

"(4) Fees and other expenses awarded to a prevailing small entity as a prevailing party under this section shall be paid by the covered agency from funds made available to the agency by appropriation or from fees or other amounts charged to the public if authorized by law. A covered agency may not increase any such fee or amount charged for the purpose of paying fees and other expenses awarded to a prevailing small entity as a prevailing party under this section."

THE SMALL BUSINESS REGULATORY FAIRNESS ACT—SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title. "The Small Business Regulatory Fairness Act of 1995."

Sec. 2. Purposes. The purposes of the act are to change the relationship between agencies and small business, to increase the understandability of regulations, to increase the accountability of regulatory agencies, and to provide meaningful opportunities for redress of arbitrary enforcement actions.

Sec. 101. Definitions. Defines covered agency (those that have regs requiring a Regulatory Flexibility Act analysis), compliance guide, no-action letter, small business concern (as defined in sec. 3 of the Small Business Act) and voluntary self-audit.

Sec. 102. Compliance Guides. Directs regulatory agencies to publish small business compliance guides for regulations with significant economic impact on small entities, to disseminate the guides through Small Business Development Centers and prohibits enforcement actions of these regs against small entities until such time as the compliance guide is published.

Sec. 103. No Action Letter. Directs regulatory agencies to establish a system for issuing "no-action letters" similar to those used by the IRS and SEC, and allows small entities to rely on those no-action letters.

Sec. 104. Voluntary self-audits. Provides that information developed during a voluntary self-audit by a small entity is not admissible or discoverable by a Federal Agency.

Sec. 105. Defense to Enforcement Actions. Provides small entities with an affirmative defense where the agency rule is vague or ambiguous and the interpretation of the small entity is reasonable, and limits the court from giving deference to agencies' interpretations of their own rules.

Sec. 201. Small Business and Agriculture Ombudsman. Establishes Small Business and Agriculture Ombudsmen in each of the Small Business Administration's regional offices who will receive complaints about the enforcement activities of other federal agencies, develop a small business responsiveness rating to each regulatory agency, publish reports on those activities, and establish a toll-free telephone number to receive comments from small business.

Sec. 202. Small Business Regulatory Fairness Boards. Establishes volunteer Small Business Regulatory Fairness Boards in Small Business Administration offices around the country, appointed by the President and the Congressional leadership to advise the Ombudsmen, conduct investigations into agency enforcement activities, prepare independent reports and review the reports of the Ombudsmen.

Sec. 203. Services Provided by Small Business Development Centers. Expands the role of Small Business Development Centers to include providing regulatory compliance assistance, serving as a resource for compliance information including the distribution of compliance guides, and developing a program to provide regulatory compliance audits.

Sec. 301. Administrative Proceedings. Amends the Administrative Procedures Act

to allow small entities to recover their attorneys fees in litigation against the government where the government has made unreasonable demands of settlement that are not sustained by a court, and without having to prove that the government position was not "substantially justified."

Sec. 302. Judicial Proceedings. Makes conforming changes to Title 28 U.S.C. Section 2412.●

ADDITIONAL COSPONSORS

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 571

At the request of Mrs. BOXER, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 571, a bill to amend title 10, United States Code, to terminate entitlement of pay and allowances for members of the Armed Forces who are sentenced to confinement and a punitive discharge or dismissal, and for other purposes.

NOTICE OF HEARING

CANCELLATION OF COMMITTEE HEARINGS

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing previously scheduled before the full Committee on Energy and Natural Resources for Tuesday, June 20, 1995, at 9:30 a.m. to review existing oil production at Prudhoe Bay, AK, and opportunities for new production on the coastal plain of Arctic Alaska has been canceled and will be rescheduled at a later date.

In addition, the hearing previously scheduled before the full Committee on Energy and Natural Resources for Wednesday, June 21, 1995, at 9:30 a.m. regarding the Secretary of Energy's strategic alignment and downsizing proposal and other alternatives to the existing structure of the Department of Energy has also been canceled and will be rescheduled at a later date.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Friday, June 16, 1995, session of the Senate for the purpose of conducting a hearing on the future of Amtrak and the Local Rail Freight Assistance Program.

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

ADDITIONAL STATEMENTS

PRISON WORK ACT OF 1995

● Mr. SHELBY. Mr. President, one of the many controversial provisions of the 1994 crime bill was the requirement that states have in place an array of dubious programs, including social rehabilitation, job skills, and even postrelease programs, in order to qualify for the prison construction grant money contained in the bill.

This requirement is yet another manifestation of the criminal rights philosophy, which has wreaked havoc on our criminal justice system. This view holds that criminals are victims of society, are not to blame for their actions, and should be rehabilitated at the taxpayers expense. In their zeal to rehabilitate violent criminals, proponents of this ideology have worked overtime to ensure that murderers, rapists, and child molesters are treated better than the victims of these acts and that these criminals have access to perks and amenities most hard-working taxpayers cannot afford.

Award-winning journalist Robert Bidinotto has revealed myriad abuses. For example, at Mercer Regional Correctional Facility in Pennsylvania, hardened criminals have routine access to a full-sized basketball court, handball area, punching bags, volleyball nets, 15 sets of barbells, weightlifting machines, electronic bicycles, and stairmasters facing a TV, so the prisoners do not have to miss their favorite show while working out.

Or consider David Jirovec, a resident of Washington State who hired two hit men to kill his wife for insurance money. His punishment? Regular conjugal visits from his new wife.

At Sullivan high-security prison in Fallsburg, NY, prisoners hold regular jam sessions in a music room crowded with electric guitars, amplifiers, drums, and keyboards.

In Jefferson City, MO, inmates run an around-the-clock closed-circuit TV studio and broadcast movies filled with gratuitous sex and graphic violence.

Perhaps the winner in the race for rehabilitation is the Massachusetts Correctional Institution in Norfolk, MA. There, prisoners sentenced to life in prison—known as the Lifers Group—held its annual Lifers Banquet in the \$2 million visitor's center. These 33 convicts—mostly murderers—and 49 of their invited guests dined on catered prime rib.

This is just the tip of the iceberg. These are not isolated incidents, but have become commonplace in our criminal justice system. Violent criminals have by definition committed brutal acts of violence on innocent women, children, the elderly, and other citizens. That the government continues to take money out of the pockets of law-abiding taxpayers—many of whom are victims of those behind bars—to create resorts for prisoners to mull

around in is incomprehensible. The rationale for this system is likely summed up by Larry Meachum, commissioner of correction in the State of Connecticut: "We must attempt to modify criminal behavior and hopefully not return a more damaged human being to society than we received."

Mr. President, I reject this liberal social rehabilitation philosophy. I introduced legislation yesterday, the Prison Work Act of 1995, which has a different message: prisons should be places of work and organized education, not resort hotels, counseling centers, or social laboratories. It ensures that time spent in prison is not good time, but rather devoted to hard work and education. This is a far more constructive approach to rehabilitation.

Specifically, the Prison Work Act repeals the social program requirements of the 1994 crime bill and instead makes the receipt of State prison construction grant money conditional on States requiring all inmates to perform at least 48 hours of work per week, and engage in at least 16 hours of organized educational activities per week. States may not provide to any prisoner failing to meet the work and education requirement any extra privileges, including the egregious items listed above.

The critics of this legislation are likely to portend that it is too costly or too unworkable. However, as prison reform expert and noted author John DiIulio has pointed out, one-half of every taxdollar spent on prisons goes not to the basics of security, but to amenities and services for prisoners. However, these extra perks would be severely restricted under my legislation. No one failing to meet the work and organized study requirements would have access to them, and since the inmates would be occupied for 11 hours per day fulfilling the work and study requirement, the opportunity for these costly privileges would be reduced. Moreover, to reduce operation costs even further, prison labor could be used to replace labor that is currently contracted out. Thus, these programs could easily be implemented.

The other charge will likely be that the Federal Government should not micromanage State prison efforts. However, this bill does not micromanage at all. Rather, States have been micromanaged by the Federal courts which have mandated that States provide prisoners with every possible amenity imaginable. For example, Federal Judge William Wayne Justice of the Eastern District Court required scores of changes in the Texas prison system, designed to improve the living conditions of Texas prisoners. These changes increased Texas's prison operating expenses tenfold, from \$91 million in 1980 to \$1.84 billion in 1994—even though the prison population only doubled.

This legislation will empower State and local prison officials to operate their systems in a cost-efficient man-

ner, and will give them the much needed protection from the overreaching Federal courts. More importantly, it will put the justice back in our criminal justice system and ensure that criminals are not treated better than the victims.●

THE FIFTH ANNUAL DAY OF THE AFRICAN CHILD

● Mr. FEINGOLD. Mr. President, I rise today to observe the fifth annual Day of the African Child, a day this year which will focus international attention on Africa's potential amidst critical challenges.

The Day of the African Child was declared in 1991 to commemorate the massacre of South African schoolchildren in the black township of Soweto 19 years ago. These elementary and high school children were shot and killed simply for protesting the deplorable system of apartheid education. On this anniversary, we have the opportunity to celebrate the achievements of countries like South Africa, and reflect on the challenges ahead for the African child—indeed, the next generation of Africa.

There have been considerable strides made in Africa over the last 30 years. In partnership with the international community, the mortality rate of children under 5 has decreased by half since 1960. The average life expectancy in the subcontinent is now 54 years, 13 years longer than it was in 1960. Two-thirds of African countries have immunized 75 percent of all children under 5, and UNICEF reports that the governments of Africa expanded the provision of safe water to over 120 million more people during the 1980's. Primary school enrollment has risen dramatically since the 1970's for both boys and girls, with 69 percent of African girls enrolled in primary school now.

Yet, hardships continue for many African children. Life expectancy in Africa is still 20 years behind that of developed states. Basic health care is not accessible to half of all Africans. Children in Africa continue to die at 10 times the rate of children in industrialized nations.

But today, in addition to hunger and disease, war is also ravaging the minds and bodies of Africa's children. It is no coincidence that the countries with the first, second, and third highest rates of child mortality—Mozambique, Afghanistan, and Angola—are those that have been embroiled in the bloodiest of civil wars. Ethiopia, Somalia, and Liberia are close behind.

The armed conflicts throughout Africa have taken their toll on the children. Last year in Rwanda, for instance, almost 100,000 children reportedly were killed in just a few months. In Sudan, according to a 1992 report by the U.N. High Commissioner for Refugees, one criterion for conscription was "the presence of two molar teeth": as a result, almost 12,500 boys from the ages of 9 to 16 years were enlisted.

Last year in Liberia, I raised the issue of child soldiers with members of the Transitional Government, and was told that this is truly a problem which is rotting the country. UNICEF estimates that thousands of children are participating in Liberia's civil war—either to avenge murders of their family members or to make some hard-found money—and that factions abuse their young soldiers with alcohol, drugs, and gunpowder.

Mr. President, while we recognize the progress made in Africa thus far, we must not forget these daunting challenges ahead. As we debate the role of the United States in Africa, we must do so with an eye to the future, and with an appreciation for what international partnership can achieve.●

DAY OF THE AFRICAN CHILD

● Mrs. KASSEBAUM. Mr. President, I rise today to honor the fifth annual Day of the African Child. As chairman of the African Affairs Subcommittee, I have long been concerned about Africa's children.

Earlier this year, the world community lost one of its foremost champions for the cause of children, Mr. James Grant. As head of UNICEF, Jim Grant worked tirelessly to improve the lives of children all around the world, particularly in Africa. His dedication, energy, and moral leadership will be sorely missed. On this day of African children, we mourn his loss but also celebrate his contributions.

Since I first chaired the subcommittee in 1980, there has been real and significant progress in improving the lives of children of Africa. Through the commitment of African governments, private voluntary groups, and international organizations like UNICEF, access to education has increased notably. The under-5 mortality rates are now half what they were in 1960. Malnutrition, while still affecting some 30 percent of African children, is less pronounced than many had feared entering the 1980's.

But much remains to be done. I am particularly concerned about the devastating effect of civil conflict on children. While political factions and armed groups fight for power, it is often the most vulnerable and voiceless—Africa's children—who are most affected. Entire generations have lost opportunities for basic education. Many have lost parents and siblings. From Sudan to Angola, Rwanda to Liberia, the brutality of war has scarred millions of innocent children.

Mr. President, the Day of the African Child, June 15, commemorates the 1976 uprising and massacre of the children of Soweto, South Africa. Their struggle to bring down the inhumane apartheid system vividly symbolizes the difficult plight of children in Africa. Their struggle, however, also represents the possibilities and hope for Africa as President Nelson Mandela finishes his