

an extensive study by the Northwest Area Foundation (an organization promoting economic revitalization for eight states—including my own state of Washington) entitled, *A Better Row to Hoe*, sustainable farmers are more diversified, plant less program commodities, use less fertilizer, pesticides, and energy, rotate crops, recycle plant nutrients and manure, plant more soil-building crops, use more cover crops, strip crops, contour grass waterways and field windbreaks than do conventional farmers. All of these techniques are consistent with our principles of careful stewardship of finite natural resources. Additionally, the new techniques of sustainable agriculture will increase small town business opportunities as the local community responds to the different production and market needs of these farmers. We see this as a positive development which corresponds to our call to value and support rural and small town life.

While the Northwest Area Foundation study concludes that there is general support for the concepts of sustainable agriculture, there is a great deal of reluctance on the part of many farmers to fully enter into these farming techniques because of the lack of governmental support. This is especially true in the areas of commodity program payments, research and extension services.

Environmental performance should be a hallmark of public farm policy. We urge the removal of penalties for converting to sustainable agriculture and an end to the discrimination against sustainable farmers who plant soil-conserving crops and have fewer acres in subsidized crops. Greater emphasis on sustainable agriculture in research and educational programs will strengthen the technology base and provide both beginning farmers and farmers who want to convert to sustainable agriculture with better technical support.

We support recent conservation legislation that would consolidate current conservation programs into a single entity; keep the current level of funding; extend the Conservation and Wetlands Reserve Programs (CRP and WRP) and focusing CRP on the most environmentally sensitive lands and encourage partial field enrollments; encourage conservation practices by giving priority to sustainable practices rather than wholesale land retirements; and encourage support for sustainable livestock management practices.

In addition to these proposals we would also recommend: Providing incentive payments to encourage whole farm planning; Encouraging local participation by farmers, ranchers, nonprofit organizations as well as federal, state and local natural resources staff in the new State Conservation Committees; Considering a grant program where a portion of federal conservation funds can draw down local funds for special conservation projects.

Finally, it is critical that Conservation Compliance, Sodbuster, and Swampbuster provisions be maintained. Though they have not been perfect programs, they have significantly slowed the wetland destruction, soil erosion and have improved water quality. These provisions are conditions of enrollment in a voluntary entitlement program and should not be viewed as regulatory "takings" of private property rights, as suggested in the House-passed "Private Property Protection Act of 1995."

#### CONCLUSION

I encourage you to continue to promote a broad-based ownership of the land and the means of agricultural production, to foster the family farm, support minority farmers and farmworkers and uphold the place of the land as a gift from God and for all generations.●

#### FAIRFIELD UNIVERSITY COMMENCEMENT ADDRESS OF AMBASSADOR JEAN KENNEDY SMITH

● Mr. DODD. Mr. President, at a time when deep budget cuts have forced us to focus more on the private sector's role in maintaining and improving society, volunteerism has become ever more important. The contributions made by volunteers, whether in the President's National Service Corps, charity groups, or religious institutions, every day serve to brighten the lives of people who need help.

That is why I was so heartened to hear of the remarks of Jean Kennedy Smith, my dear friend and our Ambassador to Ireland, to the graduating class of Fairfield University. In her commencement address, Ambassador Smith lauded the graduates for their deep faith and brilliant spirit of volunteerism. Indeed, she knows service to others when she sees it. Jean Kennedy Smith not only comes from a family whose faith underlies a deep commitment to community and public service, but is herself actively involved in both public service and in improving the lives of those who are less fortunate. Her exemplary work with the "very special arts" organization brings the joy of the arts to people with disabilities.

In this day and age, when most of the news about youth is gloom and doom it was refreshing to know that Fairfield University has cultivated such an outstanding group of young men and women. A group of young adults, as Jean Kennedy Smith explained, whose faith and commitment to service will not only bring personal fulfillment, but also ultimately advance goals such as peace in Ireland and the world over.

Mr. President, I wish to share Jean Kennedy Smith's uplifting remarks with my colleagues and with the American people, and ask that they be printed, as published June 17, 1995, in *America Press*, in the *RECORD*.

The remarks follow:

FAITH ABOVE ALL

(By Jean Kennedy Smith)

Since this is a day of celebration, it is a time to talk of those who love us and those whom we love—your parents, grandparents, your brothers and sisters, your friends—all those who have given so much for you and whose sacrifices have brought you to this threshold of the future. Although I never had the good fortune to attend a Jesuit school, I am certainly familiar with the value of a Jesuit education. My late husband, Steve, graduated from Georgetown, and my son attended medical school there. In my family, a Jesuit education has always been synonymous with excellence.

A noted college president once said that the reason that universities are such storehouses of knowledge is that every entering student brings a little knowledge in and no graduating student takes knowledge out. I'm sure that is not true at Fairfield. A good education is respected and cherished throughout the world, particularly in the United States and in Ireland. Ireland, in fact, boasts one of the most educated societies in the world. The Irish youth are the best educated in all of Europe.

But this should come as no surprise. When Europe descended into the Dark Ages, Ireland earned its reputation as a land of scholars and saints by preserving the traditions of learning and faith. Men and women of religious orders in those years committed themselves to the world of ideas and knowledge, and passed on this heritage in both written and oral form. Western civilization has benefitted from their wisdom ever since.

St. Ignatius Loyola, who founded the Society of Jesus in 1540, also extolled the importance of education. But he realized that it must be more than the mere accumulation of knowledge. Ignatius understood that a true education is one that is inspired by spiritual values. The motto of Fairfield University, "Through Faith Toward the Fullness of Truth," reflects the spirit of St. Ignatius and the work of the Jesuits and lay men and women who teach at Fairfield.

My mother, Rose Fitzgerald Kennedy, shared this same high vision—that faith, above all things, brings fulfillment. She often said: "The most important element in human life is faith. If God were to take away all his blessings, health, physical fitness, wealth, intelligence, and leave me but one gift, I would ask for faith."

Our family was blessed with two wonderful parents. And while we were growing up, they always impressed upon us the responsibility to give something back to our country, which had been so good to us. As President Kennedy said on Inauguration Day in 1961, "Ask not what your country can do for you, ask what you can do for your country." But too often in recent years, our country seems to have lost sight of that ideal. We ignore it at our peril.

Service to others takes many forms. It can be an act of kindness to a friend or neighbor, volunteering at a soup kitchen or local hospital, standing up for civil rights and against poverty and discrimination or working with others on the countless challenges that face society. Each of these acts is important—essential—to our well being. Each act expresses our morality, our commitment to the enduring values of peace, justice and truth. My brother Robert Kennedy told by students of Capetown in South Africa in the 1960's: "Each time a man stands up for an idea, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope. And crossing each other from a million different centers of energy and daring, those ripples build a mighty current that can sweep down the mightiest walls of oppression and resistance."

I know that the spirit of volunteerism is alive and well as Fairfield. You have staffed the Head Start program in Bridgeport, teaching basic skills to disadvantaged children. Nursing students staff a health promotion center that also assists the poor. Some of you are active in Project Children, which has made a tremendous impact on the children of Northern Ireland, by giving them opportunities to visit the United States. Other have worked in third world countries like Belize, Ecuador, Mexico and Jamaica. And I am particularly delighted that Fairfield will host 520 athletes next month for the Special Olympics International World Games. I commend you for the example you have set, and I hope you will continue to find such opportunities for service throughout your lives.

Much of my own work has been with an organization called Very Special Arts, which tries to bring experience with the arts to people with disabilities. It is amazing, what men and women and children can achieve no matter how great their difficulties. Patients who can barely communicate can learn to write beautiful poetry. A deaf child can learn to dance, a paraplegic to play music by using

his toes or to paint with his mouth. The joy they discover in their achievements is indescribable. Every one, in a unique way, is a miracle of our common humanity and our care for one another.

In its own way, a miracle on a large scale is happening today in Northern Ireland. Peace, which had eluded the people for so long, has now been a faithful presence for many months. The guns and bombs are silent, and Protestants and Catholics alike are finding how much they can accomplish together when violence no longer oppresses their community. It makes me proud of my country to know that America is helping this dream of peace and reconciliation to come true.

I arrived in Ireland as ambassador 30 years after President Kennedy's famous visit in 1963. One of my first trips was to County Wexford, "where our ancestors had lived. At the heritage center there, I type the name of my great-grandfather into a computer. The screen read: "Patrick Joseph Kennedy, Age: 28. Literacy: None."

This year, as we observe the 150th anniversary of the Great Famine, when millions were forced to leave Ireland, those words symbolize for me their courage, faith and determination. These immigrants came to this country penniless, without their families and without education, in order to build a better life for themselves and their children in the freedom and opportunity of this land. We are a nation of immigrants. And our diversity has helped make us strong. But our faith will keep us free.

You, the members of this graduating class, will make all the difference in maintaining these high ideals in the years ahead. The success of your neighborhood, your community and our country will depend on you. You will be asked to take chances, to take risks, to take action. The ripples of hope that you send forth will make America a better country in a better world.

As my brother Robert said, "This world demands the qualities of youth: not a time of life, but a state of mind, a temper of the will, a quality of the imagination, predominance of courage over timidity—of the appetite for adventure over the love of ease."

I wish you great adventure, happiness and fulfillment in all that you do—for yourselves and others.

#### APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair on behalf of the majority leader, after consultation with the Democratic leader, pursuant to Public Law 93-415, as amended by Public Law 102-586 announces the appointment of James L. Burgess of Kansas to the Coordinating Council on Juvenile Justice and Delinquency Prevention, effective July 5, 1995.

The Chair on behalf of the majority leader, in consultation with the Democratic leader, pursuant to Public Law 102-246, appoints the following individual to the Library of Congress Trust Fund Board: Adele C. Hall of Kansas to a 5 year term.

#### USE OF JEFFERSON DAVIS' DESK

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 161, submitted earlier today by Senators COCHRAN and LOTT.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 161) to make available to the senior Senator from Mississippi, during his or her term of office, the use of the desk located in the Senate Chamber and used by Senator Jefferson Davis.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be considered and agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 161) was agreed to, as follows:

*Resolved*, That during the One hundred fourth Congress and each Congress thereafter, the desk located within the Senate Chamber and used by Senator Jefferson Davis shall, at the request of the senior Senator from the State of Mississippi, be assigned to such Senator, for use in carrying out his or her Senatorial duties during that Senator's term of office.

#### REVISED EDITION OF STANDING RULES OF THE SENATE

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be directed to prepare a revised edition of the Standing Rules of the Senate, and that such standing rules be printed as a Senate document.

I further ask unanimous consent that 2,500 additional copies of this document be printed for the use of the Committee on Rules and Administration.

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

#### DIGITAL PERFORMANCE RIGHT IN SOUND RECORDINGS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 165, S. 227.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 227) to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions, and for other purposes, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Digital Performance Right in Sound Recordings Act of 1995".

##### SEC. 2. EXCLUSIVE RIGHTS IN COPYRIGHTED WORKS.

Section 106 of title 17, United States Code, is amended—

(1) in paragraph (4) by striking "and" after the semicolon;

(2) in paragraph (5) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(6) in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission."

##### SEC. 3. SCOPE OF EXCLUSIVE RIGHTS IN SOUND RECORDINGS.

Section 114 of title 17, United States Code, is amended—

(1) in subsection (a) by striking "and (3)" and inserting "(3) and (6)";

(2) in subsection (b) in the first sentence by striking "phonorecords, or of copies of motion pictures and other audiovisual works," and inserting "phonorecords or copies";

(3) by striking subsection (d) and inserting:

"(d) LIMITATIONS ON EXCLUSIVE RIGHT.—Notwithstanding the provisions of section 106(6)—

"(I) EXEMPT TRANSMISSIONS AND RETRANSMISSIONS.—The performance of a sound recording publicly by means of a digital audio transmission or retransmission, other than as a part of an interactive service, is not an infringement of section 106(6) if the performance is part of—

"(A) a nonsubscription transmission, such as a nonsubscription broadcast transmission;

"(B) a retransmission of a nonsubscription broadcast transmission: Provided, That, in the case of a retransmission of a radio station's broadcast transmission—

"(i) the radio station's broadcast transmission is not willfully or repeatedly retransmitted more than a radius of 150 miles from the site of the radio broadcast transmitter, however—

"(I) the 150 mile limitation under this clause shall not apply when a nonsubscription broadcast transmission by a radio station licensed by the Federal Communications Commission is retransmitted on a nonsubscription basis by a terrestrial broadcast station, terrestrial translator, or terrestrial repeater licensed by the Federal Communications Commission; and

"(II) in the case of a subscription retransmission of a nonsubscription broadcast retransmission covered by subclause (I), the 150 mile radius shall be measured from the transmitter site of such broadcast transmitter;

"(ii) the retransmission is of radio station broadcast transmissions that are—

"(I) obtained by the retransmitter over the air;

"(II) not electronically processed by the retransmitter to deliver separate and discrete signals; and

"(III) retransmitted only within the local communities served by the retransmitter;

"(iii) the radio station's broadcast transmission was being retransmitted to cable systems (as defined in section 111(f)) by a satellite carrier on January 1, 1995, and that retransmission was being retransmitted by cable systems as a separate and discrete signal, and the satellite carrier obtains the radio station's broadcast transmission in an analog format: Provided, That the broadcast transmission being retransmitted may embody the programming of no more than one radio station; or

"(iv) the radio station's broadcast transmission is made by a noncommercial educational broadcast station funded on or after January 1, 1995, under section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)), consists solely of noncommercial educational and cultural radio programs, and the retransmission, whether or not simultaneous, is a nonsubscription terrestrial broadcast retransmission; or

"(C) a transmission or retransmission that comes within any of the following categories:

"(i) a prior or simultaneous transmission or retransmission incidental to an exempt transmission or retransmission, such as a feed received by and then retransmitted by an exempt transmitter: Provided, That such incidental transmissions or retransmissions do not include any subscription transmission or retransmission directly for reception by members of the public;

"(ii) a transmission or retransmission within a business establishment, confined to its premises or the immediately surrounding vicinity;

"(iii) a retransmission by any retransmitter, including a multichannel video programming distributor as defined in section 522(12) of the Communications Act of 1934 (47 U.S.C. 522(12)), of a transmission by a transmitter licensed to publicly perform the sound recording as a part of that transmission, if the retransmission is simultaneous with the licensed transmission and authorized by the transmitter; or