. There should be order in the Senate. The Senator has a right to be heard, and other Senators have a right to understand what he is saying.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I thank the Chair.

Mr. BYRD. Mr. President, I hope the Senator will desist until the Chair gets order in the Senate.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from New Mexico.

Mr. BYRD. I hope the Senator will desist——

Mr. BRADLEY. Mr. President, may we have order?

Mr. FORD. Mr. President, the Senate is not in order.

Mr. BYRD. Until there is order in the Senate. The Chair has the responsibility to get order in the Senate——

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Whether or not it is requested from the floor. And I hope Senators will assist the Chair in getting order. This looks like the floor of the New York Stock Exchange.

The PRESIDING OFFICER. Senators will carry their conversations outside the Senate.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have nothing to say. Why not vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2819.

The amendment (No. 2819) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, let me first indicate that we are making progress. I am not certain where, but somewhere we must be making progress. It is still our hope we might be able to complete business sometime tomorrow or Monday. We are still in the Finance Committee. We have 40 or 50 amendments left in the Finance Committee to deal with. I do not see how we are going to do all that today.

In addition, one urgent thing we need to address is the continuing resolution because we have about 435 House Members who would like to depart and they cannot do that until we pass the continuing resolution. I am advised by the Senator from New Hampshire, [Mr. GREGG], that he intends to offer a sense-of-the-Senate amendment with reference to Bosnia on the continuing resolution once it is before the Senate.

It is our hope, if it is necessary to offer that amendment, it can be offered on the State-Justice-Commerce bill. And also to notify the Senator from Texas his last day on the Appropriations Committee is when we finish this bill. So if the Senator is in a hurry to leave, why, we hope he will cooperate in any event.

So I do not know precisely what to do here. I would like to expedite this and everybody be able to go home tonight and not come back for 8 days. But to do that we have to make some accommodations one way or the other. And we would like to pass the pending bill yet today. Senator HATFIELD is insisting we pass the Labor–HHS appropriations bill so all the appropriations bills and the CR will have passed the Senate. This does not mean they are not going to be vetoed. They may not get to conference.

So if the Democratic leader has any suggestions, I will be happy to hear them.

Mr. DASCHLE. I would like to propound the unanimous-consent request on the CR. I think we are prepared to enter into that arrangement. And I would like to work through the remaining amendments on Commerce, State, Justice. I think we have come to the point where we might be able to put most amendments in a package and dispose of that bill. And if we could work out some understanding of Labor, HHS, I think we could even do a voice vote on that one. So we are prepared to cooperate. And I think the first step would be the passage of the UC on the CR.

Mr. GREGG. Mr. President, will the leader entertain a question?

Mr. DOLE. I will yield to the Senator from New Hampshire.

Mr. GREGG. It had been my original intention to offer this amendment,

which simply states what I believe is the administration's policy, which is they should come to the Congress before they introduce 25,000 American troops into Bosnia. I do think it our legitimate right as Congress to request that they do come to the Congress before that occurs.

It had been my intention to put this amendment on the continuing resolution, and put it on as a matter of law, raising that point. Now I have agreed to move to a sense-of-the-Senate, which is a fairly significant reduction of position on my part.

Second, I even agreed to put it on the Commerce bill, which was an even more significant reduction on my part. What I am not getting is any cooperation on this from the other side for a time agreement. Basically, I am told there will be no agreement on a time agreement on this.

Now, I can get this up now by putting it on the continuing resolution, which I think would be very appropriate. I think the House should have a chance to act on this before they go home for a week and we might find American troops moved into Bosnia while we are away.

But, as a practical matter, I am not willing to take that position if we can get a vote on this today before we adjourn and before we get too far into any further consideration of the Commerce bill, as I would have had the opportunity to have such a vote had I put it on the continuing resolution.

I do not feel this is being unreasonable. I think it is being very reasonable in the light of the timeframe here and in an attempt to work with leadership.

Mr. DOLE. I appreciate the comments of the Senator from New Hampshire. I understand the Senator from Georgia, Senator NUNN, indicated a willingness to sit down with the Senator from New Hampshire to try to work out some language that could be supported. I do not have any idea what he has in mind. Maybe it is precisely what the Senator from New Hampshire already has.

Does Senator NUNN have a copy of your resolution?

Mr. GREGG. Yes, he does. We would like to work with it in view of the White House. It is basically language that already existed in another piece of legislation that I believe came through this body.

Mr. DASCHLE. Mr. President, I do not know why that language would have to be offered on this legislation. It is not germane to the Justice-State-Commerce bill. It is not germane to the CR.

We are willing to try to accommodate the Senator if we can have some time to look at the language and find out whether this is in keeping with past precedent. We want to be sure that we are not cutting new ground here. And I think perhaps over a period of time we might be able to resolve this matter.

We cannot do it now. There is no way we can agree to any time agreement until many of us have had a chance to look at it. So it will probably be some time prior to the time we can give any assurance to the Senator from New Hampshire. But we will certainly look at it and see if there is a way to do it in spite of the fact we do not think it belongs on this piece of legislation.

Mr. GREGG. If I may respond to the Democratic leader.

Mr. DOLE. I will be happy to yield.

Mr. DASCHLE. It is clearly germane because it is in terms of spending money for purposes of introducing troops into Bosnia. Now, that is clearly germane to a continuing resolution which involves spending money. And it is clearly topical and timely in light of the rather intense discussion that is going on about moving American troops into Bosnia. It does seem appropriate that this body should speak on that issue before it occurs.

Mr. HATFIELD. Will the leader yield?

Mr. DOLE. Let me first yield to the Senator from South Carolina, seeking recognition. I know it is for an accommodation.

Mr. THURMOND. Mr. Chairman, the reappointment of General Shalikashvili we will take up this afternoon, that nomination, in order for him to continue in office. It will not take over 10 minutes, I do not think. I just wanted to remind everyone we will have to take it up.

Mr. DOLE. We will take it up before we recess because it is important and should be done.

I will be happy to yield to the chairman of the Appropriations Committee, who would like us to complete action on these two bills.

Mr. HATFIELD. I thank the leader.

Let me just reiterate the procedure we are in at this moment on these two appropriations bills.

To put it very bluntly, these are corpses, and all the prayers and all the amendments that you can pray or offer are not going to change the reality that these two bills have been clearly identified as two bills to be vetoed. I, for the life of me, cannot understand the wasted effort that is going on on the floor and for the last 48 hours in trying to revive a corpse. It just does not happen this way. It only happened once. [Laughter.]

So consequently, it seems to me, if we could voice vote these two bills out, move the process with the CR, the reality is the White House and the Members of Congress, the Budget Committee people, the Appropriations Committee people, are going to have to revisit Defense; Labor–HHS; State, Justice, and Commerce; HUD and independent agencies; and possibly, although the House has now rereferred the bill back to committee, the report on the Interior. Those are veto bills.

Now, we are going to have to find more money. It is not a simple proposition to satisfy the White House on those three nondefense bills. So I say, for one who cannot get a plane reservation on a moment's notice like some can—I do have to go clear to the west coast—and my colleagues like me, we cannot just find an hour and say, well, we are going to be finished in the next hour, and get a reservation. So have some consideration, please, on that basis as well, the personal basis.

But I just want to say—there is no more blunt way I can put it—we are wasting our time on these two appropriations bills.

Mr. SARBANES. Will the Senator yield?

Mr. DOLE. I will be happy to yield.

Mr. SARBANES. First of all, I am very responsive to the Senator's personal plea. It strikes me this may be in the way of being an autopsy in order to find out why these bills are corpses, and that is the process we are engaged in, trying to discover what it is about these bills that made them corpses.

Mr. HATFIELD. I could tell you simply, in conjunction with discussions with people at the White House and people representing the White House position, we did not have enough nondefense discretionary dollars for the 602(b) allocations. We had cut too much out of our budget resolution of the program needs and the priorities of the White House, the dollars necessary to get their signature to these bills.

Mr. DOLE. As I understand it now, based on conversations with people I have confidence in at the White House, the President will not sign these two bills. They are essentially dead. And I would like to remove them from the Senate Chamber for last rites.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BUMPERS. I think everybody here is extremely sympathetic to the majority leader's problem in trying to get these bills passed and to get us out of here for a recess that everybody is looking forward to. Now, the chairman of the committee has just said that these bills are dead on arrival at the White House.

But here is the problem I have with that, and in not offering a couple of amendments I feel very strongly about. The President, like every Member of the Senate, reserves the right to change his mind. One of the prime objections he had to this bill was legal services, torpedoing the Legal Services Corporation. We have just taken a giant step toward satisfying one of the objections the President had to this bill.

If we legislate in a diligent way here, we might address a couple of others, and he might sign it. If I do not offer my amendments and the President does sign the bill, I am out until 1996, as is every other Senator here. I want to be as cooperative as possible. I have a couple of amendments. I think one will be accepted; I will agree to a short time agreement on the other. But I am reluctant to quit or to withdraw my amendments or not offer them on the proposition that the President is going

to veto all of them because, as I say, he may change his mind.

Mr. BIDEN. Will the Senator yield for a moment?

Mr. DOLE. My understanding is he will not change his mind, but I will be happy to yield.

Mr. BIDEN. Mr. President, unless there is a resurrection that occurs here, talking in metaphorical terms, there is no possibility that the President will sign the bill with your amendment in it or not—zero, none, no possibility. I have been told that by the White House. There is not enough money, there is not enough time, there is not enough ingenuity and enough anything to make this bill palatable to the President, in just talking about the criminal justice side of things.

So I think the majority leader is absolutely, positively correct. I think we should do a managers' amendment on a few of the major chunks of the bill and get on with the show. This really is an exercise in futility.

Mr. HARKIN. Mr. President, will the majority leader yield?

Mr. DOLE. I will be happy to yield to the Senator from Iowa.

Mr. HARKIN. I thank the leader for yielding. I just discussed with the chairman of our Labor-HHS committee, Senator SPECTER, and consulted with our side and on Labor-HHS, with the knocking out of that one provision—and we all know what that is—we can voice vote that in the next 3 minutes. We would be willing to do that. I checked with Senator SPECTER, and I believe I am representing him correctly.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DOLE. Mr. President, I will be happy to yield to the Senator from Pennsylvania.

Mr. SPECTER. I thank the majority leader. I consulted with the distinguished Senator from Oklahoma, Senator NICKLES, who said that he would be willing to, at least speaking for himself, withdraw the amendment on striker replacement, which would set the stage for a voice vote. And here we are dealing again with a corpse that is a pro forma matter.

It seems to me what the distinguished majority leader has said is preeminently correct, backed up by almost everybody, that we ought to voice vote these two bills and move on to the continuing resolution and conclude our business.

For the bill on Labor, Health and Human Services, and Education, we are prepared to move in that direction right now.

Mr. COATS. Will the majority leader yield?

Mr. HARKIN. Will the majority leader yield?

Mr. DOLE. Let me indicate first, I think what we are engaged in—and I do not quarrel with anybody, I talked with the leader about it, and we do waste time periodically in the Senate—but this is a total waste of time to continue on these two bills because they are not going anywhere.

I know some want to make a point. We are going to have to do that in about 6 weeks when we have a real live bill on the floor. I do not see any reason to take today, tomorrow, Monday, and Tuesday of next week to finish two bills that are already in the ash can. If people insist on it, we can accommodate them.

I agree with the Senator from Pennsylvania and the Senator from Iowa that we ought to pass that bill on a voice vote. We cannot get cloture. There were two votes, 54–46, party-line votes. So my view is we ought to do it, pass it and find out what happens after the veto in the next round.

I will be happy to yield to the Senator from Indiana.

Mr. COATS. Mr. President, I would like to just see if I understand the situation here. It seems that the coroner has pronounced these two bills dead, and we all wanted to look at the body and we have all concluded that they are dead, or most of us have concluded that they are dead.

In that light, it is hard for me to understand why the sense-of-the-Senate resolution of the Senator from New Hampshire is something that needs to be delayed. He feels, as a matter of law—and I daresay that would be supported by a strong majority of people on both sides of the aisle—that the President ought to seek congressional authorization for putting 25,000 American troops in Bosnia, something the President has already indicated he wants to do.

But the Senator from New Hampshire has said he will not offer that as a matter of law, nor will he offer it on the continuing resolution, which is a bill which is not dead and will go through here. He will put it on a bill that we have all agreed is going nowhere, and yet objection is raised to the Senator doing that, that the bill has to be examined.

It is a sense of the Senate and something we have already voted on. It is being put on a bill that we have all agreed is going nowhere. The President has already signified his support for the notion, but the Senator is not allowed to go forward with it.

Can anybody explain to me why we now need to delay to examine something that is going nowhere?

Mr. DOLE. If the Senator will yield, I think there is discussion right now with someone on the other side at least to look at the language to see if they can reach some agreement. I think Senator NUNN has a copy of the resolution. Hopefully, we can work it out in a few moments.

Mr. COATS. I thank the leader.

Mr. DOLE. But I am not going anywhere this weekend, so I do not care.

Mr. DOMENICI. Will the leader yield for an observation? It will take little time. I think the discussion we have been having is a good one. But I do not think the White House ought to gather from this discussion that the U.S. Senate is ready to give them more money on the domestic side for these bills. That is not a foregone conclusion. We would be breaking the budget we worked very hard to pass.

I just want to make sure everybody knows that there is no easy solution to the bills the President vetoes. That is his prerogative. But obviously, sooner or later, we have some prerogatives, like maybe we do not get a bill and maybe something happens; maybe Government is not alive and kicking all at the same time.

I yield the floor.

Mr. KERRY. Will the majority leader yield?

Mr. DOLE. I yield to the Senator from New Hampshire and then the Senator from Massachusetts. Then I hope we can work out some agreement on the CR and pass the other bill, and then we only have one left.

Mr. SMITH. Mr. President, I just ask the leader, it would be the intention, after the President vetoes this bill, that we would have the opportunity to debate and vote on the various issues of concern that some Members have regarding this bill; is that his intention?

Mr. DOLE. Is the Senator talking about the Labor-HHS bill?

Mr. SMITH. Yes.

Mr. DOLE. Mr. President, there are three provisions we are both concerned about that were stripped from the bill, and the answer is yes. My point is we can make that fight now, but it is not going to accomplish anything. We can make the fight the next time around, and I think it is for real.

So the answer is yes, and I support the Senator from New Hampshire.

Mr. SMITH. I thank the Senator for that clarification.

Mr. KERRY. Mr. President, I think that the Senator from New Hampshire has made a very fair downscaling of a request. What I want to suggest, I ask the leader, is if we can take a few minutes to see if we can try to come to some agreement with respect to language that might be able to expedite the process, and then conceivably have a managers' amendment and a vote up or down. That might be able to expedite it. I wonder if it might be possible to take the time to do that.

Mr. DOLE. Are you talking about State, Justice, Commerce?

Mr. KERRY. State, Justice, Commerce, and with respect to the State portion of that, if we can spend a minute on the Bosnia issue, we might be able to resolve that, hopefully, with Senator NUNN and other interested parties and come up with language quickly on which we can move forward.

Mr. DOLE. I certainly have no problem with that. Let me indicate, I am not going to ask consent now on the continuing resolution. There will be an objection or an amendment. I hope we can resolve it. There is not an amendment on the CR. A sense of the Senate would not require concurrence by the

House. But I hope we can pass a clean CR. We promised our colleagues in the House we would try to do that if they do that, because they had people who wanted to offer amendments, too, and they were not permitted on the House side, and they have different rules.

I will not make that request at this time. I hope in the meantime those Senators who have an interest in the Bosnia resolution can come together and work out some language. It cannot be that difficult. We passed it before, and the President has indicated to us today at the White House he intends to consult with Congress.

So I think it is a fairly moot point, but if we want to vote on a moot point, we have done that from time to time here, too. So I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, what is the regular order?

The PRESIDING OFFICER. Currently the majority leader has the floor. He has just yielded the floor. The Biden amendment is pending.

AMENDMENT NO. 2818, AS FURTHER MODIFIED

Mr. BIDEN. Mr. President, I think the Biden amendment is pending. I already debated the amendment. I ask unanimous consent that I be able to amend my amendment. The managers are aware of the amendment. It relates to a $60 million offset—not offset—$60 million offset to accommodate the Senator from Ohio. I ask unanimous consent that I be able to so amend my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Mr. President, I am ready to vote on my amendment.

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

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

Mr. BIDEN. Yes, I will.

Mr. LOTT. Mr. President, will the distinguished Senator from Delaware yield?

Mr. BIDEN. I yield.

Mr. LOTT. The manager of the bill is not on the floor right now. I wonder, has the Senator had an opportunity to discuss and clear this with the manager of the bill?

Mr. BIDEN. Mr. President, I beg the Senator's pardon?

Mr. LOTT. Mr. President, I am just inquiring about the manager of the bill. Has the Senator had an opportunity to discuss it with the manager?

Mr. BIDEN. I have a second issue. I do not want to confuse the Senator. There are two amendments: One, the Biden amendment referred to earlier was debated yesterday. That amendment has a number of offsets in it which we discussed for 2 hours yesterday. That is the one I just amended to accommodate a DeWine proposal.

There is a second issue here and that is a managers' amendment going to the funding in this bill for the police program.

I have reached an agreement, to the best of my knowledge, with the Senator from Kansas, with the Senator from Texas, the manager of the bill, and with the Senator from South Carolina. I have that agreed upon language between the manager and the parties I suggested. That goes to another big chunk of the difference of the debate. All that relates to is, one sentence —it takes out the block grant language for the police and reinstates the original language. That is a separate issue than the Biden amendment. I am not sure if I am answering the Senator's question. If that is the answer, I am prepared to move that amendment right now. That is, the so-called managers amendment and ask for a voice vote on it.

I am not looking for a rollcall vote because we have all agreed as of at least 10 minutes ago. Does that answer the question of the Senator from Mississippi?

Mr. LOTT. I think it does. Let me inquire, Mr. President, so the pending business then is a modification of the managers' amendment, is that correct?

Mr. BIDEN. A modification of the Biden amendment, which is the pending business. The Biden amendment, which was introduced and debated for an hour and a half yesterday, relates to the drug courts, relates to drug treatment in prisons and to boot camps. The modification I am sending to the desk is a modification of Mr. DEWINE in the Biden amendment which, in a nutshell, I will explain to my colleagues. In the terrorism bill that passed the Senate, Senator DEWINE——

The PRESIDING OFFICER. We need to have the modification sent to the desk.

Mr. BIDEN. I send the modification to the desk.

The amendment (No. 2818), as further modified, is as follows:

On page 26, line 10, 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; $10,000,000 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 ''$100,000,000 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 1001(a)(21) of the 1968 Act''.

On page 44, lines 8 and 9, strike ''conventional correctional facilities, including prisons and jails,'' and insert ''correctional facilities, including prisons and jails, or boot camp facilities and other low cost correctional facilities for nonviolent offenders that can free conventional prison space''.

On page 20, 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 second sentence of paragraph (1), 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 for adjustment of status which were filed on or after the date of enactment of this Act.

For activities authorized by section 130016 of Public Law 103–322, $10,300,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

At the end of title I, add the following:

SEC. . (a) STATE COMPATIBILITY WITH FEDERAL BUREAU OF INVESTIGATION SYSTEMS.—(1) The Attorney General shall make funds available to the chief executive officer of each State to carry out the activities described in paragraph (2).

(2) USES.—The executive officer of each State shall use the funds made available under this subsection in conjunction with units of local government, other States, or combinations thereof, to carry out all or part of a program to establish, develop, update, or upgrade—

(A) computerized identification systems that are compatible and integrated with the databases of the National Crime Information Center of the Federal Bureau of Investigation;

(B) ballistics identification programs that are compatible and integrated with the Drugfire Program of the Federal Bureau of Investigation;

(C) the capability to analyze deoxyribonucleic acid (DNA) in a forensic laboratory in ways that are compatible and integrated with the combined DNA Identification System (CODIS) of the Federal Bureau of Investigation; and

(D) automated fingerprint identification systems that are compatible and integrated with the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall require that each person convicted of a felony of a sexual nature shall provide a sample of blood, saliva, or other specimen necessary to conduct a DNA analysis consistent with the standards established for DNA testing by the Director of the Federal Bureau of Investigation.

(c) INTERSTATE COMPACTS.—A State may enter into a compact or compacts with another State or States to carry out this section.

(d) ALLOCATION.—The Attorney General shall allocate the funds appropriated under subsection (e) to each State based on the following formula:

(1) .25 percent shall be allocated to each of the participating States.

(2) Of the total funds remaining after the allocation under paragraph (1), each State shall be allocated an amount that bears the same ratio to the amount of such funds as the population of such State bears to the population of all States.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are hereby appropriated to carry out this section $60,000,000 for fiscal year 1996.

Mr. BIDEN. This is a modification being proposed at the request of Senator DEWINE. When the terrorism bill passed several months ago, Senator DEWINE, with the unanimous consent of the U.S. Senate, authorized a technical assistance program for the FBI to upgrade their computers and a number

of other things, a technical upgrade for the FBI. Senator DEWINE has come to me and asked me whether I would be willing to include not the full funding of that amount, but $60 million as opposed to the $200 million that was authorized. I am more than happy to do that.

The offset for that is the money that, quite frankly, has been saved as a consequence of the adoption of the amendment by the Senator from New Mexico relating to Legal Services. So it does not require an offset. It has been agreed to by Senator HOLLINGS—agreed to in the sense that I am able to modify this amendment, and I believe it has been agreed to by the majority to modify it.

I am asking to be able to modify my amendment, which is pending, with the DeWine language that I have sent to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I ask unanimous consent that the pending amendment be set aside for 5 minutes for consideration of a Brown amendment.

Mr. GRAMM. Reserving the right to object, I cannot grant a unanimous-consent until I have seen the amendment and know what we are doing. I do not mind it being brought up if the distinguished Senator from Nebraska is willing to step aside, but I cannot agree to a time limit.

The PRESIDING OFFICER. There is objection.

Mr. BROWN. Mr. President, I ask unanimous consent to proceed for 1 minute to describe the amendment that I would like the body to consider.

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

Mr. BROWN. Mr. President, many Members will be surprised to learn that we have a different standard for legal conduct that is written into the Legal Services Corporation Act than exists in our law.

Under our law, under rule 11, we permit sanctions in the event an attorney engages in bringing frivolous actions and the sanctions are discretionary in rule 11. Nevertheless, there is at least some potential penalty if someone abuses the legal process.

Under the Legal Services Corporation statute, however, Legal Services is responsible for their action on a much more limited area that involves very, very extreme action. My hope is the body would consider an amendment that simply brings the Legal Services standards into line with what we impose on every other attorney, that we would put Legal Services under exactly the same standards as any other person who appears in person.

It is one that I think merits the consideration. I assume I would have the support of all Members. It would be my hope the body would allow it to be considered while we are awaiting further action.

Having given that brief explanation, I have given copies of this amendment to both sides. I renew my request in asking unanimous consent to set aside the pending question for 5 minutes only for consideration.

The PRESIDING OFFICER. Is there objection?

Mr. KERREY. I object.

Mr. BROWN. 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. KERREY. 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. KERREY. Mr. President, I ask the manager of the bill, my amendment is the amendment after Senator BIDEN. I am willing to go immediately to it and ask unanimous consent that the Biden amendment be set aside for consideration.

Mr. GRAMM. I object.

What is the pending business?

The PRESIDING OFFICER. The pending business is the modified Biden amendment.

Mr. GRAMM. And the Biden amendment has been modified?

The PRESIDING OFFICER. That is correct.

Mr. GRAMM. If there is no debate, I am ready to move to table the Biden amendment.

The PRESIDING OFFICER. The question——

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

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

Mr. BIDEN. Parliamentary inquiry. What is the business before the Senate?

The PRESIDING OFFICER. The pending question is the Biden amendment 2818 as modified.

Mr. BIDEN. As modified by Senator DEWINE?

Mr. GRAMM. Mr. President, I personally do not object to the modification, but it was my understanding that there had been an objection on our side and that it had not been modified.

Mr. BIDEN. Mr. President, if——

The PRESIDING OFFICER. The Chair granted that request previously. That request can be vitiated.

Mr. BIDEN. I would like to not have it vitiated if it had been agreed to.

Mr. GRAMM. Would the Senator yield?

Mr. BIDEN. I yield.

Mr. GRAMM. So that we can get things moving, why do you not go ahead and start debating the amendment. Let me notify the Senator who thought he had objected that the unanimous-consent request was agreed to, and if he wants to do something about it, he should come over.

In the meantime, we will begin the business.

Mr. BIDEN. I do not have an objection to that.

Let me review quickly, and hopefully this will take just a moment. We debated this amendment at length yesterday, although I have the right to continue to debate it unless there is a motion to table. I do not want to take more time on the part of the Senate.

Let me just briefly, very briefly, explain what this amendment does. First, it reinstates two-thirds of the money for drug courts, mandatory drug testing, drug treatment backed up by certain punishment for 55,000 offenders now on probation. They would all be put into this program. It provides for two-thirds of the funding that we originally agreed to.

The second thing it does is allow States to continue to have the option to have drug treatment in their prisons. We are not talking about drug treatment for people out on the street; we are talking about treatment for people in prisons, administered by States in prisons.

The third thing it does, it reinstates the money—$10 million—for rural drug enforcement. That function was zeroed out. Again, I will not go into all the arguments, but yesterday we spent a lot of time and I pointed out that the violent crime rate and the drug problem in rural America is increasing at a faster rate than it is in urban America.

Every single, solitary Governor that I am aware of, every single, solitary local official that I am aware of, has said on drug matters, in rural areas, we need help. When you have a 2- or 3-person or 10-person police force facing what is happening, particularly in the Midwest, in the Rocky Mountain West, where drug gangs are moving to those rural areas setting up methamphetamine labs, they say they need help.

This allows the control of the cooperation between Federal and local law enforcement officers to drug enforcement. It also reinstates what I think may have been unintentionally taken out of bill; that is, $1.2 million for law enforcement family support. What that is all about is funds to support families who have had their loved ones slain as peace officers. That is, cops who are killed, their families, their husbands, wives, children.

They, in fact, are involved in and have made available the counseling for families killed in the line of duty, post-shooting debriefings for officers and

their spouses and marital support groups that relate to the outcome of what happens when an officer is killed and/or wounded. Many have attended along with me every year the police memorial. Every year we honor slain officers that are killed that year. Every year the families line up and are greeted by the President and me and others who are there—Senator THURMOND. Every year immediately after that occurs, they all get on a bus and they go to these counseling services for 2 days.

If you speak to the families of those officers, slain officers, you will find they say it is the single most important thing the Government does for them, the single most important thing for them to cope with this tragedy.

The last piece of this amendment is $60 million for technology grants to the FBI.

Those technology grants to the FBI are moneys that allow the FBI to upgrade all of their, what the average person would say is their very sophisticated technology capabilities and facilities. Frankly, they could use $200 million, which the distinguished Senator from Ohio put in the terrorism bill for them. But that has been stalled. The only reason we are going with only $60 million is so we do not have to go out and seek offsets to get this money. The offsets to pay for the entirety of this amendment come from reducing the State prison money from $750 million in this bill to $729 million. The House bill only has $500 million in it. The President only requested $500 million. And the second piece comes from increasing the fees related to acquisition of green cards. So, there are the offsets.

Senator BOND and Senator SPECTER and a number of my Republican friends, including Senator DEWINE, have spoken to pieces of this amendment. Again, the only reason I am continuing to speak is, not because I like to hear my voice and not because it needs further explanation, it is because I am told we are waiting to determine whether or not the modification will be accepted.

If it was accepted—I think it is important we all exercise comity here—if, in fact, the DeWine amendment that I sent as an amendment to the Biden amendment was accepted and it was accepted without the knowledge of one of my Republican colleagues, I will not insist that be done. I would withdraw the modification because I do not want to catch anyone unawares here. But maybe my friend from Texas has been able to find out whether or not the modification, including the DeWine provision, is acceptable, whether I have unanimous consent to modify my own amendment to that extent.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. BIDEN. I yield the floor.

Mr. GRAMM. The modification is certainly acceptable to me.

The PRESIDING OFFICER. Does the Senator wish to withdraw his motion to table?

Mr. GRAMM. I withdraw the motion to table.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think Senator HATCH is coming over to debate this amendment. What I suggest is that we set this amendment aside and that we take up the Kerrey amendment. I think we can make arguments on both sides very briefly, and then we can have a vote.

Mr. BIDEN. I have no objection to that, Mr. President. That is fine with me.

AMENDMENT NO. 2817

Mr. GRAMM. I think having that vote and getting everybody over here will move us in the right direction.

So I ask unanimous consent the Biden amendment be temporarily set aside and that the Kerrey amendment be the pending business. I ask unanimous consent that there be 10 minutes of debate equally divided on the Kerrey amendment, to be controlled by Senator KERREY and by myself.

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

AMENDMENT NO. 2817, AS MODIFIED

Mr. KERREY. Mr. President, I ask unanimous consent to have a modification, I say to the Senator from Texas, to my amendment. Let me send a copy of it over to him.

Essentially the modification enables me to strike the offset, as a consequence of the Domenici amendment. He was going to take an offset that I originally identified, and that was dropped. As a consequence of that, I no longer need an offset, I am told by staff on the Appropriations Committee.

I also ask, as part of that unanimous consent, that Senator DASCHLE and Senator JEFFORDS be added as cosponsors.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

Mr. KERREY. I send the modification to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object, I did not hear the motion. I am sorry.

Mr. KERREY. The unanimous consent request is to modify the amendment—I sent the modification to the desk—and to add Senator DASCHLE and Senator JEFFORDS as cosponsors.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, reserving the right to object, I would simply like to add to that that there be no amendment in order as a second-degree amendment to the Kerrey amendment—so we are sure we are going to go to a vote—prior to a motion to table.

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

The amendment (No. 2817), as modified, is as follows:

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, $18,900,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $900,000 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 directly to the development of national information infrastructure: *Provided further*, That notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That in reviewing proposals for funding, the Telecommunications and Information and 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 services; 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. Mr. President, the modification basically was done as a consequence of really not needing an offset now, as I explained earlier, from the Domenici amendment. Staff informs me the $18.9 million we are adding back is available in the bill.

This is a very straightforward amendment. This program, in 1994, had 90-some individual community organizations that filed applications. They match two for one.

I ask unanimous consent a letter from many, many community-based organizations who have indicated they support this amendment, be printed in the RECORD at this time.

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

September 28, 1995.

DEAR SENATOR: We write on behalf of a diverse coalition of education, library, arts, disability, civil liberties, trade unions and other civic organizations to urge you to vote for the Amendment to restore $18.9 million of funding for the Telecommunications and Information Infrastructure Assistance Program (TIIAP) to be offered by Senators Bob Kerrey (D–NE), Olympia Snowe (R–ME) and others, with bipartisan support, to the Senate Appropriations bill for Commerce, Justice, State, and the Judiciary (H.R. 2076).

TIIAP, a program administered by the National Telecommunications and Information (NTIA), matches private contributions with government funds to promote the development and widespread availability of advanced telecommunications technologies. Through TIIAP projects, people who may not otherwise have the means or opportunity—like citizens in rural and low income areas

and citizens with disabilities—are able to tap into the wealth of information that is accessible via advanced telecommunications technologies. TIIAP dollars are used to purchase equipment for connection to communications networks such as the Internet, train people in the use of equipment and software, and to purchase telephone links and access to commercial on-line services.

Resouces such as the Internet play an increasing role in many facets of the lives of all Americans. Schoolchildren are able to benefit from a wealth of educational information not otherwise available to them. Citizens are able to engage in an active discussion of public issues. And Americans in rural areas are able to access health care-related and other important information without having to travel far distances. To fully realize the benefits of advanced technologies, however, every American must have the opportunity to access these resources. TIIAP-funded support helps to realize this goal by extending advanced telecommunications capabilities, in conjunction with the private sector, to people and places that would otherwise be left out.

Recipients of the grants have included local governments, universities, schools, and libraries. Listed below are just a few examples of how TIIAP has helped these groups utilize telecommunications systems for education, community development and ultimately for economic empowerment:

The University of Oregon, along with fifteen other educational, governmental, health care, community and industrial partners, have received funds for equipment necessary to complete construction of the Lane Education Network. This Network will be fully accessible by the community, and will be the conduit for such educational programs as network mentoring among high schools and on-line training.

In West Virginia, TIIAP funds served to help complete a computer network infrastructure at the College of Human Resources and Education at West Virginia University. This network would both provide the Professional Development Schools with access to the Internet, as well as allow the College of Human Resources to provide information via the Internet on professional development for teachers.

In Montana, TIIAP funds have enabled the Hall Elementary School District to install the town's first Internet connection in the school building which will give the entire town and the students access to Montana statewide information, as well as national services.

In a time of significant budget cutting, TIIAP provides the seeds to help forge partnerships with the private sector to ensure that telecommunications technologies live up to their potential to enhance education, library services, health care, community services, civic participation and much more. The TIIAP is a modest program which can contribute significantly to the development of a truly National Information Infrastructure.

We urge you to support the Kerry/Snowe Amendment to H.R. 2076 and restore partial funding to the TIIAP program for fiscal year 1996.

Very truly yours,

AFL/CIO Department for Professional Employees.
Alliance for Community Media.
Alliance for Public Technology.
American Arts Alliance.
American Association of Community Colleges.
American Association of Law Libraries.
American Association of School Administrators.
American Association of School Libraries.
American Association of State Colleges and Universities.
American Civil Liberties Union.
American Federation of Teachers.
American Library Association.
American Psychological Association.
Association for Educational Communications and Technology.
Association of Art Museum Directors
Association of Research Libraries.
Berinstein Research.
Catalyst Project.
Center for Democracy & Technology.
Center for Information, Technology & Society.
Center for Media Education.
Civic Access, Bellingham Washington.
Communications Workers of America.
Computing Research Association.
Consortium for School Networking.
Consortium of Distance Education.
Consumer Interest Research Institute.
Council for Advancement and Support of Education.
Council for American Private Education.
Council of the Great City Schools.
Davis Community Network.
Davis Community Television.
Delaware Association of Non Profit Agencies.
Delaware Service Provider Network/Diamond Net.
Educational Products Information Exchange (EPIE).
Educational Teleconsortium of Michigan.
Florida Community College Television Consortium.
Higher Education Telecommunications Association of Oklahoma.
Independent Sector.
Instructional Telecommunications Council.
Instructional Telecommunications Foundation.
International Society for Technology in Education.
Intelecom Maryland College of the Air Teleconsortium.
International Telecomputing Consortium.
Learning and Information Networking for Community Telecomputing (LINCT) Coalition.
Libraries of the Future.
Media Access Project.
Media Consortium—Media Democracy in Action.
Museum Computer Network.
National Association of Independent Schools.
National Association of Secondary School Principals.
National Association of State Universities and Land-Grant Colleges.
National Association of State Arts Agencies.
National Campaign for Free Expression.
National Coordinating Committee for the Promotion of History.
National Education Association.
National Federation of Community Broadcasters.
National School Boards Association.
National Writers' Union (UAW Local 1981)
NILRC—A Consortium of Midwestern Community Colleges & Universities.
OMB Watch.
Oregon Community College Telecommunications Consortium.
Organizations Concerned about Rural Education.
People For the American Way Action Fund.
Playing to Win Network.
Public Service Telecommunications Corporation.
Texas Consortium for Educational Telecommunications.
United Cerebral Palsy Association.
United Church of Christ, Office of Communication.
United Way of Delaware.
Urban Libraries Council.
Western Consortium for Distance Education.
World Institute on Disability.

Mr. KERREY. Mr. President, this particular program is a very small program. It has strong support from the Republican leadership in the House. There is $40 million in the bill on the House side. It does enable us to expand not only educational opportunities in telecommunications, but it empowers local communities to be able to create jobs and, as I said, create an understanding of how this telecommunications technology can be used in a variety of different ways. There are lots of organizations that have used it, educational institutions K–12, and universities.

I hope my colleagues will be able to support the amendment. It has a very simple, straightforward purpose. It is consistent with the essential message we have been trying, I believe successfully, to use, which is we are trying to empower people at the local level, shifting power away from the Federal Government.

I think it is a program, thus far at least, that has proven its merit, and it needs to be continued.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, the argument against this amendment is very simple. The National Telecommunications and Information Administration is not, nor has it ever been, authorized. There is no offset in this amendment because it is picking up excessive authority under another amendment. I think, in terms of the budget that we face in this bill, this is not something we ought to be spending money on. As a result I oppose the amendment.

Mr. KERREY. Mr. President, I do not know if the Senator from Maine wants to speak on this amendment. I will be pleased to yield time. If I may take just an additional 30 seconds, there is not a need for an offset with this amendment. As a consequence of the Domenici amendment, an offset is not needed. That is what my modification did, was to strike it.

His is a straightforward argument against this amendment. It can only be made on the basis the Senator from Texas used, that this is a program that Members do not want to fund and do not support.

As I said, it has very strong support from a wide variety of community organizations that matched the Federal dollars, used the Federal dollars two to one. I think this program not only deserves to be supported, but has very strong support from the Republican leadership on the House side.

Mr. LEAHY. Mr. President, I rise in strong support of the Senator from Nebraska's amendment to restore funding for the Telecommunications Information and Infrastructure Administration

Program [TIIAP]. This amendment is fully offset.

In today's world of innovative telecommunications, this program helps us meet the demands of keeping up with this constant change. TIIAP develops partnerships with local governments, schools, hospitals, libraries, and the business community to increase access to advanced information and communications infrastructure. These partnerships will be the key to our educational and economic success in the remainder of this decade and into the next millennium.

Unfortunately, this bill terminates TIIAP. Some are trying to abolish this program to claim they have ended an unnecessary, big-government program. Nothing could be further from the truth.

TIIAP is more than necessary in today's world. It is essential. The world has shrunk because of advances in telecommunications. Today, Americans do not just compete with each other, they compete with Japanese, Germans, New Zealanders, and the other citizens of our global economy. To meet the demands of this new global economy, we must develop and maintain world-class telecommunications networks and infrastructure.

Moreover, TIIAP is not big government. Because of its Federal seed money, private companies and public players have come together to form community-based projects. Each project must have at least 50 percent matching funds from the private sector. This requirement had led to innovative networks with groups that have never worked together before. There is no Government redtape restricting these partnerships. Instead, Government seed money is making these partnerships happen.

Let me describe just a few of these innovative partnerships from around the country that have gotten off the ground because of TIIAP's help:

The State of Alaska, the University of Alaska, the K–12 educational system, public broadcasting, and the library community are working together to integrate networks that will result in 81 percent of Alaskans having nontoll access to an education-government-library network;

In South Dakota, 47 rural schools are working together to combine forces to provide distance learning programs;

Youth service organizations in New Haven, CT, and East Palo, CA, are working together to link teenagers in the two cities to keep them off their streets and in their schools;

Schoolchildren right here in the District of Columbia are studying together on virtual visits to museums in New York by using two-way video and teleconferencing technology;

In my home State, the citizens of Fairfax, VT are working together to develop an electronic bulletin board so this small, rural community can share information on the Internet; and

Physicians from big city medical centers in North Carolina are working together with rural hospitals to provide video teleconsultations and diagnostic images for emergency care.

TIIAP is about finding new ways to learn, to practice better medicine, and to share information. It spurs the growth of networks and infrastructure in many different fields of telecommunications with only a small Federal investment. It is essential and innovative.

Mr. President, I urge my colleagues to support Senator KERREY's amendment to restore this vital program.

Mr. GRAMM. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Texas has 4 minutes 16 seconds.

Mr. GRAMM. Let me remind my colleagues where we are. There may very well be the votes on this amendment, but I am still going to oppose it, and let me tell you why.

First of all, we passed a budget that contemplated the elimination of the Commerce Department. We have passed a bill out of committee that calls for the elimination of the Commerce Department. We have a budget that sets out, over a 7-year period, a plan which would achieve a balanced budget by cutting spending, and possibly by eliminating the Commerce Department. Given these facts, we have set out in this bill a procedure to eliminate the Commerce Department.

We are now talking about providing funding for a program that has never been authorized and that represents the Government, basically, being involved in the whole area where we have the largest private investment, in history, underway. So this is basically an issue as to what is the role of Government and what do we mean when we write a budget which says that we are going to eliminate a department. When we set out on a program to balance the budget, and we count on savings from eliminating a department, are we serious or are we not?

I believe that if you are serious about reducing funding for the Commerce Department, and if you are serious about eliminating this Department, then you cannot be serious about supporting funding for the National Telecommunications Information Administration.

This was one of the hard choices we had to make in committee, and it seems to me that it was the correct choice. I do not want to go back on that choice.

So when the Senator finishes his debate time, I will yield my time and move to table.

Mr. KERREY. Mr. President, one quick point, and then I will yield whatever time the Senator from Maine wants to take, and we will finish.

There is already in this bill a continuation of this program with $3 million for salaries and expenses. This money provides restoration to the grants.

I yield whatever time is left to the distinguished Senator from Maine.

Ms. SNOWE. How much time is left, Mr. President?

The PRESIDING OFFICER. The Senator from Nebraska has 2 minutes and 24 seconds.

Ms. SNOWE. Mr. President, I am very pleased to join with the Senator from Nebraska on this amendment because I do think it is very, very important that we do everything that we can as a Government to support the communities, public school systems, and our health care systems in joining the information superhighway.

Frankly, I believe that the grants provided to local communities, States, and public entities by the Telecommunications and Information Infrastructure Assistance Program [TIIAP] play a very important role in enabling these public entities to do everything they can to help serve their communities with advanced technology.

As I said during the telecommunications debate when we are reforming that area of our policy, one of the most important aspects is to make sure that we transmit information across traditional boundaries of time and space. Even the House recognized the importance of these grants to the States and local communities and public entities. They understand that we have to do everything that we can to help serve those populations, particularly those in rural areas that do not have access to this technology.

In 1994, half of the grants went to the rural areas and rural States of our country. One-quarter of the 1994 fund went to the underserved, often low-income areas to enable school children, the elderly, and the other at-risk groups to connect with information resources from their homes, schools, and communities centers. In fact, the House appropriation include report language that said this program:

> is critical to the development of the national information superhighway which will be of particular value to underserved rural areas. This emerging telecommunications infrastructure will allow more remote areas to gain access to enhance education, health care, and social services, as well as provide enhanced economic opportunity.

I think that characterizes very well the importance of these grants to communities. In my State of Maine, a 1994 planning grant of more than $113,000 was awarded. This grant will be utilized to develop a telecommunications plan that will link the State to the national and global networks. Involved in this planning effort will be not only the University of Maine, but also Maine Public Broadcasting Corporation and a consortium of public, private, and nonprofit organizations—including NYNEX and Central Maine Power. Telecommunications can also help us provide a world class education to children across America. If we want young people to actively use and understand the technology of the future, then we must ensure that schools are part of the National Information Infrastructure.

For starters, telecommunications will enable students and teachers to gain access to libraries across the country, and will allow them to communicate with experts and other students around the world. It will ensure that small schools in remote areas, and schools with limited financial resources will have equal access to the same rich learning resources.

It is also in the Nation's best interest to ensure that all schools and libraries, even those in rural areas, have access to educational services. In the 21st century, our children will be competing in a global economy where knowledge is power. Our future as a nation depends on our children's ability to master the tools and skills needed in that economy. I agree with House Speaker NEWT GINGRICH who said that if the country doesn't figure out a way to bring the information age to the country's poor, that we are buying ourselves a 21st century of enormous domestic pain.

Consider that only 30 percent of schools with enrollments of less than 300 have Internet access, while 58 percent of schools with enrollments of 1,000 or more reported having Internet access. Only 3 percent of classrooms in public schools are connected to the Internet, and cost is cited as a major barrier to access. Seventy-seven percent of libraries serving a populations base of more than 1 million—almost the total population of Maine, I might add—had Internet access, whereas just 13.3 percent of libraries serving communities of 5,000 or fewer people had Internet access.

In addressing these needs, TIIAP grants have served an integral role in connecting our schools to the information superhighway. In Montana, TIIAP funds enabled the Hall Elementary School District to install the town's first Internet connection in the school building. A TIIAP grant in Oregon aided in the construction of the Lane Education Network—a system that is fully accessible to the community and will serve as a conduit for educational programs among high schools.

If we are going to ensure that all of the areas of this country are going to have access to educational telecommunications services, if we are going to be competing in a global economy where knowledge is power—and our future depends on our children's ability to master the tools and skills needed in that economy—then I think that we have to do everything as a Government to promote and to serve that program and those interests.

Mr. President, the Telecommunications and Information Infrastructure Assistance Program works to ensure that rural and low-income regions are not passed by. So I encourage my colleagues to support the Kerrey–Snowe amendment that would restore the funding to this program as the House did in a recent vote in their appropriations bill. Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. Mr. President, do I have any remaining time?

The PRESIDING OFFICER. Two minutes and twenty-five seconds.

Mr. GRAMM. Mr. President, let finish by saying—and then I will move to table—that we eliminated this program because it has never been authorized, because it is not part of the budget we adopted that contemplated moving toward eliminating the Commerce Department as part of balancing the Federal budget.

It is almost comical that somehow the Government, with $19 million, is going to open up telecommunications and information systems for America when the private sector is already investing tens of billions of dollars in this area. This is another Government program which is unauthorized, and which does not fit in any program to balance the Federal budget.

So if you are serious about the budget we adopted, if you are serious about saying no to Government programs, then this is one of the easiest places to start.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the amendment of the Senator from Nebraska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. LOTT. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN] and the Senator from Louisiana [Mr. JOHNSTON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 33, nays 64, as follows:

[Rollcall Vote No. 477 Leg.]

YEAS—33

Abraham	Faircloth	Kyl
Ashcroft	Frist	Lott
Bennett	Gorton	Lugar
Campbell	Gramm	Mack
Coats	Grams	McCain
Coverdell	Gregg	McConnell
Craig	Hatch	Nickles
D'Amato	Hatfield	Santorum
DeWine	Helms	Smith
Dole	Inhofe	Thompson
Domenici	Kempthorne	Thurmond

NAYS—64

Akaka	Cohen	Inouye
Baucus	Conrad	Jeffords
Biden	Daschle	Kassebaum
Bingaman	Dodd	Kennedy
Bond	Dorgan	Kerrey
Boxer	Exon	Kerry
Bradley	Feingold	Kohl
Breaux	Feinstein	Lautenberg
Brown	Ford	Leahy
Bryan	Graham	Levin
Bumpers	Grassley	Lieberman
Burns	Harkin	Mikulski
Byrd	Heflin	Moseley-Braun
Chafee	Hollings	Moynihan
Cochran	Hutchison	Murkowski
Murray	Robb	Specter
Nunn	Rockefeller	Stevens
Packwood	Roth	Thomas
Pell	Sarbanes	Warner
Pressler	Simon	Wellstone
Pryor	Simpson	
Reid	Snowe	

NOT VOTING—3

Glenn	Johnston	Shelby

So, the motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KERREY. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. KERREY. I ask unanimous consent to vitiate the yeas and nays and do it by voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to amendment No. 2817, as modified.

So the amendment (No. 2817) as modified, was agreed to.

Mr. KERREY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2818, AS FURTHER MODIFIED

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. What is the pending business?

The PRESIDING OFFICER. The pending business is the BIDEN amendment No. 2818, as further modified.

Mr. BIDEN. Mr. President, have the yeas and nays been ordered on the Biden amendment?

The PRESIDING OFFICER. They have not.

Mr. BIDEN. Mr. President, I will just urge adoption of my amendment and ask for a voice vote on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BIDEN. Mr. President, one more parliamentary inquiry. The amendment is modified by the DeWine language; correct?

The PRESIDING OFFICER. That is correct, the Biden amendment is modified.

Mr. BIDEN. I urge adoption of the amendment and ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as further modified.

The amendment (No. 2818), as further modified, was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Parliamentary inquiry. Is it appropriate to send up an amendment?

The PRESIDING OFFICER. The committee amendments are still pending.

Mr. HATCH. Mr. President, I ask unanimous consent that the pending committee amendments be set aside so that I can send an amendment to the desk.

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

AMENDMENT NO. 2838

(Purpose: To provide for appropriate remedies for prison condition lawsuits, to discourage frivolous and abusive prison lawsuits, and for other purposes)

Mr. HATCH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. DOLE, Mr. REID, Mr. THURMOND, Mr. SPECTER, Mr. KYL, Mr. ABRAHAM, Mrs. HUTCHISON, Mr. GRAMM, Mr. Santorum, Mr. GRASSLEY, and Mr. BROWN, proposes an amendment numbered 2838.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HATCH. Mr. President, I ask the managers of the bill how much time they want us to take on this amendment.

Let me ask my colleague from Nevada how much time he thinks he needs.

Mr. REID. Mr. President, I appreciate the Senator's courtesy. I will be happy to do whatever is appropriate. I would like 15 or 20 minutes myself.

Mr. HATCH. I ask my colleague if we can do it in a half hour equally divided.

Mr. REID. Yes.

Mr. HATCH. Mr. President, I ask unanimous consent that this amendment take a half hour equally divided on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object, Mr. President, and I shall not object, I just want to tell my colleagues, there are two of my colleagues on this side who are going to seek to modify the Senator's amendment. I am not sure that is going to actually happen, so he is not caught blindsided by that. I am not at liberty to agree to a time agreement that is not subject to an amendment in the second degree. I do not know that will happen, so I do not object.

The PRESIDING OFFICER. Is there objection to the request that there be 30 minutes equally divided?

Without objection, it is so ordered.

Mr. REID. Mr. President, if the Senator from Delaware is going to offer a second-degree amendment to this, I am not sure it would be in the best interest of the proponents of the amendment to agree to a 30-minute time agreement.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object, and I will not object, if I can get the same time limit pertaining to a second-degree amendment, if there is a second-degree amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object, and I shall not, what is the subject matter of the amendment?

Mr. HATCH. This is the prison litigation reform amendment to do away with frivolous lawsuits. It should not take a lot of time, and if there is a second-degree amendment, we will just have to face that when that happens.

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

Who yields time?

Mr. DOLE. Mr. President, I want to say a few words in support of the amendment offered by my distinguished colleague from Utah, Senator HATCH.

Unfortunately, the litigation explosion now plaguing our country does not stop at the prison gate. The number of lawsuits filed by inmates has grown astronomically—From 6,600 in 1975 to more than 39,000 in 1994. These suits can involve such grievances as insufficient storage locker space, a defective haircut by a prison barber, the failure of prison officials to invite a prisoner to a pizza party for a departing prison employee, and yes, being served chunky peanut butter instead of the creamy variety.

These legal claims may sound far-fetched—almost funny—but unfortunately, prisoner litigation does not operate in a vacuum. Frivolous lawsuits filed by prisoners tie up the courts, waste valuable legal resources, and affect the quality of justice enjoyed by law-abiding citizens. The time and money spent defending these cases are clearly time and money better spent prosecuting violent criminals, fighting illegal drugs, or cracking down on consumer fraud.

The National Association of Attorneys General estimates that inmate civil rights litigation costs the States more than $81 million each year. Of course, most of these costs are incurred defending lawsuits that have no merit whatsoever.

This amendment will help put an end to the inmate litigation fun-and-games. It establishes a garnishment procedure so that prisoners, like law-abiding citizens, will have to pay the court fees associated with filing a lawsuit. It requires State prisoners to exhaust all administrative remedies before filing suit. It would allow Federal courts to revoke the good-time credits accumulated by a prisoner who files a frivolous suit. And it prohibits prisoners from suing for mental or emotional injury, absent a prior showing of physical injury.

The second major section of this amendment establishes some tough new guidelines for Federal courts when evaluating legal challenges to prison conditions. These guidelines will work to restrain liberal Federal judges who see violations of constitutional rights in every prisoner complaint and who have used these complaints to micromanage State and local prison systems. More specifically, by requiring Federal judges to meet a high burden of proof before imposing a prison cap order, this amendment will help keep convicted criminals behind bars where they belong.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield myself such time as I may need, and I will try to reserve time for the Senator from Nevada.

I am pleased to be joined by the majority leader and Senators REID, KYL, ABRAHAM, GRAMM, SPECTER, HUTCHISON, THURMOND, SANTORUM, and GRASSLEY in offering this amendment. Our amendment is virtually identical to the Prison Litigation Reform Act of 1995, S. 1279, which we introduced yesterday. This landmark legislation will help bring relief to a civil justice system overburdened by frivolous prisoner lawsuits. Jailhouse lawyers with little better to do are tying our courts in knots with the endless flow of frivolous litigation.

Our legislation will also help to restore a balance to prison conditions litigation and will ensure that Federal court orders are limited to remedying actual violations of prisoners' rights, not letting prisoners out of jail. It is time to lock the revolving prison door and to put the key safely out of reach of overzealous Federal courts.

As of January 1994, 24 corrections agencies reported having court-mandated population caps. Nearly every day, we hear of vicious crimes committed by individuals who really should have been locked up. Not all of these tragedies are the result of court-ordered population caps, of course, but such caps are a part of the problem. While prison conditions that actually violate the Constitution should not be allowed to persist, I believe that the courts have gone too far in micromanaging our Nation's prisons.

Our legislation also addresses the flood of frivolous lawsuits brought by inmates. In 1994, over 39,000 lawsuits were filed by inmates in Federal courts, a staggering 15 percent over the number filed the previous year. The vast majority of these suits are completely without merit. Indeed, roughly 94.7 percent are dismissed before the pretrial phase, and only a scant 3.1 percent have enough validity to even reach trial. In my own home State of Utah, 297 inmate suits were filed in Federal courts during 1994, which accounted for 22 percent of all Federal civil cases filed in Utah last year. I should emphasize that these numbers

do not include habeas corpus petitions or other cases challenging the inmate's conviction or sentence. The crushing burden of these frivolous suits makes it difficult for the courts to consider meritorious claims.

Indeed, I do not want to prevent inmates from raising legitimate claims. This legislation will not prevent those claims from being raised. The legislation will, however, go far in preventing inmates from abusing the Federal judicial system.

In one frivolous case in Utah, for example, an inmate sued demanding that he be issued Reebok or L.A. Gear brand shoes instead of the Converse brand being issued. In another case, an inmate deliberately flooded his cell and then sued the officers who cleaned up the mess because they got his pinochle cards wet. And in a third case, from Utah, a prisoner sued officers after a cell search, claiming that they failed to put his cell back in a fashionable condition, and mixed his clean and dirty clothes.

Mr. President, these examples from my State are far from unique. I believe each of my colleagues could report numerous similar examples from their States as well, and we had a number of attorneys general here yesterday who gave us a whole raft of bizarre incidents and litigation.

It is time to stop this ridiculous waste of taxpayers' money. The huge costs imposed on State governments to defend against these meritless suits is another kind of crime committed against law-abiding citizens.

Mr. President, this legislation enjoys broad bipartisan support from States attorneys general from across the Nation. We believe, with them, that it is time to wrest control of our prisons from the lawyers and the inmates and return that control to competent administrators appointed to look out for society's interests as well as the legitimate needs of prisoners.

So I urge my colleagues to support this amendment, and I look forward to securing its quick passage by the Senate.

I yield to my distinguished colleague from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I wish to express my appreciation to the senior Senator from Utah, and especially to his staff. The staff has worked on this legislation for many, many weeks. And I publicly express my appreciation to them and to the chairman of the Judiciary Committee, the Senator from Utah.

I also thank the majority leader, who has been with us on this legislation from the beginning. I appreciate his being with us throughout the development of this legislation.

I also wish to thank our Nation's attorneys general who have worked diligently to bring this problem to our attention. I understand they would like to see some minor modifications made to this amendment as it works its way through conference and I hope the conferees will consider their expertise.

Mr. President, when I was a new lawyer in Las Vegas, I was appointed by a Federal judge to represent someone charged with stealing cars, a violation of taking a car across State lines. I went to see this man as a young lawyer, very anxious to help him. When I got to the prison, this man said, ''Don't bother, I committed this crime on purpose. I wanted to go back to a Federal prison. I did not want to go to a State prison. I like being in a Federal prison.'' Ever since that, Mr. President, I have thought to myself, there is something profoundly wrong with a criminal justice system where people look forward to going to prison.

Now, this amendment deals with a lot of things. One of the things it deals with is frivolous lawsuits by prisoners. I wrote an article for a Las Vegas newspaper. I would like to recite part of what I wrote.

> Life can be tough. Mom brought home creamy peanut butter when you asked for extra chunky? You didn't get that fancy weight machine you wanted for Christmas? Don't like the type of music they play over the stereo system at work.
>
> Well, heck. Why not file a lawsuit?
>
> Oh, I know what you're thinking: ''I can't afford a lawyer.''
>
> Suppose, though, I told you about a plan that provides you with an up-to-date library and a legal assistant to help in your suit. This plan not only provides legal research, it also gives you, absolutely free, three square meals a day. And friends, if you get tired of legal research, you can watch cable TV in the rec room or lift weights in a nice modern gym.
>
> ''OK, OK,'' you're saying. ''What's the catch? How much do I have to pay to sign up for the program?''
>
> Well, folks, that's the best part. This assistance plan is absolutely free. All you have to do to qualify is to commit a crime, get caught and go to the pen.

That is like the man I met, Mr. President, a number of years ago in the Clark County jail.

Mr. President, prison inmates are abusing our system. I have behind me a chart that shows the lawsuits that have been filed. In 1970, we had a few. Here it is, Mr. President, our last recorded number. There are certainly far greater than that. I will bet that today they are up to 50,000. Here we only go up to about 40,000.

What kinds of lawsuits do they file? Well, Mr. President, as the senior Senator from Utah said, all States have some examples. I would like to give you what we have had in Nevada. These are the top 10 lawsuits in Nevada filed by prisoners.

Inmate's claim: He should not be required to open his window slot when meals are delivered. He filed a lawsuit.

Inmate's claim: Limiting the receipt of stamps in mail violates his religious belief in writing letters.

Inmate's claim: The prison's delivery of mail interfered with his usual sleeping pattern. A lawsuit was filed.

Mr. President, 40 percent of the lawsuits—the litigation handled in our Federal judiciary in the State of Nevada is prison litigation—40 percent of it. Lawsuits like: ''Prison destroyed his hobbycraft items.'' What were they? Woman's clothing. This was a man, of course.

Inmate's claim: Forced to wear a size 5 tennis shoe when the actual size of his foot was 4 3/4.

He filed a lawsuit.

Inmate's claim: The prison chaplain refused to perform same-sex religious ceremony.

Mr. President, if these were not so serious, we would laugh about it. Forty percent of the Federal judiciary in Nevada spends their time on this garbage.

Inmate's claim: He filed a lawsuit claiming the cake he was served for dessert was hacked up.

Inmate's claim: Jeans fit him improperly, and because of that he suffered an epileptic seizure.

Those must have been tight jeans.

Inmate's claim: Prison denied him incense and jewelry to use in the practice of his religion.

This next one is a dandy.

Inmate's claim: He ordered two jars of chunky peanut butter from the prison canteen and was sent one jar of chunky and one jar of creamy.

He filed a lawsuit.

You know, Mr. President, this is just horrible. And to think that we, the taxpayers, are paying for all of this—not only in the time of the judiciary but, as I indicated in my narrative to begin with, we are often supplying the lawyers. And, the prisoners have better law libraries than 90 percent of the lawyers in America.

Almost 100 percent of these claims are dismissed, but the judges have to go through all of them. Yet, notwithstanding the odds against prevailing, inmates continue to file suits. They laugh about it. On one national TV program, a man bragged that he filed hundreds of them himself. With our rate of incarceration increasing, this will go up. Few would back a solution that reduces our prison population. Ironically, this is practically what some judges are doing through the ordering of prison population Caps.

There is much that this amendment has in it, Mr. President. It is something that we should adopt. Some may ask, is there a need to curb this? I have gone over the reasons I think we need to curb it. I have talked about some of the cases in Nevada. But these are only a few Nevada cases. There are hundreds of them. The attorney general—every time she talks, she talks about her staff time being used on these kinds of cases. She cannot render opinions that legal constitutional officers in the State of Nevada want her to do because she is defending chunky peanut butter. One prisoner filed a claim as to how many times he should be able to change his underwear.

This problem, as the Senator from Utah indicated, plagues all States.

In California, an inmate alleged that prison officials implanted an electronic

device in his brain to control his thoughts. He claimed that his thoughts were then broadcast over the prison PA system.

Another California inmate claimed he suffered mental anguish worrying that tear gas would be used if he refused to exit his cell.

An Indiana inmate sued the State of Indiana for $3,000, but he was not sure why. He asked the court to determine what the cause should be.

An Iowa inmate sued for the right to lobby the legislature to approve consensual sex between minors and adults.

A Massachusetts inmate brought suit claiming the State should not have thrown out the personal property he left behind after he escaped from prison.

A Missouri inmate sued because the prison did not have salad bars and brunches on weekends.

Well, Mr. President, this is the worst. I feel very strongly about this legislation, and we can go into detail about what it does. But, basically, without going into a lot of detail, it would stop this kind of foolishness. This foolishness costs tens of millions of dollars throughout the States. The taxpayers finance this litigation.

A report on ABC suggests the cost of inmate litigation hindered the expansion of Head Start and the rebuilding after Hurricane Andrew.

The attorney general of California has 50 attorneys working full-time doing this. Dan Lungren, who I served with in the House of Representatives, now the attorney general, has 50 lawyers working on this, all the time. They do not do anything else.

We need to make sure that the prisoners, when they file these lawsuits, they pay. There is no reason they should get the legal docket free. If they have money in the bank, let them pay. If they have a meritorious lawsuit, of course they should be able to file. I support that.

Today, our attorneys general deal with thousands of these lawsuits. I have indicated that almost none of them have any merit. The amendment establishes procedural hurdles that will prevent frivolous lawsuits.

The PRESIDING OFFICER. All time has expired.

Mr. REID. I ask unanimous consent I be allowed 1 minute.

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

Mr. REID. I want to say, because I saw on the floor the Senator from Arizona, Senator JON KYL, who has been extremely helpful in preparing this legislation based upon his experience in the law and the work his staff has done, and I want to compliment and applaud the Senator from Arizona.

Mr. HATCH. Mr. President, I ask unanimous consent that Senators GRASSLEY, BROWN, and HELMS be added as a cosponsors.

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

Mr. THURMOND. Mr. President, I am an original cosponsor of the Prison Litigation Reform Act of 1995 and was pleased to join Senator HATCH as an original cosponsor of this amendment.

We have an opportunity here to put a stop to the thousands and thousands of frivolous lawsuits filed by the prisoners across this nation. They have tied up the courts with their jailhouse lawyer antics for too long. This amendment will allow meritorious claims to be filed, but gives the judge broader discretion to prevent frivolous and malicious lawsuits filed by prison inmates.

In my home State of South Carolina, the State government last year spent well over $1 million to defend against frivolous lawsuits filed by inmates. Compare that to 10 years ago when South Carolina spent only about $20,000 to defend these types of lawsuits. The problem is getting worse, not better.

Mr. President, the overwhelming majority of these cases are dismissed, in fact well over 95 percent. We need to put a stop to these jailhouse lawyers who are making a mockery of our criminal justice system.

Mr. President, the other provisions in this bill will place limits on Federal judges who have been micromanaging prisoners with population caps. Our amendment requires a strong showing from the judge to justify population caps as the least intrusive means as a judicial remedy. We need this legislation. I commend Senator HATCH for offering it and I urge my colleagues to support its adoption.

Mr. HATCH. Mr. President, I ask unanimous consent that our colleague from Arizona—I do not know that there is any opposition to it. In fact, I believe we can probably get this accepted by voice vote.

I ask unanimous consent that my colleague from Arizona who has been a major mover in this area, whose attorney general was one of the major causes of this legislation be granted, I ask unanimous consent that 4 minutes be granted to the distinguished Senator from Arizona, and 1 minute to the distinguished Senator from Texas, Senator GRAMM, and 3 minutes to the distinguished Senator from South Carolina.

Mr. BIDEN. Reserving the right to object, and I will not object, I have an amendment and I have a speech. I have no problem with it being accepted. If other people are going to speak to it then I will speak to it.

I hope that we all will have learned by now, when you win, accept the victory, put the speeches in later. I hope we do that.

Stemming the tide of frivolous prisoner lawsuits is certainly an important goal.

Our courts are flooded with lawsuits brought by prisoners. The Administrative Office of the U.S. Courts reported that in fiscal year 1994, 39,100 Federal and State prisoner civil rights cases were filed in Federal court. This volume of cases drains precious court resources, further burdening an already overburdened court system.

But in solving these problems, we must not lose sight of the fact that some of these lawsuits have merit—some prisoners' rights are violated—some prisons are terribly overcrowded.

In one case, for example, children in a severely overcrowded juvenile detention center in Pennsylvania—a facility that was at 160 percent of capacity—were beaten by staff—sometimes with chains and other objects. These problems were not resolved until a court order was entered.—(Santiago versus City of Philadelphia.)

In a recent case right here in the District of Columbia, Judge June L. Green found that correctional officers had routinely sexually assaulted women prisoners—one had raped a woman prisoner, another had forced a prisoner to perform oral sex. When these conditions were reported to the D.C. correction officials, nothing was done. It was when court entered an order that the district take steps to prevent these incidents from recurring that the prisoners were able to get relief.—(Women Prisoners of D.C. Dept. of Corrections versus D.C.)

Senator HATCH's amendment has two overriding problems—first, in an effort to curb frivolous prisoner lawsuits, the amendment places too many roadblocks to meritorious prison lawsuits.

Second, in an effort to relieve the courts and State and local governments from the overwhelming task of dealing with frivolous lawsuits, Senator HATCH's amendment, in fact, creates restrictions on the power of those governments from voluntarily negotiating their own agreements and would place an even greater burden on the courts to litigate and relitigate these suits.

Because Senator HATCH's amendment makes only marginal improvements over what is already in the bill, I oppose this amendment, just as I oppose the similar provision in the committee bill.

I am willing to withhold if others are. I ask that the Senator maybe reconsider his request and accept it by voice vote and make speeches later.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BIDEN. I object.

Mr. HATCH. If my colleagues would forgo so we can pass this—we are all interested in passing it and establishing once and for all that we have to get rid of frivolous prisoner litigation.

The PRESIDING OFFICER. Did the Senator withdraw the unanimous-consent request?

Mr. HATCH. I ask unanimous consent 2 minutes be given to the distinguished Senator from Arizona.

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

Mr. KYL. Mr. President, I will take 2 minutes right now and speak in support of this legislation. I appreciate the Senator from Utah bringing it to the floor, and I also appreciate the kind comment from the Senator from Nevada.

This is clearly a bipartisan effort. Obviously, this legislation is going to pass.

I just wanted to indicate where this came from. The attorney general of Arizona, Grant Woods, brought this matter to my attention several months ago, and we brought it to the majority leader, and we introduced legislation to cut the prisoner litigation.

It has been in effect now in the State of Arizona pursuant to State law for about a year, and the prisoner litigation there has been cut in half as a result of the requirements that we place on the filing of lawsuits, by the inmates in the Arizona State system.

If you can extrapolate from the same statistics, it clearly ought to result in the reduction of delays and expenses in our Federal court system if we are able to impose the same requirements on our Federal prisoners when they attempt to litigate.

All we are doing is asking they pay the same kind of filing fees and costs that a citizen who has not committed any violation of law has to pay, and that their suits be subject to the same kind of requirements in terms of meeting the tests of a legitimate lawsuit rather than just being a frivolous lawsuit.

I think if we can extrapolate the figure to all 50 States, from the experience we had in the State of Arizona where the litigation has been cut in half, we ought to be able to save about $81.3 million. That is a significant chunk of change that would save the United States taxpayers in addition to the benefit of unclogging the courts.

Mr. President, there is one other thing that this will do. I think it begins to send a message that prison is not necessarily a nice place. You do not have extra privileges when you go to prison. You certainly ought not to be treated any better than the average citizen.

Another part of this bill is to put impediments on ''special masters,'' and I think by doing that we also make it clear we regain control of the Federal court system, and we do not just allow the Federal judges to dictate to the States how their prison systems will be run. I am pleased the legislation will be adopted and pleased to express my views.

I ask unanimous consent to have frivolous lawsuit lists printed in the RECORD.

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

TOP 10 LIST: FRIVOLOUS INMATE LAWSUITS IN ARIZONA

(10) Death row inmate has sued corrections officials for taking away his Gameboy electronic name. (Donald Edward Beaty v. Bury)

(9) An inmate brought a suit demanding $110 million because of a delay in receiving a dental appointment for a toothache. (Beasley v. Howard)

(8) An inmate convicted of murder and a subsequent escape attempt brought a suit based on the denial of dental floss. Anzivino v. Lewis)

(7) An inmate brought suit for damages to his electric typewriter and fan. He alleges the damage was done because prison officials did not allow him to have a surge protector in his cell. (Prison officials disallow surge protectors because they can be easily fashioned into lethal weapons.) (Souch v. State)

(6) An inmate alleged his First Amendment right to freedom of religion was being denied because he was not allowed to have conjugal visits. (Jamison v. ADOC)

(5) An inmate alleged he was libeled and slandered by a female prison official who referred him to disciplinary action after he continually walked into the restroom she was using. (Holt v. Grant)

(4) An inmate sued because he was not allowed to reside with his spouse, who is a fellow prison inmate. The inmate is a convicted murderer, while his spouse, whom he has met only at their prison marriage ceremony, is a convicted kidnaper. (Boyd v. Lewis)

(3) An inmate alleges that the Department of Corrections failed to properly rehabilitate him. Therefore, when he was released on parole he was arrested and convicted of another crime, which resulted in more jail time. (Kabage v. ADOC)

(2) A male inmate sued alleging his constitutional rights were violated by the refusal of prison officials to allow him to have and wear a brassieres. (Taylor V. Adams)

(1) An inmate alleges that the correction officials have retaliated against him. Part of that retaliation he alleges occurred when he was not invited to a pizza party thrown for a departing DOC employee. (Dickinson v. Elliott)

TOP 10 FRIVOLOUS INMATE LAWSUITS NATIONALLY

(10) Inmate claimed $1 million in damages for civil rights violation because his ice cream had melted. The judge ruled that the ''right to eat ice cream . . . was clearly not within the contemplation'' of our Nation's forefathers. [NT—Clendenin v. State]

(9) Inmate alleged that being forced to listen to his unit manager's country and western music constituted cruel and unusual punishment. [OK—Watkins v. Sutton]

(8) Inmate sued because when he got his dinner tray, the piece of cake on it was ''hacked up.'' [NV—Banks v. Hatcher]

(7) Inmate sued because he was served chunky instead of smooth peanut butter. [TX—Thomas v. State]

(6) Two prisoners sued to force taxpayers to pay for sex-change surgery while they were in prison. [PA—Brown v. Jeffes and Doe v. Vaughn]

(5) Inmate sued for $100 million alleging he was told that he would be making $29.40 within three months, but only made $21. [KS—Williams v. Dept. of Corrections]

(4) Inmate claimed that his rights were violated because he was forced to send packages via UPS rather than U.S. mail. [CA—Alcala v. Vanquez]

(3) Prisoner sued demanding L.A. Gear or Reebock ''Pumps'' instead of Converse. [UT—Winsness v. DeLand]

(2) Prisoner sued 66 defendants alleging that unidentified physicians implanted mind control devices in his head. [MI—Doran v. McGinnis]

(1) Death row inmate sued corrections officials for taking away his Gameboy electronic game. [AZ—Donald Edward Beaty v. Bury]

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2838) was agreed to.

Mr. HATCH. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BROWN. I ask unanimous consent I be allowed to proceed in morning business for 60 seconds.

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

COLORADO BUFFALOES

Mr. BROWN. Mr. President, Coloradans were devastated to learn that the Colorado Buffaloes had no chance whatever to win our football game this weekend with Oklahoma.

Early in the week the Oklahoma Coach Schnellenberger said, referring to our Colorado team, ''Our football team would prefer Detmer play. I don't want a damn asterisk when we beat their posteriors.'' Actually, I believe he used a different term than ''posterior.''

Upon being advised of the Oklahoma coach's statement implying the game's result was a foregone conclusion, our Colorado Coach, Rick Neuheisel, inquired if it would be OK if our team showed up anyway. He indicated that Colorado already paid the rent on the plane and would have a great deal of trouble getting our deposit back if we did not show up.

Mr. President, Oklahoma's reputation as being a great football power is legendary. The Golden Buffs feel honored to merely be able to appear with them in Memorial Stadium in Norman, OK. Our only hope is that the Oklahoma Sooners will be gentle with us.

Mr. SMITH. Mr. President, I ask unanimous consent to speak in morning business for up to 5 minutes.

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

U.S. MARINE CORPS

Mr. SMITH. Mr. President, I rise today to bring to the attention of my colleagues a very insightful and compelling portrayal of the U.S. Marine Corps. In yesterday's Washington Post, George Will provides a heartfelt tribute to the culture and character our Nation's premier 911 force. It is an excellent editorial which I encourage all of my colleagues to review.

As Mr. Will so appropriately points out, the U.S. Marine Corps is a very unique institution. Its culture is rich with tradition, its character strong on conviction. Honor, discipline, valor, and fidelity are its virtues; dedication, sacrifice, and commitment its code. To those who willingly join this elite society, service is not merely an occupation, it is a way of life.

Mr. President, as we grapple with the challenges of balancing the Federal budget and downsizing our military force structure, there is much we can learn from the U.S. Marine Corps. The men and women of our Corps have experienced fiscal adversity first hand. For decades they have endured shortfalls in procurement, operations, and