SENIOR HEALTH CARE EXECUTIVE

To be rear admiral

Rear Adm. (lh) S. Todd Fisher, 000–00–0000, U.S. Navy.

The following named officer to be placed on the retired list of the United States Navy in the grade indicated under section 1370 of title 10, U.S.C.

To be admiral

Adm. William O. Studeman, 000–00–0000.

The following named officer to be placed on the retired list of the United States Navy in the grade indicated under section 1370 of title 10, U.S.C.

To be vice admiral

Vice Adm. Norman W. Ray, 000–00–0000.

The following named officer for promotion in the Navy of the United States to the grade indicated under title 10, U.S.C., section 624:

MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under Title 10, U.S.C., section 601: Maj. Gen. Jefferson D. Howell, Jr., 000–00–0000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Harris Wofford, of Pennsylvania, to be Chief Executive Officer of the Corporation for National and Community Service.

IN THE AIR FORCE, ARMY, FOREIGN SERVICE, MARINE CORPS, NAVY, PUBLIC HEALTH SERVICE

Air Force nominations beginning Von S. Bashay, and ending Janice L. Engstrom, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 24, 1995.

Air Force nominations beginning Michael D. Bouwman, and ending Philip S. Vuocolo, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1995.

Air Force nominations beginning Gary L. Ebben, and ending Steven A. Klein, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1995.

Air Force nominations beginning Maria A. Berg, and ending Warren R. H. Knapp, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1995.

Air Force nominations beginning Mark B. Allen, and ending John J. Wolf, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1995.

Army nominations beginning * John D. Pitcher, and ending Ray J. Rodriquez, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 20, 1995.

Army nominations beginning Gerhard Braun, and ending Robert M. Sundberg, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 3, 1995.

Army nominations beginning John A. Belzer, and ending Chauncey L. Veatch, III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 3, 1995.

Army nominations beginning Robert Bellhouse, and ending Cheryl B. Person, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 3, 1995.

Army nominations beginning Terry C. Amos, and ending Stephen C. Ulrich, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 3, 1995.

Army nominations beginning Jeffrey S. * Almony, and ending David S. Zumbro, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 3, 1995.

Army nominations beginning David G. Barton, and ending Denise L. Winland, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 10, 1995.

Army nominations of Col. Michael L. Jones, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1995.

Army nominations beginning Gerard H. Barloco, and ending Earl M. Yerrick, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1995.

Army nominations beginning Lillian A. Foerster, and ending Joann S. Moffitt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 5, 1995.

Marine Corps nominations beginning Bradley J. Harms, and ending Joseph T. Krause, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 24, 1995.

Marine Corps nominations beginning Charles H. Allen, and ending Robert J. Womack, which nominations were received by the Senate and appeared in the Congressional Record of July 24, 1995

Marine Corps nominations beginning Douglas E. Akers, and ending Marc A. Workman, which nominations were received by the Senate and appeared in the Congressional Record of July 24, 1995

Navy nominations beginning Kyujin J. Choi, and ending Murzban F. Morris, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 1995

Navy nominations beginning Scott A. Avery, and ending Amy M. Witheiser, which nominations were received by the Senate and appeared in the Congressional Record of July 24, 1995

Navy nominations beginning Glenn M. Amundson, and ending John F. Nesbitt, which nominations were received by the Senate and appeared in the Congressional Record of July 24, 1995

Navy nominations beginning Richard J. Alioto, and ending Frank J. Giordano, which nominations were received by the Senate and appeared in the Congressional Record of July 24, 1995

Navy nominations beginning Andrew W. Acevedo, and ending John L. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1995

Navy nominations beginning Jeremy L. Hilton, and ending Clayton S. Christman, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 1995

Navy nominations beginning Gary E. Sharp, and ending Leah M. Ladley, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 1995

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DISAPPROVE OF AMENDMENTS TO THE FEDERAL SENTENCING GUIDELINES

Mr. COATS. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of calendar No. 194, S. 1254, regarding crack sentences.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1254) to disapprove of amendments to the Federal Sentencing Guidelines relating to lowering of crack sentences and sentences for money laundering and transactions in property derived from unlawful activity.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2879

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] for Mr. KENNEDY proposes an amendment numbered 2879.

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

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

The amendment is as follows:

At the end of the bill, insert the following new section:

SEC. . REDUCTION OF SENTENCING DISPARITY.

(a) RECOMMENDATIONS.—

(1) IN GENERAL.—The United States Sentencing Commission shall submit to Congress recommendations (and an explanation therefor) regarding changes to the statutes and Sentencing Guidelines governing sentences for unlawful manufacturing, importing, exporting, and trafficking of cocaine, and like offenses, including unlawful possession, possession with intent to commit any of the forgoing offenses, and attempt and conspiracy to commit any of the forgoing offenses. The recommendations shall reflect the following considerations:

(A) the sentence imposed for trafficking in a quantity of crack cocaine should generally exceed the sentence imposed for trafficking in a like quantity of powder cocaine;

(B) high-level wholesale cocaine traffickers, organizers, and leaders, of criminal activities should generally receive longer sentences than low-level retail cocaine traffickers and those who played a minor or minimal role in such criminal activity;

(C) if the Government establishes that a defendant who traffics in powder cocaine has knowledge that such cocaine will be converted into crack cocaine prior to its distribution to individual users, the defendant should be treated at sentencing as though the defendant had trafficked in crack cocaine; and

(D) an enhanced sentence should generally be imposed on a defendant who, in the course of an offense described in this subsection—

(i) murders or causes serious bodily injury to an individual;

(ii) uses a dangerous weapon;

(iii) uses or possesses a firearm;

(iv) involves a juvenile or a woman who the defendant knows or should know to be pregnant;

(v) engages in a continuing criminal enterprise or commits other criminal offenses in order to facilitate his drug trafficking activities;

(vi) knows, or should know, that he is involving an unusually vulnerable person;

(vii) restrains a victim;

(viii) traffics in cocaine within 500 feet of a school;

(ix) obstructs justice;

(x) has a significant prior criminal record; or

(xi) is an organizer or leader of drug trafficking activities involving five or more persons.

(2) RATIO.—The recommendations described in the preceding subsection shall propose revision of the drug quantity ratio of crack cocaine to powder cocaine under the relevant statutes and guidelines in a manner consistent with the ratios set for other drugs, and consistent with the objectives set forth in 28 U.S.C. 3553(a).

(b) STUDY.—No later than May 1, 1996, the Department of Justice shall submit to the Judiciary Committees of the Senate and House of Representatives a report on the charging and plea practices of federal prosecutors with respect to the offense of money laundering. Such study shall include an account of the steps taken or to be taken by the Justice Department to ensure consistency and appropriateness in the use of the money laundering statute. The Sentencing Commission shall submit to the Judiciary Committees comments on the study prepared by the Department of Justice.

Mr. KENNEDY. Mr. President, my amendment to the Abraham bill is designed to keep alive the hope that this Congress will someday soon address the festering issue of racial disparity in our Nation's cocaine sentencing laws.

Few matters are as fundamental to the integrity of the judicial system as maintaining the confidence of the country that it is free from racial bias. That issue has been raised very clearly and very intensely in the O.J. Simpson trial. It is also raised in other serious ways, including by the controversy over the disparity in sentences involving the drug cocaine.

Cocaine is one of the most addictive and dangerous of all illegal drugs, and those who traffic in it deserve tough, lengthy punishment. But if the criminal justice system is to command the respect of all Americans, punishment must not only be tough—it must be fair. Similar defendants must receive similar sentences. We must do all we can to ensure that the Federal criminal justice system is free from even the slightest taint of racial discrimination.

In the 1980's, Congress passed a number of bills to respond aggressively to the drug crisis. But in at least one respect we may have inadvertently created an injustice—the much harsher sentences imposed for crack cocaine than for powdered cocaine.

A mandatory minimum sentence of 5 years is imposed in current law based on the weight of the drug involved. But it takes 100 times more powdered cocaine to trigger the mandatory minimum sentence than crack cocaine.

In other words, a defendant who sells five grams of crack cocaine receives the same mandatory minimum 5-year sentence as a defendant who sells 500 grams of powdered cocaine. Possession of five grams of crack is subject to a 5-year minimum sentence, but possession of five grams of powdered cocaine is subject to only a 1-year maximum sentence.

The overwhelming view of scientists is that this disparity is unjustified. Powder and crack cocaine are two forms of the same drug. Their biological effects are similar. There is no justification for the preposterous 100 to 1 ratio in current law.

But the issue goes beyond science. Blacks account for 88 percent of all defendants in crack cases, while blacks, whites, and Hispanics are equally likely to be defendants in powdered cocaine cases. As a result, the minimum sentences mandated for crack cases under the law are imposed overwhelmingly on black defendants.

The current law has caused serious injustices in a number of cases. The Judiciary Committee heard testimony from Arthur Curry, a retired school principal, whose 19-year-old son was sentenced to 20 years without parole for playing a minor role in a drug conspiracy. The FBI called him a ''flunky'', with below-average intelligence. He had no prior criminal record. But the judge had no choice, and sent 19-year-old Derrick Curry to Federal prison for the next 20 years. That young man's life is destroyed. He'll come out of prison in 20 years a hardened criminal, and the cost to the American taxpayer is enormous.

And Derrick Curry is not alone. A 1994 Justice Department study found that 21 percent of all Federal prisoners are low-level, non-violent drug offenders.

Last year, in response to cases like the Curry case, Congress directed the Sentencing Commission to study the cocaine issue. The Commission produced an excellent report that persuasively demonstrates the irrationality of the 100 to 1 ratio. The Commission has voted to eliminate the disparity, and to strengthen the guidelines in cases involving violence in drug trafficking.

Congress created the Sentencing Commission for the express purpose of eliminating this kind of unwarranted sentencing disparity. The sponsors of the 1984 Sentencing Reform Act, including Senator THURMOND, Senator HATCH, Senator BIDEN, and myself, sought to make sense of the sentencing process and to solve the problem of similar defendants receiving grossly different sentences. The act specifically directed the Commission to ensure that the Federal sentencing system is racially neutral.

The Commission has done an outstanding job. It has carefully examined the empirical and scientific data. It has compiled that information in a comprehensive report, and made appropriate adjustments in the guidelines. To simply reject the Commission's action is to repudiate the sensible process established in the 1984 Act to take politics out of sentencing.

The Commission's proposal provides lengthy punishment for crack defendants based on conduct, not race. The proposed enhancements for using weapons during drug offenses mean that armed drug dealers will be punished more severely. On the average, crack defendants will still receive sentences that are 2½ times longer than defendants in powdered cocaine cases. But the defendants who receive that longer punishment will have earned it by their own conduct, and that's how it should be.

The current disparity is also an example of a basic problem with all mandatory minimum sentences. Congress sets a minimum number of years for a certain crime, without reference to other crimes. A 5-year sentence for selling five grams of crack cocaine may have seemed appropriate to Congress in 1986, but it is illogical and disproportionate when compared to other sentences. With a Sentencing Commission and a guideline system in place, mandatory minimum sentencing laws are unnecessary and often counterproductive. Here, as elsewhere, they prevent the Commission from overseeing the sentencing system fairly.

We've all heard from judges in our States about the problems caused by mandatory minimums. The crack cocaine issue is at the heart of those complaints. If we cannot solve this problem fairly, we may never achieve the goal of a rational sentencing system.

The chief sponsor of the Commission's proposed amendment is Wayne Budd, a Republican who served as the third highest ranking official in President Bush's Justice Department. Before that, as the U.S. attorney in Massachusetts, Wayne Budd put many criminals behind bars. So when a person of Wayne Budd's credentials says that the 100-to-1 ratio is unfair, Congress should take careful notice.

I support Wayne Budd's proposal to completely eliminate the 100-to-1 disparity between crack and powder cocaine. But I recognize that a 1-to-1 ratio is unacceptable to a majority of the Senate. Accordingly, I am reluctantly consenting to passage of the Abraham bill, which would reject the Commission's proposed 1-to-1 ratio. But in an attempt to maintain some momentum for change, my amendment would send the matter back to the Commission with specific directions, including a mandate to revise the ratio in a manner consistent with the ratios governing other illicit drugs.

My amendment not only directs the Commission to change the cocaine sentencing ratio. It also instructs the Commission to ensure that cocaine defendants whose cases involve aggravated circumstances receive enhanced punishment. Unlike mandatory minimums, the guidelines already distinguish, for example, between violent and non-violent defendants, and my amendment would put the Senate firmly on record in favor of the toughest punishment for the worst criminals.

We cannot close our eyes to the distrust with which many African-Americans view the criminal justice system. When the realities behind that perception are identified, they must be remedied. Fixing this ill-considered law is a good place to start, and we should let the Sentencing Commission stay on the job.

Maybe a 1 to 1 ratio is unacceptable to the Senate. But if the Commission recommends a ratio of 5 to 1 or 10 to 1, I hold out hope that Congress will permit that change to become law.

Finally, my amendment also attempts to salvage some progress toward fairness in the application of the money laundering statute.

The current sentencing guidelines for this crime are flawed because they treat technical violations of the money laundering statute as seriously as complex, sophisticated financial crimes. For example, an elderly postal worker who steals a check and deposits it in the bank receives the same punishment as the financial manager of a major drug trafficking operation. The Commission's proposal ensures tough punishment for money laundering but distinguishes the culpability of different defendants.

I support the Commission's proposal on money laundering, but as in the cocaine context, the will of the Senate is clearly to block this amendment due to the self-interested recommendation of the Justice Department. But here, as well, I am reluctant to simply let the Commission's good work perish in vain.

My amendment, therefore, directs the Justice Department to report to Congress on the charging and plea practices of Federal prosecutors with respect to the money laundering statute. I intend to review that study carefully. And if it does not make a compelling case that the Department is addressing the problem itself, I will work to improve the statutes and the sentencing guidelines that cover this unduly elastic crime.

It is inherently difficult for a legislature to grapple with the complex and politically sensitive subject of sentencing. We created a non-political, independent Commission in 1984 for that very reason. Passage of the Abraham bill marks the first time that the Senate has rejected major guideline amendments proposed by the Sentencing Commission, and that development bodes ill for the long-term vitality of the sentencing guideline scheme.

Nonetheless, I retain hope that the decades-long effort to develop a fair and rational sentencing system will continue. The goal of equitable sentencing for the crimes of cocaine sentencing, money laundering and every other offense in the Federal code is not furthered by passage of this bill. But the goal remains in sight, and we must continue to pursue it.

Mr. ABRAHAM. Mr. President, I accept the amendment of the Senator from Massachusetts. As is plain from its language, it does not request the Commission to send new guideline changes. Rather, it requests the Commission's recommendations for how the laws and guidelines should be changed. That is the course that in my view is appropriate for the Commission to take, since under current law, the sentences are largely dictated by mandatory minimums set by Congress. Accordingly, major changes in this area have to come from Congress, and until such changes are made the guidelines should conform with existing law. Thus, while the amendment does not detract from the Commission's existing statutory authority to propose amendments to the guidelines, that is not what the amendment asks the Commission to send us. Rather, the amendment merely asks for a policy recommendation.

As I indicated on introducing this bill, I have some sympathy with some of the concerns the Commission has raised about present law. In particular, I am concerned that some powder defendants at the top of crack distribution networks seem to be getting lower sentences than retail distributors. I also think that while there is good reason for significant differential treatment of powder and crack, we should have a look more generally at whether the present differential represents the best policy.

In my view, however, the Commission resolved these concerns the wrong way: by lowering sentences for crack, rather than by raising sentences for powder. Along with several of my colleagues, I would like to see these issues addressed from the other end: by raising the sentences for powder distribution. My specific proposal, embodied in the companion bill I sponsored along with Senators KYL, FEINSTEIN, BROWN, and MCCONNELL, is to lower the trigger for powder sentences from 500 to 100 grams for mandatory 5-five year sentences, and from 5,000 to 1,000 grams for mandatory 10 year sentences. I believe this resolution of the matter is entirely consistent with the criteria set out in Senator KENNEDY's amendment.

I should only add that I would be very concerned about any resolution of this matter that is predicated on the lowering of sentences for crack distributors. I believe that would send exactly the wrong message: that in the war against crack society blinked. I believe the amendment proposed by Senator KENNEDY is entirely consistent with these views, and I therefore accept his amendment on that basis.

Mr. HATCH. Mr. President, I rise today in support of the amendment to block reductions in penalties for crack dealing proposed by the U.S. Sentencing Commission. If the Congress does not act, those changes will take effect this November 1.

According to the Department of Justice, which has also asked us to block implementation of the changes, the new penalty structure will make base sentences for crack anywhere from two to six times shorter than they are now. The Department of Justice written to tell us that they ''strongly support S. 1254'' which is ''very similar to our proposal.

That is simply irresponsible public policy. It would send a terrible message both to crack dealers and to communities trying to fight back against the crack trade.

No one, not even the Sentencing Commission, denies that the brunt of crack's social consequences have fallen on poor, urban, minority, residents. Given what crack has done to our cities, it frankly amazes me to hear people arguing for lower sentences. Especially from people who wouldn't for one moment tolerate an open-air crack market in their neighborhood in Scarsdale or Chevy Chase.

The Commission's own report, moreover, acknowledges that crack's psychoactive effects are far more intense than powder cocaine, which means that crack is far more additive.

Members of the Sentencing Commission are concerned that the current sentencing structure creates a perception of unfairness because most convicted crack dealers are Africans-Americans, whereas a majority of convicted powder dealers are white or Hispanic. I am sensitive to these concerns. This Congress will deal severely and aggressively with any indication that prosecution or sentencing is being driven by racial considerations. We will not tolerate any racial discrimination in our criminal justice system.

But Mr. President, it is also important to remember that the number of people convicted for crack violations each year is just 3,430. I am more concerned, to be blunt, about the millions of people living in our cities whose quality of life is being ruined. These people have equal rights to safe neighborhoods.

To those who say the Federal Government is locking up tens of thousands of nonviolent, low-level offenders, let me say this: We studied that question. What we found was that out of the 3,430 crack defendants convicted in 1994, the number of youthful, small-time crack offenders with no prior criminal history and no weapons involvement, sentenced in Federal courts, was just 51. The median crack defendant was convicted of trafficking 109 grams—more than 2,000 ''rocks'' or doses. Only 10 percent of crack defendants had trafficked less than 2–3 grams of crack—the equivalent of 40–60 doses.

And finally, on Tuesday, September 12, HHS released alarming figures showing drug use up sharply among our young people. Mr. President, this is not the time to be sending the message that we are weakening social sanctions against the drug trade.

One additional point. The amendment would also block another set of proposed changes—relating to money laundering—offered by the Sentencing Commission. Here too, the Commission's amendments would dramatically lower the penalties for many money

laundering offenders, including those engaged in the laundering of proceeds of both financial and drug offenses.

Under the current guidelines, for instance, an offender who launders $110,000 worth of proceeds would face a range of 37–46 months. Under the Commission's proposed changes, the guideline range would be just 21–27 months in prison. An offender who laundered $110,000 worth of illegal drug proceeds would receive a sentence of 51–63 months under the current guidelines. The Commission's amendments would change that to 33–41 months.

The money laundering guidelines need to be reviewed, but the changes recommended by the Commission are simply too sweeping. As with the amendments to lower crack sentences, the Department of Justice has urged us to reject the money laundering proposal.

I urge my colleagues to join me in supporting this legislation.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2879) was agreed to.

Mr. COATS. 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. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1254

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

SECTION 1. DISAPPROVAL OF AMENDMENTS RELATING TO LOWERING OF CRACK SENTENCES AND SENTENCES FOR MONEY LAUNDERING AND TRANSACTIONS IN PROPERTY DERIVED FROM UNLAWFUL ACTIVITY.

In accordance with section 994(p) of title 28, United States Code, amendments numbered 5 and 18 of the ''Amendments to the Sentencing Guidelines, Policy Statements, and Official Commentary'', submitted by the United States Sentencing Commission to Congress on May 1, 1995, are hereby disapproved and shall not take effect.

SEC. 2. REDUCTION OF SENTENCING DISPARITY.

(a) RECOMMENDATIONS.—

(1) IN GENERAL.—The United States Sentencing Commission shall submit to Congress recommendations (and an explanation therefor), regarding changes to the statutes and sentencing guidelines governing sentences for unlawful manufacturing, importing, exporting, and trafficking of cocaine, and like offenses, including unlawful possession, possession with intent to commit any of the forgoing offenses, and attempt and conspiracy to commit any of the forgoing offenses. The recommendations shall reflect the following considerations—

(A) the sentence imposed for trafficking in a quantity of crack cocaine should generally exceed the sentence imposed for trafficking in a like quantity of powder cocaine;

(B) high-level wholesale cocaine traffickers, organizers, and leaders, of criminal activities should generally receive longer sentences than low-level retail cocaine traffickers and those who played a minor or minimal role in such criminal activity;

(C) if the Government establishes that a defendant who traffics in powder cocaine has knowledge that such cocaine will be converted into crack cocaine prior to its distribution to individual users, the defendant should be treated at sentencing as though the defendant had trafficked in crack cocaine; and

(D) an enhanced sentence should generally be imposed on a defendant who, in the course of an offense described in this subsection—

(i) murders or causes serious bodily injury to an individual;

(ii) uses a dangerous weapon;

(iii) uses or possesses a firearm;

(iv) involves a juvenile or a woman who the defendant knows or should know to be pregnant;

(v) engages in a continuing criminal enterprise or commits other criminal offenses in order to facilitate his drug trafficking activities;

(vi) knows, or should know, that he is involving an unusually vulnerable person;

(vii) restrains a victim;

(viii) traffics in cocaine within 500 feet of a school;

(ix) obstructs justice;

(x) has a significant prior criminal record; or

(xi) is an organizer or leader of drug trafficking activities involving five or more persons.

(2) RATIO.—The recommendations described in the preceding subsection shall propose revision of the drug quantity ratio of crack cocaine to powder cocaine under the relevant statutes and guidelines in a manner consistent with the ratios set for other drugs and consistent with the objectives set forth in section 3553(a) of title 28 United States Code.

(b) STUDY.—No later than May 1, 1996, the Department of Justice shall submit to the Judiciary Committees of the Senate and House of Representatives a report on the charging and plea practices of Federal prosecutors with respect to the offense of money laundering. Such study shall include an account of the steps taken or to be taken by the Justice Department to ensure consistency and appropriateness in the use of the money laundering statute. The Sentencing Commission shall submit to the Judiciary Committees comments on the study prepared by the Department of Justice.

Mr. COATS. 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.

INTELLIGENCE AUTHORIZATION ACT OF FISCAL YEAR 1996

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 164, S. 922, the intelligence authorization bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 922) to authorize appropriations for fiscal year 1996 for intelligence and intelligence related activities of the United States Government.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with an amendment to insert the part printed in italics on page 3, so as to make the bill read:

S. 922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 1996''.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 1996 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(11) The National Reconnaissance Office.

(12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1996, for the conduct of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Committee of Conference to accompany ( ) of the One Hundred and Fourth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

(c) SCOPE OF SCHEDULE.—The Schedule of Authorizations referred to in subsections (a) and (b) is only the Schedule of Authorizations for the National Foreign Intelligence Program (NFIP).

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1996 under section 102 of this Act when the Director determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(4)), exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate prior to exercising the authority granted by this section.