

(2) study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit; and

(3) report to the President and Congress its recommendations for such changes in circuit boundaries or structure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.

#### SEC. 2. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of 12 members appointed as follows:

(1) Two members appointed by the President of the United States.

(2) Two members appointed by the Chief Justice of the United States.

(3) Two members appointed by the Majority Leader of the Senate.

(4) Two members appointed by the Minority Leader of the Senate.

(5) Two members appointed by the Speaker of the House of Representatives.

(6) Two members appointed by the Minority Leader of the House of Representatives.

(b) APPOINTMENT.—The members of the Commission shall be appointed within 60 days after the date of the enactment of this Act.

(c) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(d) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(e) QUORUM.—Seven members of the Commission shall constitute a quorum, but 3 may conduct hearings.

#### SEC. 3. COMPENSATION.

(a) IN GENERAL.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(b) PRIVATE MEMBERS.—Members of the Commission from private life shall receive \$200 per diem for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

#### SEC. 4. PERSONNEL.

(a) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) STAFF.—The Executive Director, with approval of the Committee, may appoint and fix the compensation of such additional personnel as he determines necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this subsection shall not exceed the annual maximum rate of basic pay for a position above GS-15 of the General Schedule under section 5108 of title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Executive Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at

rates not to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(d) SERVICES.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, for the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services on a reimbursable basis.

#### SEC. 5. INFORMATION.

The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance the Commission determines necessary to carry out its functions under this Act. Each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chair of the Commission.

#### SEC. 6. REPORT.

No later than 2 years following the date on which its seventh member is appointed in accordance with section 2(b), the Commission shall submit its report to the President and the Congress. The Commission shall terminate 90 days after the date of the submission of its report.

#### SEC. 7. CONGRESSIONAL CONSIDERATION.

No later than 60 days after the submission of the report, the Committee on the Judiciary of the Senate shall act on the report.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums, not to exceed \$1,300,000, as may be necessary to carry out the purposes of this Act. Such sums as are appropriated shall remain available until expended.●

### AMBASSADOR SAMUEL G. WISE, JR.

● Mr. D'AMATO. Mr. President, I rise today to do again something I have done many times in the past—to say good things about Sam Wise. Sam passed away during the early morning on Tuesday, January 21, 1997, after a short illness. Our thoughts and our prayers go out to his wife, Mary, and the rest of his family in this most difficult time.

I first met Sam in 1981, when I came to the Senate as a freshman and joined the Commission on Security and Cooperation in Europe, which is better known as the Helsinki Commission. I have worked with him, traveled with him, relied upon him, trusted him as a staff member, a diplomat, and a friend.

When I first served as the Helsinki Commission's chairman, in 1985 and 1986, Sam was already the pillar of wisdom, the font of all Commission and CSCE knowledge, and the balance wheel of good judgment that kept things under control. At the Vienna CSCE Review Conference, which began under my chairmanship, Sam became the deputy head of the U.S. delegation, and was awarded the personal rank of Ambassador by the President. It was an honor hard-earned and richly deserved.

With the start of the 105th Congress, the Commission is suddenly and sadly lacking Sam's leadership, professionalism, and gravitas. The obituary published in the Washington Post on

Thursday, January 23, 1997, summarizes the facts of his life. But it doesn't tell the story of the arduous travel, the late nights, the haggling over bracketed text, the personal integrity and ex-marine toughness that made seasoned diplomats trust him and rely upon him and allowed him to close the deal when other people couldn't.

The measure of his loss will test us. In life, he taught and led, and gave of himself unstintingly in the service of his country, and in the service of humanity. Retired from the Department of State in 1982, after serving with the Commission on detail since 1977, the year after the Commission's founding, he had his greatest impact on U.S. policy with the Commission. He subsequently served as the Commission's staff director, and later as its director of international policy.

His skillful, steady hand helped guide the Helsinki Accords from a contentious and little-known artifact of detente to a living, growing international process and organization that has brought much good to many people, and has helped build peace, prosperity, and security for the United States, our allies, and all of the people of Europe.

His work with the Commission specifically advanced the cause of human rights to its highest level of achievement in international relations. During the cold war, prisoners of conscience, refuseniks, persons whose families had been separated, the oppressed of all kinds, had a friend and a skillful ally in Sam. Many cases were resolved—among them those of Anatoly Scharansky and Yuri Orlov—and many families were reunited. We can make a list of individual people he helped, and every one of these cases in whose resolution he had a hand adds luster to his name.

More importantly, in international meeting after international meeting, Sam did the hard work of diplomacy, out of the spotlight, helping bring together the United States, Canada, and the nations of Europe to agree, word by painfully negotiated word, on commitments that made human rights a legitimate issue in international relations, not one that an oppressive state could easily dismiss as outside interference in its internal affairs.

This is hard work, building the foundation of human civilization. That's what Sam helped do. The modern Organization for Security and Cooperation in Europe, and especially the established human rights standards it embodies and advances, are a product, in larger part than the world knows, of his dedication, skill, tireless effort, and commitment to principle. While the world at large may little note his passing, those of us who know the Helsinki process and the demanding work of establishing and protecting human rights, we know we have lost one of the people who count. His achievements in life will serve as a lasting tribute to him, and will continue to do good for his country, our friends, and humanity in general for many years to come.

Nothing I can say, nothing anyone can do, can make up for his loss. We can all, however, take some comfort in his accomplishments in life, and rededicate ourselves to the service of our country and to the advancement of those causes we shared with him.

Sam, I will miss you. God bless you and God speed you home to His care.●

TRIBUTE TO PROCTOR JONES,  
STAFF DIRECTOR, SENATE AP-  
PROPRIATIONS COMMITTEE—  
SUBCOMMITTEE ON ENERGY AND  
WATER DEVELOPMENT

● Mr. INOUE. Mr. President, I rise today to pay tribute to Proctor Jones on his retirement from the Senate Appropriations Committee. Proctor Jones, a most distinguished professional staff member, has served the Senate Appropriations Committee honorably since 1971.

During my many years of interaction with Mr. Jones, I have observed that his attention to detail and superb performance under pressure have earned him the respect and admiration of Senators and Senate staff alike. He distinguished himself rapidly as a professional who possessed an infectious demeanor, tremendous integrity, decisive leadership style, political savvy, and boundless energy.

Mr. Jones forged strong alliances and affiliations with a myriad of congressional offices, committees, and Federal and civilian agencies to present a cohesive approach in drafting a responsible energy and water appropriations bill each year.

Mr. Jones has had an opportunity to serve under a number of distinguished Appropriations Committee chairmen: Senators Russell, Ellender, McClellan, Magnuson, Stennis, BYRD, and most recently Hatfield. Mr. Jones served as deputy staff director of the committee under Senators McClellan and Stennis. Since 1973 he has been the Staff Director, Subcommittee on Public Works for Water and Power Development, and Atomic Energy Commission Appropriations, which was renamed the Subcommittee on Energy and Water Development in 1977.

In addition to handling the annual appropriation bill, he has been in charge of numerous continuing resolutions, supplemental appropriations bills, rescission bills, and other measures relating to the appropriations process.

I understand Mr. Jones will be working here in Washington, with former Senator J. Bennett Johnston, with whom he has been associated for over 20 years. I know his expertise, professionalism, and dedication will serve him well in his new position. I want to personally and publicly acknowledge my appreciation to Mr. Jones for his exemplary service to this great institution and to bid him a fond aloha and heartfelt mahalo.●

COMMEMORATING THE LIFE OF  
HERB CAEN

● Mrs. BOXER. Mr. President, I rise today to honor Herb Caen, Pulitzer Prize-winning columnist for the San Francisco Chronicle. Herb began his career in 1938. He left us this past Sunday, taking with him an irreplaceable part of the community he so dearly loved and that so dearly treasured him.

Although he is gone, he leaves a rich, woven history of a time, place, and people. His was the common thread in the life and lives of this often deliberately uncommon metropolis. He grew up in Sacramento, but made San Francisco home not only for himself but for his legions of readers—whether they lived in town or not. He captured the city's vivid colors and rhythms.

People read Herb Caen to find out what was going on. We looked for names we recognized, places we might visit, and places we might avoid. For nearly six decades, Herb was our connection to a place so dynamic, it seemed only he could divine its pulse and variety.

Every morning, Herb Caen started your day. Herb conjured humanity from a youthful heart and old typewriter daily—and we thank him.

My office in San Francisco overlooks Herb Caen Way—a beautiful promenade along the waterfront. From the widows, one can see the people of San Francisco moving from place to place, carrying on with the business of living, and carrying memories of Herb with them. Although we may be deprived of his words, how appropriate that even now Herb continues to lead us about his adopted town with which he conducted a public love affair for almost 60 years.

In awarding the Pulitzer Prize to Herb Caen, the Pulitzer Committee referred to his "continuing contribution as a voice and conscience of his city." His voice is no longer with us, but his joy in celebrating San Francisco and its inhabitants will live on in generations of San Franciscans who read him and were touched by his life.●

RULES OF THE COMMITTEE ON  
AGRICULTURE, NUTRITION, AND  
FORESTRY

● Mr. LUGAR. Mr. President, on January 22, 1997, the Committee on Agriculture, Nutrition, and Forestry met and adopted the rules for the committee. I ask unanimous consent that a copy of the Committee on Agriculture, Nutrition, and Forestry rules be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON AGRICULTURE,  
NUTRITION, AND FORESTRY

RULE 1—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of