

Thursday, September 4, 1997

Daily Digest

HIGHLIGHTS

The House passed H.R. 2159, Foreign Operations Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S8765-S8836

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 1147-1149, and S. Con. Res. 50. **Page S8823**

Measures Reported: Reports were made as follows:

S. 261, to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government, with an amendment in the nature of a substitute. (S. Rept. No. 105-72).

H.J. Res. 75, to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope. **Page S8823**

Labor/HHS Appropriations, 1998: Senate continued consideration of S. 1061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, taking action on amendments proposed thereto, as follows:

Pages S8772-82, S8785-90, S8792-S8817, S8819

Adopted:

By a unanimous vote of 97 yeas (Vote No. 216), D'Amato Modified Amendment No. 1079, to increase the amounts made available to carry out title III of the Older Americans Act of 1965.

Pages S8785-86, S8792-93

Rejected:

By 38 yeas to 60 nays (Vote No. 215), Coats/Nickles Amendment No. 1077, to prohibit the use of funds for research that utilizes human fetal tissue, cells, or organs that are obtained from a living or dead embryo or fetus during or after an induced abortion.

Pages S8772-78, S8780-81

Kennedy Amendment No. 1082 (to Amendment No. 1081), of a perfecting nature. (By 56 yeas to 42 nays (Vote No. 217), Senate tabled the amendment.)

Pages S8789-90, S8794-S8805

Pending:

Gregg Amendment No. 1070, to prohibit the use of funds for national testing in reading and mathematics, with certain exceptions.

Pages S8779-80, S8793-94

Coats/Gregg Amendment No. 1071 (to Amendment No. 1070), to prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute.

Pages S8779-80, S8793-94

Specter Amendment No. 1069, to express the sense of the Senate that the Attorney General has abused her discretion by failing to appoint an independent counsel on campaign finance matters and that the Attorney General should proceed to appoint such an independent counsel immediately.

Page S8772

Nickles/Jeffords Amendment No. 1081, to limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election.

Pages S8788-90, S8794-S8817

Craig Amendment No. 1083 (to Amendment No. 1081), in the nature of a substitute.

Pages S8805-17

Withdrawn:

Lieberman/Coats Amendment No. 1080, to increase funding for the Public Charter Schools Program under Part C of Title X of the Elementary and Secondary Education Act of 1965.

Pages S8786-88

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto, and that following disposition of the amendments, the Senate vote on final passage of S. 1061 and that the Senate-passed bill remain at the desk. Further, that when the Senate receives H.R. 2264, the House companion measure, all after the enacting clause be stricken and the text of S. 1061 be inserted in lieu thereof, that the Senate insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate.

Page S8819

FDA Modernization and Accountability Act—Cloture Vote Agreement: A unanimous-consent agreement was reached providing for a cloture vote on the motion to proceed to consideration of S. 830, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, to occur at 9:50 a.m., on Friday, September 5, 1997, and that if cloture is invoked, there be up to 8 hours for debate on Friday and 4 hours for debate on Monday, equally divided. **Page S8821**

A second motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on the cloture motion could occur on Monday, September 8, 1997. **Page S8821**

Subsequently, the motion to proceed to consideration of the bill was withdrawn. **Page S8821**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting a report of the activities of the U.S. Government in the United Nations for calendar year 1996; referred to the Committee on Foreign Relations. (PM-62). **Page S8822**

Transmitting the annual report of the Federal Labor Relations Authority for fiscal year 1996; referred to the Committee on Governmental Affairs. (PM-63). **Page S8822**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 96 yeas (Vote No. 218 EX), Henry Harold Kennedy, Jr., of the District of Columbia, to be United States District Judge for the District of Columbia. **Pages S8818-21, S8836**

By unanimous vote of 96 yeas (Vote No. 219 EX), Frank M. Hull, of Georgia, to be United States Circuit Judge for the Eleventh Circuit. **Pages S8818-21, S8836**

Nominations Received: Senate received the following nominations:

Dale A. Kimball, of Utah, to be United States District Judge for the District of Utah.

Edward F. Shea, of Washington, to be United States District Judge for the Eastern District of Washington.

R. Roger Majak, of Virginia, to be an Assistant Secretary of Commerce.

Raymond G. Kammer, of Maryland, to be Director of the National Institute of Standards and Technology.

Routine lists in the Foreign Service and Public Health Service. **Page S8836**

Messages From the President: **Page S8822**

Messages From the House: **Pages S8822-23**

Measures Referred: **Page S8823**

Statements on Introduced Bills: **Pages S8823-31**

Additional Cosponsors: **Pages S8831-32**

Amendments Submitted: **Page S8833**

Notices of Hearings: **Page S8833**

Authority for Committees: **Page S8834**

Additional Statements: **Pages S8834-35**

Record Votes: Five record votes were taken today. (Total-219) **Pages S8781, S8793, S8805, S8818-19**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 9:32 p.m., until 9:30 a.m., on Friday, September 5, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8836.)

Committee Meetings

(Committees not listed did not meet)

RURAL AGRICULTURAL CREDIT

Committee on Agriculture, Nutrition and Forestry: Committee concluded hearings to examine the availability of credit in rural America, focusing on the performance of rural financial markets and the safety and soundness of the Farm Credit System, after receiving testimony from Marsha Pyle Martin, Chairman and Chief Executive Officer, Farm Credit Administration; Susan E. Offutt, Administrator, Economic Research Service, and Dayton J. Watkins, Administrator, Rural Business-Cooperative Service, both of the Department of Agriculture; David Hemingway, Member of the Board of Directors, Federal Agricultural Mortgage Corporation; Mark Drabenstott, Federal Reserve Bank of Kansas City, Kansas City, Missouri; Mark A. Edelman, Iowa State University, Ames; Dennis Everson, First Dakota National Bank, Yankton, South Dakota, on behalf of the American Bankers Association; Terry Jorde, Towner County State Bank, Cando, North Dakota, on behalf of the Independent Bankers Association of America; and Jerold L. Harris, Farm Credit Bank of Wichita, Wichita, Kansas, on behalf of the Farm Credit Council.

NATIONAL EDUCATION TESTING

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine the Administration's proposed initiative to develop voluntary national standards to measure academic achievement in reading and mathematics, after receiving testimony from

Representative Goodling; Richard W. Riley, Secretary of Education; and Marshall Smith, Acting Deputy Secretary of Education.

AUTHORIZATION—SUPERFUND

Committee on Environment and Public Works: Committee held hearings on S. 8, to revise and authorize funds for fiscal years 1998 through 2002 for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund), receiving testimony from Carol M. Browner, Administrator, Environmental Protection Agency; Nebraska Governor E. Benjamin Nelson, Lincoln, on behalf of the National Governors' Association; Mayor James P. Perron, Elkhart, Indiana, on behalf of the United States Conference of Mayors; New York State Assistant Attorney General Gordon J. Johnson, New York, New York, on behalf of the National Association of Attorneys General; and Wilma Subra, Subra Company, New Iberia, Louisiana.

Hearings recessed subject to call.

NOMINATION

Committee on Foreign Relations: Committee concluded hearings on the nomination of Peter L. Scher, of the District of Columbia, for the rank of Ambassador during his tenure of service as Special Trade Negotiator, after the nominee, who was introduced by Senator Baucus, testified and answered questions in his own behalf.

CAMBODIA

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded hearings to examine the current political situation in Cambodia and the policy taken by the United States in response to Hun Sen's seizure of power in Cambodia, after receiving testimony from former Representative Thomas H. Andrews; Stanley O. Roth, Assistant Secretary of State for East Asian and Pacific Affairs; Sichan Siv, former Deputy Assistant to President Bush; Frederick Z. Brown, Southeast Asian Studies School of Advanced International Studies/Johns Hopkins University, Washington, D.C.; and Brad Adams, United Nations Human Rights Center, Phnom Penh, Cambodia.

CAMPAIGN FINANCING INVESTIGATION

Committee on Governmental Affairs: Committee resumed hearings to examine certain matters with regard to the committee's special investigation on campaign financing, receiving testimony from Venerable Man-Ho, Venerable Yi Chu, and Venerable Man Ya, all of Hsi Lai Temple, Hacienda Heights, California.

Hearings continue tomorrow.

ONLINE COPYRIGHT INFRINGEMENT LIABILITY

Committee on the Judiciary: Committee held hearings to examine how to combat the risk of copyright infringement facing online and internet service providers, and S. 1146, to provide limitations on copyright liability relating to material on-line, receiving testimony from Fritz E. Attaway, Motion Picture Association of America, Cary H. Sherman, Recording Industry Association of America, Roy Neel, United States Telephone Association, and Robert L. Oakley, Georgetown University Law Center, on behalf of the American Association of Law Libraries, all of Washington, D.C.; Daniel Burton, Novell, Orem, Utah, on behalf of the Business Software Alliance and the Software Publishers Association; and George Vradenburg III, America OnLine, Inc., Dulles, Virginia, on behalf of the Ad Hoc Copyright Coalition.

Hearings recessed subject to call.

JUDGESHIP ALLOCATION

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded hearings to examine the allocation of judgeships in the United States Court of Appeals for the Second and Eighth Circuits, after receiving testimony from Richard S. Arnold, Chief Judge, United States Court of Appeals for the Eighth Circuit (Little Rock, Arkansas); Ralph K. Winter, Chief Judge, United States Court of Appeals for the Second Circuit (New Haven, Connecticut); Jon O. Newman, Senior Judge, United States Court of Appeals for the Second Circuit (Hartford, Connecticut); and Lawrence L. Piersol, District Judge, United States District Court (Sioux Falls, South Dakota).

House of Representatives

Chamber Action

Bills Introduced: 14 public bills, H.R. 2396–2409; 1 private bill, H.R. 2410; and 5 resolutions, H. Con. Res. 143–145, and H. Res. 219–220, were introduced. **Pages H6916–17**

Reports Filed: The following report was filed today: H.R. 2036, to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program (H. Rept. 105–244); **Page H6916**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Rogan to act as Speaker pro tempore for today. **Page H6801**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rabbi Sidney S. Guthman of Long Beach, California. **Page H6801**

Journal: Agreed to the Speaker's approval of the Journal of Wednesday, September 3 by a ye and nay vote of 363 yeas to 46 nays, Roll No. 365. **Pages H6801, H6891**

Motion to Adjourn: By a ye and nay vote of 53 yeas to 371 nays, Roll No. 355, rejected the Miller of California motion to adjourn. **Pages H6807–08**

Foreign Operations Appropriations Act: The House passed H.R. 2159, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998 by a ye and nay vote of 375 yeas to 49 nays, Roll No. 364. The House considered amendments to the bill on July 30 and September 3. **Pages H6808–48**

Agreed To:

The Campbell amendment that increases funding for the African Development Fund by \$25 million and decreases the Economic Support Fund accordingly (agreed to by a recorded vote of 273 yeas to 150 noes, Roll No. 357); **Pages H6823–24**

The Stearns amendment that expresses the sense of the Congress that all member nations of NATO should contribute their proportionate share for the costs of the Partnership for Peace program and any future costs of NATO expansion (agreed to by a recorded vote of 425 yeas with none voting "no", Roll No. 361); and **Pages H6826–27**

The Smith of New Jersey amendment that prohibits U.S. population assistance to foreign organizations that perform abortions in foreign countries, violate the abortion laws of these countries, or lobby for changes in their abortion laws; provides for exceptions in cases of rape, incest, or when the life of the mother is endangered; and prohibits contribu-

tions to the U.N. Fund for Population Activities unless the President certifies that the fund has either terminated all activities in China or during the 12 months preceding certification there have been no forced abortions associated with China's family planning program (agreed to by a recorded vote of 234 yeas to 191 noes, Roll No. 363). **Pages H6830–46**

Rejected:

The Burton of Indiana amendment that sought to limit Development Assistance funding to India to \$41.7 million (rejected by a recorded vote of 82 yeas to 342 noes, Roll No. 356); **Pages H6808–23**

The Paul amendment that sought to prohibit any funding for population control, family planning activities, or abortion procedures (rejected by a recorded vote of 147 yeas to 278 noes, Roll No. 358); **Pages H6824–25**

The Fox amendment that sought to prohibit any development assistance funding to support trophy hunting or the international commercial trade in elephant ivory, hides or rhinoceros horns (rejected by a recorded vote of 159 yeas to 267 noes with 1 voting "present", Roll No. 359); **Pages H6825–26**

The Torres amendment that sought to prohibit any funding for the United States Army School of the Americas (rejected by a recorded vote of 210 yeas to 217 noes, Roll No. 360); and **Page H6826**

The Gilman amendment to the Smith of New Jersey amendment that allows organizations that do not promote abortion as a method of family planning and that use funds to prevent abortion as a method of family planning to remain eligible for funding; prohibits funding for the U.N. Fund for Population Activities unless the President certifies that the organization has stopped all activity in China, and absent the certification, transfers the \$25 million contribution to the Agency for International Development for population assistance (rejected by a recorded vote of 210 yeas to 218 noes, Roll No. 362). **Pages H6831–45**

The Clerk was authorized to correct section numbers, punctuation, cross references, and to make other conforming changes as may be necessary to reflect the actions of the House today. **Page H6848**

The bill was considered pursuant to the order of the House of Thursday, July 24. **Pages H5732–44**

Labor, HHS, and Education Appropriations Act: The House completed debate and began considering amendments to H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the

fiscal year ending September 30, 1998. Consideration of amendments will resume on Friday, September 5.

Pages H6849–90

Agreed To:

The Evans amendment that makes available \$2.5 million for section 738 of the Stewart B. McKinney Homeless Assistance Act relating to homeless veterans' reintegration projects;

Pages H6866–84

The Goodling amendment that increases special education funding by \$25 million with offsets of \$21 million from the Employment and Training Administration, \$1 million from the Department of Labor Office of Inspector General, \$1.5 million from the Armed Forces Retirement Home, and \$1.5 million from the Railroad Retirement Board; and

Pages H6885–86

The Obey amendment that increases Children and Families Services Programs funding for child abuse and prevention programs by \$32.8 million with offsets of \$20 million from Department of Labor State Unemployment Insurance and Employment Service Operations and \$12.8 million from the Department of Education Goals 2000 program.

Pages H6887–89

The bill is being considered pursuant to the order of the House of Thursday, July 31.

Pages H6667–69

Defense Authorization Act Conference: The House completed debate on the Traficant motion to instruct conferees on H.R. 1119, to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal years 1998 and 1999, to insist upon the provisions of section 1032 of the House bill relating to the assignment of Department of Defense personnel to Border Patrol and Control. A recorded vote on the motion was postponed until Friday, September 5.

Pages H6891–98

Diana, Princess of Wales: The House agreed to H. Res. 219, expressing the condolences of the House of Representatives on the death of Diana, Princess of Wales.

Pages H6898–H6902

Presidential Messages: Read the following messages from the President:

Federal Labor Relations Authority: Message wherein he transmitted the Eighteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1996—referred to the Committee on Government Reform and Oversight; and

Page H6902

United Nations Participation Act: Message wherein he transmitted a report of the activities of the United States Government in the United Nations and its affiliated agencies during calendar year 1996—referred to the Committee on International Relations.

Pages H6902–03

Amendments: Amendments ordered printed pursuant to the rule appear on pages H6919–20.

Quorum Calls—Votes: Three yea-and-nay votes and eight recorded votes developed during the proceedings of the House today and appear on pages H6807–08, H6823, H6824, H6824–25, H6825–26, H6826, H6826–27, H6845, H6845–46, H6848, and H6891. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 11:36 p.m.

Committee Meetings

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on D.C. Public Schools. Testimony was heard from Eric H. Holder, Jr., Deputy Attorney General, Department of Justice; the following officials of the District of Columbia: Kevin Chavous, Councilman, Chairman, Committee on Education, Libraries and Recreation; Bruce K. MacLaury, Chairman, Emergency Transition, Education Board of Trustees; Julius W. Becton, Jr., Chief Executive Officer, Public Schools; Robert G. Childs, Chairman, Committee on Education, board of Education; and Josephine Baker, Chair, Public Charter School Board; and Malcolm E. Peabody, Co-Chairman, Friends in Choice of Urban Schools.

SUPERFUND PROGRAM—OPERATION

Committee on Commerce: Subcommittee on Finance and Hazardous Materials held a hearing on the Operation of the Superfund Program. Testimony was heard from Representatives Bilirakis, Dan Schaefer of Colorado, Condit, Roemer, Ford, John, Goodling, Martinez, Hefley, Kanjorski, Visclosky, Neal, Barrett of Nebraska, DeLauro, Buyer, Hinchey, English of Pennsylvania, Foley, Frelinghuysen, Peterson of Pennsylvania, McHale, Sununu, and Johnson of Connecticut.

SECURITY AND FREEDOM THROUGH ENCRYPTION ACT

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on H.R. 695, Security and Freedom Through encryption (SAFE) Act. Testimony was heard from Representatives Goodlatte and Lofgren; William P. Cowell, Deputy Director, NSA, Department of Defense; William A. Reinsch, Under Secretary, Export Administration, Department of Commerce; Robert S. Litt, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and public witnesses.

PRESIDENTIAL AND EXECUTIVE OFFICE FINANCIAL ACCOUNTABILITY ACT

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology approved for full Committee action amended H.R. 1962, Presidential and Executive Office Financial Accountability Act of 1997.

ELECTORAL COLLEGE REFORM

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on proposals for Electoral College Reform: H.J. Res. 28, proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; and H.J. Res. 43, proposing an amendment to the Constitution of the United States to abolish the Electoral College and to provide for the direct election of the President and Vice President of the United States. Testimony was heard from Representative LaHood; and public witnesses.

SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM

Committee on Science: Subcommittee on Technology held a hearing on Small Business Technology Transfer Program. Testimony was heard from Daniel Hill, Assistant Administrator, Technology, SBA; Susan Kladiva, Acting Associate Director, Energy, Resources and Science Issues, GAO; Wendy Baldwin, Deputy Director, Extramural Research, NIH, Department of Health and Human Services; and public witnesses.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT

Committee on Veterans' Affairs: Subcommittee on Benefits approved for full Committee action H.R. 2367,

Veterans' Compensation Cost-of-Living Adjustment Act of 1997.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 5, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Governmental Affairs, to continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing, 10 a.m., SH-216.

Committee on the Judiciary, to hold hearings on the nominations of Marjorie O. Rendell, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, A. Richard Caputo, to be United States District Judge for the Middle District of Pennsylvania, Bruce C. Kauffman, to be United States District Judge for the Eastern District of Pennsylvania, and Richard A. Lazzara, to be United States District Judge for the Middle District of Florida, 9 a.m., SD-226.

House

Committee on Commerce, Subcommittee on Energy and Power, hearing on Electricity: Innovation and Competition, 10 a.m., 2123 Rayburn.

Committee on Rules, to consider H.R. 2267, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, 11 a.m., H-313 Capitol.

Joint Meetings

Joint Economic Committee, to hold hearings to examine the employment-unemployment situation for August, 9:30 a.m., 1334 Longworth Building.

Next Meeting of the SENATE
9:30 a.m., Friday, September 5

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Friday, September 5

Senate Chamber

Program for Friday: Senate will vote on a motion to close further debate on the motion to proceed to consideration of S. 830, FDA Administration Modernization and Accountability Act, and may continue consideration of S. 1061, Labor/HHS Appropriations, 1998.

House Chamber

Program for Friday: Consideration of H.R. 2264, Labor, HHS, and Education Appropriations Act for FY 1998 (open rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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Weygand, Robert A., R.I., E1651, E1654



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