

amendments, but the committee has requested that Senators withhold to ensure speedy consideration and passage of this vital bill this year. I certainly want to cooperate in that effort and given assurances from the committee that the initiatives I was going to offer will be considered next year, I have decided to withhold.

The first amendment I had intended to offer would have privatized the collection of delinquent criminal debt. Mr. President, outstanding Federal criminal debt totals over \$4 billion. A portion of that amount may be uncollectible because in many cases court assessments exceed the ability of the offenders to pay, but, I know of no one who disagrees that hundreds of millions of dollars in outstanding debt are quite collectible.

It's a simple reality that U.S. attorneys who are responsible for investigating and prosecuting Federal crimes assign a lower priority to the collection of delinquent debt. Privatizing such debt will ensure that more assessments and restitution orders are enforced, collected and deposited into the Crime Victim Fund or provided to the victim.

The second amendment I planned to offer was to declare offenders who willfully avoid their financial obligations, ineligible for Federal grants, contracts, licenses, or other nonmandatory Government assistance. Willful delinquency should be dealt with firmly. We should not provide Federal benefits to those who purposely evade their responsibilities.

Third, I had intended to offer an amendment to the Employee Retirement Income Security Act [ERISA] which would allow pension income to be garnished to pay outstanding restitution or criminal debt orders. Under current law, retirement benefits can only be attached to pay delinquent child support. The collection of victim compensation and criminal debt should be priorities as well.

The final amendment I had intended to offer would have increased the amount that the Federal Government is legally able to contribute to State victim compensation programs from the Crime Victim Fund. Currently, Federal payments are restricted to 40 percent of the amount that the State provides to its victim compensation fund. The pending bill will increase the Crime Victim Fund by doubling the special assessment against felons. We should increase the 40-percent ceiling so that the direct compensation programs can benefit from these increased resources.

Senator HATCH has informed me that the committee intends to take up a criminal debt enforcement bill next year, and that these four proposals will receive consideration at that time. I would like to ask the Senator if that is the committee's plan.

Mr. HATCH. The Senator from Arizona is correct. The committee intends to take up an enforcement bill next

year. The initiatives you have outlined deserve serious consideration and I look forward to working with you on them.

Mr. MCCAIN. I thank the distinguished chairman of the Judiciary Committee and I look forward to working with him on enforcement legislation. Again, I congratulate Senator HATCH and the Judiciary Committee for their efforts to develop and pass the pending measure.

Mr. WARNER. Mr. President, I ask unanimous consent that all the debate time previously ordered be yielded back, the bill then be deemed read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statements on the bill appear at the appropriate place in the RECORD.

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

The substitute amendment was agreed to.

The bill (H.R. 665) was deemed read the third time and passed.

The title was amended so as to read: "An Act entitled the Victims Justice Act of 1995."

REQUIRING CONVEYANCE OF CERTAIN PROPERTY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce be immediately discharged from further consideration of H.R. 1358 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1358) to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory, located on Emerson Avenue in Gloucester, Massachusetts.

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

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

AMENDMENT NO. 3113

(Purpose: To provide for certain additional transfers of property, and for other purposes)

Mr. WARNER. Mr. President, I send a substitute amendment to the desk on behalf of Senators PRESSLER, KERRY, and STEVENS.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. PRESSLER, for himself, Mr. KERRY, and Mr. STEVENS, proposes an amendment numbered 3113.

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

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

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. CONVEYANCES.

(a) NATIONAL MARINE FISHERIES SERVICE LABORATORY AT GLOUCESTER, MASSACHUSETTS.—

(1) IN GENERAL.—The Secretary of Commerce shall convey to the Commonwealth of Massachusetts, all right, title, and interest of the United States in and to the property comprising the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.

(2) TERMS.—A conveyance of property under paragraph (1) shall be made—

(A) without payment of consideration; and
(B) subject to the terms and conditions specified under paragraphs (3) and (4).

(3) CONDITIONS FOR TRANSFER.—

(A) IN GENERAL.—As a condition of any conveyance of property under this subsection, the Commonwealth of Massachusetts shall assume full responsibility for maintenance of the property for as long as the Commonwealth retains the right and title to that property.

(B) CONTINUED USE OF PROPERTY BY NMFS.—The Secretary may enter into a memorandum of understanding with the Commonwealth of Massachusetts under which the National Marine Fisheries Service is authorized to occupy existing laboratory space on the property conveyed under this subsection, if—

(i) the term of the memorandum of understanding is for a period of not longer than 5 years beginning on the date of enactment of this Act; and

(ii) the square footage of the space to be occupied by the National Marine Fisheries Service does not conflict with the needs of, and is agreeable to, the Commonwealth of Massachusetts.

(4) REVERSIONARY INTEREST.—All right, title, and interest in and to all property conveyed under this subsection shall revert to the United States on the date on which the Commonwealth of Massachusetts uses any of the property for any purpose other than the Commonwealth of Massachusetts Division of Marine Fisheries resource management program.

(5) RESTRICTION.—Amounts provided by the South Essex Sewage District may not be used by the Commonwealth of Massachusetts to transfer existing activities to, or conduct activities at, property conveyed under this section.

(b) PIER IN CHARLESTON, SOUTH CAROLINA.—Section 22(a) of the Marine Mammal Protection Act Amendments of 1994 (Pub. Law 103-238; 108 Stat. 561) is amended—

(1) by inserting "(1)" before "Not"; and
(2) by adding at the end thereof the following:

"(2) Not later than December 31, 1996, the Secretary of the Navy may convey, without payment or other consideration, to the Secretary of Commerce, all right, title, and interest to the property comprising that portion of the Naval Base, Charleston, South Carolina, bounded by Hobson Avenue, the Cooper River, the landward extension of the property line located 70 feet northwest of and parallel to the centerline of Pier Q, and the northwest property line of the parking area associated with Pier R. The property shall include Pier Q, all towers and outbuildings on that property, and walkways and parking areas associated with those buildings and Pier Q."

SEC. 2. FISHERIES RESEARCH FACILITIES.

(a) FORT JOHNSON.—The Secretary of Commerce, through the Under Secretary of Commerce for Oceans and Atmosphere, is authorized to construct on land to be leased from the State of South Carolina, a facility at Fort Johnson, South Carolina, provided that the annual cost of leasing the required lands does not exceed one dollar.

(b) **AUKE CAPE.**—The Secretary of Commerce, through the Under Secretary of Commerce for Oceans and Atmosphere, is authorized to construct a facility on Auke Cape near Juneau, Alaska, to provide consolidated office and laboratory space for National Oceanic and Atmospheric Administration personnel in Juneau, provided that the property for such facility is transferred to the National Oceanic and Atmospheric Administration from the United States Coast Guard or the City of Juneau.

(c) **COMPLETION DATE FOR FUNDED WORK.**—The Secretary of Commerce shall complete the architectural and engineering work for the facilities described in subsections (a) and (b) by not later than May 1, 1996, using funds that have been previously appropriated for that work.

(d) **AVAILABILITY OF APPROPRIATIONS.**—The authorizations contained in subsections (a) and (b) are subject to the availability of appropriations provided for the purpose stated in this section.

SEC. 3. PRIBILOF ISLANDS.

(a) **IN GENERAL.**—The Secretary of Commerce shall, subject to the availability of appropriations provided for the purposes of this section, clean up landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, and contaminants, including petroleum products and their derivatives, left by the National Oceanic and Atmospheric Administration on lands which it and its predecessor agencies abandoned, quitclaimed, or otherwise transferred or are obligated to transfer, to local entities or residents on the Pribilof Islands, Alaska, pursuant to the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), as amended, or other applicable law.

(b) **OBLIGATIONS OF SECRETARY.**—In carrying out cleanup activities under subsection (a), the Secretary of Commerce shall—

(1) to the maximum extent practicable, execute agreements with the State of Alaska, and affected local governments, entities, and residents eligible to receive conveyance of lands under the Fur Seal Act of 1966 (16 U.S.C. 1161 et seq.) or other applicable law;

(2) manage such activities with the minimum possible overhead, delay, and duplication of State and local planning and design work;

(3) receive approval from the State of Alaska for agreements described in paragraph (1) where such activities are required by State law;

(4) receive approval from affected local entities or residents before conducting such activities on their property; and

(5) not seek or require financial contributions by or from local entities or landowners.

(c) **RESOLUTION OF FEDERAL RESPONSIBILITIES.**—(1) Within 9 months after the date of enactment of this section, and after consultation with the Secretary of the Interior, the State of Alaska, and local entities and residents of the Pribilof Islands, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Resources of the House of Representatives, a report proposing necessary actions by the Secretary of Commerce and Congress to resolve all claims with respect to, and permit the final implementation, fulfillment and completion of—

(A) title II of the Fur Seal Act Amendments of 1983 (16 U.S.C. 1161 et seq.);

(B) the land conveyance entitlements of local entities and residents of the Pribilof Islands under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(C) the provisions of this section; and

(D) any other matters which the Secretary deems appropriate.

(2) The report required under paragraph (1) shall include the estimated costs of all actions, and shall contain the statements of the Secretary of Commerce, the Secretary of the Interior, any statement submitted by the State of Alaska, and any statements of claims or recommendations submitted by local entities and residents of the Pribilof Islands.

(d) **USE OF LOCAL ENTITIES.**—Notwithstanding any other law to the contrary, the Secretary of Commerce shall, to the maximum extent practicable, carry out activities under subsection (a) and fulfill other obligations under federal and state law relating to the Pribilof Islands, through grants or other agreements with local entities and residents of the Pribilof Islands, unless specialized skills are needed for an activity, and the Secretary specifies in writing that such skills are not available through local entities and residents of the Pribilof Islands.

(e) **DEFINITION.**—For the purposes of this section, the term "clean up" means the planning and execution of remediation actions for lands described in subsection (a) and the redevelopment of landfills to meet statutory requirements.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated not to exceed \$10,000,000 in each of fiscal years 1996, 1997, and 1998 for the purposes of carrying out this section.

Mr. PRESSLER. Mr. President, today I am pleased that we are considering H.R. 1358, legislation to authorize the conveyance of the National Marine Fisheries Service laboratory located in Gloucester, MA, to the Commonwealth of Massachusetts. This provision embodied in S. 1142, the National Oceanic and Atmospheric Administration (NOAA) Authorization Act of 1995, was reported by the Commerce Committee on August 10, 1995.

The amendment that I have offered, cosponsored by Senator STEVENS and Senator KERRY, adds several other noncontroversial sections of the reported NOAA bill to H.R. 1358. They include: the conveyance to NOAA of a pier located on the Charleston Navy Base in South Carolina; an authorization concerning the cleanup of NOAA property located on the Pribilof Islands of Alaska; and an authorization to construct and consolidate fisheries research facilities at Fort Johnson, South Carolina, and in Juneau, Alaska.

Mr. President, the provisions in this bill address a number of noncontroversial issues that have been reviewed and adopted by the Commerce Committee with bipartisan support. I have brought them to the floor in this fashion simply to expedite their passage.

I urge my colleagues to join me in the adoption of the amended bill.

Mr. KERRY. Mr. President, I speak today in support of the passage of H.R. 1358, legislation which conveys the Gloucester laboratory of the National Marine Fisheries Service [NMFS] to the Commonwealth of Massachusetts. Under H.R. 1358, the Gloucester lab, which was built in the 1960s and is now federal surplus, will receive a new mission, direction and purpose. Under budget-mandated federal consolidations, the NMFS activities formally carried out at the Gloucester lab have

been transferred to newer facilities in other locations.

Loss of the NMFS programs will be mitigated by a plan to make productive use of the now unused laboratory site as home to a state marine fisheries laboratory and a new consortium of marine science programs from Massachusetts's colleges, universities, and high schools. Under the plan, the facility will be used primarily for education and research in the marine sciences. It will enable undertaking various marine science projects and initiatives, and continue ongoing efforts to address the problems that face the traditional fishing industry of Massachusetts and all New England. With its fishing heritage and close ties to the rhythms of the sea, the city of Gloucester is a natural location for such a facility.

The schools participating in the project include Salem State College, the University of Massachusetts, Essex Agriculture College, Boston University's City Lab program and Gloucester High School. Projects planned for the facility include shellfish safety research and testing, the development of aquaculture techniques, and introduction of high school students to sophisticated science such as DNA sequencing.

I would like to thank the chairman of the subcommittee, Senator STEVENS, the chairman of the Commerce Committee, Senator PRESSLER, and the Committee's ranking Democrat, Senator HOLLINGS, for preparing this bipartisan bill and bringing it to the floor.

I also would like to acknowledge the work by staff on both sides, including Penny Dalton and Lila Helms on the Commerce Committee minority staff and on the majority side, Tom Melius and Trevor McCabe. I would like to acknowledge the work of Kate English of my staff and Steve Metruck, a congressional fellow in my office.

This bill represents a win-win solution for Massachusetts and the taxpayers—it gives renewed life to a site the Federal Government no longer needs, and it makes available to State and local organizations laboratory facilities that are needed for research into important health, economic, and marine science issues. Consequently, I hope that we can complete action and send this legislation to the President for his signature as soon as possible.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

So the amendment (No. 3113) was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the measure be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 1358), as amended, was deemed read the third time and passed.

PAROLE COMMISSION PHASEOUT ACT OF 1995

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1507, introduced earlier today by Senator HATCH.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1507) 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.

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

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

Mr. HATCH. Mr. President, I rise today to introduce the Parole Commission Phaseout Act of 1995. I am pleased to be joined in this effort by the ranking member of the Judiciary Committee, Senator BIDEN, as well as by Senator THURMOND and Senator KENNEDY. This legislation, which is supported by both the administration and the Federal judiciary, provides for a reduction in size of the Parole Commission. At the same time, it will ensure that the Commission's duties, which are required by the due process and ex post facto clauses of the Constitution, will continue to be carried out.

Under the Sentencing Reform Act of 1984, Congress eliminated parole for persons convicted of offenses committed after November 1, 1987. Pursuant to amendments to the Sentencing Reform Act, the Parole Commission is currently scheduled go out of existence on November 1, 1997.

At that time, however, the Federal Government will retain custody over a significant number prisoners sentenced for crimes committed before 1987, and thus entitled to parole hearings. The Parole Commission estimates that as of November, 1997, there will be approximately 6,000 such so-called old law convicts remaining in prison. In addition, it is anticipated that another 6,000 such convicts will have been released on parole, subject to reincarceration for parole violations.

Presently, no other agency of the Federal Government can adequately assume the duties of the Parole Commission with regard to these old law prisoners. Yet, these prisoners are constitutionally entitled to parole consideration. Without the Parole Commission, these prisoners could claim that their sentences were being unconstitutionally lengthened by the application of a law enacted after their offense, and apply for immediate release. Thus, were the Commission allowed to terminate as scheduled, public safety could be endangered by the immediate

release of dangerous criminals who have not served their sentences.

The parole Commission is also commendably seeking to reduce its size to better accommodate its smaller workload. As the number of "old law" prisoners continues to shrink, the need for the Commission, as presently constituted, will disappear, and remaining functions will be able to be transferred to another agency of the government.

This legislation accomplishes the prudent phaseout of the Commission by extending its mandate for an additional 5 years, until November 1, 2002. Simultaneously, the bill reduces the size of the Commission. The Commission's size would be reduced by one member immediately upon enactment, and by another member in October 1996. Thus, the size of the Commission would be reduced by one-third by October 1996, with significant savings to the American taxpayers.

I urge my colleagues to support this commonsense proposal, and look forward to the swift passage of this bill.

Mr. WARNER. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (S. 1507) was deemed read the third time and passed, as follows:

S. 1507

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 "Parole Commission Phaseout Act of 1995".

SEC. 2. EXTENSION OF PAROLE COMMISSION.

(a) IN GENERAL.—For purposes of section 235(b)(1) of the Sentencing Reform Act of 1984 (98 Stat. 2032) as it related to chapter 311 of title 18, United States Code, and the Parole Commission, each reference in such section to "ten years" or "ten-year period" shall be deemed to be a reference to "fifteen years" or "fifteen-year period", respectively.

(b) POWERS AND DUTIES OF PAROLE COMMISSION.—Notwithstanding section 4203 of title 18, United States Code, the United States Parole Commission may perform its functions with any quorum of Commissioners, or Commissioner, as the Commission may prescribe by regulation.

SEC. 3. REPEAL.

Section 235(b)(2) of the Sentencing Reform Act of 1984 (98 Stat. 2032) is repealed.

AUTHORIZING TESTIMONY AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 203, S. Res. 204 and S. Res. 205 submitted earlier today by Senators DOLE and DASCHLE; further, that the resolutions be considered, en bloc; that the resolutions be agreed to, en bloc; that the preambles be agreed to; that the motions to reconsider be laid upon the table; and that state-

ments relating to the measures appear at the appropriate place in the RECORD.

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

So the resolutions (S. Res. 203, S. Res. 204, and S. Res. 205) were agreed to, en bloc.

The preambles were agreed to, en bloc.

The resolutions, with their preambles, are as follows:

S. RES. 203

Whereas, in the case of *Sheila Cherry v. Richard Cherry*, Case No. FM-18145-91, pending in the New Jersey Superior Court, a subpoena *duces tecum* for testimony at a deposition and for the production of documents has been issued to William Ayala, an employee of Senator Frank Lautenberg;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2) (1994), the Senate may direct its counsel to represent committees, Members, officers, and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

Resolved, That William Ayala is authorized to testify in the case of *Cherry v. Cherry*, except concerning matters for which a privilege or an objection should be asserted.

SEC. 2. That the Senate Legal Counsel is directed to represent William Ayala and Senator Lautenberg's office in connection with the subpoena issued in this case.

Mr. DOLE. Mr. President, in the case of *Cherry* versus *Cherry*, a divorce proceeding pending in New Jersey Superior Court, the plaintiff has caused a subpoena to be served on an employee of Senator LAUTENBERG, seeking documents and testimony concerning the employee's performance of constituent services by contacting the IRS on behalf of the plaintiff. The plaintiff's attorney has not been able to demonstrate to Senator LAUTENBERG's office or to the Senate legal counsel how the office's casework assistance is relevant to the issues in controversy in the divorce suit. Accordingly, this resolution would authorize the Senate legal counsel to represent Senator LAUTENBERG's employee in this matter, and to seek to quash the subpoena in order to protect Senator LAUTENBERG's office from the burdens of complying with a discovery request of no relevance to the underlying dispute. This resolution also would authorize the employee to testify and produce documents in the event that the court determines that the employee does have any evidence somehow relevant to the divorce proceeding.

S. RES. 204

Whereas, in the case of *Charles Okoren, et al. v. Fyfe Symington, et al.*, No. CV-95-2527-