

## MESSAGES FROM THE HOUSE

At 12:28 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 349. An act to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program; and

S. 441. An act to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

At 4 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 962. An act to amend the Immigration Act of 1990 relating to the membership of the United States Commission on Immigration Reform.

H.R. 1561. An act to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 962. An act to amend the Immigration Act of 1990 relating to the membership of the United States Commission on Immigration Reform; to the Committee on the Judiciary.

H.R. 1561. An act to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes; to the Committee on Foreign Relations.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on June 14, 1995, he had presented to the President of the United States, the following enrolled bills:

S. 349. An act to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program.

S. 441. An act to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-984. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report on programs for the utilization and do-

nation of Federal personal property; to the Committee on Governmental Affairs.

EC-985. A communication from the Chief Judge of the U.S. Court of Veterans Appeals, transmitting, pursuant to law, the report of an estimate of the expenditures and appropriations necessary for the maintenance and operation of the Court of Veterans Appeals Retirement Fund; to the Committee on Governmental Affairs.

EC-986. A communication from the Postal Rate Commission, transmitting, pursuant to law, the opinion and further recommended decision of the Commission relative to postal rate and fee changes, 1994; to the Committee on Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Select Committee on Intelligence, without amendment:

S. 922. An original bill to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 104-97).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

James John Hoecker, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2000.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRESSLER:

S. 920. A bill to assist the preservation of rail infrastructure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (for himself, Mr. BROWN, and Mr. JOHNSTON):

S. 921. A bill to establish a Minerals Management Service within the Department of the Interior; and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 922. An original bill to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. DORGAN:

S. 923. A bill to amend title 23, United States Code, to provide for a national program concerning motor vehicle pursuits by law enforcement officers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself, Mr. LOTT, Mr. ABRAHAM, Mr. ASHCROFT, Mr. COATS, Mr. CRAIG, Mr. DEWINE, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMM, Mr. GRAMS, Mr. HATCH, Mr. KEMPTHORNE, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. SANTORUM, Mr. SMITH, and Mr. THURMOND):

S. Res. 133. A resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that, because the United Nations Convention on the Rights of the Child could undermine the rights of the family, the President should not sign and transmit it to the Senate; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER:

S. 920. A bill to assist the preservation of rail infrastructure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE RAIL INFRASTRUCTURE PRESERVATION ACT OF 1995

Mr. PRESSLER. Mr. President, today I am introducing the Rail Infrastructure Preservation Act of 1995. This legislation is designed to target rail freight investment needs in neglected regions of the country. I urge my colleagues to join me in supporting this legislation.

The primary purpose of this bill is to provide a blueprint for rebuilding and improving the rail lines serving our smaller cities and rural areas. These lines, run mainly by short-line and regional railroads, are critical to the survival of rural America's economy. Yet, the capital needed to maintain these secondary rail lines is very limited.

My colleagues may recall I introduced a similar bill during the last Congress. I continue to believe Federal involvement is necessary to preparing our Nation's rail transportation network for the next century. A national commitment to the future of rail freight service is critical to the advancement of our overall transportation system.

Mr. President, we are facing very serious Federal budget constraints. I support comprehensive deficit reduction proposals and have backed that support with my voting record. I will continue to do so. In our efforts to tackle the deficit, it is important to allocate our limited tax dollars wisely.

In my view, adequate investment in our Nation's transportation infrastructure provides for wise use of these dollars. However, as we consider national transportation infrastructure investment, we must not overlook one very critical transportation mode—rail freight service.

During the 1970's and 1980's, the large railroads abandoned thousands of miles

of rail lines throughout the United States. Much of our former rail infrastructure has been abandoned. Fortunately, many independent regional and short-line railroads have filled the gap, keeping many essential rail lines in service.

Despite the remarkable efforts by regional and short-line entrepreneurs to keep alive our Nation's secondary rail lines, the demand for capital investment to maintain these lines far outpaces supply. This situation keeps far too many rural communities on the brink of losing their rail service or having inadequate service due to unsound track conditions. Unfortunately, the Federal commitment to maintaining necessary rail lifelines has diminished almost to the point of nonexistence.

It would help address the capital investment needs of our rail freight transportation system. Specifically, my legislation would permanently authorize the Local Rail Freight Assistance [LRFA] Program. However, due to legitimate funding constraints, my bill would reduce the authorization level by 17 percent from the amount approved by the Senate Commerce Committee during the last Congress. It also updates the existing section 511 railroad loan guarantee program as I first proposed in the last Congress.

The LRFA Program has proven to play a vital role in our Nation's rail transportation system. Created in 1973, LRFA provides matching funds to help States save rail lines that otherwise would be abandoned. For instance, over the past few years, several rail improvement projects in my home State of South Dakota have been made possible through LRFA funding assistance. Without LRFA, our freight funding needs would go largely unmet.

Of particular importance is how LRFA's matching requirements enable limited Federal, State, and local resources to be leveraged. Indeed, LRFA's success has been in part due to its ability to promote investment partnerships, thus, maximizing very limited Federal assistance.

Historically, LRFA has received only a very modest level of Federal funding. For example, \$17 million was provided for LRFA in fiscal year 1995. But a substantial portion of this very limited appropriation—\$6.5 million—was rescinded recently by Public Law 104-6. Yet, LRFA remains very popular since it has been the only Federal program that provides infrastructure investment in short-line and regional railroads in the absence of section 511 appropriations.

For example, in fiscal year 1995, 31 States requested LRFA assistance for 59 projects, totaling more than \$32 million in funding requests. Unfortunately, less than one-third of funding was available to meet these rail infrastructure needs. With continued railroad restructuring, these legitimate funding needs will only increase. LRFA

is a worthy program and should be continued.

In addition, adequate funding for the section 511 Loan Guarantee Program would permit high priority railroad transportation infrastructure investment on lines operated by short-line and regional railroads. In this era of significant budgetary pressures, the 511 program provides a cost effective method to insure modest infrastructure investment on a repayable basis.

The 511 Program requires a processing fee paid to the Federal Government and the money borrowed is repaid with interest. The cost to the taxpayers should range from negligible to a positive return. In this time of fiscal pressure, we should support programs like the 511 Program and LRFA that provide excellent leverage of our limited Federal dollars.

The 511 Railroad Loan Guarantee Program is permanently authorized at \$1 billion, of which approximately \$980 million currently is available for commitment. The Credit Reform Act rules require an appropriation for the 511 Loan Program to cover the anticipated loss to the Government over the life of each loan. Based on a fiscal year 1994 appropriation for a 511 project in New York State—the first 511 application processed under the rules of the Credit Reform Act—5 percent of the total obligation level must be appropriated.

Several regional and short-line railroads are ready to submit loan applications as soon as the program is appropriated funding. For example, the Dakota, Minnesota & Eastern [DM&E] Railroad, headquartered in Brookings, SD, is prepared to file an application for a 511 loan guarantee as part of a project to be matched by financing from revenue bonds issued by the State of South Dakota.

It also is important to note that recently the House Transportation and Infrastructure Railroad Subcommittee approved an Amtrak reauthorization bill that includes a 511 loan guarantee provision specifically permitting \$50 million of the \$1 billion authorized for the section 511 program to be available for Amtrak for fiscal years 1996 through 1999. Indeed, the 511 program is gaining increased Congressional attention and support.

My legislation is intended to make the loan guarantee program more user friendly. My overall objective is to ensure the 511 Loan Program can best serve its customers. I am eager to explore all options to enable us to reach this goal.

Mr. President, in my judgment, we need to help preserve our rural freight rail systems. Building up these systems would allow more freight to be shipped by rail and would help to alleviate highway traffic and congestion. Our national transportation needs can best be measured on this type of intermodal perspective. Therefore, I urge my colleagues to support this legislation while we work to address the large-

er issues of transportation investment policy.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 920

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Rail Infrastructure Preservation Act of 1995".

**SEC. 2. LOCAL RAIL FREIGHT ASSISTANCE; AUTHORIZATION OF APPROPRIATIONS.**

Section 22108 of title 49, United States Code, is amended—

(1) by striking out so much of subsection (a) as precedes paragraph (2) and inserting the following:

"(a) GENERAL.—(1) There is authorized to be appropriated to the Secretary of Transportation to carry out this chapter the sum of \$25,000,000 for the fiscal year ending September 30, 1996, and for each subsequent fiscal year."; and

(2) by striking subsection (a)(3).

**SEC. 3. DISASTER FUNDING FOR RAILROADS.**

Section 22101 of title 49, United States Code, is amended by redesignating subsection (d) as (e), and by inserting after subsection (c) the following—

"(d) DISASTER FUNDING FOR RAILROADS.—

"(1) The Secretary may declare that a disaster has occurred and that it is necessary to repair and rebuild rail lines damaged as a result of such disaster. If the Secretary makes the declaration under this paragraph, the Secretary may—

"(A) waive the requirements of this section; and

"(B) prescribe the form and time for applications for assistance made available herein.

"(2) The Secretary may not provide assistance under this subsection unless emergency disaster relief funds are appropriated for that purpose.

"(3) Funds provided for under this subsection shall remain available until extended."

**SEC. 4. DECLARATION OF POLICY.**

Section 101(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801(a)(4)) is amended to read as follows:

"(4) continuation of service on, or preservation of, light density lines that are necessary to continued employment and community well-being throughout the United States;"

**SEC. 5. RAILROAD LOAN GUARANTEES; MAXIMUM RATE OF INTEREST.**

Section 511(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(f)) is amended by striking "shall not exceed an annual percentage rate which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market." and inserting in lieu thereof "shall not exceed the annual percentage rate charged equivalent to the cost of money to Government."

**SEC. 6. RAILROAD LOAN GUARANTEES; MINIMUM REPAYMENT PERIOD AND PREPAYMENT PENALTIES.**

Section 511(g)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(2)) is amended to read as follows:

"(2) payment of the obligation is required by its terms to be made not less than 15 years nor more than 25 years from the date

of its execution, with no penalty imposed for prepayment after 5 years;”.

**SEC. 7. RAILROAD LOANS GUARANTEES; DETERMINATION OF REPAYABILITY.**

Section 511(g)(5) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(5)) is amended to read as follows:

“(5) either the loan can reasonably be repaid by the applicant or the loan is collateralized at no more than the current value of assets being financed under this section to provide protection to the United States;”.

**SEC. 8. RAILROAD LOANS GUARANTEES; RIGHTS OF SECRETARY.**

Section 511(i) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(i)) is amended by adding at the end the following:

“(4) The Secretary shall not require, as a condition for guarantee of an obligation, that all preexisting secured obligations of an obligor be subordinated to the rights of the Secretary in the event of a default.”.

By Mr. MURKOWSKI (for himself, Mr. BROWN, and Mr. JOHNSTON):

S. 921. A bill to establish a Minerals Management Service within the Department of the Interior; and for other purposes; to the Committee on Energy and Natural Resources.

THE MINERALS MANAGEMENT SERVICE ORGANIC ACT

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation to establish the Minerals Management Service as a permanent agency at the Department of the Interior. I am pleased to be joined in this effort by my colleague from Colorado, Senator BROWN, and by the ranking member on the Committee on Energy and Natural Resources, Senator JOHNSTON.

The legislation I sponsor is very straightforward. It would simply authorize the establishment of a Minerals Management Service at the Department of the Interior, require that it be headed by a Director who is to be appointed by the President and confirmed with the advice and consent of the Senate, and direct that it administer royalty management and Outer Continental Shelf lands programs. The Minerals Management Service already exists although, as I will explain, the Clinton administration has proposed to dismantle it. My bill, which is an MMS organic act, would authorize and preserve MMS.

Mr. President, the Minerals Management Service—or MMS—was established by Secretarial order in 1982 in response to concerns about the amount of money the United States was receiving for Federal coal leases in the West and for the job that was being done in collecting mineral royalties owed the United States.

When MMS was created, it was given two basic functions: first, to assure that there is timely and efficient collection, disbursement, accounting for and auditing of the royalties owed the United States for mineral leases both onshore and offshore. MMS has principal responsibility for handling the mineral receipts under provisions of

the Mineral Leasing Act, the Federal Oil and Gas Royalty Management Act, and the Outer Continental Shelf Lands Act.

Second, MMS was given responsibility for managing a program to promote and regulate the use of lands on the Outer Continental Shelf for purposes of mineral exploration, development and production. The OCS contains abundant supplies of oil and natural gas, as well as other minerals used for industrial and commercial purposes, such as sulfur.

When MMS was formed, many good Federal employees from the Interior Department's Bureau of Land Management and U.S. Geological Survey, as well as some from the Department of Energy, were selected to staff this new agency. Most of these people brought a particular expertise to their jobs, with some having experience at the General Accounting Office and the Internal Revenue Service.

What has MMS and its employees done with its responsibilities in last 13 years, Mr. President? Well, it has significantly improved the royalty management program. It has reduced the number of data-related errors and royalty payor mistakes from about 39 percent in 1982 to less than 5 percent. In increased the percentage of monies being distributed on time from 92 to about 99 percent in a period of about 10 years. For its handling of the royalty management functions, MMS received an award for management excellence from the President's Council on Management Improvement in 1991, and twice in the last 5 years has been a finalist for the Federal Quality Institute's Quality Improvement Prototype Awards.

Besides the IRS, the MMS is the second largest source of revenues for the Federal Government, handling more than 4 billion in mineral royalties, bonus bids, and rental payments each year. That is tremendous responsibility, and MMS is handling it well. Sure, there are disagreement over policy issues. But, for the most part, people would say MMS is doing a good job.

As for its responsibilities over the OCS lands program, Mr. President, I believe MMS can take great pride in the fact that the OCS is contributing to our Nation's energy supply in an environmentally sound and safe manner. The OCS accounts for about 23 percent of the Nation's natural gas production and after 14 percent of our crude oil production. The OCS contains about 25 percent of our known natural gas reserves and about 15 percent of our known oil reserves. Historically, the OCS has accounted for more than 106 trillion cubic feet of natural gas produced and the production of 9 billion barrels of oil.

Remarkably, there has never been a blow-out from an oil well on the Federal OCS. The amount of oil spilled as a percentage of oil produced on the OCS amounts to one-one thousandth of a percent [.001 percent]. And, the De-

partment has never lost a challenge to one of its 5-year oil and gas plans, which are the activity planning documents laying out the Department's proposed oil and gas leasing program each 5 years. For its part in assuring that NEPA [the National Environmental Policy Act] and other environmental requirements are fully implemented and adhered to with respect to oil and gas exploration, development and production activities on the OCS, MMS received the President's Council on Environmental Quality Award in 1994 for making environmental considerations an integral part of the agency's mission and decision-making process.

These are achievements of which MMS can be proud. All this from an agency that is not even 15 years old. Compare the effectiveness of MMS to one of its sister agencies at Interior, the Office of Surface Mining, and you have an example of one agency that functions well and one that is an absolute mess.

Now, however, Mr. President, along come President Clinton and Secretary Babbitt and their half-baked reinvention of government proposal to dismantle MMS, to devolve some of its functions to the States, and to absorb the other functions elsewhere in Interior. If it weren't for the fact that we know the President and the Secretary are not economists, I'd swear the MMS devolution idea is the work of an economist. Economists have been described as people who sit around and wonder whether things that actually work in practice can work in theory.

Here, we have the same kind of genius at work. MMS is recognized by people inside and outside of government as an effective agency. Yet President Clinton and Secretary Babbitt want to give States the task of collecting, disbursing, and auditing royalties, have the Federal Government keep responsibility for all major substantive functions, and double the States' contribution to administrative costs. What a deal!

Under the present system, States are assessed 25 percent of the total administrative costs of royalty collection, disbursement and auditing. Under the Babbitt devolution proposal, the States would be assessed the present 25 percent, plus another 25 percent. Wyoming, New Mexico, Colorado, and Utah would pay an additional \$3.2 million, \$3.3 million, \$1.5 million, and \$1.1 million, respectively, for the privilege of doing MMS's job.

At first blush, Mr. President, the concept of devolving responsibility to the States sounds like a good idea. It's one that Republicans have been espousing for years and one that Democrats only recently have begun to imitate. Give States primacy. Give them the ability to make decisions regarding issues affecting their economic well-being. Give them a greater say in how public lands and natural resources are managed. That is what Republicans

have been advocating for years. The Clinton-Babbitt proposal gives States more work at greater cost. This is their idea of reinventing government.

Well, the President and his friend Secretary Babbitt have got it wrong. The devolution proposal was not clearly thought out beforehand, because it doesn't really pass true responsibility to the States. All it passes to the States is the ministerial function of royalty collection, disbursement, and auditing. And, as I just stated, for an added 25 percent administrative charge. Under the President's proposal, the Federal Government would retain rulemaking authority, responsibility to make valuation determinations, and other important responsibility. So the devolution of MMS responsibility is not really what it's cracked up to be.

We have yet to see an explanation of the economic effects of the President's proposal that fully sets out the benefits of this proposal. We haven't seen a rush by the States to accept this responsibility, because many are still trying—as we are—to figure out the proposal, whether they are equipped to handle the responsibilities, and whether the proposal would impose an unfunded mandate. I suspect that some of the numbers used by the President and Secretary Babbitt came from the same creative genius that thought up the MMS devolution proposal in the first place.

Mr. President, the long and short of it is this: President Clinton and Secretary Babbitt have missed the mark with their MMS devolution proposal. The President's efforts would be better directed in improving the Office of Surface Mining, or in significantly eliminating functions of the Department of Energy. MMS is not broken, and does not need to be dismembered as proposed by this ill conceived devolution.

Mr. President, I am concerned that all the good things MMS has achieved will be lost if it is dismantled and its functions are spread to the wind. We are likely to get inconsistent interpretations, rulings and policies from the States on the few functions they will be given, while we still have the major "inherently federal functions" retained by the Interior Department. This will lead to costly litigation and an inefficient use of private and public sector resources.

In addition, Mr. President, if the OCS minerals management function is absorbed—or more likely buried—elsewhere in the Department, who will be the advocate for the offshore oil and gas program? Who will assure that the OCS continues to be a vital contributor to our Nation's energy security and energy policy?

The answer, I submit Mr. President, is that no single person and no agency will assure that responsibility. The President has not assumed responsibility for a national energy policy, and has no energy security program. The President is AWOL—absent without leadership—on our Nation's energy pol-

icy. The dismantling of MMS is consistent with that AWOL approach to executive management.

Mr. President, I urge my colleagues to join me in supporting this legislation. I urge them not to succumb to the baiting that is likely to come from President Clinton, his friend Secretary Babbitt and others who are attempting to "reinvent government" by destroying an agency that works and claiming that Republicans are against government reform, reduction of the Federal work force, and saving money. The MMS devolution is a bad idea, and is forced on an agency that works. I urge my colleagues to join me in sending a message to the President that he has completely missed the mark on this one.

By Mr. DORGAN.

S. 923. A bill to amend title 23, United States Code, to provide for a national program concerning motor vehicle pursuits by law enforcement officers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL POLICE PURSUIT POLICY ACT OF 1995

Mr. DORGAN.

Mr. President, I intend to send some legislation to the desk of the Senate today dealing with an issue that does not command many headlines but that is a critically important issue, in my judgment. It is the issue of the policy of police pursuit in this country and the dangers resulting from people who flee from police.

I received a letter about a month or two ago from a woman in Falls Church, VA. I had written to her 2 years ago. Her husband and two children, on a Sunday morning, on the way to church, were involved in a circumstance where a young fellow who was drunk and stole a car was being chased by the police at high rates of speed. This young fellow, being chased at a high rate of speed, crashed into the car of the father and his two daughters and all three were killed.

Of course, the fellow who was drunk and fleeing from the police was not hurt so badly. He eventually recovered and not very much happened to him as far as court action. By contrast, this Virginia woman lost her husband and two children in a circumstance where there was a high-speed police chase in a city.

I wrote her a long letter when I read about it, because I sympathized substantially with her. I have written letters to others who suffered similar fates.

My mother was killed in a high-speed police chase, and I understand that there are others around this country who, when confronted with this, become angry about the chases that occur on city streets. I have, for some years, felt we should do something about that.

The police are not the villains. It is the folks who run from the police who

are the villains. I have believed that for a long time and have introduced legislation in both the House and Senate to respond to this problem.

It is not just the woman in Falls Church, VA, who lost her family in a senseless accident, or my mother who was senselessly killed in a similar circumstance in a police chase in Bismarck, ND, but let me expand on my own experience.

Eyewitnesses said that particular chase occurred at speeds up to 80 to 100 miles an hour on the city streets. My mother, coming home from the hospital, was a victim of that accident.

The villain there was a fellow in the pickup truck who was drunk and who fishtailed his pickup truck because he was pushing the accelerator too hard, showing off. He took flight from the police at a very rapid rate of speed, and the result was that a wonderful woman was killed. She senselessly lost her life.

Here's another tragic incident. On November 25, last year, a car carrying a family of four on their way to a movie in Houston, TX, was struck by a speeding car during a high-speed chase.

I could stand here for some hours and talk about the number of people killed as a result of high-speed chases. In fact, a lot of people do not know, but more innocent people in this country are killed as a result of an accident that occurs from a high-speed police pursuit or chase on city streets than are killed as a result of an accidental shooting from a policeman's gun. We do not know how many, but we estimate probably a thousand people a year or more. Thousands and thousands more are injured as a result of these chases.

The fact is that it is not the police that are the source of the problem, it is the people who run from the police. But it is also a fact that there are some circumstances where the police should not conduct a chase. If a motorist has a broken taillight and that results in a policeman trying to stop that person, and the person takes flight, that does not justify a 100-mile-an-hour chase through the city streets.

There is an organization called STOPP, whose board of directors is meeting today in Washington, DC. And I believe one of the members of the board of directors is from the State of Pennsylvania. Every one of the folks on that board will tell you a similar story. Some member of their family or some friend was an innocent bystander or passenger, but yet a victim of a high-speed pursuit.

Now, what ought we do about this?

Well, I think we should do a couple of things. First, I like the system in Europe, where in most countries people who go out to drink understand that one of that group ought not to be drinking because they are going to drive. If you drive and get picked up drunk, you are in very serious trouble.

In this country the consequence has been all too often sort of a smirk and

a smack on the wrist. We ought to understand in this country that both for drinking, and especially for those who are willing to flee from police and take flight when they are trying to apprehend you, two things are going to happen.

One, you are going to be put in jail for 3 months, and second, you are going to lose your vehicle. There ought to be certainty in this country about that. If you take flight from the police, there ought to be certainty in every State in this country that you are going to be put in jail for doing it, and you are going to lose your vehicle.

I propose legislation that puts this into law. It requires the States to adopt policies to comply with those goals. And second, it requires that at every law enforcement agency in this country there be uniform training about police pursuit, when to pursue and when not to pursue.

Interestingly, I was talking to a county sheriff recently and I was talking about my legislation. He said to me, "It is interesting, because just the night before, my deputies found a person who was dead drunk driving in a very dangerous way on the city streets, and my deputy turned on the light and siren to apprehend this person, and this person took off at an enormous rate of speed through the city streets.

Later on, my deputy saw two small children in the back seat. My deputy and the person on the radio decided between them that this was not a chase that should continue. They broke off the pursuit.

An hour later, they went and arrested the person at his home because the police had the license number. That is all they needed to do. They could have decided that nobody is going to outrun us and that at the end of this, a couple kids are going to be dead in the street. That probably is what would have happened. Fortunately, they made the right decision because these folks were trained and used proper procedures.

The fact is that in a lot of law enforcement jurisdictions, there is not adequate training about when or when not to pursue. There are not adequate policies, and there ought to be. I want uniform training and policies across this country on police pursuits.

This issue affects the lives of literally thousands of Americans. I would like to see—and my legislation provides for it—that in exchange for receiving the highway safety funds, we insist that States meet a list of criteria. I simply add to the list one feature. That feature is that you shall have certain punishment for those that flee, and the punishment is that they will do jail time and lose their vehicles. In turn, my legislation also requires a certification that the law enforcement jurisdictions have uniform policies and training on police pursuit.

So I intend to offer this legislation again, and I well understand that it is hard to pass legislation like this. But

it is legislation that will, I think, save lives and families the grief and heartache of losing loved ones.

While I am on my feet, let me describe another piece of legislation that I will introduce, and which I introduced before, again without success partly because people feel we should not meddle.

Most Members of the Senate will not probably know that you can reasonably drive across this country in a meandering line and either drink while you drive and be perfectly legal, or have other folks in the car drinking and be perfectly legal. You can do so because there are about 10 States in America where there is no prohibition against the driver drinking. You can get in the car, put a key in the ignition, have one hand on the steering wheel and the other on a bottle of whiskey and drink and drive to your little heart's content.

As long as you are not drunk, you can drive in these States. Well, there ought not be any State in this country that does not have a law prohibiting an open container of liquor, of alcohol in a vehicle. There ought not be one. There is no justification in this country to allow anybody to move down the highways in a vehicle, that is a non-commercial vehicle, and have drinking involved in the vehicle.

Yet, sadly, there are 10 States in which you can drink and drive and you are perfectly legal. You can start on the east coast, meander across the country to the west coast, and either drink yourself or have somebody else in the vehicle drinking, and do so legally.

I also believe we ought to change that. Some people say that is meddling. That is the State's judgment. Well, I do not want my family, I do not want my friends, driving from one jurisdiction to another, across a river or across a State line, and discover all of a sudden in this State you can drink whiskey and drive. And it is hard to catch people who are drinking, whether they are drunk or sober.

I do not want people to go across those lines and discover in this jurisdiction you can drive and drink, and it is fine. It is not fine with me. I want to change that law someday. What I would like to see is a circumstance where we have decided as a country, much of what the European countries have already decided, that drinking and driving turns drunk people into murderers. We ought to do what is necessary to tell the American people you cannot drink and drive. To do so will cause severe penalties.

The legislation I will introduce this afternoon, dealing with police pursuit, sends a message that is just as strong on the issue of fleeing from police. If the police are trying to apprehend you and you flee from the police, you will face certain and tough penalties.

I hope we will consider and discuss such discuss legislation this year. I know it comes from things that have happened in my family. I have lost two

members of our family to drunk drivers. I lost my mother to an accident from police pursuit, a person fleeing from the police.

I know we are all charged with doing things in our self-interest. Yes, it is my self-interest, but it is in the self-interest of a lot of people in this country who suffer the anguish they should never have to suffer. They suffer the loss of innocent lives because of people who drink and drive and people who flee from the police. As a result of that, police initiate pursuits in city streets that end in death, all too often, for innocent Americans.

This is something we can do something about. This is not some mysterious disease. I hope some of my colleagues who might be interested in this legislation will join me in finally allowing the Senate to make some progress.

Mr. President, one January morning in 1993 a high speed chase occurred in Arlington, VA, where a teenager, driving a stolen vehicle and allegedly drunk, fled the police. As the stolen car and police cruiser raced through Falls Church, VA, the fleeing teen ran a red light and crashed into a car carrying a family on its way to Sunday morning church. This high speed chase, one of many that occur every year, ended in tragedy: One elementary principal and his two daughters, ages 12 and 8, were killed, and the teenager driving the fleeing car was hospitalized.

Public outrage erupted after this incident, with angry citizens calling the police department to say, " \* \* \* a stolen car is not worth a life." Mr. President, it seems to me that we need to ask ourselves: "Is a stolen car or a traffic violation worth the cost of an innocent life?" Unfortunately, this question is not being adequately answered by hundreds of police officers who on a regular basis pursue stolen cars and law breakers at reckless speeds through city streets.

There are countless other tragic examples, and I want to mention just a few. On November 25, 1994, a car carrying a family of 4, on their way to a movie in Houston, TX, was struck by a speeding car during a high speed police chase. Innocent passengers Laura Madrid, Robert Romero, and Maria Torres Romero later died as a result of injuries suffered in the accident. In fact, that same year in Houston, a total of 11 people were killed, amid 191 hot pursuit chases, prompting the Houston police department to reexamine and ultimately change its pursuit policy.

In March of this year, police officers collided with a pickup truck while on pursuit, killing three passengers and injuring four others in Los Angeles, CA. That same month in Miami, FL, a woman was killed when a car full of burglary suspects being chased by police sped off a highway, broad-siding her car. That very same day, three police cruisers in Florida City, FL, chased a car at speeds of up to 100 miles per hour. The chase began when

police attempted to pull over a woman who was actually driving too slowly. The woman sped away from the police, and eventually veered into oncoming traffic, killing herself and two young men in an oncoming car.

These were senseless deaths that could have—and should have—been avoided. All of these deaths the result of high speed chases, that simply did not justify putting so many innocent lives in the line of fire. Something's got to be done.

Approximately hundreds of Americans are killed and many thousands of people are injured every year as a result of high speed chases that are started when motorists, whether out of fright, panic, or guilt, flee at high speeds instead of stopping when a police vehicle turns on its lights and siren. Some police become determined to apprehend the fleeing motorist at all costs, what is alarming is that about 60 to 80 percent of all police pursuits are originated for minor traffic violations. The result is that the safety of the general public—the dangers that will be created by a high-speed chase in city traffic through stop signs and traffic lights—becomes secondary to catching someone whose initial offense may have been no greater than driving a car with a broken tail light. Tragically, as in the high-speed chase last January in Virginia, many people are dying unnecessarily from these ill advised pursuits.

What needs to happen is for every single law enforcement jurisdiction in the United States to adopt a reasoned, well-balanced pursuit policy. Police officers should be trained to comply with their departments' pursuit policies and regularly retrained if needed to guarantee that all citizens, both civilians and police, receive the benefit of uniform awareness of this problem. A drive across country should not be a pot luck regarding one's chances of being maimed or killed by a police pursuit. We must strive for universal attention to this public safety problem.

In addition, we need to focus on the people who are initiating these chases—the people who are fleeing from police. The punishment for fleeing the police should be certain and severe. People should be aware that if they flee they will pay a big price for doing so.

I rise today, Mr. President, to introduce the National Police Pursuit Policy Act of 1995. It is my hope that this legislation, if enacted, will help prevent tragic losses like the episode that occurred in 1993 in Arlington, as well as the thousands of other tragedies that occur each year all across America, including my own State of North Dakota.

It's also my hope that the legislation I introduce today will reverse the trend of the past several years of ever increasing high-speed police pursuits that have caused human losses to steadily mount.

Although we are finally seeing some initiative being taken by various States and local communities, there is

still no coordinated effort in this country to attack this problem.

The legislation that I am introducing today would require the enactment of State laws making it unlawful for the driver of a motor vehicle to take evasive action if pursued by police and would establish a standard minimum penalty of 3 months imprisonment and the seizure of the driver's vehicle. In addition, my bill would require each public agency in every State to establish a hot pursuit policy and provide that all law enforcement officers receive adequate training in accordance with that policy.

I believe that these requirements, if passed, will demonstrate strong Federal leadership in responding to this problem. I am happy to be able to note that one important aspect of this issue, a severe under reporting of the accidents and deaths caused by police pursuits, has been addressed under provisions enacted in the Intermodal Surface Transportation Efficiency Act of 1991. Under that statute, the Secretary of Transportation is required to begin to collect accident statistics from each State, including statistics on deaths and injuries caused by police pursuits.

Mr. President, the problem of hot pursuits is not an easy issue to solve. I understand that it will always be difficult for police officers to judge when a chase is getting out of hand and the public safety best served by holding back. However, we can make things better if we do everything we can to ensure that police officers are trained on how best to make these difficult judgments and if we send a message to motorists that if you flee, you will do time in jail and lose your car.

I ask unanimous consent that the full text of this bill be printed in the RECORD and I urge my colleagues to support this important measure.

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

S. 923

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Police Pursuit Policy Act of 1995".

#### SEC. 2. FINDINGS.

The Congress finds that—

(1) accidents occurring as a result of high speed motor vehicle pursuits of fleeing motor vehicles by law enforcement officers are becoming increasingly common across the United States;

(2) the extent of the problem of those pursuits is evident despite significant underreporting;

(3) because the problem of those pursuits is extensive, it is essential for all law enforcement agencies to develop and implement policies and training procedures for dealing with high speed motor vehicle pursuits;

(4) a high speed motor vehicle pursuit in a community by a law enforcement officer should be treated in the same manner as the firing of a police firearm because a high speed motor vehicle pursuit involves the use of a deadly force with the potential for causing harm or death to pedestrians and motorists;

(5) the Federal Government should provide an incentive for States to enact laws to prevent high speed motor vehicle pursuits;

(6) to demonstrate leadership in response to the national problem of high speed motor vehicle pursuits, all Federal law enforcement agencies should—

(A) develop policies and procedures governing motor vehicle pursuits; and

(B) provide assistance to State and local law enforcement agencies in instituting such policies and procedures and in conducting training; and

(7) the policies referred to in paragraph (6) should balance reasonably the need—

(A) to apprehend promptly dangerous criminals; and

(B) to address the threat to the safety of the general public posed by high speed pursuits.

#### SEC. 3. MOTOR VEHICLE PURSUIT REQUIREMENTS FOR STATE HIGHWAY SAFETY PROGRAMS.

Section 402(b)(1) of title 23, United States Code, is amended—

(1) in each of subparagraphs (A) through (D), by striking the period at the end and inserting a semicolon;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) on and after January 1, 1997, have in effect throughout the State—

"(i) a law that—

"(I) makes it unlawful for the driver of a motor vehicle to increase speed or to take any other deliberately evasive action if a law enforcement officer clearly signals the driver to stop the motor vehicle; and

"(II) provides that any driver who violates that law shall be subject to a minimum penalty of—

"(aa) imprisonment for a period of not less than 3 months; and

"(bb) seizure of the motor vehicle at issue; and

"(ii) a requirement that each State agency and each agency of a political subdivision of the State that employs law enforcement officers who, in the course of employment, may conduct a motor vehicle pursuit shall—

"(I) have in effect a policy that meets requirements that the Secretary shall establish concerning the manner and circumstances in which a motor vehicle pursuit may be conducted by law enforcement officers;

"(II) train all law enforcement officers of the agency in accordance with the policy referred to in subclause (I); and

"(III) for each fiscal year, transmit to the chief executive officer of the State a report containing information on each motor vehicle pursuit conducted by a law enforcement officer of the agency."

#### SEC. 4. REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General of the United States, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Treasury, the Chief of the Capitol Police, and the Administrator of General Services shall each transmit to the Congress a report containing—

(1) the policy of the department or agency headed by that individual concerning motor vehicle pursuits by law enforcement officers of that department or agency; and

(2) a description of the procedures that the department or agency uses to train law enforcement officers in the implementation of the policy referred to in paragraph (1).

(b) REQUIREMENT.—Each policy referred to in subsection (a)(1) shall meet the requirements established by the Secretary of Transportation pursuant to section

402(b)(1)(F)(ii)(I) of title 23, United States Code, concerning the manner and circumstances in which a motor vehicle pursuit may be conducted.

#### ADDITIONAL COSPONSORS

S. 240

At the request of Mr. DODD, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 388

At the request of Ms. SNOWE, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 388, a bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets, and for other purposes.

S. 426

At the request of Mr. WARNER, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 456

At the request of Mr. BRADLEY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 456, a bill to improve and strengthen the child support collection system, and for other purposes.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 770

At the request of Mr. DOLE, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

#### SENATE RESOLUTION 103

At the request of Mr. DOMENICI, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Resolution 103, a resolution to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week, and for other purposes.

#### AMENDMENT NO. 1282

At the request of Mr. ROBB his name was added as a cosponsor of amendment No. 1282 proposed to S. 652, an original bill to provide for a procompetitive, deregulatory national policy framework designed to accelerate rap-

idly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

At the request of Ms. MOSELEY-BRAUN the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of amendment No. 1282 proposed to S. 652, supra.

#### AMENDMENT NO. 1288

At the request of Mr. LEAHY the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of amendment No. 1288 proposed to S. 652, an original bill to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

#### AMENDMENTS SUBMITTED

#### THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995 COMMUNICATIONS DECENTY ACT OF 1995

#### EXON (AND OTHERS) AMENDMENT NO. 1362

Mr. EXON (for himself, Mr. COATS, Mr. BYRD, and Mr. HEFLIN) proposed an amendment to amendment No. 1288 proposed by Mr. LEAHY to the bill (S. 652) to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes; as follows:

In lieu of the matter to be inserted, insert the following:

#### "SEC. . OBSCENE OR HARASSING USE OF TELECOMMUNICATIONS FACILITIES UNDER THE COMMUNICATIONS ACT 1934.

(a) OFFENSES.—Section 223 (47 U.S.C. 223) is amended—

"(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(ii) initiates the transmission of,

any comment, request, suggestion, proposal, image, or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication; or

"(2) knowingly permits any telecommunications facility under his control to be used for any activity prohibited by paragraph (1) with the intent that it be used for such activity.

shall be fined not more than \$100,000 or imprisoned not more than two years, or both.";

and

(2) by adding at the end the following new subsections:

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any obscene communication in any form including any comment, request, suggestion, proposal, or image regardless of whether the maker of such communication placed the call or initiated the communications; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by subsection (d)(1) with the intent that it be used for such activity;

shall be fined not more than \$100,000 or imprisoned not more than two years or both.

(e) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any indecent communication in any form including any comment, request, suggestion, proposal, image, to any person under 18 years of age regardless of whether the maker of such communication placed the call or initiated the communication; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than \$100,000 or imprisoned not more than two years or both.

"(f) Defenses to the subsections (a), (d), and (e), restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) No person shall be held to have violated subsection (a), (d), or (e) solely for providing access or connection to or from a facility, system, or network over which that person has no control, including related capabilities which are incidental to providing access or connection. This subsection shall not be applicable to an individual who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) No employer shall be held liable under this section for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of this employment or agency and the employer has knowledge of, authorizes, or ratifies the employee's or agent's conduct.

"(3) It is a defense to prosecution under subsection (a), (d)(2), or (e) that a person has taken reasonable, effective and appropriate actions in good faith to restrict or prevent the transmission of, or access to a communication specified in such subsections, or complied with procedures as the Commission may prescribe in furtherance of this section.