property owners' rights guaranteed by the fifth amendment.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Anthony Cecil Eden Quainton, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

Eric James Boswell, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State.

Joseph Lane Kirkland, of the District of Columbia, to be an Alternate Representative of the Unites States of America to the Fiftieth Session of the General Assembly of the United Nations.

Jeanne Moutoussamy-Ashe, of New York, to be an Alternate Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Tom Lantos, of California, to be a Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Toby Roth, of Wisconsin, to be a Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Rita Derrick Hayes, of Maryland, for the rank of Ambassador during her tenure of service as Chief Textile Negotiator.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' 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. COHEN (for himself and Mr. NUNN):

S. 1501. A bill to amend part V of title 28, United States Code, to require that the Department of Justice and State attorneys general are provided notice of a class action certification or settlement, and for other purposes; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. BREAUX):

S. 1502. A bill to amend the Tariff Act of 1930 to provide that the requirements relating to marking imported articles and containers not apply to spice products, coffee, or tea; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. DOLE, Mr. NICKLES, Mr. MCCAIN, Mr. GRASSLEY, Mr. THURMOND, Mr. KYL, Mr. D'AMATO, Mr. ABRAHAM, and Mrs. FEINSTEIN:

S. 1503. A bill to control crime by mandatory victim restitution, and for other purposes; to the Committee on the Judiciary.

By Mr. ABRAHAM:

S. 1504. A bill to control crime by mandatory victim restitution; to the Committee on the Judiciary.

By Mr. LOTT (for himself, Mr. BREAUX, and Mrs. HUTCHISON):

S. 1505. A bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ABRAHAM (for himself, Mr. LEVIN, Mr. ASHCROFT, Mr. COATS, Mr. NICKLES, and Mr. SANTORUM):

S. 1506. A bill to provide for a reduction in regulatory costs by maintaining Federal Average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. THURMOND, and Mr. KENNEDY):

S. 1507. A bill to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes; considered and passed.

By Mr. DOLE (for himself, Mr. WARNER, and Mr. STEVENS):

S. 1508. A bill to assure that all federal employees work and are paid; considered and passed.

By Mr. DASCHLE (for himself and Mr. PRESSLER):

S. 1509. A bill to amend the Impact Aid program to provide for hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, to permit certain local educational agencies to apply for increased payments for fiscal year 1994 under the Impact Aid program, and to amend the Impact Aid program to make a technical correction with respect to maximum payments for certain heavily impacted local educational agencies; considered and passed.

By Mr. WARNER:

S. 1510. A bill to designate the United States Courthouse in Washington, District of Columbia, as the ''E. Barrett Prettyman United States Courthouse'', and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH:

S.J. Res. 45. A joint resolution proposing an amendment to the Constitution of the United States in order to ensure that private persons and groups are not denied benefits or otherwise discriminated against by the United States or any of the several States on account of religious expression, belief, or identity; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ABRAHAM (for himself, Mr. SIMON, Mr. GRAHAM, and Mr. KENNEDY):

S. Res. 202. A resolution concerning the ban on the use of United States passports for travel to Lebanon; to the Committee on Foreign Relations.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 203. A resolution to authorize testimony by Senate employee and representation by Senate Legal Counsel; considered and agreed to.

S. Res. 204. A resolution to authorize representation by Senate Legal Counsel, considered and agreed to.

S. Res. 205. A resolution to authorize testimony by Senate employees and representation by Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COHEN (for himself and Mr. NUNN):

S. 1501. A bill to amend part V of title 28, United States Code, to require that the Department of Justice and State attorneys general are provided notice of a class action certification or settlement, and for other purposes; to the Committee on the Judiciary.

THE PROTECTING CLASS ACTION PLAINTIFFS ACT OF 1995

Mr. COHEN. Mr. President, today I am introducing the Protecting Class Action Plaintiffs Act of 1995. This legislation is necessary to address a troubling number of instances where class action lawsuits have been filed on behalf of thousands, and in some cases, millions of Americans, but the suits have been settled in ways that do not promote the best interest of the plaintiffs.

A class action is a lawsuit in which an attorney not only represents an individual plaintiff, but in addition, the suit seeks relief for all those individuals who have suffered an injury similar to the plaintiff. For example, a suit brought against a pharmaceutical company by a person suffering from the side effects of a drug, can, if the court approves it as a class action, be expanded to cover all individuals who used that drug.

More often than not, these suits are settled. Settlement agreements provide monetary and other relief to class Members, protect defendants from future lawsuits, and stipulate how the plaintiffs' attorneys will be paid.

All class members are notified of the terms of the settlement and given the opportunity to exclude themselves from the class action if they do not want to be bound by the agreement. All class action settlements must be approved by a court.

Although the class action is an important part of our civil justice system, it is fraught with difficulties. The primary problem is that the client in a class action is a diffuse group of thousands of individuals scattered across the country, that is incapable of exercising meaningful control over the litigation. While in theory the class action lawyers must be responsive to their clients, in practice, the lawyers control all aspects of the litigation.

Moreover, when a class actions is settled, the amount of the attorneys' fee, is negotiated between the plaintiffs' lawyers and the defendants. Yet, in most cases, the fee is paid by the class members—the only party that does not have a seat at the bargaining table.

In addition, class actions are now being used by defendants as a tool to limit their future liabilities. Class actions are being settled that cover all individuals exposed to a particular substance but whose injuries have not yet manifest themselves. As Prof. John Coffee of the Columbia Law School has written, ''the class action is providing a means by which unsuspecting future

claimants suffer the extinguishment of their claims even before they learn of their injury.''

In light of the incentives that are driving the parties, it is easy to understand how class action settlements can be abused. Plaintiffs' attorneys and corporate defendants can reach agreements that satisfy their respective interests—limiting the defendants' liability and maximizing the attorneys' fee. But, because the plaintiffs themselves do not participate in the settlement negotiations, they are sometimes left out in the cold. Again, as Professor Coffee has concluded, ''if not actually collusive, settlements all too frequently have advanced the interests of plaintiffs' attorneys, not those of class members.''

Presumably, judges would not approve settlements that were unfair to the plaintiffs. But, it is difficult for judges to adequately scrutinize such settlements. In most instances, the only parties appearing before them—the plaintiffs' lawyers and the defendants—support the settlement. Without anyone providing adversarial scrutiny to reveal the flaws in class action settlements, judges are apt to approve them, especially since they result in the removal of complex cases from crowded court dockets.

I am familiar with one particularly egregious case where this is exactly what transpired. A constituent of mine, Dexter Kamilewicz, of Yarmouth, ME was a member of a class action lawsuit filed in Alabama State Court against BancBoston Mortgage Corp. The suit alleged that the bank was availing itself of ''free money'' by requiring its mortgage holders to maintain an excessive balance in their mortgage escrow account. After the court ruled in favor of the plaintiffs on a preliminary motion, the parties settled the case.

Under the settlement, the defendants agreed to refund the excess money they were holding in escrow and provide a small amount of compensation to the plaintiffs for lost interest.

BancBoston offered to pay the entire fee for the lawyers representing the class based on a formula that had been used to settle a different case. But the plaintiffs' lawyers rejected this offer. Instead, they insisted that their fees be paid directly from their clients' escrow accounts based on a formula that would provide them a more lucrative return.

The bank assented to this process and the State court judge approved the settlement.

Pursuant to the settlement, Mr. Kamilewicz received a check for $2.19 in back interest, but did not receive any other refund because his escrow account did not have an excessive balance. Then, about a year later, Mr. Kamilewicz noticed on his annual bank statement that $91.33 had been withdrawn from his escrow account for miscellaneous disbursements. The bank told him that the money was used to pay the class action lawyers. In essence, Mr. Kamilewicz paid $91.33 to the lawyers for work on a lawsuit that provided him with only a $2.19 benefit.

The class action lawyers, however, did quite well. According to a recent New York Times article about the case, they received $8.5 million—over 20 percent of the $40 million refunded by the bank to class members. Not only is this a large fee, but one must consider that the $40 million refund was, and always would have been the plaintiffs' money. The only benefit of the lawsuit to the class was that they received the money in 1994 instead of when they closed their mortgages. The attorney fee in this case, therefore, bore no relationship to the actual benefit that the lawsuit provided to the class.

Since the New York Times article ran, I have learned a bit about the lawyers who were involved in this case. In an unrelated case from Chicago, a judge would not even permit these lawyers to maintain a class action based on his view that they would not adequately represent the class. The judge commented on the record that:

> For five and a half years . . . I have been witness to their unparalleled and shocking abuse of process; their blatant manipulation of the rules of Court; their disregard for orderly processes and Court orders; their discourtesy and hostility to opposing counsel; their subversion of their clients' best interests; their preoccupation with slanderous accusations; their disinclination to trial preparation; their unfamiliarity with and disregard for case law precedent in their path; and their unabashed utilization of class action techniques as a weapon to heighten litigation costs and bootstrap modest individual claims into handsome class fees.

The judge concluded that he ''could think of no plague worse than to have a Court impose [these lawyers] on absent and unsuspecting members of a class.''

There are other problematic cases from across the country. In Philadelphia, a group of lawyers settled a set of cases for clients of theirs against a consortium of asbestos companies. In exchange, these same lawyers agreed to a class action settlement covering all other individuals exposed to the companies' asbestos. The class action settlement, however, provided less money for the class members than had been provided for the lawyers' individual clients.

To make matters worse, this class action—Georgine versus Amchem Products—covers individuals that have been exposed to asbestos but have not yet become sick. How can these individuals make a rational decision about the merits of the settlement when they do not know whether they will become ill and, if they do, how serious their illnesses will be?

This month's American Bar Association Journal contains an article about two competing nationwide class actions currently pending in two different State courts. These cases both concern defective polybutelene pipe that is causing floods in people's homes across the country. The case in Tennessee has settled for $850 million. It may cover over 3 million homeowners. The case in Alabama is going to trial. Lawyers in the Alabama case are trying to convince homeowners to opt-out of the Tennessee settlement and join their case. Homeowners are receiving conflicting notices from both cases and are confused. As one of them said, ''I don't know about all this legal stuff . . . all I want is my walls fixed.''

So there are a wide range of legal and ethical issues concerning class actions that are deserving of some careful attention from Congress. My legislation is a first step in this direction. It attempts to address the problem of class action settlements in two ways:

First, it would require class action lawyers to notify the attorney general of States in which class members reside whenever a class action is settled. Providing notice to the attorneys general will enable them to scrutinize class action settlements and object to the court if the settlements fail to promote the consumers' interests. In my view, the participation of the attorneys general is critical to improve the class action settlement process.

Second, the legislation would require that notices mailed to class members contain summaries written in plain, easily understandable language. Such summaries are necessary because most class action notices are lengthy and filled with legal jargon that the average citizen cannot understand. Anyone covered by a class action settlement should know the benefits they will obtain, the rights that they are sacrificing, and the way their attorneys will be paid, Today, most people simply throw away action notices like junk mail because they are too complicated and difficult to comprehend.

In sum, the legislation will bring some sunlight into the class action process and, as we know, sunlight is the best disinfectant. It will enable State attorneys general to provide adversarial scrutiny to settlements and promote the interests of consumers when the plaintiffs' lawyers and corporate defendants are not. It will also give individual call members the information they need to make informed decisions about whether they wish to join a class action or be bound by a settlement agreement. This is a modest step, but one that I believe will be effective.

Before closing, I want to make clear that I do not oppose class action lawsuits. Over the past three decades, class actions have been used to oppose racially segregated schools, obtain redress for victims of employment discrimination, and provide compensation for individuals exposed to toxic chemicals or injured by defective products. Class actions increase access to our civil justice system because they enable people to pursue claims collectively that otherwise would be too expensive to litigate.

The difficulty of any litigation reform endeavor is finding ways to weed

out the bad cases without closing the courthouse doors to those who have genuine grievances deserving of redress. Legislation that limits monetary recoveries or provides immunity for wrongdoers does not meet this litmus test. In an effort to deter frivolous lawsuits these measures have the perverse effect of limiting the remedies available to those with legitimate claims.

The legislation I am introducing today is an example of the type of litigation reform that I believe will help to protect against unethical attorney behavior and curb abusive lawsuits. It will not limit the availability of judicial remedies for meritorious cases.

I urge my colleagues to support the legislation and I ask unanimous consent that a copy of the bill and the New York Times article about the Kamilewicz case be included in the RECORD.

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

S. 1501

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 ''Protecting Class Action Plaintiffs Act of 1995''.

SEC. 2. NOTIFICATION REQUIREMENT OF CLASS ACTION CERTIFICATION OR SETTLEMENT.

(a) IN GENERAL.—Part V of title 28, United States Code, is amended by inserting after chapter 113 the following new chapter:

''CHAPTER 114—CLASS ACTIONS

''§ 1711. Notification of class action certifications and settlements

''(a) For purposes of this section, the term—

''(1) 'class' means a group of similarly situated individuals, defined by a class certification order, that comprise a party in a class action lawsuit;

''(2) 'class action' means a lawsuit filed pursuant to rule 23 of the Federal Rules of Civil Procedure or similar State rules of procedure authorizing a lawsuit to be brought by 1 or more representative individuals on behalf of a class;

''(3) 'class certification order' means an order issued by a court approving the treatment of a lawsuit as a class action;

''(4) 'class member' means a person that falls within the definition of the class;

''(5) 'class counsel' means the attorneys representing the class in a class action;

''(6) 'electronic legal databases' means computer services available to subscribers containing text of judicial opinions and other legal materials, such as LEXIS or WESTLAW;

''(7) 'official court reporter' means a publicly available compilation of published judicial opinions;

''(8) 'plaintiff class action' means a class action in which the plaintiff is a class; and

''(9) 'proposed settlement' means a settlement agreement between the parties in a class action that is subject to court approval before it becomes binding on the parties.

''(b) This section shall apply to—

''(1) all plaintiff class actions filed in Federal court; and

''(2) all plaintiff class actions filed in State court in which—

''(A) any class member resides outside the State in which the action is filed; and

''(B) the transaction or occurrence that gave rise to the lawsuit occurred in more than 1 State.

''(c) No later than 10 days after a proposed settlement in a class action is filed in court, class counsel shall serve the State attorney general of each State in which a class member resides and the Department of Justice as if they were parties in the class action with—

''(1) a copy of the complaint and any materials filed with the complaint;

''(2) notice of any scheduled judicial hearing in the class action;

''(3) any proposed or final notification to class members of—

''(A) their rights to request exclusion from the class action; and

''(B) a proposed settlement of a class action;

''(4) any proposed or final class action settlement;

''(5) any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants;

''(6) any final judgment or notice of dismissal; and

''(7) any written judicial opinion relating to the materials described under paragraphs (3) through (6).

''(d) A hearing to consider final approval of a proposed settlement may not be held earlier than 120 days after the date on which the State attorney generals and the Department of Justice are served notice under subsection (c).

''(e) A class member may refuse to comply with and may choose not be bound by a settlement agreement or consent decree in a class action lawsuit if the class member resides in a State where the State attorney general has not been provided notice and materials under subsection (c). The rights created by this subsection shall apply only to class members or any person acting on their behalf.

''(f) Any court order certifying a class, approving a proposed settlement in a class action, or entering a consent decree in a class action, and any written opinions concerning such court orders and decrees, shall be made available for publication in official court reporters and electronic legal databases.

''(g) Any court with jurisdiction over a plaintiff class action shall require that—

''(1) any written notice provided to the class through the mail or publication in printed media contain a short summary written in plain, easily understood language, describing—

''(A) the subject matter of the class action;

''(B) the legal consequences of joining the class action;

''(C) if the notice is informing class members of a proposed settlement agreement—

''(i) the benefits that will accrue to the class due to the settlement;

''(ii) the rights that class members will lose or waive through the settlement;

''(iii) obligations that will be imposed on the defendants by the settlement;

''(iv) a good faith estimate of the dollar amount of any attorney's fee if possible; and

''(v) an explanation of how any attorney's fee will be calculated and funded; and

''(D) any other material matter; and

''(2) any notice provided through television or radio to inform the class of its rights to be excluded from a class action or a proposed settlement shall, in plain, easily understood language—

''(A) describe the individuals that may potentially become class members in the class action; and

''(B) explain that the failure of individuals falling within the definition of the class to exercise their right to be excluded from a class action will result in the individual's inclusion in the class action.

''(h) Compliance with this section shall not immunize any party from any legal action under Federal or State law, including actions for malpractice or fraud.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V of title 28, United States Code, is amended by inserting after the item relating to chapter 113 the following:

''114. Class Actions ..... 1711''.

SEC. 3. APPLICABILITY.

This Act and the amendments made by this Act shall apply to all class action lawsuits filed after or pending on the date of enactment of this Act.

[From the New York Times]

MATH OF A CLASS-ACTION SUIT: 'WINNING' $2.19 COSTS $91.33

Dexter J. Kamilewicz never wants to win a class-action lawsuit again—at least not when it costs him more than he wins.

Mr. Kamilewicz, a real estate broker in Portland, Me., found out this year that he was among the winners of a class-action suit against his mortgage bank, the Bank of Boston. He learned of his victory only when he spotted a $91.33 ''miscellaneous deduction'' from his escrow account that turned out be his payment for lawyers he never knew he had hired. His winnings were apparently just $2.19 in back interest.

Many class actions end with plaintiffs winning meager awards while their lawyers walk away with millions of dollars in fees. But the suit against the Bank of Boston has taken that difference to a new level.

''This is the only class action that I have heard about where the consumers won and ended up paying money out of their own pockets,'' said Will Lund, superintendent of the Maine Bureau of Consumer Credit Protection.

The suit, which accused the bank of keeping excessive amounts of its customers' money in escrow accounts, involved a nationwide class of 715,000 current and former mortage holders. The 300,000 current holders would up footing the lawyers' bill for $8.5 million. Only after the case was settled last year did some members of that group—just how many is unclear—say they realized they ended up with a loss.

Now the matter is back in court again and may soon be the catalyst for Congressional action.

Mr. Kamilewicz (pronounced CAM-eh-le-vitch); his wife, Gretchen, and a third disgruntled plaintiff recently filed a new lawsuit—which is itself seeking class-action status—that accuses the original plaintiffs' lawyers, as well as the bank, of fraud. Both the bank and the lawyers say the settlement was fair and deny doing anything wrong.

Senator William S. Cohen, Republican of Maine, says he has heard enough complaints about the settlement to propose a corrective measure. His legislation, expected to be introduced in the next month, would differ from other recent efforts in Congress at tort reform in that it would protect plaintiffs, rather than defendants, against the excesses of lawyers.

''There is evidence from around the country that in many instances class actions are benefiting lawyers to a much greater extent than their clients,'' Senator Cohen said.

Dozens of suits were filed in the early 1990's over escrow accounts before Federal regulations were adopted to more strictly limit the excess money that banks could hold in the accounts. Scores of class actions of all sorts are certified in Federal and state courts each year.

In the Bank of Boston case, critics of the settlement note, the lawyers' fees took the form of an assessment against the escrow accounts that sometimes dwarfed the modest awards. What is more, apart from a few dollars in back interest, the ''awards'' were simply refunds of the plaintiffs' own money, which would have been returned sooner or later even without the suit. Mr. Kamilewicz and others who apparently had no excessive amounts of money in their accounts were hit hardest because they got no refund but still had to pay legal fees.

Finally, the fees were larger than they should have been, the critics say, because they were based not on the current value of the refunds but on unrealistic projections of their future worth.

''Lawyers' fees are often a problem in these kinds of cases,'' said Jerome Hoffman, a former top official with the Florida Attorney General's office, which had tried to block the settlement. ''But this is probably the most egregious case I have ever seen.''

For their part, the plaintiffs' lawyers and a bank spokesman noted that the settlement had been approved by a state judge in Alabama, where the suit was filed.

In the settlement itself, the bank denied doing anything improper in handling the escrow. Money held in escrow is used to pay real estate taxes and property insurance. Banks are allowed to maintain a cushion of extra money to cover increases in those costs, but the Bank of Boston was accused of using a formula that often resulted in an excessively large cushion.

Ed Russell, the bank spokesman, declined to comment on the new suit, filed this month in federal court in Chicago. But several of the lawyers now being sued described it as groundless. The lawyers are with Ezell & Sharbrough of Mobile, Ala., and two Chicago firms, Edelman & Combs and Lawrence Walner & Associates.

One of the lawyers, Daniel A. Edelman, called the new suit ''the most frivolous I have even seen.''

But legal experts say that the dispute highlights the problems associated with class actions. Consumers and investors are often made parties without realizing it or understanding that they may receive trivial amounts while their lawyers make millions.

Information in legal notices is often shrouded in dense jargon. In some cases, lawyers for both sides may intentionally cloud that information to mislead plaintiffs about important issues, the experts said.

''It is not designed to be good communication,'' said John Coffee, a professor at the Columbia University School of Law. ''It is designed to convince a judge who can wave his magic wand and approve a settlement.'' Stephen Gardner, a lawyer in Dallas who has handled many consumer cases, added, ''A lot of settlement notices are engineered by the parties to keep class members in the dark about how much money the lawyers are making versus how many dollars they are going to get.''

To address that problem, Senator Cohen said his legislation would, among other things, require the parties to disclose proposed settlements to the attorneys general in all states which plaintiffs reside.

In settling its case, the Bank of Boston agreed to pay a maximum of $8.76 in back interest to individual mortgage holders. The bank also agreed to change its future escrow accounting methods and refund about $30 million in excess escrow payments. Normally, any extra money is returned when a mortgage ends or is refinanced. All told, plaintiffs' lawyers say, the settlement conferred about $40 million in benefits, including estimated savings from the accounting change.

''Nothing fraudulent or improper took place,'' Mr. Edelman said. ''There was an economic benefit in excess of $40 million and the lawyers received $8.5 million, and that is a low-end number.''

Even critics acknowledged that the plaintiffs' lawyers helped their clients by getting the bank to change its escrow practices. Still, they said the plaintiffs ended up with a questionable deal on two fronts.

For one, fees were assessed even against people like Mr. Kamilewicz, who apparently did not have excessive amounts of money in escrow, or not enough extra to produce a refund to fully cover the fees.

The fees were levied as a percentage of the balance in each escrow account, court papers indicate. Mr. Russell, the bank's spokesman, declined to comment when asked if the bank knew how many accounts might not have had excessive amounts. He also declined to discuss Mr. Kamilewicz's case.

Speaking generally, Mr. Gardner, the Dallas lawyer, said that in an escrow case of this size, at least several thousand people would have no cushion at all in their accounts.

The other problem for the plaintiffs was the way the fee was set, critics of the settlement said.

After the plaintiffs won a partial summary judgment in 1993, negotiations to resolve the case began. Initially, the bank offered to change its escrow accounting procedures and to pay lawyers' fees of $500,000, court papers indicate. The bank said that to take such money out of the escrow accounts would result in a ''net out-of-pocket loss' to many customers, the new lawsuit contends.

Mr. Russell, the bank spokesman, declined to make the bank's lawyers available. But one of the plaintiffs' lawyers, John W. Sharbrough 3d, said the $500,000 offer did not even cover the lawyers' expenses, and to negotiate fees with the bank would have been unethical.

In any event, the lawyers requested as their fee a third of the $42 million in excess escrow that was then held by the bank, a court transcript shows.

A one-third award to plaintiffs' lawyers would not be unusual in a typical contingency-fee case, like a personal injury suit, where the settlement comes out of a defendant's pocket. But since an escrow case involves the return of the plaintiffs' own money, banks have frequently paid the plaintiffs' legal bill using a fixed figure for each account.

To justify a far larger fee, the plaintiffs' firms offered expert testimony suggesting that consumers would realize a significant windfall by getting their money back now rather than later.

For example, E.W. McKean, an accountant in Mobile testified that if a consumer used a hypothetical $100 refund to reduce the principal on a 20-year, $10,000 loan at 8.6 percent interest, the benefit over time in lower interest payments would be nearly $400 in current dollars.

But consumer lawyers like Mr. Gardner said it was unrealistic to place too much future value on small sums that are recovered.

''This is like winning a scratch card,'' he said. ''People are not going to invest this money.''

Mr. Edelman, the plaintiffs' lawyer, disagreed, saying that the future benefit of a recovery is a common yardstick for determining fees.

The judge in the case eventually awarded the plaintiffs' lawyers 28 percent of the excess escrow, a pie that totaled about $30 million when the fees were actually set.

Mr. Sharbrough said that while some class members who got in touch with him were initially confused about the settlement, they were all pleased once it was explained to them. Mr. Edelman said banks were probably behind the new lawsuit because he had represented consumers in other class-action claims against financial institutions.

Such an assertion would no doubt surprise Mr. Kamilewicz, who said he started the ball rolling because he was so angry. ''The issue isn't the $91,'' he said. ''The issue is behavior standards.''

Some lawyers are wishing him luck. ''Somebody ought to give him a gold medal,'' said Peter Antonacci, the Deputy Attorney General of Florida. ''This thing was begging to be done.''

By Mrs. HUTCHISON (for herself and Mr. BREAUX):

S. 1502. A bill to amend the Tariff Act of 1930 to provide that the requirements relating to marking imported articles and containers not apply to spice products, coffee, or tea; to the Committee on Finance.

THE TARIFF ACT OF 1930 AMENDMENT ACT OF 1995

Mrs. HUTCHISON. Mr. President, today I am introducing legislation to correct several inadvertent results from recent rulings by the U.S. Treasury Department changing over 50 years of law and practice in the U.S. regarding spices. This legislation will exempt these products, as well as coffee and tea, from proposed new regulations that would needlessly and inadvertently require their containers to be individually marked with country of origin.

These labeling requirements are unnecessary because the coffee, tea and spices under consideration, with one exception, are not manufactured in the United States and therefore do not offer consumers the option to purchase domestically-grown alternatives. The one exception is not processed in such a way as to fall under the new regulations, so it will be unaffected by this legislation.

This bill, supported by the House Ways and Means Committee, was included in the House's version of the budget reconciliation bill, but was excluded under Senate rules. The legislation is also supported by the U.S. Treasury Department, which issued the regulations but requires legislative language to except these three areas.

Finally, my bill is supported by coffee, tea, and spice importers. Without this legislation, regulations calling for country of origin markings ultimately would require extremely costly record keeping and marking of individual jars and canisters of products which are often mixes of nearly identical products from different countries and different parts of the world. The countries of origin vary quite often due to market prices and availability. Marking requirements under the new regulations would ultimately cost consumers millions of dollars in higher coffee, tea and spice prices while providing no useful information.

Mr. President, I look forward to working with my colleagues to pass this important and bipartisan technical correction.

By Mr. ABRAHAM:

S. 1504. A bill to control crime by mandatory victim restitution; to the Committee on the Judiciary.

VICTIM RESTITUTION LEGISLATION

Mr. ABRAHAM. Mr. President, I rise today to introduce S. 1504, the Victims Restitution Enforcement Act of 1995. I do so because I am convinced that justice demands we devise an effective mechanism for enforcing orders of restitution owed by criminals to the victims of their crimes.

We take an important step today with the adoption of H.R. 665. This bill makes restitution mandatory and thereby sends a clear message to criminals that they will be made to pay for their crimes. I also believe it is critical that we let victims know that at last they will be entitled to some relief.

In order to help realize the promise of H.R. 665's mandatory victim restitution, however, I believe further steps are needed. To that end, the bill I am introducing today will bring important and needed changes to the enforcement mechanisms covering orders of restitution in Federal court. This bill will further ensure that restitution payments from criminals to their victims become a reality.

S. 1504 will provide four major advantages to victims named in criminal restitution orders.

First, restitution orders would be enforceable as a civil debt and payable immediately.

Right now, most restitution is collected entirely through the criminal justice system. It is frequently paid as directed by the probation officer, which means restitution payments can't begin until the prisoner is released. This bill makes restitution orders payable immediately, as a civil debt, speeding recovery and impeding attempts to avoid payment.

Without this provision, it will remain easier for the Government to go after students who have defaulted on their student loans than it is for the Government to enforce an order of restitution against convicted criminals. Of course, this provision will impose no criminal penalties on those unable to pay. It will simply allow civil collection against those who have assets.

Second, this bill will add a whole new arsenal of weapons for collecting victim restitution payments. If the debt is payable immediately all normal civil collection procedures—principally the Federal Debt Collection Act—can be used. This bill also explicitly gives victims access to other extensive civil procedures already in place for the collection of debts.

We want to make criminals pay, not burden our courts or our Federal criminal prosecutors. Thus we should not be unilaterally deciding to place enforcement of all victim restitution within the criminal process, but should permit the Attorney General to place responsibility for collecting restitution payments on Government attorneys charged with collecting other civil debts.

Third, this bill will make restitution judgments subject to criminal enforcement for 5 years.

Current law only allows enforcement of an order of restitution by the United States in the same manner as fines are enforced, permitting the limited use of some criminal sanctions. Presently, for example, the court will be permitted to resentence a criminal who wilfully refuses to make restitution payments—but nothing short of that.

This bill will add a variety of less draconian criminal sanctions to the court's arsenal, such as modification of the terms or conditions of parole, extension of the defendant's probation or supervised release, or revocation of probation or supervised release.

The bill will thus retain the fines mechanism, and improve on the criminal sanctions, as well as add a number of purely civil methods of debt collection.

Fourth, this legislation will give the courts power to impose presentence restraints on defendant's use of their assets in appropriate cases. This will prevent well-heeled defendants from dissipating assets prior to sentencing.

Without this provision the whole victim restitution law may well be useless in many cases. Even in those rare cases in which a defendant has the means to pay full restitution at once, if the court has no capacity to prevent the defendant from spending ill-gotten gains prior to the sentencing phase, frequently there will be nothing left for the victim by the time the restitution order is entered.

The provisions permitting pre-sentence restraints are similar to other such provisions that already exist in the law for private civil actions and asset forfeiture cases. For example, they require a court hearing and place a preponderance of the evidence burden on the Government.

Finally, this bill will prevent the defendant from denying the essential findings underlying a criminal restitution judgment in any future civil action brought by the victim.

All victims named in a restitution order will be able to bring a civil action to enforce the order in State court without having to relitigate the essential findings of the criminal judgment against the defendant.

This provision merely corrects an aberration in the law.

Currently the United States and some—but not all—victims are permitted to use the criminal judgment in subsequent civil proceedings.

Indeed, under current law, the only victims who absolutely cannot use the essential findings of a criminal judgment in a subsequent civil action are victims who happen to live in states with mutuality requirements for collateral estoppel, and who have been victims of crimes in which the defendant did not plead guilty.

This makes no sense. In such instances there has already been a full criminal trial in Federal court convicting the defendant under a higher burden of proof than is required in a civil action.

Ordinarily, the victim would be able to take advantage of the criminal conviction, just as the United States can. And in fact, victims are often able to use anything the criminal has agreed to in a plea bargain because those statements constitute judicial admissions.

But because of a clause in the law that limits the effect of criminal judgments in subsequent civil actions to the extent that would be permitted by state law, these Federal criminal judgments are, in some cases, not accorded the effect they are due. For the sake of judicial economy alone, this should be corrected.

If we are willing to take the step of making some crimes subject to mandatory restitution, as we do in the victim restitution bill today, I believe we should take the additional step of making those mandatorily-issued orders easily enforceable.

This is why I urge my colleagues to join me in supporting these further steps to make victim restitution work that are contained in my victim restitution bill.

By Mr. LOTT (for himself, Mr. BREAUX and Mrs. HUTCHISON):

S. 1505. A bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT

Mr. LOTT. Mr. President, I rise today as chairman of the Surface Transportation Subcommittee to introduce the Accountable Pipeline Safety and Partnership Act. It is the necessary reauthorization legislation for the Office of Pipeline Safety [OPS] in the Department of Transportation.

This is important legislation because it will reauthorize the Federal program with regulatory authority for approximately 2 million miles of natural gas pipelines and nearly 200,000 miles of hazardous liquid pipelines. In the lower 48 States and Hawaii, there are 700 different operators who manage these pipelines. This bill does not affect the Federal statute that regulates the Alaskan pipeline.

The goal of my legislation is accurately reflected in three words from the title—accountable, safety, and partnership. The bill gives the Office of Pipeline Safety the necessary tools to shift the program away from a very prescriptive, command-and-control approach to a responsible risk-based management partnership which continues to ensure industry's accountability and the public's safety.

According to the National Transportation Safety Board [NTSB], transportation of natural gas and liquids by pipelines is by far the safest mode of

conveyance. NTSB's 1994 transportation safety data highlight this fact. Out of 43,134 transportation facilities, only 22—just 0.05 percent—were related to pipelines.

Let me be absolutely clear: I want to send an unambiguous signal here today on the Senate floor and through the text of this bill that pipeline safety will not be jeopardized.

In fact, I would assert that the public's safety will be enhanced through a more effective Government and industry pipeline safety partnership that is proposed by this bill.

Through this legislation, Congress will recognize and appreciate this relationship. Pipeline operators, who are responsible for day-to-day safe operations, experience many adverse consequences from accidents on their systems. Therefore, pipeline operators have a direct and compelling reason to work hard to keep their system and the public safe.

There is another partnership role which must be acknowledged and that is the active and positive involvement of States which also direct resources at pipeline monitoring.

The governmental role is two-tiered: OPS for the Federal Government and State agencies. Together their mission is to inspect, audit, and enforce pipeline compliance and safety activities.

Historically, the regulations governing safety for transmission and utility pipelines have been modeled or based upon industry-developed standards and practices. The most effective procedures have formed the core of today's pipeline safety regulations.

However, recent legislative proposals would, in effect, add unnecessary layers of regulations in direct response to specific atypical incidents. This has diverted resources. This is what this legislation will address using the same three words from the bill's title as my philosophical underpinning—accountable, safety, partnership.

For the past 2½ years, OPS has worked with natural gas and hazardous liquid pipeline operators and other interested parties to find better ways to address the issues inherent to pipeline safety. Their goal is to promulgate new reasonable, effective and cost efficient regulations. OPS is currently analyzing the actual risks juxtaposed to existing regulations to determine what is useful and what is unnecessary.

This process develops a regulatory approach which provides companies with greater flexibility in protecting both their systems and the public's safety. I built upon this activity, and it served as the starting point for a legislative approach which is incorporated into this reauthorization.

It is worthwhile to note that the major provisions of this bill were drafted through a genuine bipartisan effort. This bill reflects real input and informal consultation with the regulated industry, national associations representing personnel who are actively involved in pipeline safety, and Administration officials. Technical assistance was also provided throughout the drafting process from the Congressional Research Service. I appreciate all of the invaluable suggestions during the development of this legislation.

There are four major provisions within the legislation.

First, it establishes a new risk assessment combined with a detailed cost-benefit analysis followed by an independently verified peer review for all future regulations. The process is streamlined and meets the American common sense test. President Clinton's Executive Order 12866 provided the framework for this bill's new regulatory approach. It also takes advantage of risk models being developed by OPS.

Second, it authorizes a 4-year demonstration project under which companies can voluntarily develop individually tailored risk management plans. These plans must be approved by the Department of Transportation. OPS will monitor the plans to ensure that operations will provide equal or greater safety protection than existing regulations.

Third, it authorizes funding for the OPS in such a manner that money will be double the projected inflation rate through the end of this century. Each year the funding will increase by 6-percent. Because OPS is funded entirely by user fees assessed on pipelines, these funds must be concentrated on OPS's primary mission of monitoring pipeline safety on the public's behalf.

Fourth, it clarifies the Pipeline Safety Act of 1992. This will remove confusions which have hampered finalizing several rules.

My intention is straightforward: to focus OPS regulatory resources on areas where there are significant nationwide pipeline safety risks, and to identify and develop cost-effective regulatory means for addressing these risks.

The bill will ensure that America's taxpayers get the maximum safety value from their OPS investment. It will lead to a responsible allocation of limited resources to increase public safety.

It will prevent a hidden tax on natural gas consumers resulting from an excessive increase in user fees to duplicate ongoing industry research.

It also means that rules will be clarified to accommodate changes affecting issues like smart pig retrofitting and explicit definitions for unusually sensitive environmental areas.

There will always be some who will argue that the Government must spend more and more money for safety concerns. My response is that safety is not just a function of how much the government spends. I believe the critical factor is how the money is spent—not how much. This bill deals with how. The NTSB Safety data makes the case that the excellent safety record for pipelines does not indicate that increased funding is needed.

This legislation is both responsible and balanced.

Amercian taxpayers win.

Government regulators win.

Regulatory reform wins.

I want to thank my colleagues who are my initial cosponsors, and I look forward to other Senators joining me as cosponsors of this important reauthorization bill.

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

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

S. 1505

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 ''Accountable Pipeline Safety and Partnership Act of 1995''.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 60101(a) is amended—

(1) in each of paragraphs (1) through (22), by striking the period at the end and inserting a semicolon;

(2) in paragraph (21), by striking subparagraph (B) and inserting the following:

''(B) does not include the gathering of gas, other than gathering through regulated gathering lines, in those rural locations that are located outside the limits of any incorporated or unincorporated city, town, or village, or any other designated residential or commercial area (including a subdivision, business, shopping center, or community development) or any similar populated area that the Secretary of Transportation determines to be a nonrural area, except that the term 'transporting gas' includes the movement of gas through regulated gathering lines;''; and

(3) by adding at the end the following:

''(23) 'benefits' means the reasonably identifiable or estimated safety, environmental, and economic benefits that are reasonably expected to result directly or indirectly from the implementation of a standard, regulatory requirement, or option;

''(24) 'costs' means, with respect to the implementation of, or compliance with, a standard, regulatory requirement, or option, the estimated or actual direct and indirect costs of that implementation or compliance;

''(25) 'incremental benefit' or 'incremental cost' means the additional estimated benefit or cost that—

''(A) would be caused by a particular action (whether regulatory or nonregulatory) in comparison with other options that may be taken in lieu of that action; and

''(B) is based on quantifiable or qualifiable assessments that use generally available and reasonably obtainable scientific or economic data;

''(26) 'risk management' means the systematic application, by the owner or operator of a pipeline facility, of management policies, procedures, finite resources, and practices to the tasks of analyzing, assessing, and minimizing risk in order to protect employees, the general public, the environment, and pipeline facilities;

''(27) 'risk management plan' means a management plan utilized by a gas or hazardous liquid pipeline facility owner or operator that encompasses risk management; and

''(28) 'Secretary' means—

''(A) the Secretary of Transportation; or

''(B) if applicable, any person to whom the Secretary of Transportation delegates authority with respect to a matter concerned.''.

(b) GATHERING LINES.—Section 60101(b)(2) is amended by inserting '', if appropriate,'' after ''Secretary'' the first place it appears.

SEC. 4. GENERAL AUTHORITY.

(a) MINIMUM SAFETY STANDARDS.—Section 60102(a) is amended—

(1) in paragraph (1), by striking subparagraph (C) and inserting the following:

''(C) shall include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities.''; and

(2) by striking paragraph (2) and inserting the following:

''(2) The qualifications applicable to an individual who operates and maintains a pipeline facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities.''.

(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—Section 60102(b) is amended to read as follows:

''(b) PRACTICABILITY AND SAFETY NEEDS.—

''(1) IN GENERAL.—A standard prescribed under subsection (a) shall be—

''(A) practicable; and

''(B) designed to meet the need for—

''(i) gas pipeline safety;

''(ii) safely transporting hazardous liquids; and

''(iii) protecting the environment.

''(2) FACTORS FOR CONSIDERATION.—Except as provided in section 60112, when prescribing a standard under this section or section 60101(b), 60103, 60108, 60109, 60110, or 60113, the Secretary shall consider—

''(A) relevant available—

''(i) gas pipeline safety information; or

''(ii) hazardous liquid pipeline safety and environmental protection information;

''(B) the appropriateness of the standard for the particular type of pipeline transportation or facility;

''(C) the reasonableness of the standard;

''(D) based on a risk assessment, the extent to which the standard will benefit public safety and the protection of the environment;

''(E) the costs of compliance with the standard;

''(F) comments and information received from the public; and

''(G) the comments and recommendations of the Technical Pipeline Safety Standards Committee described in section 60115 and the Liquid Pipeline Safety Standards Committee described in section 60115.

''(3) RISK ASSESSMENT DOCUMENT.—In prescribing a standard referred to in paragraph (2), the Secretary shall prepare a risk assessment document that—

''(A) identifies the regulatory and nonregulatory options that the Secretary considered in prescribing a proposed standard;

''(B) identifies the incremental costs and incremental benefits with respect to public safety and the protection of the environment that are associated with the proposed standard;

''(C) includes—

''(i) an explanation of the reasons for the selection of the proposed standard in lieu of the other options identified; and

''(ii) with respect to each of those other options, a brief explanation of the reasons that the Secretary found that option to be less cost-effective or flexible than the proposed standard; and

''(D) provides any technical data or other information upon which the risk assessment document and proposed standard is based.

''(4) REVIEW.—

''(A) IN GENERAL.—The Secretary shall—

''(i) submit each risk assessment document prepared under this section to the Technical Pipeline Safety Standards Committee described in section 60115 or the Hazardous Liquid Pipeline Safety Standards Committee described in section 60115, or both, as appropriate; and

''(ii) make that document available to the general public.

''(B) PEER REVIEW PANELS.—The committees referred to in subparagraph (A) shall serve as peer review panels to review risk assessment documents prepared under this section. Not later than 90 days after receiving a risk assessment document for review pursuant to subparagraph (A), each committee that receives that document shall prepare and submit to the Secretary a report that includes—

''(i) an evaluation of the merit of the data and methods used in that document; and

''(ii) any recommended options relating to that document and the associated standard or regulatory requirement that the committee determines to be appropriate.

''(C) REVIEW BY SECRETARY.—Not later than 90 days after receiving a report submitted by a committee under subparagraph (B), the Secretary—

''(i) shall review the report;

''(ii) shall provide a written response to the committee that is the author of the report concerning all significant peer review comments and recommended alternatives contained in the report; and

''(iii) may revise the risk assessment and the proposed standard or regulatory requirement before promulgating the final standard or requirement.

''(5) INCREMENTAL BENEFITS AND COSTS.—Before issuing a final standard that is subject to the requirements contained in paragraphs (1) and (2), the Secretary shall certify that the incremental benefits of the final standard will likely justify, and be reasonably related to, the incremental costs incurred by the Federal Government and State, local, and tribal governments and any other public entity, and the private sector.

''(6) EMERGENCIES.—In the case of an emergency that meets the criteria described in section 60112(e), the Secretary may suspend the application of this section for the duration of the emergency.

''(7) REPORT.—Not later than March 31, 1999, the Secretary shall transmit to the Congress a report that—

''(A) describes the implementation of the risk assessment requirements of this section, including the extent to which those requirements have improved regulatory decision making; and

''(B) includes any recommendations that the Secretary determines would make the risk assessments conducted pursuant to the requirements under this chapter a more effective means of assessing the benefits and costs associated with alternative regulatory and nonregulatory options in prescribing standards under the Federal pipeline safety regulatory program under this chapter.''.

(c) FACILITY OPERATION INFORMATION STANDARDS.—The first sentence of section 60102(d) is amended—

(1) by inserting ''as required by the standards prescribed under this chapter'' after ''operating the facility'';

(2) by striking ''to provide the information'' and inserting ''to make the information available''; and

(3) by inserting ''as determined by the Secretary'' after ''to the Secretary and an appropriate State official''.

(d) PIPE INVENTORY STANDARDS.—The first sentence of section 60102(e) is amended—

(1) by striking ''and, to the extent the Secretary considers necessary, an operator of a gathering line that is not a regulated gathering line (as defined under section 60101(b)(2) of this title),''; and

(2) by striking ''transmission'' and inserting ''transportation''.

(e) SMART PIGS.—

(1) MINIMUM SAFETY STANDARDS.—Section 60102(f) is amended by striking paragraph (1) and inserting the following:

''(1) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards requiring that the design and construction of a new gas or hazardous liquid pipeline transmission facility be carried out, to the extent practicable, in a way that accommodates the passage through the facility of an instrumented internal inspection device (commonly referred to as a 'smart pig'). The Secretary shall also prescribe minimum safety standards that require that when a segment of an existing gas or hazardous liquid pipeline transmission facility is replaced, to the extent practicable, the replacement segment can accommodate the passage of an instrumented internal inspection device. The Secretary may apply the standards to an existing gas or hazardous liquid facility and require that the facility be changed to allow the facility to be inspected with an instrumented internal inspection device if the basic construction of the facility will accommodate the device.''.

(2) PERIODIC INSPECTIONS.—Section 60102(f)(2) is amended—

(A) by striking ''(2) Not later than'' and inserting the following:

''(2) PERIODIC INSPECTIONS.—Not later than''; and

(B) by inserting '', if necessary, additional'' after ''the Secretary shall prescribe''.

(f) UPDATING STANDARDS.—Section 60102 is amended by adding at the end the following new subsection:

''(l) UPDATING STANDARDS.—The Secretary shall, to the extent appropriate and practicable, update incorporated industry standards that have been adopted as part of the Federal pipeline safety regulatory program under this chapter.''.

SEC. 5. RISK MANAGEMENT.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following new section:

''§ 60126. Risk management

''(a) RISK MANAGEMENT PROGRAM DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretary shall establish risk management demonstration projects—

''(A) to demonstrate, through the voluntary participation by owners and operators of gas pipeline facilities and hazardous liquid pipeline facilities, the applications of risk management; and

''(B) to evaluate the safety and cost-effectiveness of the applications referred to in subparagraph (A).

''(2) WAIVERS.—In carrying out a demonstration project under this subsection, the Secretary—

''(A) may waive, with respect to the owner or operator of any pipeline facility covered under the project (referred to in this subsection as a 'covered pipeline facility'), the

applicability of all or a portion of the requirements under this chapter that would otherwise apply to that owner or operator with respect to the pipeline facility; and

''(B) shall waive, for the period of the project, with respect to the owner or operator that participates in the project, the applicability of any new standard or regulatory requirement that the Secretary promulgates under this chapter during the period of that participation, if the Secretary determines that the risk management plan applicable to the demonstration project provides an overall level of safety that is equivalent to or greater than the level of safety provided by requiring the application of that standard or regulatory requirement.

''(b) REQUIREMENTS.—In carrying out a demonstration project under this section, the Secretary shall—

''(1) invite owners and operators of pipeline facilities to submit risk management plans for timely approval by the Secretary;

''(2) require, as a condition of approval, that a risk management plan submitted under this subsection contain measures that are designed to achieve an equivalent or greater overall level of safety than would otherwise be achieved through compliance with the standards and regulatory requirements contained in this chapter or promulgated by the Secretary under this chapter;

''(3) provide for—

''(A) collaborative government and industry training;

''(B) methods to measure the safety performance of risk management plans;

''(C) the development and application of new technologies;

''(D) the promotion of community awareness concerning how the overall level of safety will be enhanced by the demonstration project;

''(E) the development of a model that categorizes the risks inherent to each covered pipeline facility, taking into consideration the location, volume, pressure, and material transported or stored by that pipeline facility;

''(F) the application of risk assessment and risk management methodologies that are suitable to the inherent risks that are determined to exist through the use of the model developed under subparagraph (E);

''(G) the development of project elements that are necessary to ensure that—

''(i) the owners and operators that participate in the demonstration project demonstrate that they are effectively managing the risks referred to in subparagraph (E); and

''(ii) the risk management plans carried out under the demonstration project under this subsection can be audited;

''(H) a process whereby an owner or operator of a pipeline facility is able to amend, modify, or otherwise adjust a risk management plan referred to in paragraph (1) that has been approved by the Secretary pursuant to that paragraph to respond to—

''(i) changed circumstances; or

''(ii) a determination by the Secretary that the owner or operator is not achieving an overall level of safety that is at least equivalent to the level that would otherwise be achieved through compliance with the standards and regulatory requirements contained in this chapter or promulgated by the Secretary under this chapter; and

''(I) such other elements as the Secretary, with the agreement of the owners and operators that participate in the demonstration project under this section, determines to further the purposes of this section; and

''(4) in selecting participants for the demonstration project, take into consideration the past safety and regulatory performance of each applicant who submits a risk management plan pursuant to paragraph (1).

''(c) EMERGENCIES.—In the case of an emergency that meets the criteria described in section 60112(e), the Secretary may suspend or revoke the participation of an owner or operator in the demonstration project under this section.

''(d) PARTICIPATION BY STATE AUTHORITY.—Notwithstanding any other provision of this chapter, in carrying out the demonstration project under this section, the Secretary may provide for the participation in the demonstration project by a State that has in effect a certification that has been approved by the Secretary under section 60105.

''(e) REPORT.—Not later than March 31, 1999, the Secretary shall transmit to the Congress a report on the results of the demonstration projects carried out under this section that includes—

''(1) an evaluation of each such demonstration project, including an evaluation of the performance of each participant in that project with respect to safety and environmental protection; and

''(2) recommendations concerning whether the applications of risk management demonstrated under the demonstration project should be incorporated into the Federal pipeline safety program under this chapter on a permanent basis.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

''60126. Risk management.''.

SEC. 6. INSPECTION AND MAINTENANCE.

Section 60108 is amended—

(1) in subsection (a)(1), by striking ''transporting gas or hazardous liquid or'' each place it appears;

(2) in subsection (b)(2), by striking the second sentence;

(3) in the heading to subsection (c), by striking ''NAVIGABLE WATERS'' and inserting ''OTHER WATERS''; and

(4) by striking clause (ii) of subsection (c)(2)(A) and inserting the following:

''(ii) any other pipeline facility crossing under, over, or through waters where a substantial likelihood of commercial navigation exists, if the Secretary decides that the location of the facility in those waters could pose a hazard to navigation or public safety.''.

SEC. 7. HIGH-DENSITY POPULATION AREAS AND ENVIRONMENTALLY SENSITIVE AREAS.

(a) IDENTIFICATION.—Section 60109(a)(1)(B)(i) is amended by striking ''a navigable waterway (as the Secretary defines by regulation)'' and inserting ''waters where a substantial likelihood of commercial navigation exists''.

(b) UNUSUALLY SENSITIVE AREAS.—Section 60109(b) is amended to read as follows:

''(b) AREAS TO BE INCLUDED AS UNUSUALLY SENSITIVE.—When describing areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident, the Secretary shall consider areas where a pipeline rupture would likely cause permanent or long-term environmental damage, including—

''(1) locations near pipeline rights-of-way that are critical to drinking water, including intake locations for community water systems and critical sole source aquifer protection areas; and

''(2) locations near pipeline rights-of-way that have been identified as critical wetlands, riverine or estuarine systems, national parks, wilderness areas, wildlife preservation areas or refuges, wild and scenic rivers, or critical habitat areas for threatened and endangered species.''.

SEC. 8. EXCESS FLOW VALUES.

Section 60110 is amended—

(1) in subsection (b)—

(A) in the first sentence, by inserting '', if any,'' after ''circumstances''; and

(B) in paragraph (4), by inserting '', operating, and maintaining'' after ''cost of installing'';

(2) in subsection (c)(1)(C), by inserting '', maintenance, and replacement'' after ''installation''; and

(3) in subsection (e), by inserting after the first sentence the following: ''The Secretary may adopt industry accepted performance standards in order to comply with the requirement under the preceding sentence.''.

SEC. 9. CUSTOMER-OWNED NATURAL GAS SERVICE LINES.

Section 60113 is amended—

(1) by striking ''(a) MAINTENANCE INFORMATION.—''; and

(2) by striking subsection (b).

SEC. 10. UNDERGROUND FACILITY DAMAGE PREVENTION PROGRAMS.

(a) APPLICATION.—Section 60114(a) is amended—

(1) in the matter preceding paragraph (1), by striking ''one-call notification system'' and inserting ''underground facility damage prevention program (hereafter in this subsection referred to as a 'program')'';

(2) in paragraph (1)—

(A) by striking ''the system apply to''; and

(B) by inserting before the period the following: ''be covered by the program'';

(3) in each of paragraphs (2), (4), (5), (6), and (8), by striking ''system'' each place it appears and inserting ''program'';

(4) in paragraph (3), by striking ''appropriate one-call notification system'' and inserting ''appropriate program'';

(5) in paragraph (4), by striking ''qualifications'' and inserting ''Qualifications'';

(6) in paragraph (5), by striking ''procedures'' and inserting ''Procedures''; and

(7) in each of paragraphs (1), (2), (3), (6), (7), (8), and (9), by striking ''a'' the first place it appears and inserting ''A''.

(b) SANCTIONS.—Section 60114(a)(9), as amended by subsection (a)(7), is further amended by striking ''60120, 60122, and 60123'' and inserting ''60120 and 60122''.

(c) GRANTS.—Section 60114(b) is amended by striking ''one-call notification system'' and inserting ''underground facility damage prevention program''.

(d) APPORTIONMENT.—Section 60114(d) is amended by striking ''one-call notification system'' each place it appears and inserting ''underground facility damage prevention program''.

(e) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading to section 60114 is amended to read as follows:

''§ 60114. Underground facility damage prevention programs''.

(2) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended by striking the item relating to section 60114 and inserting the following item:

''60114. Underground facility damage prevention programs.''.

SEC. 11. TECHNICAL SAFETY STANDARDS COMMITTEES.

(a) PEER REVIEW.—Section 60115(a) is amended by adding at the end the following: ''The committees referred to in the preceding sentence shall serve as peer review committees for carrying out this chapter. Peer reviews conducted by the committees shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after the date of the enactment of the Pipeline Safety Act of 1995) as meeting any peer review requirements of such laws.''.

(b) COMPOSITION AND APPOINTMENT.—Section 60115(b) is amended—

(1) in paragraph (1), by inserting ''or risk management'' before the period at the end of the last sentence;

(2) in paragraph (2), by inserting ''or risk management'' before the period at the end of the last sentence;

(3) in paragraph (3)—

(A) in subparagraph (B), by striking ''4'' and inserting ''5''; and

(B) in subparagraph (C), by striking ''6'' and inserting ''5''; and

(4) in paragraph (4)—

(A) in subparagraph (A), by adding at the end the following: ''At least 1 of the individuals selected for each committee under paragraph (3)(A) shall have relevant scientific education, background, or experience.'';

(B) in subparagraph (B), by adding at the end the following: ''At least 1 of the individuals selected for each committee under paragraph (3)(B) shall have education, background, or experience in risk assessment and cost-benefit analysis. The Secretary shall consult with the national organizations representing the owners and operators of pipeline facilities before selecting individuals under paragraph (3)(B).''; and

(C) in subparagraph (C), by inserting after the first sentence the following: ''At least 1 of the individuals selected for each committee under paragraph (3)(C) shall have education, background, or experience in risk assessment and cost-benefit analysis.''.

(c) COMMITTEE REPORTS.—Section 60115(c) is amended—

(1) by inserting ''or regulatory requirement'' after ''standard'' each place it appears in paragraphs (1), (2), and (3);

(2) in paragraph (1)—

(A) in subparagraph (A), by inserting '', including the risk assessment document and other analyses supporting each proposed standard or regulatory requirement'' before the semicolon; and

(B) in subparagraph (B), by inserting '', including the risk assessment document and other analyses supporting each proposed standard or regulatory requirement'' before the period; and

(3) in paragraph (2)—

(A) in the first sentence—

(i) by inserting ''and supporting analyses'' before the first comma;

(ii) by inserting ''and submit to the Secretary'' after ''prepare'';

(iii) by inserting ''cost-effectiveness,'' after ''reasonableness,''; and

(iv) by inserting ''and include in the report recommended actions'' before the period at the end; and

(B) in the second sentence, by inserting ''any recommended actions and'' after ''including''.

(d) PROPOSED COMMITTEE STANDARDS AND REGULATORY REQUIREMENTS.—Section 60115(d)(1) is amended by inserting ''or regulatory requirement'' after ''standard'' each place it appears;

(e) MEETINGS.—Section 60115(e) is amended by striking ''twice'' and inserting ''4 times''.

(f) EXPENSES.—Section 60115(f) is amended—

(1) in the subsection heading by striking ''PAY AND'';

(2) by striking the first 2 sentences; and

(3) by inserting ''of a committee under this section'' after ''A member''.

SEC. 12. PUBLIC EDUCATION PROGRAMS.

Section 60116 is amended—

(1) by striking ''person transporting gas'' and inserting ''owner or operator of a gas pipeline facility'';

(2) by inserting ''the use of an underground facility damage prevention program prior to excavation,'' after ''educate the public on''; and

(3) by inserting a comma after ''gas leaks''.

SEC. 13. ADMINISTRATIVE.

Section 60117 is amended by adding at the end the following new subsection:

''(k) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, or any other entity to further the objectives of this chapter. The objectives of this chapter include the development, improvement, and promotion of one-call damage prevention programs, research, risk assessment, and mapping.''.

SEC. 14. COMPLIANCE AND WAIVERS.

Section 60118 is amended by adding at the end the following new subsection:

''(e) COMPLIANCE WITH RISK MANAGEMENT PLANS.—The owners and operators of pipeline facilities that participate in the demonstration project under section 60126 shall, during the applicable period of participation in the program, be considered to be in compliance with any prescribed safety standard or regulatory requirement that is covered by a plan that is approved by the Secretary under section 60126.''.

SEC. 15. DAMAGE REPORTING.

Section 60123(d)(2) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) a pipeline facility and does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or''.

SEC. 16. BIANNUAL REPORTS.

(a) BIANNUAL REPORTS.—

(1) SECTION HEADING.—The section heading of section 60124 is amended to read as follows:

''§ 60124. Biannual reports''.

(2) REPORTS.—Section 60124(a) is amended by striking the first sentence and inserting the following:

''(a) SUBMISSION AND COMMENTS.—Not later than August 15, 1997, and every 2 years thereafter, the Secretary of Transportation shall submit to Congress a report on carrying out this chapter for the 2 immediately preceding calendar years for gas and a report on carrying out this chapter for such period for hazardous liquid.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by striking the item relating to section 60124 and inserting the following:

''60124. Biannual reports.''.

SEC. 17. POPULATION ENCROACHMENT.

(a) IN GENERAL.—Chapter 601, as amended by section 5, is further amended by adding at the end the following new section:

''§ 60127. Population encroachment

''(a) LAND USE RECOMMENDATIONS.—The Secretary of Transportation shall make available to an appropriate official of each State, as determined by the Secretary, the land use recommendations of the special report numbered 219 of the Transportation Research Board, entitled 'Pipelines and Public Safety'.

''(b) EVALUATION.—The Secretary shall—

''(1) evaluate the recommendations in the report referred to in subsection (a);

''(2) determine to what extent the recommendations are being implemented;

''(3) consider ways to improve the implementation of the recommendations; and

''(4) consider other initiatives to further improve awareness of local planning and zoning entities regarding issues involved with population encroachment in proximity to the rights-of-way of any interstate gas pipeline facility or interstate hazardous liquid pipeline facility.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60126 the following:

''60127. Population encroachment.''.

SEC. 18. USER FEES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report analyzing the assessment of pipeline safety user fees solely on the basis of mileage to determine whether—

(1) that measure of the resources of the Department of Transportation is the most appropriate measure of the resources used by the Department of Transportation in the regulation of pipeline transportation; or

(2) another basis of assessment would be a more appropriate measure of those resources.

SEC. 19. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

(a) AMENDMENT.—Chapter 601, as amended by section 17, is further amended by adding at the end the following new section:

''§ 60128. Dumping within pipeline rights-of-way

''(a) PROHIBITION.—No person shall excavate for the purpose of unauthorized disposal within the right-of-way of an interstate gas pipeline facility or interstate hazardous liquid pipeline facility, or any other limited area in the vicinity of any such interstate pipeline facility established by the Secretary of Transportation, and dispose solid waste therein.

''(b) DEFINITION.—For purposes of this section, the term 'solid waste' has the meaning given that term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).''.

(b) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE.—Sections 60122 and 60123 are each amended by striking ''or 60118(a)'' and inserting '', 60118(a), or 60128''.

(2) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended by adding at the end the following new item:

''60128. Dumping within pipeline rights-of-way.''.

SEC. 20. PREVENTION OF DAMAGE TO PIPELINE FACILITIES.

Section 60117(a) is amended by inserting after ''and training activities'' the following: ''and promotional activities relating to prevention of damage to pipeline facilities''.

SEC. 21. TECHNICAL CORRECTIONS.

(a) SECTION 60105.—The heading to section 60105 is amended by inserting ''**pipeline safety program**'' after ''**State**''.

(b) SECTION 60106.—The heading to section 60106 is amended by inserting ''**pipeline safety**'' after ''**State**''.

(c) SECTION 60107.—The heading to section 60107 is amended by inserting ''**pipeline safety**'' after ''**State**''.

(d) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended—

(1) in the item relating to section 60105, by inserting ''pipeline safety program'' after ''State'';

(2) in the item relating to section 60106, by inserting ''pipeline safety'' after ''State''; and

(3) in the item relating to section 60107, by inserting ''pipeline safety'' after ''State''.

SEC. 22. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125 is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter (except for sections 60107 and 60114(b)) related to gas and hazardous

liquid, there are authorized to be appropriated to the Department of Transportation—

''(1) $9,936,000 for fiscal year 1996;
''(2) $10,512,000 for fiscal year 1997;
''(3) $11,088,000 for fiscal year 1998; and
''(4) $11,664,000 for fiscal year 1999.''; and

(2) by striking subsection (b).

(b) STATE GRANTS.—Section 60125(c)(1) is amended by adding at the end the following:

''(D) $10,764,000 for fiscal year 1996.
''(E) $11,388,000 for fiscal year 1997.
''(F) $12,012,000 for fiscal year 1998.
''(G) $12,636,000 for fiscal year 1999.''.

By Mr. HATCH:

S.J. Res. 45. A joint resolution proposing an amendment to the Constitution of the United States in order to ensure that private persons and groups are not denied benefits or otherwise discriminated against by the United States or any of the several States on account of religious expression, belief, or identity; to the Committee on the Judiciary.

RELIGIOUS EQUALITY CONSTITUTIONAL AMENDMENT

Mr. HATCH. Mr. President, religious liberty is the first freedom mentioned in the Bill of Rights. Today, I am introducing a religious equality constitutional amendment to restore that freedom to its intended and proper place in American society. This amendment is intended to rescue the first amendment's requirement that Congress ''shall make no law * * * prohibiting the free exercise [of religion] * * *'' from a misguided Supreme Court jurisprudence and the hostility that jurisprudence has spawned among local, State, and Federal Governments toward the participation of religious institutions in the public square. This is the same amendment introduced by Congressman HENRY HYDE, chairman of the House Judiciary Committee. In my view, our Nation benefits greatly from the participation of religious institutions in the public square. Religious values and influences are important components in addressing the social problems facing our country. These problems include the breakdown of the family, loss of respect for the values of human life, honesty, and hard work, the growing problem of juvenile crime, and the worsening drug problem.

We can provide public support to private religious institutions in carrying out vital social welfare functions whenever public support is provided to private secular institutions without establishing a religion or group of religions.

The amendment embodies two key principles. First, if public benefits are dispensed to private secular entities, Government cannot deny such benefits to private religious entities. Second, in dispensing such benefits among private religious entities, the Government may not discriminate among them based on religious beliefs.

Mr. President, I introduce this amendment after careful personal consideration and considerable public debate. I revere the Constitution and do not take lightly the proposal of new amendments to it. But after long study and discussion, and a series of hearings in the Judiciary Committee which I chair, I believe that a constitutional amendment is necessary to protect the rights of believing Americans. These rights are now often denied as a result of a confused and often erroneous constitutional jurisprudence in the courts and discrimination against religious groups and individuals by administrative agencies.

In our Judiciary Committee hearings this past autumn, we heard stories of individuals who were denied access to government benefits simply because of their religious beliefs. Surely no one who has not been schooled in the intricate confusions of first amendment jurisprudence would think that the cases we heard were fairly resolved.

We heard from the station manager of the Fordham University public radio station, which was denied construction funds available to all other public radio stations by the Clinton administration's Commerce Department because it broadcasts the Catholic mass 1 hour a week.

Arguments that the religious broadcast was a very small part of a very diverse programming schedule or that it was a practice going back more than 50 years were unavailing. Even the fact that the station was responding to community needs, as public stations are supposed to, by providing this religious programming to the elderly and disabled shut-ins did not move the bureaucrats at the Commerce Department. Given that the station needed the funds to comply with government facility requirements, but were told that the station would receive no money as long as the offending program was broadcast, the Clinton administration was virtually saying, ''stop broadcasting Catholic mass or stop broadcasting at all.''

This is appalling enough as an administrative abuse, but is has been abetted by a lower Federal court, and now awaits an appeals court decision. I should note that the statutory remedy provided by the landmark Religious Freedom Restoration Act, which I was proud to cosponsor and which President Clinton was proud to sign, was held unavailing in this case.

Two Supreme Court cases that were much discussed at our hearings by constitutional experts point up the human costs of discrimination by the government in dispensing public benefits. In Aguilar versus Felton, the Supreme Court held that remedial English and math could not be provided to economically deprived children on the premises of their school, if the school is religious. Similarly, in the case of Witters versus Dept. of Services for the Blind, Larry Witters, and otherwise eligible applicant for Government assistance to blind students, was ultimately denied that assistance because his chosen course of study was religious. The Supreme Court held that the first amendment did not require that he be denied funding, but it was not prepared to hold that the First Amendment prohibited antireligious discrimination. On remand, the State supreme court of Washington found that the State constitution required the denial of benefits and the U.S. Supreme Court denied further review of the case. Mr. President, does it make sense that people with disabilities who are otherwise entitled to Government assistance are denied that help because they also choose to exercise their rights of conscience?

Even when a religious person wins a case, it often takes so long that the help is no longer needed, or the case is decided on such narrow grounds or with such narrow vote margins that future parties have no comfort in ordering their conduct based on Supreme Court precedent. In the case of Zobrest versus Catalina Foothills School District, a deaf student's right to a deaf interpreter at school was not vindicated until well after he had graduated. And in the important case of Rosenberger versus University of Virginia, decided earlier this year, a Christian student group's right to funding of publishing activities on par with other student groups, including Jewish and Muslim groups, was upheld on a 5-to-4 vote, with Justice O'Connor, one of the five-vote majority, explicitly stating that the case was decided on its particular facts and that no broad principle upon which anyone can rely was announced in that case.

Mr. President, more must be done to safeguard the right of conscience of religious Americans. Many of us have tried to help with statutory safeguards like the Religious Freedom Restoration Act. But statutory solutions are not wholly adequate to correcting the erroneous interpretations of first amendment law by the courts. Only a constitutional amendment can do that. And that is why I am proposing one today.

The proposed amendment does not seek to bring back school-sponsored or state-sponsored prayer; it does not seek to create a nationally established theology. It merely seeks to require that the government act neutrally among beneficiaries of generally available resources. At a time when social values are eroding and family structures are collapsing why should we actively discriminate against religious entities and drive them out of the public square? At a time when all types of groups and viewpoints can receive Federal funds, why do we shut out or seriously hamper religious groups? At a time when we wish to make our Federal dollars go farther, why should we not take advantage of religious charities, day care, educational, or other social services? We should not be cutting ourselves off from their help simply because they have a partly religious mission. Nor should we be turning away otherwise qualified Americans from Government assistance simply because they seek to enjoy their rights as religious believers.

On a more personal note, Mr. President, I come from a religious tradition which has known the heavy hand of government. People of my faith know what it is like to be a minority religion subject to persecution by other religions and by the State and Federal Governments. In the middle of the last century, the Mormons were driven from State to State, and ultimately out of the then-United States altogether, and even then they were still molested by the Federal Government. I am concerned that government not drive religion out of the public square and from our public dialog on issues confronting our people. And I am concerned that the Government not single out persons of faith for worse treatment than their fellow Americans when it comes to enjoying the benefits of public resources.

Rather than upset the fine balance between religious beliefs and other philosophies in our pluralistic society, the proposed amendment seeks to restore it. No group should be disenfranchised by government fiat—and we should be especially careful that no group be disenfranchised for exercise of religious faith. Their rights were to be protected by the First particular among our Bill of Rights. It is sad that we must revisit so basic an issue in this way at this late hour because of recent aberrations in our Government's understanding of those rights.

Mr. President, I realize that this is an important issue and that amending the Constitution is a serious step. I am confident that this amendment will generate useful discussion and debate about the issue, and I think that will be good for the country. I commend this amendment to my colleagues, scholars, and fair-minded people throughout our country, and hope it will find their support.

ADDITIONAL COSPONSORS

S. 90

At the request of Mr. ROBB, his name was added as a cosponsor of S. 90, a bill to amend the Job Training Partnership Act to improve the employment and training assistance programs for dislocated workers, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1166

At the request of Mr. LUGAR, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safeguard infants and children, and for other purposes.

S. 1317

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 1317, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1995, and for other purposes.

At the request of Mr. D'AMATO, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1317, supra.

S. 1419

At the request of Mrs. KASSEBAUM, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1419, a bill to impose sanctions against Nigeria.

S. 1484

At the request of Mr. NICKLES, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 1484, a bill to enforce the public debt limit and to protect the social security trust funds and other Federal trust funds and accounts invested in public debt obligations.

S. 1494

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1494, a bill to provide an extension for fiscal year 1996 for certain programs administered by the Secretary of Housing and Urban Development and the Secretary of Agriculture, and for other purposes.

SENATE RESOLUTION 202—CONCERNING THE BAN ON THE USE OF UNITED STATES PASSPORTS FOR TRAVEL TO LEBANON

Mr. ABRAHAM (for himself, Mr. SIMON, Mr. GRAHAM, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 202

Whereas on January 26, 1987, the Department of State issued a prohibition on the use of United States passports for travel to Lebanon, creating a ban on travel to Lebanon by United States citizens;

Whereas the ban on travel to Lebanon was instituted during a time of civil war, anarchy, and general lawlessness in Lebanon, when the safety and well-being of United States citizens were at serious risk, American hostages were being taken, and hundreds of lives were being lost due to acts of terrorism;

Whereas the civil war in Lebanon ended in 1990 and the last United States hostage held in Lebanon was freed on December 4, 1991;

Whereas there has been no incident of violence against any United States citizen in Lebanon since December 4, 1991;

Whereas security in Lebanon has improved demonstrably since the end of the civil war due to, among other efforts, the exchange of security delegations between the United States and Lebanon to monitor ongoing progress on security;

Whereas the United States and Lebanon have made special joint efforts to agree upon and sign international conventions against terrorism which would address crimes committed against United States citizens in Lebanon during the civil war;

Whereas the United States maintains an economic and military assistance program in Lebanon;

Whereas it is estimated that more than 45,000 United States citizens, including Members of Congress, traveled safely to Lebanon in the past 4 years, either in defiance of the ban or under current United States regulations which permit the use of passports by dual Lebanese-United States nationals and in urgent humanitarian cases;

Whereas Americans of Lebanese descent who have families residing in Lebanon and who are not willing to defy the travel ban have been seriously harmed by this ban and are prevented from being reunited with their loved ones in Lebanon;

Whereas the United States has eased certain restrictions on the travel ban to permit airline tickets to be issued directly from the United States to Beirut for travel by non-United States nationals United States citizens who have obtained the appropriate waiver from the Department of State;

Whereas it is in the United States' national interest to assist actively the Government of Lebanon to attain the principles of democracy in the region;

Whereas the Lebanese government has initiated a 10-year, $18,000,000,000 reconstruction effort, and in 1993–1995 awarded more than 500 contracts worth more than $2,700,000,000 to business firms for development, reconstruction, and consulting projects;

Whereas the ban on the use of United States passports for travel to Lebanon creates a major impediment to United States firms that wish to bid for contracts in Lebanon;

Whereas it is in the United States national interest for United States businesses to participate in the reconstruction of Lebanon, since United States participation will bring economic benefit to the United States;

Whereas it is in the national interest of the United States for there to be an independent, politically and economically self-reliant Lebanon as a stabilizing state in the region;

Whereas in determining whether to restrict the use of United States passports in any country, the Secretary of State should apply consistent criteria; and

Whereas travel advisories, rather than travel bans, are in effect for countries such as Bosnia, Rwanda, Haiti, Colombia, and Peru, in which United States citizens have historically experienced as serious risk to their safety as they do in traveling to Lebanon: Now, therefore, be it *Resolved,* That it is the sense of the Senate that—

(1) in deciding whether to renew the ban on the use of United States passports for travel to Lebanon, the Secretary of State should—

(A) expand the present humanitarian waiver provisions to permit American citizens of Lebanese descent to travel to Lebanon for family reunification purposes;

(B) create a new waiver category to permit exceptions for United States business personnel who wish to travel to Lebanon for business purposes; and

(C) change the Lebanon travel ban to a travel advisory because American citizens have been safely traveling there since 1991, and it appears as if the risk posed to the safety of American citizens is no greater in Lebanon that it is in other countries that currently maintain travel advisories; and

(2) the Secretary of State should identify those conditions within Lebanon that are of risk to United States citizens and provide