

appropriations bill contains a provision that would delay the reorganization plan until March 1997, at the earliest. In addition, before implementing its reorganization, the IRS will have to submit a report to the Congress justifying its plan on cost-benefit grounds.

This provision is not a perfect solution to this problem. I would have preferred the original language offered by Senator KERREY of Nebraska to the freestanding Treasury-Postal appropriations bill. That language would have delayed the reorganization until the National Commission on Restructuring the Internal Revenue Service had a chance to issue its final report.

Nevertheless, this provision buys us time to try to understand the proposed reorganization and to see whether the IRS can justify its plan. I look forward to working with the distinguished minority leader, Senator DASCHLE, and the ranking member of the Treasury-Postal Appropriations Subcommittee, Senator KERREY, to ensure that the IRS does not abandon rural States in a misguided attempt to achieve phantom savings.

Thank you, Mr. President. I yield the floor.

FEDERAL FIREARMS DISABILITIES PROVISION OF THE OMNIBUS APPROPRIATIONS BILL

Mr. SIMON. Mr. President, upon the passage of the omnibus appropriations package, I would like to take a moment to discuss a provision that will prohibit the expenditure of funds for the Bureau of Alcohol, Tobacco and Firearms' [ATF] disability relief program.

The background behind this simple provision is as follows. Under current Federal law, someone who has been convicted of a crime punishable by more than 1 year is ineligible, or disabled, from possessing a firearm—a sensible idea. However, Congress created a loophole in 1965 whereby convicted felons could apply to ATF to have their firearm privileges restored, at an estimated taxpayer cost of \$10,000 per waiver granted.

We have fought to end this program and have succeeded in stripping the program's funding in annual appropriations bills since 1992.

This year, we faced an additional challenge in our efforts to keep guns out of the hands of convicted felons. A recent court case in Pennsylvania misinterpreted our intentions and opened the door for these convicted felons to apply for judicial review of their disability relief applications.

In this case, *Rice versus United States*, the Third Circuit Court of Appeals found that the current funding prohibition does not make clear congressional intent to bar all avenues of relief for convicted felons. By their reasoning, since ATF is unable to consider applications for relief, felons are entitled to ask the courts to review their applications.

This misguided decision could flood the courts with felons seeking the restoration of their gun rights, effectively shifting from ATF to the courts the burden of considering these applications. Instead of wasting taxpayer money and the time of ATF agents, which could be much better spent on important law enforcement efforts, such as the investigation of church arsons, we would now be wasting court resources and distracting the courts from consideration of serious criminal cases.

Fortunately, another decision by the fifth circuit in *U.S. versus McGill* found that congressional intent to prohibit any Federal relief—either through ATF or the courts—is clear. The fifth circuit concluded that convicted felons are therefore not eligible for judicial review of their relief applications.

Given this conflict in the circuit courts, it is important that we once again clarify our original and sustaining intention. The goal of this provision has always been to prohibit convicted felons from getting their guns back—whether through ATF or the courts. It was never our intention to shift the burden to the courts.

Congressman DURBIN and his colleagues succeeded in their efforts to include language in the House appropriations bill to make clear that convicted felons may not use the courts in their efforts to get their guns back. I applaud the House committee for its wise vote on this issue.

During the same markup, Congressman DURBIN's efforts were undermined by a related exemption offered by Congressman OBEY. This exemption would have allowed those individuals convicted of nonviolent felonies the ability to appeal for judicial review of their relief application.

According to Congressman OBEY's amendment, the opportunity to appeal to the courts would have been closed to those felons convicted of violent crimes, firearms violations, or drug-related crimes. All other felons would have been allowed to apply to the courts for review of their relief applications.

Mr. OBEY's exemption was clearly inconsistent with the original intent of this provision for three simple reasons:

First, one need only consider people like Al Capone and countless other violent criminals who were convicted of lesser, nonviolent felonies, to understand how dangerous this Capone amendment will be to public safety. Our intent when we first passed this provision—and every year thereafter—has been to prohibit anyone who was convicted of a crime punishable by more than 1 year from restoring their gun privileges via the ATF procedure or a judicial review.

Second, as Dewey Stokes, the former president of the Fraternal Order of Police noted, most criminals do not commit murder as their first crime. Rather, most criminals start by committing

nonviolent crimes which escalate into violent crimes. An ATF analysis shows that between 1985 and 1992, 69 nonviolent felons were granted firearms relief and subsequently re-arrested for violent crimes such as attempted murder, first degree sexual assault, child molestation, kidnaping/abduction, and drug trafficking.

Third, there is no reason in the world for the taxpayers' money and court resources to be wasted by allowing the review of any convicted felons' application to get their guns back. It made no sense for ATF to take agents away from their important law enforcement work, and it makes even less sense for the courts, which have no experience or expertise in this area, to be burdened with this unnecessary job. Let me make this point perfectly clear: It was never our intent, nor is it now, for the courts to review a convicted felon's application for firearm privilege restoration.

I am pleased that the conference committee understood our original intention and did not allow the Obey provision to stand. As it stands, the omnibus appropriations law is consistent with our lasting desire to stop arming felons.

Mr. LAUTENBERG. I thank the Senator for clearly laying out the facts. As the coauthor of this provision, I share his interest and concern about this issue. I am also pleased that the conference committee understood our intent regarding the Federal firearms relief program. I agree with his analysis completely and intend to closely follow this situation in the coming year to see if any further legislation is necessary to clarify our intent. I would also like to take this opportunity to let my colleague know how much I enjoyed working on this issue with him as well as so many other matters. I want to thank him for his commitment to this issue, and for the excellent work of Susan Kaplan and Amy Isbell of his staff, and I want to ensure him that although he will not be here next year to continue his work in the Senate on this matter, I fully intend to carry on the fight for us both.

TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. HOLLINGS. Mr. President, as others have noted, this is a season when we are used to witnessing the departure of some of our colleagues who have chosen to end their careers here in the Senate to pursue other interests. And again, as others have noted, this particular iteration of these departures is notable, not only because of the numbers of our friends who are going on to other pursuits, but more importantly because of the quality of their contributions while they were here, which we now face doing without. Our departing colleagues have distinguished themselves as statesmen and patriots, one and all. But even among giants, there are always those who stand even a little taller.

CLAIBORNE PELL has devoted much of his life in service to his Nation—4 years in the Coast Guard in World War II; 23 years in the Coast Guard Reserve; 7 years as a foreign service officer in Europe following World War II; all in addition to his remarkable 36 years of service to Rhode Island and this Nation as a U.S. Senator. In these historic 36 years, which have included some of our Nation's greatest and most contentious challenges, CLAIBORNE PELL has graced these Halls and the debates and legislative struggles therein, with reasoned insight, deft statesmanship, and calming counsel. In this body when even Will Rogers might, from time to time, have discovered the exception, CLAIBORNE PELL served with dignity, garnering the respect and affection of us all. We all owe him a debt of gratitude for his example, not only of service to his Nation, but for his dignity and demeanor in the conduct of that service. This body and this Nation will miss him. We wish him and his charming wife, Nuala, the very best.

TRIBUTE TO SENATOR J. BENNETT JOHNSTON

Mr. HOLLINGS. Mr. President, I rise today to pay tribute to one of the South's great men and one of the Nation's great legislators, Senator J. BENNETT JOHNSTON. Back in January 1995, when Senator JOHNSTON announced he would not seek a fourth term in the U.S. Senate, I thought then that we were about to lose a master of the legislative process and a true gentleman.

Whether working on the Naiton's energy policy or working to address the nagging problem of nuclear waste storage, you could count on Senator JOHNSTON, a master negotiator, to solve all but the most contentious problems before they reached the public eye. You could bet your boots that BENNETT JOHNSTON would not take an issue to the floor until he had those problems solved or knew the issue so well that no Senator could challenge him on the facts. As my colleagues know, he knows more than all of us combined about the intricacies and complex details of every energy issue, even the most complex and technical.

As chairman or ranking member of the Senate Energy and Natural Resources Committee and the Energy and Water Appropriations Subcommittee, Senator JOHNSTON has placed his stamp on Louisiana and the Nation. I remember his dogged determination in passing the National Energy Security Act, a major revamping of the Nation's energy policy. Time and time again, he defeated attempts to kill the legislation and shepherded the bill into law. I also remember his work on an issue which is of great importance to my State—that of nuclear waste disposal. BENNETT JOHNSTON has carried this program almost single handedly, and, although we still have a ways to travel before putting this problem to bed,

without Senator JOHNSTON's work, we would be light years away from a solution. For all this, the people of Louisiana and the Nation are grateful.

I think the thing which the Senate will miss most is Senator JOHNSTON's ability to solve the most contentious problems in a congenial manner. In that sense, he reflects the best of the South—that of being a gentleman. No matter how heated the debate or controversial the issue, Senator JOHNSTON had a smile on his face and treated his opponent with respect. In today's political climate, it is this attitude which we will miss most.

As I mentioned earlier, Senator JOHNSTON amassed a long list of accomplishments during his career in the Senate. A career which began 24 years ago, and, if he had chosen to pursue reelection, could have continued indefinitely.

When Senator JOHNSTON announced to the Senate that he was leaving, he quoted the great Senator Russell M. Long of Louisiana who said, "It is important to retire as a champ, and to leave the stage when the crowd still likes your singing."

Mr. President, the Senate still likes Senator JOHNSTON's singing, and I hate to see him exit the stage. As Senator JOHNSTON leaves, I congratulate him for all his successes and wish him and his charming wife Mary the best. We will miss them.

TRIBUTE TO MARK HATFIELD

Mr. HOLLINGS. Mr. President, I am sad when thinking of the Senate's impending loss of so many Members, especially of Senator MARK HATFIELD. Senator HATFIELD and I have been friends since 1958, when we both were young Governors of our respective States. MARK HATFIELD is smart, tough, and independent and an unfailing gentleman. Although we do not agree on every issue, I know that when MARK HATFIELD votes he votes with his conscience. A man of conviction is a man of quality and as one, Senator MARK HATFIELD transcends all partnership.

It has been a pleasure and an honor to work with Senator HATFIELD. Although we are from opposite sides of the aisle and the country, we have many shared interests, including Coastal Zone Management and NOAA, that agency so essential to the well-being of Oregon, South Carolina, and other coastal States. However, Senator HATFIELD'S attention extends beyond the general populace to those who are most vulnerable and often lacking a strong voice. Time and again, MARK HATFIELD has put himself on the line in the fight for economic and social justice, often at political risk. He is willing to take a stand on the hard issues. One program to benefit under his watch is the Legal Services Corporation, an organization which provides legal counsel to the indigent.

Oregon and the Nation is losing a valuable public servant and statesman

in Senator MARK HATFIELD. He and his lovely wife, Antoinette, will be missed by all. We wish them the very best as they return to the State they love so well.

TRIBUTE TO RETIRING SENATORS

Mr. ROTH. Mr. President, I want to take a few movements to salute all of our colleagues who are retiring from the U.S. Senate. These are individuals of uncommon character and devoted service—individuals who have strengthened their Nation and enriched each of us who has had the opportunity of serving with them.

We all know who these 13 Senators are. In retiring, they will undoubtedly affect the composition and character of this important legislative body. Over the weeks, these Senators have been recognized by their associates, colleagues, friends and constituents. Many tributes have been offered here on the floor.

Today, I would like to express my personal gratitude not only to all 13, but to several Senators who had a particular influence on me, the committees on which I serve, and our agendas in those respective committees.

Senator HOWELL HELFIN is retiring after three terms as the honorable Senator from Alabama. In our years of working together—getting to know each other in our service to the North Atlantic Assembly—I have grown to appreciate and admire this great gentleman. He has judicial temperament, one that I imagine was carefully cultivated in the many years which prepared him for his service here in Washington.

Senator HEFLIN has a keen understanding of diplomacy and America's eminent position in the world. His dedication to the North Atlantic Assembly, our international interests, along with his service in the Senate, and to his fellow Alabamans qualify him for that honored distinction of statesman. And I feel richly rewarded for the time I've been able to spend with him.

Senator DAVID PRYOR, also retiring after three terms, is another colleague I want to salute personally. He's the other half of the fly-before-buy duo. Together we worked to create the operational and live fire testing laws for weapons. He was critical in our efforts, instrumental to our success.

Many authors and military personnel have documented the lives saved as a result of problems discovered and corrected in operational live fire tests. In other words, there are men and women today who, perhaps unknowing, owe a great deal of gratitude to Senator PRYOR and his tenacity in seeing this legislation through.

Despite many attempts to ignore and circumvent these laws by the defense buying bureaucracy, Senator PRYOR and I provided rigorous oversight, regardless of which party controlled Congress. When the Democrats were in