fact, the other day I cited him, when I was on a national program of State legislators and they asked, in terms of a model of a State to deregulate, what might it be. And I suggested the work of BOB KERREY of Nebraska when he was Governor. I observed his work in deregulating telecommunications in that State, and I certainly look forward to his insights.

We have worked on a bipartisan basis on this bill. In fact, all the Democrats on the Commerce Committee voted for the bill. Senator HOLLINGS did a good job. I visited with and delivered a copy of the original draft bill to each of the Democrats on the Commerce Committee.

Two Republicans on the committee voted against the bill. Eight Republicans on the committee voted for it. This is a bipartisan bill. All the Democrats on the committee voted for it. I think that is a very important point.

THE PUBLIC UTILITY HOLDING COMPANY ACT PROVISIONS

Mr. D'AMATO. Mr. President, today I rise to speak about certain provisions in S. 652, the Telecommunications Competition and Deregulation Act of 1995.

This bill contains provisions that would significantly alter the Public Utility Holding Company Act of 1935 (PUHCA). The PUHCA was originally enacted 60 years ago to simplify the utility holding company structure and ensure that consumers were protected from unfair rate increases. At that time, there were many industry abuses involving the pyramidal corporate structures of holding companies which greatly increased the speculative nature of securities issuances, led to market manipulation, and inflated the capital structure. The abuses in the industry made it nearly impossible for the States to adequately protect utility ratepayers.

The PUHCA limited the types of businesses that holding companies could acquire to utility related services. As reported out of the Commerce Committee, Sections 102 and 206 of the ''Telecommunications Competition and Deregulation Act'' would permit diversification of registered holding companies into the telecommunications business—without SEC approval or any other conditions. Allowing holding companies to diversify away from their traditional core utility operations is a departure from the basis principles underlying the 1935 Act.

Mr. President, my primary concern with these sections of the ''Telecommunications Competition and Deregulation Act'' is that losses resulting from the subsidiaries telecommunications activities could be passed on to public utility customers in the form of higher utility rates.

I would like to commend Senator PRESSLER and Senator LOTT for including my provision—which addresses these concerns—in the manager's amendment. My provision puts in place the proper consumer safeguards to protect electric utility ratepayers and stockholders from bearing the costs of diversification by registered holding companies into telecommunications activities.

It requires the Federal Communications Commission, the Federal Energy Regulatory Commission, and the State regulators to monitor the activities and practices of both the subsidiaries and the parent holding companies that engage in telecommunications activities in order to ensure that utility consumers pay only what they get.

For example, my provision would ensure that telecommunications-related activities are conducted in a separate subsidiary of the holding company. It would also provide the States with the appropriate regulatory, investigatory, and enforcement authority to protect utility consumers. To this effect, it would require the States to approve any rate increases by those utility companies that have a telecommunications subsidiary. As a result, the States can examine the proposed rate increase to make sure it is justified and that utility customers are not subsidizing the holding company's telecommunications-related costs.

The Banking Committee has consulted the SEC as well as industry and consumer representatives in crafting this provision to make sure appropriate safeguards will allow the holding companies to diversify without negative consequences to utility customers. We have struck a reasonable balance. As a conferee on the Telecommunications Competition and Deregulation Act of 1995, I will be in a position to make certain that this balance is preserved.

At the same time, I would add that the Banking Committee intends to examine the continuing need for the PUHCA once the Securities and Exchange Commission releases its report and recommendations on repeal or reform of the Act.

I would like to thank Senator PRESSLER, Senator LOTT, Senator BUMPERS, Senator SARBANES, and their staffs for their cooperation on this issue.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Finance.

(The nominations received today are printed at the end of the Senate proceedings.)

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–146. A petition from a citizen of the State of Indiana relative to taxes; to the Committee on the Judiciary.

POM–147. A resolution adopted by the Board of Representatives, Otsego County, New York relative to local government resources; to the Committee on the Judiciary.

POM–148. A resolution adopted by the Council of the City of Alexandria, Virginia relative to the flag; to the Committee on the Judiciary.

POM–149. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary.

''SENATE CONCURRENT RESOLUTION 1018

''Whereas, the people of the State of Arizona believe that state legislatures should be provided with a method of offering amendments to the Constitution of the United States: Therefore be it

''*Resolved by the Senate of the State of Arizona, the House of Representatives concurring:*

''1. That the Congress of the United States propose to the people of the United States an amendment to the Constitution of the United States to amend the Constitution of the United States as follows:

''ARTICLE V—AMENDMENT OF THE CONSTITUTION

''The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no States, without its Consent, shall be deprived of its equal Suffrage in the Senate.

''Whenever three-fourths of the legislatures of the States deem it necessary, they shall propose amendments to this Constitution. These proposed amendments are valid for all intents and purposes two years after these amendments are submitted to Congress unless both Houses of Congress by a two-thirds vote disapprove the proposed amendments within two years after their submission.

''2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the Senate and the Speaker of the House of Representatives of each state's legislature of the United States of America, and the Arizona Congressional Delegation.''

POM–150. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary.

''SENATE CONCURRENT RESOLUTION 1006

''Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

''1. The following Declaration of Sovereignty is adopted:

''*Section I:*

''A. We, the legislature of the State of Arizona, hereby reaffirm the sovereignty of the states and of the people.

''B. More than two centuries ago, the sovereign states, representing the sovereign people did, of their own volition, ratify the Constitution of the United States. In so doing, the states, in concerted action, established the federal government to perform certain limited and enumerated functions. Under the Tenth Amendment of the Constitution of the United States, the powers not delegated to the federal government were ''reserved to the states respectively, or to the people.''

''*Section II:*

''A. Throughout the history of the United States, and especially in recent decades, the federal government has, without right, blatantly disregarded state sovereignty by arrogating unto itself powers that were to have been reserved to the states and to the people.

''(1.) It has conscripted states and their subordinate levels of government to implement its programs through federal mandates, funded and unfunded;

''(2.) It has requisitioned officers of states and their subordinate levels of government to perform duties on its behalf, bypassing state constitutional and legislative processes;

''(3.) It has, as a result of expanding power, imprudently increased spending, increased taxation and increased regulation, which have, in consequence, reduced economic growth by unnecessarily discouraging investment and job creation;

''(4.) It has, through deficit spending and other actions, created massive federal obligations that threaten the living standards of the people, the solvency of the states and the future of generations yet unborn;

''(5.) It has, by centralizing power in Washington, D.C., created a ''democratic deficit,'' a condition under which the federal government has assumed control over functions of government that should have been reserved to state and local governments, making effective control of government more difficult for the people;

''(6.) It has, through unwarranted judicial intervention, interposed itself between the states and the people on matters not of federal jurisdiction;

''(7.) It has, through imprudent judicial review, systematically expanded the power of Congress and the Executive by usurping powers that were not intended under the Constitution of the United States;

''(8.) It has evaded the restraints of the nation's fundamental law, the Constitution of the United States, and has in so doing engaged in the imposition of arbitrary laws, administrative actions and judicial decisions.

''B. Through these actions, the federal government has usurped the sovereignty of the states. And, through these actions, the federal government has usurped the sovereignty of the people.

''*Section III:*

''A. We declare that the federal government cannot, on its own, legitimately diminish the sovereignty of the states and of the people as intended under the Constitution of the United States.

''B. The fundamental law of the nation may only be altered in the manners prescribed by that fundamental law. We are convinced that the policy failures that have accompanied expanded central authority provide, in themselves, powerful testimony to the importance of limiting the federal government to those powers enumerated in the Constitution of the United States. To correct these failures and to secure a more favorable future for the nation, it is necessary that the powers expropriated by the federal government be returned to the states and to the people.

''*Section IV:*

''We therefore declare the following principles as necessary to the restoration of the sovereignty of the states and of the people, as required under the 10th Amendment of the Constitution of the United States:

''(1.) The federal government should be restored to the role assigned to it under the Constitution of the United States. The powers usurped from the states and from the people by the federal government should be returned in an expeditious and orderly manner. Mechanisms exist for interstate cooperation where necessary, such as interstate compacts and voluntary uniform standards.

''(2.) Constitutional clauses that have been the source of illegitimate federal expansion should be restored to their original meaning. Federal expansion has often been based upon unreasonably permissive interpretations of enumerated powers under the Constitution of the United States, especially the ''commerce'' clause.

''(3.) The federal government should not impose mandates, unfunded or funded, on the states or on their subordinate governments. The Constitution of the United States delineates federal responsibilities and reserves all other responsibilities to the states or to the people. Federal mandates on state or local governments are unnecessary and inappropriate.

''(4.) The federal government should be the exclusive financier of its programs. By partially funding federal programs, such as through matching grants, the federal government distorts the priorities of state and local governments, and establishes a democratic deficit that virtually disenfranchises state and local voters. The federal government has a legal obligation to fully fund its programs, and should neither require nor entice state or local governments to participate in the funding of federal programs.

''(5.) All federal government relationships with local governments should be through the states. All governments in the United States are the creation of the states, which are the creation of the people. One government, the federal government, was created in concert by the states. All other governments are the creation of, and subordinate to the states respectively. Direct federal government-local government relationships are inappropriate, except to the extent specifically authorized by the constitution or laws of a particular state.

''(6.) The federal government should not assign federal responsibilities to officers of state or local governments. Various federal laws designate state or local government officers to perform federal functions. The federal government should enlist state offices or departments to assist it in the performance of its duties only when specifically authorized by the constitution or laws of a particular state.

''(7.) The federal government's treaty making power should be limited to powers that are clearly within the federal scope of responsibility. The states have delegated treaty making powers only with respect to those areas of authority that have been delegated to the federal government.

''(8.) Congress should not act to displace state and local police power—and the courts should not permit such displacement—except where the Constitution authorizes. Congress has preempted entire areas of regulation that have traditionally been matters of state and local police power. In addition, the federal courts have improperly condoned these congressional assaults on local governance, under the doctrine of implied preemption, the so-called ''dormant'' commerce clause and other constitutional provisions.

''*Section V:*

''In support of these principles, we commit ourselves to the pursuit of such remedies as may be necessary to restore the sovereignty of the states and of the people, by:

''(1.) Legal actions to challenge the illegitimate exercise of federal power;

''(2.) Repeals of laws by which federal power has been illegitimately expanded;

''(3.) Such other actions as may be appropriate.

''2. That the Secretary of State of the State of Arizona transmit a certified copy of this Resolution to:

''(a) The President of the United States.

''(b) The President of the United States Senate.

''(c) The Speaker of the United States House of Representatives.

''(d) Each Member of the Congress of the United States.

''(e) The presiding officer of each legislative house of each other state in the United States.''

POM–151. A concurrent resolution adopted by the House of the Legislature of the State of Hawaii; to the Committee on the Judiciary.

''HOUSE CONCURRENT RESOLUTION

''Whereas, the Omnibus Budget Reconciliation Act of 1993 signed into law by President Clinton on August 10, 1993, included the largest tax increase in history: $115 billion in new taxes and a forty-seven percent increase in income tax rates; and

''Whereas, the income, estate, and gift tax components of the tax increase were retroactive, taking effect on January 1, 1993; and

''Whereas, Treasury Secretary Bentsen has declared that more than one and one-quarter million small businesses will be subject to retroactive taxation despite the administration's claim that the tax increase ''only affected the rich''; and

''Whereas, the retroactivity of the Omnibus Budget Reconciliation Act of 1993 is unprecedented in that it became effective during a previous administration—before President Clinton or the 103rd Congress even took office; and

''Whereas, the passage of the bill resulted in loud public outcry against retroactive taxation; and

''Whereas, retroactive taxation places an unfair and intolerable burden on the American taxpayer; and

''Whereas, retroactive taxation is wrong, it is bad policy, and it is a reprehensible action on the part of the government: Now, Therefore, be it

''*Resolved by the House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, the Senate concurring,* That the Legislature of the State of Hawaii memorialize the Congress of the United States to propose and submit to the several states an amendment to the Constitution of the United States that would provide that no federal tax shall be imposed for the period before the date of the enactment of the retroactive tax; and be it further

''*Resolved,* That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, Hawaii's Congressional delegation, the Speaker of the House of Representatives, and the Senate President.''

POM–152. A resolution adopted by the Senate of the Legislature of the State of Hawaii; to the Committee on the Judiciary.

''SENATE RESOLUTION

''Whereas, the flag of the United States is the ultimate symbol of our country and it is the unique fiber that holds together a diverse and different people into a nation we call America and the United States; and

''Whereas, as of May 1994, 46 states, representing more than ninety percent of our

national population, have adopted similar acts urging Congress to protect the American flag from physical desecration; and

''Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as an appropriate means of maintaining public safety and decency, as well as orderliness and a productive value of public debate; and

''Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of other citizens; and

''Whereas, there are symbols of our national heritage such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

''Whereas, the American Flag is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to overcoming its weaknesses; and

''Whereas, the American flag remains a symbol for the destination of millions of immigrants attracted to the the American ideal; and

''Whereas, the law as interpreted by the United States Supreme Court no longer accords the reverence, respect, and dignity befitting the banner of the United States, that most noble experiment of a nation-state: Now, Therefore, be it

''RESOLVED by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, that this body respectfully urges the President of the United States and the United States Congress to join in a concerted effort in amending the United States Constitution to prohibit the physical desecration of the United States Flag; and be it further

''Resolved That certified copies of this Resolution be transmitted to the President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, and each member of the Hawaii congressional delegation.

POM–153. A joint resolution adopted by the Legislature of the State of Illinois; to the Committee on the Judiciary.

''HOUSE JOINT RESOLUTION NO. 8

''Whereas, the United States Congress will be considering a resolution to propose an amendment to the United States Constitution providing for a balanced budget: and

''Whereas, federal budget deficits are fiscally irresponsible and will place an onerous burden on future generations of Americans and erode our Nation's standard of living; and

''Whereas, the federal government, unfettered by a requirement to balance its budget, often spends the taxpayers' dollars indiscriminately; and

''Whereas, the federal government borrows extremely large amounts because of budget deficits: this borrowing diverts money that would otherwise be available for private investment and consumption and will inevitably result in higher long-term interest rates; and

''Whereas, the costs of not acting are high and will get exponentially higher the longer hesitation continues; mandatory spending and interest expense will continue to squeeze out all discretionary spending; therefore, even if the amendment is not adopted, states will face many pressures to assume the federal role in domestic programs; the balanced budget amendment will create a foundation for long-term stability, rather than allowing the deficit slowly to erode federal discretionary programs and undermine the American economy; and

''Whereas, a balanced budget amendment to the United States Constitution will impose the discipline and responsibility that Congress must exercise in order to assure the vitality of our economy and our Nation; and

''Whereas, the amendment will give Congress and the President time to eliminate the deficit, avoiding the sudden shock that opponents fear could throw the economy into recession; and

''Whereas, it is in the best interests of the People of the State of Illinois that a balanced budget to the Constitution of the United States be adopted: Therefore, be it

Resolved by the House of Representatives of the eighty-ninth General Assembly of the State of Illinois, the Senate concurring herein. That we urge the United States Congress to immediately adopt a resolution proposing a balanced budget amendment to the Constitution of the United States of America; and be it further

''Resolved, That a copy of this resolution be delivered to the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Illinois congressional delegation.''

POM–154. A resolution adopted by the Senate of the Legislature of the State of Iowa; to the Committee on the Judiciary.

''SENATE RESOLUTION NO. 8

''Whereas, the 50 states, including the State of Iowa, have long been required by their state constitutions to balance their state operating budgets; and

''Whereas, the states have balanced their state operating budgets by making difficult choices each budget session to ensure that their expenditures do not exceed their revenues;

''Whereas, without a balanced federal budget, the federal deficit may continue to grow and continue to have serious negative impact on interest rates, available credit for consumers, and taxpayer obligations; and

''Whereas, the Congress of the United States, in the last two years, has begun to reduce the annual federal deficit by making substantial reductions in federal spending; and

''Whereas, achieving a balanced federal budget by the year 2002 will require continued reductions in the annual deficit, averaging almost 15 percent per year over the next seven years; and

''Whereas, it now appears that Congress, by passing a balanced budget amendment to the United States Constitution, is willing to impose on itself the same budgetary discipline exhibited by the states; and

''Whereas, Congress, in working to balance the federal budget, may impose on the states unfunded mandates that shift to the states responsibility for carrying out programs that Congress can no longer afford; and

''Whereas, the states will better be able to revise their state budgets if Congress gives them fair warning of the revisions Congress will be making in the federal budget; and

''Whereas, if the federal budget is to be brought into balance by the year 2002, major reductions in the annual federal deficit must continue unabated; and

''Whereas, these major reductions will be more acceptable to the states and to the people of the United States if they are shown to be part of a realistic long-term plan to balance the federal budget: Now Therefore, be it

''Resolved by the Senate, That it urges the Congress of the United States to continue its progress in reducing the annual federal deficit and, when Congress proposes to the states a balanced budget amendment, to accompany it with financial information on its impact on the budget of the State of Iowa for state budget planning purposes.

''Be it further resolved, That the Secretary of the Senate send copies of this Resolution to the Clerk of the United States House of Representatives and the Secretary of the United States Senate, to all members of Iowa's congressional delegation, and to the presiding officers of both houses of the legislature of each of the other states.''

POM–155. A resolution adopted by the House of the Legislature of the State of Massachusetts; to the Committee on the Judiciary.

''RESOLUTION

''Whereas, the travel agent industry employs a substantial number of full and part-time travel agents in the commonwealth who derive almost one-third of their earnings from the traditional ten percent commission on airline ticket sales; and

''Whereas, virtually every major airline has proposed the imposition of a cap on these sales commissions, such that airlines will pay no more than twenty-five dollars on one-way domestic tickets and fifty dollars for round-trip tickets instead of the current commission of ten percent of the cost of the ticket; and

''Whereas, the imposition of such a cap would devastate the travel agent industry, resulting in the loss of thousands of jobs held primarily by women and single parents, and adding to the unemployment in the commonwealth; and

''Whereas, the job loss would have a negative impact on the State budget, resulting in a decrease in formerly collected income taxes and an increase in state unemployment compensation expenditures; and

''Whereas, the proposed cap would also harm the travelling public which would become a captive customer of the airline industry, and would no longer be able to rely on knowledgeable travel agents to guide it through the maze of travel-related information and provide the most cost-effective travel recommendations; and

''Whereas, it has not yet been determined whether the airline industry's lockstep approach to cost savings through the imposition of the commission cap constitutes a violation of antitrust law: Therefore be it

''Resolved, That the Massachusetts House of Representatives respectfully urges the Attorney General of the United States to conduct an investigation to determine if the airlines' imposition of a cap on the sales commissions of travel agents constitutes a violation of federal antitrust law; and respectfully requests the Congress of the United States to enact legislation prohibiting the imposition of commission caps until the Attorney General has completed her investigation; and be it further

''Resolved, That copies of these resolutions be forwarded by the clerk of the House of Representatives to the Attorney General of the United States, the Majority Leader of the United States Senate, the Speaker of the House of Representatives, and every member of Congress elected from the commonwealth.

POM–156. A concurrent resolution adopted by the legislature of the state of Michigan; to the Committee on the Judiciary.

''HOUSE CONCURRENT RESOLUTION NO. 13

''Whereas, the effectiveness of the item veto is readily apparent if one examines the success of such a power at the state level. States are often referred to as laboratories where innovative programs may be tested before use at the federal level, yet we fail to act on the obvious advantages of the line item veto demonstrated in the states. Forty-

two states and five major overseas possessions of the United States grant their executive branch some form of line item veto power. Some require simple majorities of the legislature to override, others require a three-fifths majority, while still others, including Michigan, require a two-thirds majority; and

''Whereas, clearly, such a power has not prevented state legislatures from exercising their authority to enact legislation and to appropriate money. Instead, it has proven to be an indispensable tool to bring spending into line with available resources. Congress should, in a demonstration of its unswerving determination to reform our budget process, take action to grant the President of the United States line item veto authority; now, therefore, be it

''*Resolved by the House of Representatives, the Senate concurring,* That we hereby memorialize the United States Congress to take action to grant the President line item veto authority; and be it further

''*Resolved,* That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation as a symbol of our support for such action.''

POM–157. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on the Judiciary.

''JOINT RESOLUTION

''Whereas, under Article III, section 1, of the United States Constitution, the Congress of the United States has plenary power to ordain and establish the federal courts below the Supreme Court level; and

''Whereas, in 1988, the 100th Congress created the Federal Courts Study Committee as an ad hoc committee within the Judicial Conference of the United States to examine the problems facing the federal courts and to develop a long-term plan for the Judiciary; and

''Whereas, the Study Committee found that the federal appellate courts are faced with a crisis of volume that will continue into the future and that the structure of these courts will require some fundamental changes; and

''Whereas, the Study Committee did not endorse any one solution but served only to draw attention to the serious problems of the courts of appeals; and

''Whereas, the Study Committee recommended that fundamental structural alternatives deserve the careful attention of Congress and of the courts, bar associations, and scholars over the next 5 years; and

''Whereas, the problems of the circuit court system and the alternative for revising the system represent a policy choice that requires Congress to weigh costs and benefits and to seek the solution that best serves the judicial needs of the nation; and

''Whereas, there are 13 judicial circuits of the United States courts of appeals; and

''Whereas, Montana is in the Ninth Circuit, which consists of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Guam, and the Northern Mariana Islands; and

''Whereas, in 1980, it was estimated that the Ninth Circuit: covers nine states and two territories, totaling approximately 14 million square miles; serves a population of almost 44 million people, 15 million more than the next largest circuit court and about 20 million more than all other courts of appeals; has 28 judges, 12 more than the next largest circuit court and 16 more than the average circuit court; and has a caseload of more than 6,000 appeals, 2,000 larger than the next largest court of appeals and nearly one-sixth of the total appeals in all the 12 regional courts of appeals; and

''Whereas, projections are that at the current rate of growth, the Ninth Circuit's 1980 docket of cases will double before the year 2000; and

''Whereas, statistics reveal that, because of the number of judges in the Ninth Circuit, there are numerous opportunities for conflicting holdings—one legal scholar has estimated that on a 28-judge court there are over 3,000 combinations of panels that may decide an issue, without counting senior judges, district judges, and judges sitting by designation; and

''Whereas, legal scholars have suggested that because the United States Supreme Court reviews less than 1% of appellate decisions, the concept of regional stare decisis, or adherence to decided cases, results, in effect, in each court of appeals becoming a junior supreme court with final decision power over all issues of federal law in each circuit (unless and until reviewed by the Supreme Court); and

''Whereas, the Ninth Circuit has been described as an experiment in judicial administration and a laboratory in which to test whether the values of a large circuit can be preserved; and

''Whereas, some legal scholars have opposed its division on the grounds that to divide the Ninth Circuit would be to loose the benefit of an experiment in judicial administration that has not yet run its course; and

''Whereas, the problems of the Ninth Circuit are immediate and growing and maintaining the court in its present state is a disservice to the citizens of Montana and other Ninth Circuit states and territories; and

''Whereas, it is generally understood that an essential element of a federal appellate system must include guaranteeing regionalized and decentralized review when regional concerns are strongest; and

''Whereas, because of the problems of the Ninth Circuit related to its dimensions of geography, population, judgeships, docket, and costs, it is desirable for the Northwest states to be placed in a separate circuit, consisting mainly of contiguous states with common interests; and

''Whereas, the existing circuit boundary lines have been called arbitrary products of history; and

''Whereas, Congress has at least twice divided circuits: in 1929, to spearate the new Tenth Circuit from the Eighth Circuit, and in 1981, to separate the new Eleventh Circuit from the Fifth Circuit; and

''Whereas, Congress, in 1989, considered and is expected, in 1995, to again consider a bill to divide the Ninth Judicial Circuit of the United States Court of Appeals into two circuits—a new Ninth Circuit, composed of Arizona, California, and Nevada, and a new Twelfth Circuit, composed of Alaska, Hawaii, Idaho, Montana, Oregon, Washington, Guam, and the Northern Mariana Islands; and

''Whereas, it is the proper function of Congress to determine circuit boundaries and it is desirable that Montana be included in a regional circuit that will allow relief for its citizens from the problems occasioned by its inclusion in the present Ninth Circuit: Now, therefore, be it

''*Resolved by the Senate and the House of Representatives of the State of Montana:* That the Legislature of the State of Montana urge Congress to turn its thoughtful attention to the passage of legislation that will split the existing Ninth Judicial Circuit of the United States Court of Appeals into two circuits and that will include Montana in a circuit composed in large part of other Northwest states with similar regional interests, Be it further

''*Resolved,* That the President of the United States be urged to place a Montana judge on the federal circuit court for Montana, Be it further

Resolved, That Congress grant this relief and pass this legislation immediately, regardless of considerations of long-term changes to the appellate system in general, Be it further

''*Resolved,* That the Secretary of State send copies of this resolution to the Secretary of the United States Senate, the Clerk of the United States House of Representatives, the President of the United States, and the members of Montana's Congressional Delegation.''

POM–158. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on the Judiciary.

''JOINT RESOLUTION

''Whereas, at yearend 1993, 34 states and the federal prison system held 2,716 prisoners under sentence of death; and

''Whereas, in capital cases it has been estimated that the average length of time from commission of the crime to execution of the sentence was 8 years, 2 months; and

''Whereas, justice delayed is justice denied; and

''Whereas, the delay and small number of executions associated with capital cases indicates that the present system of collateral review operates to frustrate the capital punishment laws of the states; and

''Whereas, capital litigation is often chaotic, with periodic inactivity and last-minute frenzied activity and rescheduling of execution dates; and

''Whereas, this chaotic nature of capital litigation diminishes public confidence in the criminal justice system; and

''Whereas, reform of the appellate review process in capital cases would reduce the cost of death penalty cases by reducing the number and length of appeals proceedings; and

''Whereas, reforms to the appellate review process, such as allowing federal habeas corpus petitions to be filed for only a 6-month period following final decision by a state court and restricting the filing of second or successive federal habeas corpus petitions, would provide an orderly postconviction process with the opportunity for fair and effective review: Now, therefore, be it

''*Resolved by the Senate and the House of Representatives of the State of Montana:*

''(1) That the Senate and the House of Representatives of the United States be encouraged to enact meaningful reforms to limit successive appeals in death penalty cases.

''(2) That such reforms include allowing federal habeas corpus petitions to be filed for only a 6-month period following the date on which the conviction becomes final and imposing restrictions on the filing of second or successive federal habeas corpus petitions.

''(3) That a copy of this resolution be sent to the presiding officers of the United States and House of Representatives and to the members of the Montana Congressional Delegation.''

POM–159. A joint resolution adopted by the Assembly of the State of Nevada; to the Committee on the Judiciary.

''ASSEMBLY JOINT RESOLUTION NO. 15

''Whereas, the use, possession and distribution of unlawfully obtained controlled substances continues to be a problem of paramount concern in the United States; and

''Whereas, because studies estimate that 10 times more Americans use alcohol and five times more Americans use tobacco than persons who use illicit drugs, and because the permissive and subsequently increased use of controlled substances to countries such as Italy and the Neitherlands indicates that the

use of controlled substances increases when laws regulating their use are nonexistent or are only passively enforced, it could be concluded that the legalization of the use, possession and distribution of unlawfully obtained controlled substances would lead to a proportionate increase in their use in the United States; and

''Whereas, many violent crimes, including domestic violence, are committed while the offenders are under the influence of an illegally obtained controlled substance; and

''Whereas, the legalization of the use, possession and distribution of unlawfully obtained controlled substances may consequently increase the number of violent crimes committed in the United States; and

''Whereas, the illegal use of controlled substances may create a direct impact upon the cost of health care associated with drug abuse, thereby dramatically increasing the cost of that care; and

''Whereas, the increased usage that would result from the legalization of the use, possession and distribution of unlawfully obtained controlled substances and its possible resulting increase in the cost of health care would also directly impact and adversely affect economic productivity in the United States; Now therefore, be it

''Resolved by the assembly and Senate of the State of Nevada, jointly, That the Nevada Legislature hereby urges the Congress and the President of the United States to oppose the legalization of the use, possession and distribution of unlawfully obtained controlled substances in the United States; and be it further

''Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

''Resolved That this resolution becomes effective upon passage and approval.''

POM–160. A joint resolution adopted by the Assembly of the State of Nevada; to the Committee on the Judiciary.

''ASSEMBLY JOINT RESOLUTION NO. 1

''Whereas, the text of the Tahoe Regional Planning Compact is set forth in full in NRS 277.200; and

''Whereas, the compact was amended by the State of California and the amendments were adopted by the Nevada Legislature in 1987; and

''Whereas, the amendments become effective upon their approval by the Congress of the United States; and

''Whereas, the amendments would authorize certain members of the California and Nevada delegations which constitute the governing body of the Tahoe Regional Planning Agency to appoint alternates to attend meetings and vote in the absence of the appointed members, alter the selection process of the Nevada delegation and further expand the powers of the Tahoe Transportation District; and

''Whereas, the compact was enacted to achieve regional goals in conserving the natural resources of the entire Lake Tahoe Basin and the amendments are consistent with this objective: Now, therefore, be it

''Resolved by the Assembly and the Senate of the State of Nevada, jointly, That the Legislature of the State of Nevada hereby urges the Congress of the United States to expedite ratification of the amendments to the Tahoe Regional Planning Compact made by the State of California and adopted by the Nevada Legislature in 1987; and be it further

''Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

''Resolved, That this resolution becomes effective upon passage and approval.''

POM–161. A resolution adopted by the Legislature of the State of Tennessee; to the Committee on the Judiciary.

''RESOLUTION

''Whereas, one of the most trustworthy indicators of the health, strength and progress of a nation is the esteem in which the family is held; and

''Whereas, family strength, unity and respect cannot be purchased or fabricated, but comes to us instead when families are together and realize that through interaction they know love, trust and hope; and

''Whereas, life is special when we realize the worth of the family and its importance in all relationships; and

''Whereas, the family is the center of our affections and the foundation of our American society; and

''Whereas, no institution can take the family's place in giving meaning to human life and stability in our society; and

''Whereas, it is fitting that official recognition be given to the importance of strengthening family life: Now, therefore, be it

''Resolved by the Senate of the ninety-ninth General Assembly of the State of Tennessee, the House of Representatives concurring, That this General Assembly hereby memorializes the U.S. Congress to enact legislation establishing the last Sunday of August of each year as a day of national observance to be known as ''Family Day'' in order to focus attention and to confer honor upon the importance of the American family as the cornerstone of our society, be it further

''Resolved, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the Honorable Bill Clinton, President of the United States, the Honorable Al Gore, Vice President of the United States, and to each member of the Tennessee delegation to the U.S. Congress.''

POM–162. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on the Judiciary.

''SENATE JOINT RESOLUTION NO. 97

''Whereas, one of the most trustworthy indicators of the health, strength and progress of a nation is the esteem in which the family is held; and

''Whereas, family strength, unity and respect cannot be purchased or fabricated, but comes to us instead when families are together and realize that through interaction they know love, trust and hope; and

''Whereas, life is special when we realize the worth of the family and its importance in all relationships; and

''Whereas, the family is the center of our affections and the foundation of our American society; and

''Whereas, no institution can take the family's place in giving meaning to human life and stability in our society; and

''Whereas, it is fitting that official recognition be given to the importance of strengthening family life: Now, therefore, be it

''Resolved by the Senate of the ninety-ninth General Assembly of the State of Tennessee, the House of Representatives concurring, That this General Assembly hereby memorializes the U.S. Congress to enact legislation establishing the last Sunday of August of each year as a day of national observance to be known as ''Family Day'' in order to focus attention and to confer honor upon the importance of the American family as the cornerstone of our society, be it further

''Resolved, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the Honorable Bill Clinton, President of the United States, the Honorable Al Gore, Vice President of the United States, and to each member of the Tennessee delegation to the U.S. Congress.''

POM–163. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on the Judiciary.

''SENATE CONCURRENT RESOLUTION

''Whereas, the United States flag belongs to all Americans and ought not be desecrated by any one individual, even under principles of free expression, any more than we would allow desecration of the Declaration of Independence, Statue of Liberty, Lincoln Memorial, Yellowstone National Park, or any other common inheritance which the people of this land hold dear; and

''Whereas, the United States Supreme Court, in contravention of this postulate, has by a narrow decision held to be a First Amendment freedom the license to destroy in protest this cherished symbol of our national heritage; and

''Whereas, whatever legal arguments may be offered to support this contention, the incineration or other mutilation of the flag of the United States of America is repugnant to all those who have saluted it, paraded beneath it on the Fourth of July, been saluted by its half-mast configuration, or raised it inspirationally in remote corners of the globe where they have defended the ideals of which it is representative; and

''Whereas, the members of the Legislature of the State of Texas, while respectful of dissenting political views, themselves dissent forcefully from the court decision, echoing the beliefs of all patriotic Americans that this flag is OUR flag and not a private property subject to a private prerogative to main or despoil in the passion of individual protest; and

''Whereas, as stated by Chief Justice William Rehnquist, writing for three of the four justices who comprised the minority in the case, ''Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution, or flag burning''; and

''Whereas, this legislature concurs with the court minority that the Stars and Stripes is deserving of a unique sanctity, free to wave in perpetuity over the spacious skies where our bald eagles fly, the fruited plain above which our mountain majesties soar, and the venerable heights to which our melting pot of peoples and their posterity aspire. Now, therefore, be it

''Resolved, That the 74th Legislature of the State of Texas hereby petition the Congress of the United States of America to propose to the states an amendment to the United States Constitution, protecting the American flag and 50 state flags from wilful desecration and exempting such desecration from constitutional construction as a First Amendment right; and, be it further

''Resolved, That official copies of this resolution be prepared and forwarded by the Texas secretary of state to the speaker of the home of representatives and president of the senate of the United States Congress and to all members of the Texas delegation to that congress, with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States; and, be it further

''Resolved, That a copy of the resolution be prepared and forwarded also to President Bill Clinton, asking that he lend his support to the proposal and adoption of a flag-protection constitutional amendment; and, be it finally

''*Resolved,* That official copies likewise be sent to the presiding officers of the legislatures of the several states, inviting them to join with Texas to secure this amendment and to restore this nation's banners to their rightful status of treasured reverence.''

POM–164. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on the Judiciary.

''SENATE JOINT MEMORIAL 8006

''Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

''Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

''Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

''Whereas, the American Flag to this day is a most honorable and worthy banner of a nation that is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

''Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

''Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for a restoration of the Stars and Stripes to a proper station under law and decency: Now, Therefore, Your Memorialists respectfully pray that the Congress of the United States propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; be it ''*Resolved,* That certified copies of this Memorial be immediately transmitted by the Secretary of State to the President and the Secretary of the United States Senate, to the Speaker and the Clerk of the United States House of Representatives, and to each Member of this state's delegation to the Congress.''

POM–165. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on the Judiciary.

''SENATE JOINT MEMORIAL 8010

''Be it resolved, That the Legislature of the State of Washington, pursuant to Article V of the United States Constitution, hereby postratifies an amendment to that document proposed by the very first Congress of the United States, sitting in the City of New York on September 25, 1789, which amendment reads as follows:

''AMENDMENT XXVII

''No law, varying the compensation for the services of the [United States] Senators and [United States] Representatives, shall take effect, until an election of [United States] Representatives shall have intervened.''; and

''That, the Legislature of the State of Washington acknowledges that the constitutional amendment in question has received the approval of the legislatures of the following states on the dates indicated:

''Maryland on December 19, 1789 (138 Cong. Rec. S6831–2);

''North Carolina, first, on December 22, 1789 (138 Cong. Rec. S6832–3); and then a second time on June 30, 1989 (139 Cong. Rec. S22);

''South Carolina on January 19, 1790 (138 Cong. Rec. S6833);

''Delaware on January 28, 1790 (138 Cong. Rec. S6833–4);

''Vermont on November 3, 1791 (138 Cong. Rec. S6834);

''Virginia on December 15, 1791 (138 Cong. Rec. S6834–5);

''Ohio on May 6, 1873 (138 Cong. Rec. S6835–6);

''Wyoming on March 3, 1978 (124 Cong. Rec. 7910, 8265–6; 133 Cong. Rec. 25418–9; 138 Cong. Rec. S6836);

''Maine on April 27, 1983 (130 Cong. Rec. 24320, 25007–; 138 Cong. Rec. S6836–7);

''Colorado on April 18, 1984 (131 Cong. Rec. 36505; 132 Cong. Rec. 22146; 138 Cong. Rec. S6837);

''South Dakota on February 21, 1985 (131 Cong. Rec. 4299, 5815; 138 Cong. Rec. S6837);

''New Hampshire on March 7, 1985 (131 Cong. Rec. 5987, 6689; 138 Cong. Rec. S6837);

''Arizona on April 3, 1985 (131 Cong. Rec. 8057; 9443; 138 Cong. Rec. S6838);

''Tennessee on May 23, 1985 (131 Cong. Rec. 21277, 22264, 27963; 138 Cong. Rec. S6838);

''Oklahoma on July 10, 1985 (131 Cong. Rec. 22898, 27963–4; 138 Cong. Rec. S6114–5, S6506, S6838);

''New Mexico on February 13, 1986 (132 Cong. Rec. 3649, 3956–7; 4077; 138 Cong. Rec. S6838);

''Indiana on February 19, 1986 (132 Cong. Rec. 6638, 8284; 138 Cong. Rec. S6839);

''Utah on February 25, 1986 (132 Cong. Rec. 12480, 13834–5; 133 Cong. Rec. 31424; 138 Cong. Rec. S6839);

''Arkansas on March 5, 1987 (134 Cong. Rec. 12562, 14023; 138 Cong. Rec. S6839);

''Montana on March 11, 1987 (133 Cong. Rec. 7428, 11618–9; 138 Cong. Rec. S6839–40);

''Connecticut on May 13, 1987 (133 Cong. Rec. 23571, 23648–9; 138 Cong. Rec. S6840);

''Wisconsin on June 30, 1987 (133 Cong. Rec. 23649, 24957, 25417, 26159–60; 138 Cong. Rec. S6840);

''Georgia on February 2, 1988 (134 Cong. Rec. 9155, 9525; 138 Cong. Rec. S6840);

''West Virginia on March 10, 1988 (134 Cong. Rec. 8569, 8752; 138 Cong. Rec. S6840-1);

''Louisiana on July 6, 1988 (134 Cong. Rec. 18470, 18760; 138 Cong. Rec. S6841);

''Iowa on February 7, 1989 (135 Cong. Rec. 5171, 5821; 138 Cong. Rec. S6841);

''Idaho on March 23, 1989 (135 Cong. Rec. 9140, 14572-3; 138 Cong. Rec. S.6842);

''Nevada on April 26, 1989 (135 Cong. Rec. 9996, 19926-7; 138 Cong. Rec. S6842);

''Alaska on May 5, 1989 (135 Cong. Rec. 14816, 19782; 138 Cong. Rec. S6842);

''Oregon on May 19, 1989 (135 Cong. Rec. 20442, 20519-20, 21589, 22413; 138 Cong. Rec. S6841);

''Minnesota on May 22, 1989 (135 Cong. Rec. 13623, 14147, 14475, 14573; 138 Cong. Rec. S6842-3);

''Texas on May 25, 1989 (135 Cong. Rec. 11818, 11900-1; 138 Cong. Rec. S6843);

''Kansas on April 5, 1990 (136 Cong. Rec. H1689, S9170, 12550-1; 138 Cong. Rec. S6843-4);

''Florida on May 31, 1990 (136 Cong. Rec. H5198, S10091; 138 Cong. Rec. S6844);

''North Dakota on March 25, 1991 (137 Cong. Rec. H2261, S10949; 138 Cong. Rec. S6844-5);

''Missouri during the a.m. hours of May 5, 1992 (138 Cong. Rec. H3924, S6845, S14974, E1532-3, E1634, E1651);

''Alabama during the p.m. hours of May 5, 1992 (138 Cong. Rec. H3729, H3739, S6845, S8387);

''Michigan during the a.m. hours of May 7, 1992 (138 Cong. Rec. H3093, S6845-6, S7026);

''New Jersey during the a.m. hours of May 7, 1992 (138 Cong. Rec. S6846);

''Illinois on May 12, 1992 (138 Cong. Rec. H3729, H3739, S6846, S8387-8);

''California on June 26, 1992 (138 Cong. Rec. H10100, S18271, E2237);

''Rhode Island on June 10, 1993 (139 Cong. Rec. H4681, S9981-2); and

''Hawaii on April 29, 1994 (140 Cong. Rec. H3791, S7956); and

''That, the Legislature of the State of Washington further acknowledges: That the constitutional amendment in question became Amendment XXVII to the United States Constitution during the a.m. hours of May 7, 1992, when the Legislature of the State of Michigan became the thirty-eighth state legislature to ratify it; that on May 18, 1992, the Archivist of the United States issued a proclamation published in the Federal Register concluding that the two hundred four-year-old proposal had, in fact, been incorporated into the United States Constitution; and that on May 20, 1992, both the United States Senate and the United States House of Representatives, by roll-call votes, adopted resolutions agreeing with the Archivist's conclusion; and

''That, while the Legislature of the State of Washington is quite aware of this constitutional amendment's success in already having become part of the United States Constitution, it is important that the stamp-of-approval of the State of Washington join the legislatures of the forty-three other states that have already given their assent to what is now Amendment XXVII, be it further

''*Resolved,* That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the Archivist of the United States (pursuant to P.L. 98–497), the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington, with the request that this joint memorial's text be reprinted in its entirety in the Congressional Record.''

POM–166. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on the Judiciary.

''Whereas, for one hundred twenty-five (125) years the women of Wyoming have been granted the right to vote, the state of Wyoming being the first government in the world to grant women suffrage, thus earning the name Equality State for the people of Wyoming; and

''Whereas, on December 10, 1869, Wyoming's first Territorial Governor, John A. Campbell sighed a bill making Wyoming the first government to grant women the right to vote, a proud day in the struggle for equal rights, a milestone in the history of Wyoming and the history of the United States; and

''Whereas, Wyoming women held the privilege of voting for fifty (50) years before the 19th Amendment to the United States Constitution was ratified giving all women in the United States the right to vote; and

''Whereas, 1995 marks the 75th anniversary of the passage of the 19th Amendment to the United States Constitution which brought all women of the United States out of second class citizenship into full partnership politically and extended to them the right to vote, own property and be elected to office; and

''Whereas, women continue to work on issues of equality in areas including education, economy and health care.

Now, therefore, be it resolved by the members of the Legislature of the State of Wyoming:

''Section 1. That the State of Wyoming join citizens across the land in commemorating one hundred twenty-five (125) years of

voting rights for Wyoming women and in celebrating the 75th anniversary of the 19th Amendment guaranteeing the right to vote to all women in the United States.

''Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.''

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. STEVENS:

S. 888. A bill to extend the authority of the Federal Communications Commission to use auctions for the allocation of radio spectrum frequencies for commercial use, to provide for private sector reimbursement of Federal governmental user costs to vacate commercially valuable spectrum, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY:

S. 889. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Wolf Gang II*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Mr. SPECTER, Mr. SIMON, Mrs. FEINSTEIN, Mr. BRADLEY, Mr. LAUTENBERG, Mr. CHAFEE, and Mr. KERREY):

S. 890. A bill to amend title 18, United States Code, with respect to gun free schools, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 891. A bill to require the Secretary of the Army to convey certain real property at Ford Ord, California, to the City of Seaside, California, in order to foster the economic development of the City, which has been adversely impacted by the closure of Fort Ord; to the Committee on Armed Services.

By Mr. GRASSLEY (for himself, Mr. DOLE, Mr. COATS, Mr. MCCONNELL, Mr. SHELBY, and Mr. NICKLES):

S. 892. A bill to amend section 1464 of title 18, United States Code, to punish transmission by computer of indecent material to minors; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 893. A bill to amend the Internal Revenue Code of 1986 to provide a credit for charitable contributions, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 888. A bill to extend the authority of the Federal Communications Commission to use auctions for the allocation of radio spectrum frequencies for commercial use, to provide for private sector reimbursement of Federal governmental user costs to vacate commercially valuable spectrum, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SPECTRUM AUCTION ACT OF 1995

Mr. STEVENS. Mr. President, I wish to send to the desk this morning a bill to extend the Federal Communications Commission's authority to use auctions to award radio spectrum licenses. I want to state to the Senate that for several Congresses, I had suggested spectrum auctions to deal with the problem of allocating this very valuable space in our airways. Congress did not pass those bills, but finally, in the last Congress, Congress did accept the amendment that I had offered. Since that time, the Federal Government has received over $9 billion in money that has been bid for the use of this spectrum which is allocated by the FCC.

I am introducing this bill now so that the Senate will be aware of it, because I intend to offer it as an amendment to the telecommunications bill when it is presented to the Senate. This bill will raise an estimated minimum amount of $4.5 billion over a 5-year period. It will be used to partially offset the cost of the telecommunications bill as computed by the Congressional Budget Office.

I might say on the bright side, the Congressional Budget Office has stated that enactment of the telecommunications bill will result in a $3 billion reduction in the payments, that are made by the private sector I might add, for universal service in this country. But there is still a remaining expenditure that will be made in the 7-year period of the budget that is before the Congress, and in order that that budget may remain in balance and still have us be able to enact the telecommunications bill, we are presenting amendments that will provide offsetting revenues on the Federal side.

It is a strange thing about this, Mr. President, because it is the private sector that makes the support payments under existing law and will continue to make smaller payments under the telecommunications bill as the Commerce Committee will present it. But there is no question that the CBO has decided it still has a budgetary impact as far as the economy is concerned, and, therefore, an offset is required.

I urge Senators to review this proposed bill, which, as I said, will become an amendment to be offered by me to the telecommunications bill when it is on the floor.

This bill has five sections. Section 1 is the short title, which is the ''Spectrum Auction Act of 1995.'' Section 2 contains findings drawn from two NTIA reports, which state that the U.S. will need at least 180 megahertz of additional spectrum for cellular, PCS, and satellite services over the next 10 years, and that less than that amount will be available without the bill. Section 3 extends the FCC's auction authority from 1998 until 2002, and would allow the FCC to use auctions for all licenses except public safety radio services and new digital TV licenses. Section 4 of the bill allows federal agencies to accept reimbursement from private parties for the costs of relocating to new spectrum frequencies, so that the private sector can pay to move government stations off valuable frequencies; it also requires NTIA to move government stations if all costs are paid and the new frequency and facilities are comparable. Section 5 requires the Secretary of Commerce to submit a plan to reallocate three additional frequency bands that NTIA has identified for transfer from government to private use.

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. 888

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 ''Spectrum Auction Act of 1995''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the National Telecommunications and Information Administration of the Department of Commerce recently submitted to the Congress a report entitled ''U.S. National Spectrum Requirements'' as required by section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923);

(2) based on the best available information the report concludes that an additional 179 megahertz of spectrum will be needed within the next ten years to meet the expected demand for land mobile and mobile satellite radio services such as cellular telephone service, paging services, personal communication services, and low earth orbiting satellite communications systems;

(3) a further 85 megahertz of additional spectrum, for a total of 264 megahertz, is needed if the United States is to fully implement the Intelligent Transportation System currently under development by the Department of Transportation;

(4) as required by Part B of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) the Federal Government will transfer 235 megahertz of spectrum from exclusive government use to non-governmental or mixed governmental and non-governmental use between 1994 and 2004;

(5) the Spectrum Reallocation Final Report submitted to Congress by the National Telecommunications and Information Administration states that, of the 235 megahertz of spectrum identified for reallocation from governmental to non-governmental or mixed use—

(A) 50 megahertz has already been reallocated for exclusive non-governmental use,

(B) 45 megahertz will be reallocated in 1995 for both exclusive non-governmental and mixed governmental and non-governmental use,

(C) 25 megahertz will be reallocated in 1997 for exclusive non-governmental use,

(D) 70 megahertz will be reallocated in 1999 for both exclusive non-governmental and mixed governmental and non-governmental use, and

(E) the final 45 megahertz will be reallocated for mixed governmental and non-governmental use by 2004;

(6) the 165 megahertz of spectrum that are not yet reallocated, combined with 80 megahertz that the Federal Communications Commission is currently holding in reserve for emerging technologies, are less than the best estimates of projected spectrum needs in the United States;

(7) the authority of the Federal Communications Commission to assign radio spectrum frequencies using an auction process expires on September 30, 1998;