

history. The District made a number of major mistakes and bears a major portion of the responsibility for the current debacle, however, the Federal Government also played an important part in creating this emergency because of its refusal to give the District the kind of home rule powers enjoyed by all 50 states.

Unlike every State from Alaska to Wyoming, the District does not have the right to full self-governance. Our country was founded on the principal of no taxation without representation, but the Federal Government denies the District this right. The notion that 600,000 American citizens are denied their fair voice in Congress offends the core principles of representative democracy on which this republic was founded.

Residents of the District, unlike residents across the bridge in Arlington, Virginia, or residents of any other city in America, are not able to make basic decisions regarding their available resources. As the District is unable to control its resources, it faces this fiscal crisis, which Congress must step in to solve. The immediate solution to the problem the District faces lies in the bill before us today.

I reluctantly support the legislation before us today, only because it is a step towards bringing the District out of this financial emergency. Congress can not allow the District of Columbia to go bankrupt while we go on vacation. We have an obligation to assist the residents of the District of Columbia get its fiscal house in order. Unlike other cities, the District has no State to protect its interests, so Congress must act as a State would and help solve the fiscal problems that it has helped create.

There is no question that the District has mismanaged its finances, however, truth be told the District does not have the tools to deal with its problems. The District can not do what States do. The District can not truly receive revenue from its entire tax base because at least 1/3 of the land mass in the District of Columbia is non-taxable because it is owned by the Federal Government. Furthermore, the District of Columbia is unable to tax the wages of those who earn their living in the District but who reside elsewhere. Without the power to fully tax, the District fell into the fiscal crisis it faces today.

Because Congress is partially responsible for the District's fiscal problems, it should act quickly to avoid the District's further economic decline. That is why Congress should support H.R. 1345, which, quite literally, saves the city. It allows the District, which is now insolvent, to borrow and avoid payless paydays and the shut down of city services. It allows the city to stretch out its huge deficit in order to protect its citizens.

Other cities have gotten into trouble and the legislation before us today is not unlike what we have previously encountered. The major difference is that

the District is not a State. States have the ability to step in and help avoid fiscal problems within its cities. Since the District has not been granted Statehood, Congress must step in at this point to establish this control board.

This bill establishing the D.C. control board has particular elements of the Philadelphia and the New York City boards. These great American cities worked constructively and fruitfully with similar authorities without any evidence that their monitors had somehow made them less self-governing. The boards in those cities did not have to use their strong powers because the elected city officials did what was necessary themselves to revive their own cities and I expect no less in the District.

As important as it is to save the city, however, I will not support a D.C. control board that undermines the autonomy of the District. That is why I am glad that the type of control board being proposed in this legislation has been used by a number of other major cities in the United States, such as New York, Philadelphia and Cleveland, which no one has suggested did not remain fully self-governing.

To address the city's projected \$722 million shortfall, H.R. 1345 establishes the District of Columbia Financial Responsibility and Management Assistance Authority. The Authority's five members will be appointed by the President, in consultation with Congress. The members will be responsible for managing the District's finances until the District balances four budgets in a row.

The bill authorizes the District's Chief Financial Officer to prepare the financial plan and budget for the District and implement programs and policies for budgetary control. The bill also establishes an Inspector General for the District, who will make an independent assessment of budget assumptions and report those findings to the board.

This bill allows the Mayor to retain his budgetary and operational authority and the Council to retain its law-making powers. However, the Board is responsible for monitoring these activities to ensure that the city is not acting inconsistent with fiscal prudence.

I would hope that we can act today to pass this legislation in an effort to ensure that the District's fiscal crisis will be on its way to recovery when Congress reconvenes. But the truth be told, the real long term solution is not control boards and less home rule; the real long term solution is the expansion of the District's autonomy, increasing home rule. The citizens of the District of Columbia deserve to have full democratic privileges like all other United States citizens enjoy.

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

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

The amendment (No. 593) was agreed to.

Mr. THOMPSON. 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 bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 1345), as amended, was deemed read the third time and passed.

#### AUTHORIZING TESTIMONY BY FORMER SENATE EMPLOYEE AND SENATE REPRESENTATION

Mr. THOMPSON. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 106) to authorize testimony by former Senate employee and representation by Senate legal counsel.

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

Mr. DOLE. Mr. President, the Pittston Coal Group has brought a civil lawsuit against the United Mine Workers of America alleging that the union breached an agreement by supporting provisions enacted in the Coal Act of 1992. The coal company has subpoenaed a former employee on Senator ROCKEFELLER's staff to testify at a deposition as part of its effort to develop its case about enactment of the Coal Act. The plaintiff wishes to ask the employee about two documents appearing to be from Senator ROCKEFELLER's office relating to enactment of the Coal Act. Senator ROCKEFELLER is concerned that questioning of a former Senate employee about her Senate employment will abridge legislative privilege.

This resolution would authorize the former employee to testify only about matters that do not trigger privilege concerns and would authorize the Senate Legal Counsel to represent Senator ROCKEFELLER, the former employee, and any other Member or employee of the Senate from whom testimony or documents may be sought, in order to protect the Senate's privileges.

The PRESIDING OFFICER. The question is on a agreeing to the resolution.

The resolution (S. Res. 106) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas, in the case of *Pittston Coal Group, Inc. v. I.U., UMWA*, Case No. 93-0162-A, pending in the United States District Court for the Western District of Virginia, a subpoena for testimony at a deposition has been issued to Marisa Spatafore, a former employee of the Senate on the staff of Senator Rockefeller;

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) (1988), 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 Marisa Spatafore is authorized to testify in the case of *Pittston Coal Group, Inc. v. I.U., UMWA*, except concerning matters for which a privilege should be asserted.

Sec. 2. That the Senate Legal Counsel is directed to represent Senator Rockefeller, Marisa Spatafore, and any other Member or employee of the Senate from whom testimony or documents may be sought in connection with this case.

#### PAKISTAN AND THE VISIT OF PRIME MINISTER BHUTTO

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Resolution 102, expressing the sense of the Senate concerning Pakistan and the visit of Prime Minister Bhutto; further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 102) to express the sense of the Senate concerning Pakistan and the impending visit of Prime Minister Bhutto.

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

#### AMENDMENT NO. 594

Mr. THOMPSON. Mr. President, I send an amendment to the desk on behalf of Senator PRESSLER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. PRESSLER, proposes an amendment numbered 594.

On line 4 of page 2, after "the", add the following: "people of the".

Mr. THOMPSON. 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. 594) was agreed to.

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

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

So the resolution (S. Res. 102), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas Pakistan and the United States have been allies since 1947, and throughout the difficult days of the Cold War;

Whereas Pakistan was a front-line state against Soviet totalitarian expansionism and worked with the United States to successfully end the Soviet occupation of Afghanistan;

Whereas Pakistan has been in the forefront of United Nations peacekeeping operations, recently being the largest contributor of forces to United Nations peacekeeping operations;

Whereas Pakistan has cooperated with the United States in the apprehension and swift extradition of Ramzi Ahmed Yousef, the alleged mastermind of the terrorist attack on the World Trade Center in New York City;

Whereas Pakistan's economy is being increasingly liberalized and opened to outside investors and businesses;

Whereas there are increasing opportunities for economic cooperation between Pakistan and the United States as a result of private sector agreements for investment in Pakistan's energy sector and other pending agreements; and

Whereas Prime Minister Benazir Bhutto, who has worked to strengthen Pakistan's close relationship with the United States, was reelected to office in October, 1993, and is scheduled to visit the United States on an official visit in April: Now, therefore, be it

*Resolved*, That the United States Senate—  
(1) welcomes the visit of Prime Minister Benazir Bhutto to the United States as a sign of the warm, enduring friendship between the people of the United States and Pakistan; and

(2) pledges to work with the Government of Pakistan to strengthen the United States-Pakistan relationship in the years ahead.

#### SEXUAL CRIMES AGAINST CHILDREN PREVENTION ACT OF 1995

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate now turn to consideration of H.R. 1240, just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1240) to combat crime by enhancing the penalties for certain sexual crimes against children.

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

#### AMENDMENT NO. 595

Mr. THOMPSON. Mr. President, I send an amendment to the desk on behalf of Senators GRASSLEY and HATCH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. GRASSLEY, for himself, Mr. HATCH, Mr. ROTH, and Mr. THURMOND, proposes an amendment numbered 595.

The amendment is as follows:

On page 1, strike all after the enacting clause, and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Sex Crimes Against Children Prevention Act of 1995".

#### SEC. 2. INCREASED PENALTIES FOR CERTAIN CONDUCT INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to—

(1) increase the base offense level for an offense under section 2251 of title 18, United States Code, by at least 2 levels; and

(2) increase the base offense level for an offense under section 2252 of title 18, United States Code, by at least 2 levels.

#### SEC. 3. INCREASED PENALTIES FOR USE OF COMPUTERS IN SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level by at least 2 levels for an offense committed under section 2251(c)(1)(A) or 2252(a) of title 18, United States Code, if a computer was used to transmit the notice or advertisement to the intended recipient or to transport or ship the visual depiction.

#### SEC. 4. INCREASED PENALTIES FOR TRANSPORTATION OF CHILDREN WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level for an offense under section 2423(a) of title 18, United States Code, by at least 3 levels.

#### SEC. 5. TECHNICAL CORRECTION.

Section 2423(b) of title 18, United States Code, is amended by striking "2245" and inserting "2246".

#### SEC. 6. REPORT BY THE UNITED STATES SENTENCING COMMISSION.

Not later than 180 days after the date of the enactment of this Act, the United States Sentencing Commission shall submit a report to Congress concerning offenses involving child pornography and other sex offenses against children. The Commission shall include in the report—

(1) an analysis of the sentences imposed for offenses under sections 2251, 2252, and 2423 of title 18, United States Code, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(2) an analysis of the sentences imposed for offenses under sections 2241, 2242, 2243, and 2244 of title 18, United States Code, in cases in which the victim was under the age of 18 years, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(3) an analysis of the type of substantial assistance that courts have recognized as warranting a downward departure from the sentencing guidelines relating to offenses under section 2251 or 2252 of title 18, United States Code;

(4) a survey of the recidivism rate for offenders convicted of committing sex crimes against children, an analysis of the impact on recidivism of sexual abuse treatment provided during or after incarceration or both, and an analysis of whether increased penalties would reduce recidivism for those crimes; and

(5) such other recommendations with respect to the offenses described in this section as the Commission deems appropriate.

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

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

So the amendment (No. 595) was agreed to.