

Clinton is set to sign the defense bill early next week. After he does, Marie, who works on personnel issues at the Pentagon, will be discharged within six months. She will retain her medical benefits but will not be entitled to retirement benefits or the kind of substantial disability pay she could have gotten had she remained in the Army until she became too sick to work. She will also lose the health insurance she has for her daughter.

White House officials said they hope to have some alternative to the provision ready when Clinton signs the bill. Among the options under consideration is to have Clinton sign an executive order that would allow service members to retain health insurance for their dependents or to support legislation to repeal the provision.

AUTHORIZING TESTIMONY BY FORMER SENATE EMPLOYEE

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 221, a resolution submitted earlier today by Senators DOLE and DASCHLE; further, that the resolution be agreed to, the preamble agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 221) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 221

Whereas, the plaintiff in *Margaret C. Carlson v. Mike Eassa, et al.*, No. MDA 7203, a civil action pending in the Superior Court of California, County of Monterey, is seeking testimony through submission of a declaration by Amy L. Silvestri, a former employee of the Senate on the staff of Senator William V. Roth, Jr.;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Amy L. Silvestri is authorized to submit a declaration in the case of *Margaret C. Carlson v. Mike Eassa, et al.*, except concerning matters for which a privilege should be asserted.

Mr. DOLE. President, the plaintiff in a child support controversy pending in California Superior Court has requested that a former caseworker for Senator WILLIAM V. ROTH, JR., submit a declaration for use in that proceeding. The plaintiff, who resides in Delaware, obtained assistance from Senator ROTH's office in aid of her efforts to obtain child support.

The substance of telephone conversations between Senator ROTH's case-

worker and the Monterey County District Attorney's office, which has responsibility in child support matters in California, has become an issue in the case, as a contention has been made that Senator ROTH's caseworker had authority to speak for the constituent regarding proposed settlement of the case. Senator ROTH's former caseworker has informed the plaintiff's attorney to the contrary that she never sought to convey to the District Attorney instructions about settling the case or represented herself as authorized to speak for the constituent in approving a settlement.

Senator ROTH believes that it is appropriate for his former caseworker to submit a declaration describing her conversations with the District Attorney's office to ensure that the Court is accurately informed about the limited role played by his office.

Mr. President, this resolution would authorize Senator ROTH's former caseworker to submit a declaration in this matter.

AUTHORIZING THE PRODUCTION OF DOCUMENTS BY THE PERMA- NENT SUBCOMMITTEE ON INVESTIGATIONS

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 222, a resolution submitted earlier today by Senators DOLE and DASCHLE; further, that the resolution be agreed to, the preamble agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 222) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 222

Whereas, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs conducted an investigation into allegations concerning the Department of Justice's handling of a computer software contract with INSLAW, Inc.;

Whereas, in the case of *INSLAW, Inc., et al. v. United States of America*, Cong. Ref. No. 95-338X, pending in the United States Court of Federal Claims, counsel for the plaintiffs have requested that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs provide copies of records from its investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the chairman and ranking minority member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide records to all parties in the case of *INSLAW, Inc., et al. v. United States of America*, except concerning matters for which a privilege should be asserted.

Mr. DOLE. Mr. President, earlier this year, the Senate agreed to Senate Resolution 114, referring to the Court of Federal Claims S. 740, a private bill for the relief of a computer software firm, INSLAW, Inc., and its owners, William A. and Nancy Burke Hamilton. The purpose of the referral was to obtain a report from the court about allegations that the Department of Justice appropriated computer software developed by the INSLAW firm without paying for it and whether INSLAW has legitimate legal or equitable claims against the government arising out of its contractual relations with the government.

Some of the matters at issue in this congressional referral case were earlier the subject of an inquiry by the Senate Permanent Subcommittee on Investigations. As part of the civil discovery plan that the parties are undertaking under the court's supervision in this case, the plaintiffs' counsel has written to the leadership of the Permanent Subcommittee on Investigations seeking access to evidence obtained by the subcommittee in the course of its inquiry on subjects covered by the congressional referral.

In Senate Resolution 302 of the 102d Congress, the Senate authorized the Investigations Subcommittee to provide evidence from its inquiry to a Justice Department special counsel conducting an earlier investigation into these matters.

The leadership of the Subcommittee would like to assist the court by responding to the plaintiffs' request for relevant evidence from its investigation. Such assistance appears particularly warranted in this matter inasmuch as this litigation results from a referral initiated by the Senate.

Mr. President, this resolution would authorize the Investigations Subcommittee, acting through its chairman and ranking member, to provide copies of relevant investigative records to the plaintiffs, with copies to the Justice Department, in response to this request.

Mrs. KASSEBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

COMMEMORATING THE SESQUICENTENNIAL OF TEXAS STATEHOOD

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 223, submitted earlier by Senators HUTCHISON and GRAMM.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 223) to commemorate the sesquicentennial of Texas statehood.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mrs. HUTCHISON. Mr. President, I rise today to offer a resolution commemorating a very special event in the history of my State. This resolution is almost identical to one passed by the Texas State Legislature on March 7, 1995.

Just last month, on December 29, 1995, Texans celebrated the sesquicentennial of their statehood. Unlike all other states ever admitted, we gave up the sovereignty of an independent republic to join the Union.

On March 1, 1845, Congress passed a resolution inviting the Republic of Texas to join the Union, and a special convention of Texans met to consider it, under the leadership of Thomas Jefferson Rusk. The convention accepted the offer on July 4, and its decision was ratified by the people in October. We submitted a constitution, which Congress accepted on December 29.

Rusk went on to become the first United States Senator from Texas, and I, the great granddaughter of his law partner, now hold his seat. Taylor and Rush had signed the Texas Declaration of Independence from Mexico in 1836.

Texans mark the 29th, quietly, as the commencement of our statehood, although we didn't lower the Lone Star and post the Stars and Stripes until February 19, 1846. We must have been happy with statehood in 1955, because we expressly renounced the right to fly the flag of our old Republic at the same level as that of our Union. Our legislature mandated that it fly in a subordinate position, in a manner followed by all other states.

Although independence remains the signal day in Texas history, Texans look upon their statehood with pride, as a means of "conferring blessings upon the people of all the States." When Old Glory was raised for the first time in Austin, Anson Jones, the last President of the Republic of Texas, stated with eloquence:

The lone star of Texas, which ten years since arose amid cloud, over fields of carnage, and obscurely shone for a while, and following an inscrutable destiny has passed on and become fixed forever in that glorious constellation which all . . . lovers of freedom in the world must . . . adore—the American

Union. Blending its rays with its sister stars, long may it continue to shine, and may a gracious heaven smile upon this consummation with the wishes of the two republics, now joined together in one.

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

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

The resolution (S. Res. 223) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 223

Whereas 1995 marks 150 years since the United States of America admitted Texas as the 28th State in the Union;

Whereas the sesquicentennial of Texas statehood is a truly momentous occasion that allows all Texans to reflect on their State's proud heritage and bright future;

Whereas acting on the advice of President John Tyler, the United States Congress adopted a joint resolution on February 28, 1845, inviting the Republic of Texas to enter the Union as a State with full retention of its public lands; today, a century and a half later, Texas enjoys the distinction of being the only State admitted with such extensive rights;

Whereas the citizens of the Republic of Texas were deeply committed to the goals and ideals embodied in the United States Constitution, and, on June 16, 1845, the Congress of the Republic of Texas was convened by President Anson Jones to consider the proposal of statehood;

Whereas Texas took advantage of the offer, choosing to unite with a large and prosperous Nation that could more effectively defend the borders of Texas and expand its flourishing trade with European countries; by October 1845, the Congress of the Republic of Texas had approved a State constitution, charting a bold new destiny for the Lone Star State;

Whereas the proposed State constitution was sent to Washington, D.C., and on December 29, 1845, the United States of America formally welcomed Texas as a new State; the transfer of governmental authority, however, was not complete until February 19, 1846, when Anson Jones lowered the flag that had flown above the Capitol for nearly 10 years and stepped down from his position as president of the Republic of Texas; and

Whereas with the poignant retirement of the flag of the Republic, Texas emerged as a blazing Lone Star in America's firmament, taking its place as the 28th State admitted into the Union: Now, therefore, be it

Resolved, That the Senate—

(1) commemorate the sesquicentennial of Texas statehood; and

(2) encourage all Texans to observe such day with appropriate ceremonies and activities on this historic occasion.

The Secretary of the Senate shall transmit a copy of this resolution to the Texas Congressional Delegation, to the Governor of Texas, to the National Archives, and to the Texas Archives.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Sen-

ate immediately proceed to executive session to consider Executive Calendar No. 330, and all military nominations reported out of the Armed Services Committee today.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, and any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action and that the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

Derrick L. Forrister, of Tennessee, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

The following named officer for appointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, Section 601:

To be general

Lt. Gen. Eugene E. Habiger, 000-00-0000, United States Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Stephen B. Croker, 000-00-0000, United States Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Arlen D. Jameson, 000-00-0000, United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Michael D. McGinty, 000-00-0000, United States Air Force.

The following named officers for appointment in the Regular Air Force of the United States to the positions and grade indicated under title 10, U.S.C., section 8037:

THE JUDGE ADVOCATE GENERAL OF THE UNITED STATES AIR FORCE

To be major general

Brig. Gen. Bryan G. Hawley, 000-00-0000.

THE DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES AIR FORCE

To be major general

Brig. Gen. Andrew M. Egeland, Jr., 000-00-0000.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Phillip J. Ford, 000-00-0000, United States Air Force.